



Toronto and Region **Conservation** Authority

Regional Watershed Alliance Agenda

March 22, 2023
6:30 P.M.

The meeting will be conducted via a video conference
Members of the public may view the livestream at the following link:
<https://video.isilive.ca/trca/live.html>

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NEXT MEETING OF THE REGIONAL WATERSHED ALLIANCE #2/23, TO BE HELD ON MAY 31, 2023 AT 6:30 P.M. VIA VIDEOCONFERENCE

Item for the Information of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance
Wednesday, March 22, 2023 Meeting

FROM: John MacKenzie, Chief Executive Officer

RE: INTRODUCTION TO TRCA AND THE REGIONAL WATERSHED ALLIANCE

KEY ISSUE

To introduce new Regional Watershed Alliance (RWA) members to Toronto and Region Conservation Authority (TRCA), including jurisdiction, governance, organizational structure, and programs.

RECOMMENDATION:

THAT the Introduction to TRCA and the Regional Watershed Alliance, be received for information.

BACKGROUND

Regional Watershed Alliance

RWA was established in 2017 based on recommendations from TRCA's Community Engagement Strategy (2017), which called for more broader, inclusive, and deeper citizen engagement across TRCA's nine watersheds and waterfront.

Prior to the RWA, TRCA administered watershed committees which focused on watershed specific initiatives (i.e., Don Watershed Regeneration Council, Etobicoke Mimico Watersheds Coalition, Humber Watershed Alliance). The Community Engagement Strategy proposed a new citizen governance model which included the RWA, a jurisdiction-wide advisory committee of the Board of Directors, as well as a TRCA Youth Council. Specifically, at Board of Directors Meeting #1/17, held on June 23, 2017, RES.#A102/17 was approved as follows:

THAT TRCA staff be directed to initiate implementation of key immediate priorities namely: the proposed Citizen Governance Model (as outlined in Attachment 2), including the terms of reference and recruitment of members for the Regional Watershed Council...;

The RWA collaborates with TRCA staff, municipal partners, and stakeholders to advance the following goals:

- Achieve The Living City Vision of Healthy Rivers and Shorelines, Regional Biodiversity, and Sustainable Communities across TRCA's nine watersheds/waterfront and Lake Ontario;
- Advocate on regional and local environmental policy issues;

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- Act as a resource to TRCA, TRCA's municipal partners and the Toronto and Region Conservation Foundation by providing advice on matters of community interest;
- Provide a platform for alignment on cross-jurisdictional priorities;
- Garner public support on environmental priorities across TRCA's nine watersheds/waterfront and Lake Ontario;
- Mobilize and empower networks of local communities;
- Secure political support at all levels of government; and
- Maximize impact through resource and data sharing, measuring, and reporting on regional priorities.

Originally, RWA membership was composed of 45 voting members representing TRCA watershed residents, sector experts and organizations, municipal, provincial, and federal governments, and TRCA's Board of Directors. More recently, the RWA membership was updated to be both more inclusive and administratively streamlined. Specifically, at Board Meeting #6/22 held on September 23, 2022, RES. #A112/22 approved the following membership structure for the RWA:

- Youth Council Representatives: 2
- Indigenous Representative: 1
- Board of Director Representatives: 2
- Watershed Residents: Up to 12
 - Toronto: 2 representatives
 - Peel: 2 representatives
 - York: 2 representatives
 - Durham: 2 representatives
 - The remaining 4 spots will be flexible and can be utilized for Mono, Adjala-Tosorontio and/or additional representatives from the municipalities above. During the selection process, efforts will be made to ensure there is representation from across TRCA's watersheds.
- Sector Experts and Organizations: Up to 6
 - All representatives for this category must be located in and/or undertake work within TRCA's jurisdiction. Representation will be sought from both experts/organizations with impact and/or jurisdiction that spans TRCA's jurisdiction and local/community-focused experts/organizations, with efforts made to include membership representation from across TRCA municipalities.
- Municipal Representatives: Up to 5
 - There will be a minimum of 1 representative each from Toronto, Peel and local municipalities, York and local municipalities, and Durham and local municipalities (4 total).
 - The remaining additional spot can be allocated to one of the municipalities above or to Mono/Adjala-Tosorontio
 - Municipal representatives may be Council members or staff
- Provincial Representative: 1
- Federal Representative: 1

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The Regional Watershed is currently in its third term and the contributions of the RWA to advance the above goals are reflected in the following accomplishments from the previous term of the RWA. This included:

- Providing input to various TRCA-led or supported initiatives, such as the TRCA Forest Management Strategy, The Meadoway, and the Carruthers Creek, Etobicoke Creek, and Humber River Watershed Plans.
- Providing input to partner-led projects or initiatives from municipalities or other external partners, such as the City of Brampton's Riverwalk Urban Design Master Plan, the City of Vaughan's Black Creek Renewal, and Friends of the Carrying Place Trail efforts to recognize and protect the Carrying Place Trail.
- Keeping informed on TRCA policy responses through circulation of reports outlining TRCA submissions to the Province on proposed policies or regulations.

TRCA Overview

TRCA was created in response to the catastrophic Hurricane Hazel, which hit Toronto and communities north of the city in 1954. This hurricane resulted in serious flooding throughout Toronto, but particularly in the Humber River. The newly formed the Metropolitan Toronto and Region Conservation Authority (MTRCA), which later was renamed TRCA, became responsible for flood management and environmental protection throughout the Toronto Region at the watershed scale.

Since 1957, TRCA, as enabled through the provincial *Conservation Authorities Act*, has taken action to enhance our region's natural environment and protect our land, water and communities from the impacts of flooding and increasingly extreme weather events, which are Ontario's leading cause of public emergencies.

TRCA's jurisdiction includes nine watersheds: Carruthers Creek, Don River, Duffins Creek, Etobicoke Creek, Highland Creek, Humber River, Mimico River, Petticoat Creek, Rouge River, and their Lake Ontario shorelines, spanning one single tier, five upper-tier and fifteen lower-tier municipalities. The jurisdiction includes the entirety of the City of Toronto as well as significant portions in the Regions of Durham, Peel and York, and includes almost five million people, which is approximately 12% of Canada's population. TRCA's Board of Directors is made up of 28 members appointed by the respective Councils of participating member municipalities.

As the region's first line of defence against natural hazards, TRCA maintains vital flood infrastructure and provides programs and services that promote public health and safety and protects people and property. TRCA mobilizes a science-based approach to provide sound policy advice, leveraging its position as a not-for-profit operating in the broader public sector to achieve collective impacts within our communities and across all levels of government.

TRCA's Strategic Plan

The work of the RWA also aligns with various the various pillars and goals of TRCA's Strategic Plan. [TRCA's 2023-2034 Strategic Plan](#) (Plan) is built around a 12-year timeframe, divided into three 4-year phases, reflecting partner municipalities' terms of

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Council. It is a living document guided by the evolving needs of TRCA and its stakeholders, allowing the organization to adapt to changes in the external operating environment, while guiding the organization towards its desired outcomes.

The framework starts with TRCA's vision, mission and core values, which will shape the future state that all priorities and actions across the organization are working towards achieving. These are as follows:

TRCA Vision: The achievement of safe and resilient communities.

TRCA Mission: The provincial leaders in conserving, restoring, and managing natural resources to advance safe and sustainable development.

TRCA Core Values: Working with Government and the communities we serve to achieve collective impact and advance shared goals.

The Plan is structured according to four strategic pillars designed to group associated outcomes within the Plan. The pillars provide a clear alignment and defined links that reflect how TRCA works towards supporting the efforts of our primary stakeholders and our partner municipalities. These pillars include, 1. Environmental Protection and Hazard Management, 2. Knowledge Economy, 3. Community Prosperity, 4. Service Excellence.

TRCA's Divisions

The following section provides a high-level overview of the various divisions at TRCA whose work may intersect with the RWA. Throughout the RWA's term, there will be opportunities to learn more about the work and provide input to specific initiatives undertaken by each of these divisions.

CEO's Office

The CEO's Office represents and guides TRCA. This division strives to strengthen relationships between TRCA, partners, and stakeholders by working closely with all levels of government, community, and environmental organizations, improving client service, and successfully delivering programs and projects. The CEO's Office also represents TRCA on several intergovernmental and inter-agency committees to advance TRCA's mandate which includes, or has included, the Wider Waterfront Committee, Port Lands Executive Steering Committee, Toronto's Emergency Management Program Committee, the Lake Ontario Partnership, Greenbelt Golden Horseshoe Conservation Authorities Collaborative, Peel Climate Change Partnership, and the Province's Conservation Authorities Working Group to provide advice on regulatory changes and guidance documents.

Corporate Services

Corporate Services has the mandate of providing timely and seamless support for fundamental business operations, including marketing and communication, events, information technology and records management, and property, assets and risk management. The division takes proactive leadership to address standard operating procedures, opportunities for organizational improvements and results that are both financially and strategically sustainable. This division is also responsible for developing and administering the budget processes with municipal partners, as well as overall financial management of TRCA.

Human Resources

The Human Resources (HR) Division provides strategic advice, guidance and leadership in all HR areas, including the formulation, implementation and administration of strategic human resources initiatives. Some of the functions of HR include employee relations, identifying learning and development opportunities for staff, in addition to health and safety administration.

Education and Training

The Education and Training Division provides learning and engagement opportunities for various audiences throughout TRCA's jurisdiction. These initiatives include school programs, educational outreach, stewardship, youth employment and mentorship, professional training for new Canadians and industry practitioners, residential outreach, sustainable technology performance evaluation, and TRCA's accessibility program. TRCA provides leadership in education and training through the redevelopment of TRCA education facilities and programs in community learning with an emphasis on building partnerships to improve health, learning and economic outcomes through an environmental and sustainability lens in the communities we serve.

Restoration and Infrastructure

The Restoration and Infrastructure Division is comprised of a multi-disciplinary team focused on building climate resilient infrastructure and restoring natural habitats, which help realize the vision of The Living City. The team has expertise in construction project delivery, erosion risk management, restoration, and enabling professional services that include soils, archaeology, design, and surveying. TRCA is uniquely positioned to provide high quality and cost-effective end-to-end capital works, in addition to longer-term partnership programs that mitigate risk and improve ecological health throughout our jurisdiction. Often, the public can be involved in some of this work through community stewardship events, such as tree plantings and community clean ups.

Development and Engineering Services

The Development and Engineering Services Division at TRCA is an integrated team of engineers, planners and scientists who lead watershed management planning and inform municipal planning to protect communities from natural hazards (flooding and erosion), safeguard water resources and create complete communities that integrate nature and the built environment. The division also administers TRCA's flood management and mitigation program, including monitoring and managing TRCA's flood infrastructure, issuing flood warnings, and undertaking relevant studies. This division is also responsible for both infrastructure and development planning and permitting pursuant to TRCA's regulation and policies.

Conservation Parks and Lands

The Conservation Parks and Lands Division operates and manages TRCA's Conservation Parks, other lands, campgrounds, and Bathurst Glen Golf Course. Management, protection, and sustainability of parks, trails, and activities for the purposes of excellent recreational and learning opportunities for area residents and tourists to the region are some of the primary focus areas of this division. The team is integral in purposing green space for community enjoyment and integrating recreational activity with nature and learning that encompasses storytelling from pre-settlement days to present day. This division also leads parks and greenspace master and management

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planning processes. Recognizing the incredible value that nature and learning bring to societal wellbeing and health, this team cares for the resources we manage and the communities who visit and use them.

Policy Planning

The Policy Planning Division ensures that TRCA's policy development, input and review functions are informed by the latest watershed research, and by the strategic objectives of managing water resources, natural heritage systems and natural hazards, in order to create complete communities, and facilitate a region-wide approach to sustainability to support TRCA's Living City vision. TRCA's Enforcement team, who ensures that relevant regulations and permits are complied with, are also part of this division.

TRCA 2023 Preliminary Community Events Summary

TRCA offers many larger scale community events over the course of the year which provide access to greenspace, and create opportunities for public education, outreach and celebration related to various environmental and cultural themes. The following table summarizes the main TRCA-led community events planned for 2023. These events are generally well attended and in the past RWA members have contributed to the success of these events through attendance and various roles. Updates related to community events and a more complete list will be provided to the RWA at a future meeting. RWA members are encouraged to attend and participate in these events throughout the year.

Community Event	Description	Date	Location
Sugarbush Maple Syrup Festival	The Sugarbush Maple Syrup Festival has come to be an annual tradition for many families over the last forty years. This ticketed event for all ages actively engages visitors who will explore the maple syrup trails and interact with education specialists who will perform demonstrations of the old fashion and modern ways of producing syrup. Attendees also get the opportunity to take part in outdoor activities, enjoy an assortment of maple syrup inspired food and visit our retail stores where maple syrup products are available for purchase.	Saturday, March 4 to Saturday, April 1	Bruce's Mill Conservation Park and Kortright Centre for Conservation
Bike the Creek	Bike the Creek is a free community cycling event for all ages that raises awareness on the benefits of	Saturday, June 10	Jim Archdekin Recreation

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	cycling and how active transportation is essential to building a healthy and sustainable community while highlighting the incredible trail system in the Region of Peel.		Centre, Brampton
TRCA Celebrate the Humber	TRCA Celebrate the Humber is a free event for all ages that tells the story of the Humber River, how it came to be designated as a Canadian Heritage River, and the importance of the Carrying Place Trail. Participants will visit interactive stations along the Humber River Recreation Trail in Toronto, view historic landmarks such as the bridge at Etienne Brule Park, and will also get the opportunity to canoe part of the Humber River.	Sunday, August 27	Etienne Brulé Park & King's Mill Park, Toronto
TRCA Adventures of Salmon	TRCA Adventures of Salmon is a free event for all ages that brings together community members from across the region to view the annual Salmon migration from Lake Ontario, up Highland Creek, through Morningside Park. This event highlights the interesting features of our natural areas in the Highland Creek watershed and educates participants about the importance of protecting these areas to ensure water quality and habitats are safe for Salmon to maintain their life cycle.	Sunday, September 24	Morningside Park, Scarborough

RATIONALE

This report is intended to provide a high-level overview of TRCA and the functions of the RWA to new RWA members.

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Relationship to TRCA's 2022-2034 Strategic Plan

This report supports the following Pillars and Outcomes set forth in TRCA's 2023-2034 Strategic Plan:

Pillar 3 Community Prosperity:

2.2 Collaboration to advance a green transition

Pillar 3 Community Prosperity:

3.3 Informed citizens are conservation champions

Pillar 3 Community Prosperity:

3.4 Inspired communities take environmental action

FINANCIAL DETAILS

Administration of the RWA is through the TRCA Clerk's Office with support from Government and community Relations team. Accounts 101-03 and 012-03 support the administration of the RWA.

DETAILS OF WORK TO BE DONE

RWA meetings for the remainder of 2023 will be held on the following dates:

- Wednesday, May 31, 2023
- Wednesday, September 20, 2023
- Wednesday, November 15, 2023

Additional optional site visits or tours may also take place. Meeting dates for 2024 will be brought forward at the RWA meeting on November 15, 2023.

Report prepared by: Sonia Dhir

Email: sonia.dhir@trca.ca

For Information contact: Victoria Kramkowski, (437) 880-2277

Email: victoria.kramkowski@trca.ca

Date: February 14, 2023

Item for the Information of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance
Wednesday, March 22, 2023 Meeting

FROM: John MacKenzie, Chief Executive Officer

RE: **TRCA YOUTH COUNCIL 2023-2024 EXECUTIVE MEMBERSHIP AND
2022-2023 ANNUAL REPORT**

KEY ISSUE

To receive Regional Watershed Alliance (RWA) approval of the composition of the 2023-2024 TRCA Youth Council Executive and present the 2022-2023 Youth Council Annual Report and provide highlights of the Youth Council's term.

RECOMMENDATION:

WHEREAS TRCA's Youth Council has been active for four years, and the 2022 Youth Council Executive have completed their most recent one-year term;

THEREFORE LET IT BE RESOLVED THAT the Youth Council Executive's term be extended for an additional year for those members who wish to continue;

THAT the Regional Watershed Alliance accept the recruitment of additional Youth Council Executives to fill vacant seats;

AND FURTHER THAT RWA accept the appended report summarizing the work completed and evaluation of the Youth Council's 2022-2023 term.

BACKGROUND

Youth Councils are deployed around the world to engage and inspire youth and to gain perspectives from youth as an advisory body. TRCA's 2017 Community Engagement Strategy recommended the development of a Youth Council. The program framework of the Youth Council was developed by TRCA staff and Regional Watershed Alliance members. The ultimate goal of the Youth Council is to build healthy communities. This is achieved through four program objectives:

- Build capacity and engage youth by providing youth across the Toronto region with learning opportunities;
- Build a youth network/strengthen existing networks through creation of a broad network of youth in the region that is interested in environmental and sustainability issues;
- Identify youth perspectives by developing an understanding of youth opinion around current environmental issues and how these might be incorporated in the work of TRCA and its partners; and
- Create fun opportunities for youth through entertaining and engaging learning opportunities.

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The framework for the Youth Council was approved by the Regional Watershed Alliance (RWA) meeting on February 21, 2018 (RES.#R11/17).

Youth Council members may either join as a General Member or an Executive Member. General Members can take part in Youth Council events and initiatives and there is no significant vetting process to join as a General Member, nor any limit on the number of General Members. The Executive Membership consists of ten members and serves as the guiding body for the Youth Council. Executive Members are responsible for the development of program activities and initiatives that fit within the objects defined in the program framework, in collaboration with TRCA staff. Executive Members have a one-year term with the possibility of extension for an additional year and are appointed through an annual application and selection process, in accordance with TRCA's Public Appointments Policy and Regional Watershed Alliance Terms of Reference. The most recent 2022-2023 Youth Council Executive term ends in March 2023.

RATIONALE

Appointment of the 2023-2024 Youth Council Executive

The ten members of the 2022-2023 Youth Council Executive were selected in February 2022 and include four returning members from the previous year. For the 2023-2024 Youth Council Executive term, it is recommended that the following existing members who were eligible to have their terms extended by an additional year and chose to continue on the Executive, be appointed for the 2023-2024 Youth Council Executive Term:

- Bumika Srikanthalingam
- Elly Akkuyu
- Erinn Lee
- Jessica Castellucci
- Vamika Sharma

Recruitment to fill the Youth Council Executive vacancies for the 2023-2024 term was held from December 19, 2022 to January 31, 2023 and 28 applications were received. Of these applications, it was deemed that 26 applicants met the minimum criteria for Youth Council Executive membership based on age and residential or school attendance location within TRCA's jurisdiction. Youth Council Executive applications were reviewed by relevant program staff and by exiting members of the Youth Council Executive ineligible to continue due to the two-year term limit. As a result, it is recommended that the following applicants be approved as members of the 2023-2024 Youth Council Executive:

- Fatima Abidi
- Sabrina Capista
- Fallon Hayes
- Benjamin Muller
- Dhara Parsania
- Lauren Smith

2022-2023 Youth Council Achievements

The 2022-2023 Youth Council Executive was selected in February 2022 and included three returning members from the year previous. The program continued with virtual monthly meetings throughout the year but was able to organize several in-person events between Spring and Fall 2022, including one Executive retreat.

New and returning Executive members first met in March 2022 and brainstormed new events and initiatives, assigned meeting roles, and agreed upon a communication framework for the year including meetings on the last Tuesday of each month, use of Slack for regular touchpoints, a monthly newsletter, and additional meetings to be booked as necessary.

The Youth Council Executive worked together to create a workplan to address program goals. New ideas for the year included an online scavenger hunt, an environmental history walking tour of the Toronto Islands, art in nature events, and furthering learning on Indigenous perspectives and reconciliation. The TRCA Youth Council Executive was further able to hold in-depth discussions of the program's structure and goals at an in-person retreat in September 2022, which prompted renewed ideas to increase the program's marketing and outreach efforts, in turn increasing participation in, and impact of, Youth Council initiatives.

As health and safety restrictions further lifted in 2022, the Youth Council was able to return to some in-person programming but continued operating in a hybrid capacity. Virtual meetings and webinars for information sharing and discussion continued to be preferred for time and cost savings, while place-based and hands-on activities were a highlight of individual events held in person. The ten Youth Council Executive members participated very actively throughout the 2022-2023 term, and they continue to show great passion and dedication as volunteers and representatives of TRCA. Participation in single Youth Council events and initiatives by general Youth Council members and members of the public fluctuated greatly depending on the topic, reinforcing the need for continued marketing efforts for each individual event, as social media and word of mouth often generated more interest than e-mail communications. Frequency of Youth Council newsletters increased this past year to nearly monthly and the number of Youth Council members (Executive and General) increased by 152 to a total of 396.

One theme of this term was the rising interest in career options within the conservation sector and increased engagement between the TRCA Youth Council and TRCA staff. Collaborations occurred between the Youth Council and the following TRCA divisions and teams: Restoration and Infrastructure, Erosion Risk Management, Aquatic Monitoring and Management, Conservation Parks and Lands, and Community Learning. Marketing and Events staff continued providing essential support for the program's communications. There was opportunity to have the Youth Council Executive represented at TRCA signature events, such as Bike the Creek.

This year featured several outreach activities and collaborations. The Youth Council Executive was invited to speak at an Ontario Science Centre documentary screening opening and to the Brampton Environmental Alliance. One member of the Youth Council Executive also represented a youth perspective on the Oak Ridges Moraine Trail External Advisory Group to discuss trail strategy and community engagement.

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Internally, collaborations included events with TRCA's Conservation Youth Corps program on a Meadoway planting and hike in Scarborough, as well as a workshop at the Peel Climate Action Leadership Retreat.

These events or outreach initiatives were created and delivered by the Youth Council Executive members, under the guidance and/or with the support of TRCA staff.

- Developing Your Environmental Career Webinar (February 2022)
- TRCA Bike the Creek (June 2022)
- Presentation at Ontario Science Centre into Nature's Wild screening (June 2022)
- *Brampton Environmental Alliance presentation (June 2022)
- *Participation in the Oak Ridges Moraine Trail External Advisory Group (June to December 2022)
- *#DiscoverTRCA Summer Challenge (July to September 2022)
- Toronto Island Environmental and Flood History Tour (August 2022)
- Youth Council Executive Retreat at Kortright Centre for Conservation (September 2022)
- Meadoway Planting and Hike Event (October 2022)
- Peel Climate Action Leadership Retreat at Albion Hills (October 2022)
- Traditional Craft Workshop with Diane Montreuil (November 2022)
- *Youth Council Town Hall Webinar featuring Anil Wijesooriya (November 2022)
- *Infrastructure Planning Webinar featuring Beth Willison and Shirin Varzani (January 2023)
- *Virtual KAIROS Blanket Exercise (February 2023)
- 10 e-mail newsletters sent to the Youth Council General membership list in 2022
- *Social media promotion including 3 video testimonials from Youth Council Executive members

* denotes a virtual event or initiative.

Full descriptions of the events can be found in the TRCA Youth Council Annual Report (**Attachment 1**)

Program Evaluation and Recommendations

The 2022-2023 Youth Council Executive was consistently and highly engaged throughout their term. They delivered a wide variety of events that ranged from walking tours to webinars to learning opportunities about Indigenous culture and history. The continued engagement could be attributed to several factors including:

- strong mentorship from returning Youth Council Executives who helped to establish expectations and norms from the outset;
- opportunities for individual Executive members to gain leadership and public speaking experience;
- increased programming related to careers in the conservation sector, and;
- a shift back to in-person events with place-based and hands-on activities.

The positive impact of the Youth Council program for Executive members can be seen in their continued interest in leading activities, interest in connecting with TRCA staff in various divisions, and the application of their experience in furthering their own careers

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and aspirations. This includes several Executive members citing Youth Council experience as being a positive factor in successfully finding work in the environmental field. The Youth Council program also positively benefits General members and members of the public through providing free or low-cost learning opportunities, as seen by the number of first-time participants in many Youth Council initiatives in 2022.

While the program has seen much success in meeting goals and objectives, after undertaking a program evaluation process, the following is a summary of the recommendations for program improvement:

- Continue hybrid program delivery with online offerings for presentations and discussion forums, and in-person offerings for place-based or hands-on activities;
- Continue network building and marketing the TRCA Youth Council, tapping into other TRCA education and public-facing programs and TRCA connections with municipal partners;
- Strengthening the connections between the Executive and General members of the Youth Council through individual outreach to new General members and open Executive meetings, on occasion;
- Building a communication platform to re-engage former Youth Council Executives to champion initiatives and attend events
- Continue efforts to broaden the recruitment of the Youth Council to include more members from diverse communities through more deliberate recruitment strategies with different groups/agencies who work in target communities
- Continue to find synergies between TRCA's work and strategic goals/priorities and the work of the Youth Council

Relationship to TRCA's 2022-2034 Strategic Plan

This report supports the following Pillars and Outcomes set forth in TRCA's 2023-2034 Strategic Plan:

Pillar 3 Community Prosperity:

3.2 A culture of diversity, equity and inclusion contributing to community well-being

Pillar 3 Community Prosperity:

3.3 Informed citizens are conservation champions

Pillar 3 Community Prosperity:

3.4 Inspired communities take environmental action

FINANCIAL DETAILS

Funds are available in TRCA Government and Community Relations program accounts for watershed engagement and community projects to support the recruitment, convening and ongoing activities of the Youth Council. Staff will work with the Regional Watershed Alliance Youth Council working group and with the Youth Council itself to ensure that the scope of work reflects available budget and staff support. For the calendar year of 2022, in addition to TRCA staff supports, approximately \$3000 of funding was required to support Youth Council events and initiatives.

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DETAILS OF WORK TO BE DONE

Implement recommendations in Attachment 1 into TRCA Youth Council program delivery.

Report prepared by: Jackie Ho

Email: jackie.Ho@trca.ca

For Information contact: Victoria Kramkowski, (647)920-1632

Email: victoria.kramkowski@trca.ca

Date: February 17, 2023

Attachments: 1

Attachment 1: 2022-2023 YOUTH COUNCIL ANNUAL REPORT



TRCA Youth Council Annual Report 2022-2023 Term

Prepared by Jackie Ho
Coordinator, Government and Community Relations

January 2023

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INTRODUCTION

Around the world, youth councils have been created by governments, community groups, and non-profit organizations as a means of providing local youth with an opportunity to gain important skills, build capacity and network, while providing the sponsoring agencies with important input and perspectives from youth stakeholders. The long-term success of efforts to advance environmental protection and sustainability in the Toronto region depend on the support of the region's youth, both now and into the future. TRCA's Community Engagement Strategy (2017) recommends more focused engagement of youth to enhance the reach of TRCA programs and activities and prepare the next generation of conservation leaders (Actions 6.1 and 6.2). Activities of TRCA's Youth Council build on existing engagement programs while deploying tools and strategies to develop a strong network of youth driven to take active ownership of their local environment.

The Youth Council reports directly to the Regional Watershed Alliance (RWA). The mission, mandate and goals of the Youth Council, were developed by TRCA and the RWA in consultation with relevant stakeholders. At Regional Watershed Alliance Meeting #1/2017, held on November 15th, 2017, Resolution #R002/17 was approved, in part, as follows:

WHEREAS THE Terms of Reference of the Regional Watershed Alliance proposes the establishment of Watershed/Working Groups, Youth Council, and Indigenous Liaison Committee;

THEREFORE LET IT BE RESOLVED THAT the following members of the Alliance [the RWA Working Group] work with staff to lead the establishment of Youth Council including development of Terms of Reference:

a) Lisette Mallet; b) Amory Ngan; c) Rui Felix; d) Mick Malowany; and e) Karen Lockridge.

This report provides an overview of the 2022-2023 Youth Council program, recruitment of new Executives, workplan, and finally a program evaluation and recommendations for program improvement.

PROGRAM FRAMEWORK

There are two methods to participate in the Youth Council program; youth can register as General or Executive member. General member participation is entirely voluntary. They are notified of events and initiatives and can elect to participate. Members of the Executive are an application-based volunteer position. Youth Council Executives are expected to volunteer approximately 3 to 4 hours a week and maintain correspondence with the TRCA staff and the rest of the Executive. With TRCA staff guidance, the Executive develop a workplan for the year and choose what topics and initiatives to pursue. The intake for General members is open year-round, while the applications for the Executive only open for approximately one month.

The program framework for the Youth Council was created through a collaborative process between TRCA staff and Regional Watershed Alliance working group members. The program framework remains the same as it did in 2017 when it was developed.

The framework is intentionally open-ended so that Youth Council Executive members can develop their own project ideas to meet program goals. The ultimate goal of the Youth Council is to build healthy communities. This is achieved through four program objectives:

- a) Build capacity and engage youth by providing youth across the Toronto region with learning opportunities;
- b) Build a youth network/strengthen existing networks through creation of a broad network of youth in the region that is interested in environmental and sustainability issues;
- c) Identify youth perspectives by developing an understanding of youth opinion around current environmental issues and how these might be incorporated in the work of TRCA and its partners; and
- d) Create fun opportunities for youth through entertaining and engaging learning opportunities.

For a more fulsome discussion of program development and rationale please see the 2018-2019 Youth Council Annual Report.

A term for the Youth Council Executive begins and ends in March, with the current term being reported on running from March 2022 to March 2023.

DEFINITION OF YOUTH

The term “youth” has no consistent definition. Depending on program goals the target audience of “youth” may consider only high school students or may consider older groups all the way up to university graduates and young professionals. The original program framework for TRCA’s Youth Council set the age threshold as 16 to 24 years old. It was noted, however, that the demographics of youth recruited in those first few months, skewed heavily towards a majority of female members. After consulting with TRCA’s Education and Training Division, as well as the Regional Watershed Alliance, the decision was made in 2019 to expand the age cut-off to 30 years old, as Education and Training staff had found that males were more likely to volunteer when they are older. Ongoing data collection shows the gender distribution gap lessening in more recent years, although a disparity remains between the number of males and females that register (Figure 1). The age distribution of registrants shows a bimodal distribution for females, with a peak in high school ages and another at the ages common for recent graduates of university; for males, there is a steady number of registrants spread throughout the target age range (Figure 2). The expanded TRCA Youth Council target age range allows for valuable peer mentorship between Executive members and for event programming to target audiences in various life stages.

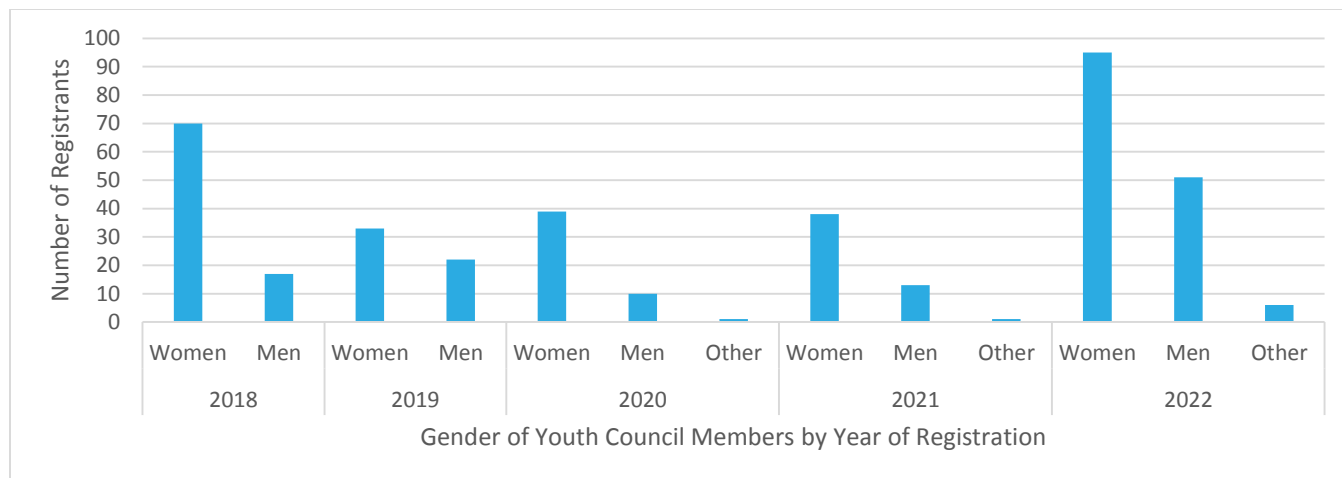


FIGURE 1 NUMBER OF REGISTRANTS BY GENDER AND YEAR

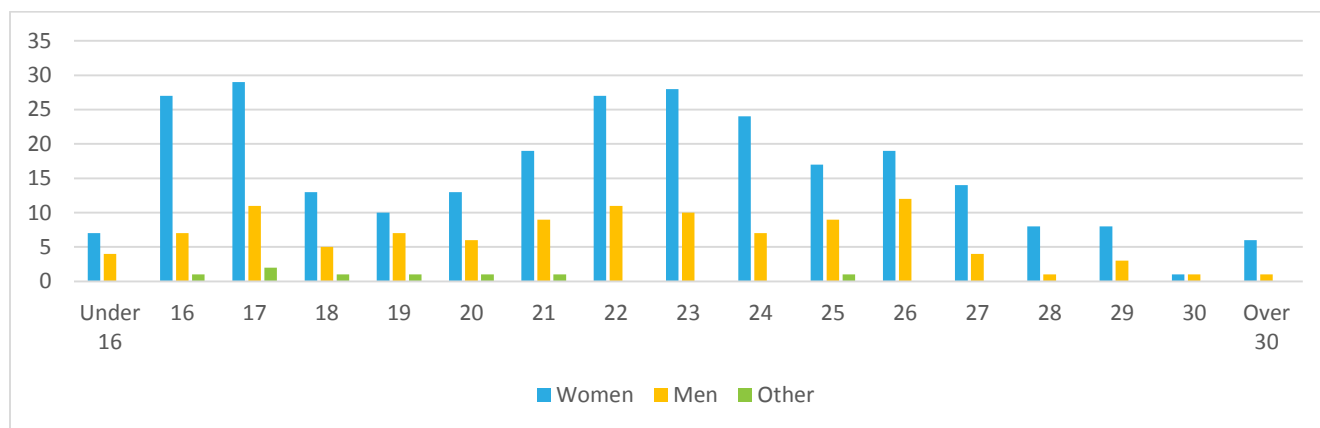


FIGURE 2 NUMBER OF REGISTRANTS BY GENDER AND AGE

RECRUITMENT

Recruitment was open from January 3 to January 31, 2022 for Youth Council Executive recruitment. Three members of the 2021-2022 Youth Council Executive elected to continue for a second term, resulting in seven vacancies. 16 applications were received this round (compared to 24 for 2021, 31 for fall 2019, and 19 for fall 2018). General membership recruitment is open year-round on the TRCA Youth Council webpage. In the calendar year of 2022, which includes overlap for the recruitment period for the previous Executive, the number of registrants increased by 152 members, from 244 to a total of 396.

Executive applications were evaluated by the RWA Youth Council Working Group and TRCA staff. Considerations for the selection of Executive members included: representation from across the jurisdiction, demographic factors, and merit based on the quality of application. Responses to short answer questions were weighted more heavily than other factors. Age was also factored into the assessment of their experience and writing level, as applicants ranged from high school to post-graduate level students and young professionals. Furthermore,

since there is a large age distribution, and since there has historically been less representation from the younger cohorts, two spaces were intentionally reserved for high school-aged applicants. It was decided not to hold interviews, as the role is volunteer based, and it would be difficult and time-consuming to schedule. The new Executive was selected in February 2022, with the final list of Executives brought to the RWA for approval at the RWA meeting held March 2, 2022 (RES.#4/22).

Representation on the Youth Council (both General and Executive) varies across TRCA's jurisdiction, with the majority of registrants in Toronto, followed by Brampton, Vaughan and Markham (Table 1). This is partially to be expected as a result of population and post-secondary institution distribution across the jurisdiction. In an effort to maintain diversity (geographically and demographically), specific outreach to communities continues to be made through the assistance of members of the Regional Watershed Alliance, municipal partners, other youth groups and councils, and agencies that work specifically with different communities.

As many initiatives led by the Youth Council in 2021 and 2022 were held online, the application form for Youth Council General membership, which includes access to our newsletter, did not restrict individuals from applying if they resided outside of TRCA jurisdiction. Hosting virtual events and increasing outreach efforts through social media, monthly newsletters, and personal communications were a focus of the 2022-2023 term and contributed positively to the increased number of Youth Council General members. Interestingly, recruitment efforts and virtual events resulted in an increase in interest from youth outside of TRCA's jurisdiction, including across Canada. It is also possible for youth to reside outside of TRCA jurisdiction but attend school within the Toronto Region.

TABLE 1: LOCATION OF YOUTH COUNCIL MEMBERS (BOTH GENERAL AND EXECUTIVE)

Municipality	Count	Proportion of Total
Durham	24	6%
Ajax	10	3%
Oshawa	1	0%
Pickering	7	2%
Uxbridge	3	1%
Whitby	3	1%
Outside TRCA Jurisdiction	21	5%
Alliston	1	0%
Edmonton	1	0%
Guelph	5	1%
Kitchener	1	0%
London	1	0%
Milton	3	1%
Montreal	2	1%
Oakville	5	1%
Peterborough	1	0%
Other	1	0%
Peel	57	14%
Brampton	38	10%

Caledon	3	1%
Mississauga	16	4%
Toronto	217	55%
East York	1	0%
Etobicoke	16	4%
North York	24	6%
Scarborough	38	10%
Toronto	138	35%
York	77	19%
Concord (Vaughan)	1	0%
Kleinburg (Vaughan)	1	0%
Maple (Vaughan)	2	1%
Markham	19	5%
Newmarket	3	1%
Nobleton (King)	1	0%
Richmond Hill	14	4%
Stouffville	6	2%
Thornhill (Vaughan)	5	1%
Vaughan	17	4%
Woodbridge	8	2%
Grand Total	396	100%

IMPACT OF COVID-19

As health and safety restrictions further lifted in 2022, the Youth Council was able to return to some in-person programming but continued operating in a hybrid capacity. Virtual meetings and webinars for information sharing and discussion continued to be preferred by the Executive for time and cost savings, while place-based and hands-on activities were a highlight of individual events held in person. Familiarity with online meeting platforms and etiquette is now commonplace and use of social media increased the creativity used in organizing the Discover TRCA Summer Challenge and overall Youth Council recruitment.

YOUTH COUNCIL EXECUTIVE RETREAT

Youth Council Executive members met monthly through online meetings, as well as organizing and attending various events and initiatives (see below). In September 2022, eight of the ten Youth Council Executive members attended a day-long retreat at Kortright Centre for Conservation. This was the first chance for the Executive to officially meet in-person as a whole and since the COVID-19 pandemic. The retreat combined a number of fun activities, including icebreaker games, a tour of Kortright, exploration of the Archetype Sustainable House, and painting reusable canvas bags, with a more serious roundtable discussion about the goals and objectives of the TRCA Youth Council.



FIGURE 3: YOUTH COUNCIL EXECUTIVE MEMBERS AT KORTRIGHT CENTRE FOR CONSERVATION

The discussion questions were presented and answered in a circle, granting each member to answer individually or pass. The following questions were contemplated:

- 1) What does the TRCA Youth Council stand for?
- 2) What impact does the Youth Council have on TRCA?
- 3) What impact does the Youth Council have beyond TRCA?
- 4) What benefits are there to joining the Youth Council?
- 5) What is working or needs improvement?
- 6) How can we build a better network for our general members?
- 7) What can we start now?
- 8) Are there ways we can improve the structure of the Executive team?

The discussion was very fulsome and engaging as the Executive took a critical look at the four years of the existing Youth Council structure. Major themes that emerged included the following:

- The Youth Council Executive remain passionate and driven about raising awareness of environmental issues and participating in action on climate change, education, and inclusivity in the conservation sector;
- The Youth Council serves a role in educating youth about the work of conservation authorities in the Toronto region and providing learning and career opportunities
- Hosting fun events should continue to be focus for the Youth Council.

Major themes for improvement, as mentioned as well in the recommendations from the 2021-2022 Youth Council annual report, included:

- Increasing engagement with the General members of the Youth Council;
- Spreading marketing and outreach efforts to a larger demographic (such as through schools); and
- Increasing opportunities for youth to participate in, or provide input on, TRCA work.

WORKPLAN: GOALS AND OBJECTIVES

The broad goals and objectives outlined in the program framework remained the same from previous years. The following section outlines the initiatives created by the 2022-2023 Executive, and how they addressed program goals and objectives.

Objective: Build a Youth Network

As a new Government and Community Relations Coordinator was brought on in May 2022, the support for outreach increased. The Executive supported creation of nearly monthly newsletters (10 in 2022) by providing content and feedback. The newsletter items were often forwarded to other TRCA programs in education and public engagement, which increased the reach of Youth Council events and initiatives. Marketing efforts also included earlier social media posts on all TRCA platforms promoting all Youth Council events that were open registration for members of the public; we experimented with opening youth registrations first for events with limited numbers. LinkedIn remains a key opportunity for promoting career-focused webinars. Four Youth Council Executives also contributed testimonials that were featured on social media.

The reach of the TRCA Youth Council broadened greatly with opportunities to engage with groups internally at TRCA and externally. One Youth Council Executive member was represented at TRCA's Bike the Creek signature event in June 2022. The Youth Council collaborated with the Conservation Youth Corps in October 2022 to host a Meadoway stewardship and hike event in Toronto as well as to lead a climate action workshop at the Peel Climate Action Leadership Retreat at Albion Hills for an audience of 15 high school students. Groups that reached out to the TRCA Youth Council for participation or partnership in events or initiatives were: Oak Ridges Trail Association, Brampton Environmental Alliance, Ontario Science Centre, MP Leah Taylor Roy's Youth Council (Oak Ridges-Aurora-Richmond Hill riding), The 519, Great Lakes Plastic Cleanup, and Lakeshore Arts. Presentations were made at a documentary screening of *Into Nature's Wild* at the Ontario Science Centre (two Executives, 60 audience members) and to the Brampton Environmental Alliance (two Executives, 12 audience members) in June 2022.



FIGURE 4: EXAMPLES OF SOCIAL MEDIA PROMOTION FEATURING YOUTH COUNCIL EXECUTIVE MEMBERS KASTURI, LILLIAN, AKASH, AND ERINN.

Objective: Learn About What is Important to Youth

Youth Council Intake Survey

All members, whether they are applying for the Executive or as a General member, complete a survey as they register. The same survey has been used for the duration of the Youth Council program for consistency. Registrants are asked demographic questions and to select their top five interests from a list of 25 different topics. Topics include a range of sustainability, environmental, and social issues. For a more detailed description of the rationale for the selection of those topics and survey questions, see “TRCA Youth Council 2018-19 Report”.

Results

Demographics

Youth Council members are mostly from Toronto (55%, Table 1) and are mostly in their early to mid-twenties (Figures 2 and 3). This is reflective of the strong university network that we have tapped into. A small peak is also seen in high school-aged students aged 18 and under, possibly a result of having three current Executive members in high school themselves (Figure 2). As mentioned previously, the Youth Council membership is comprised of more females (69%) than males (29%).

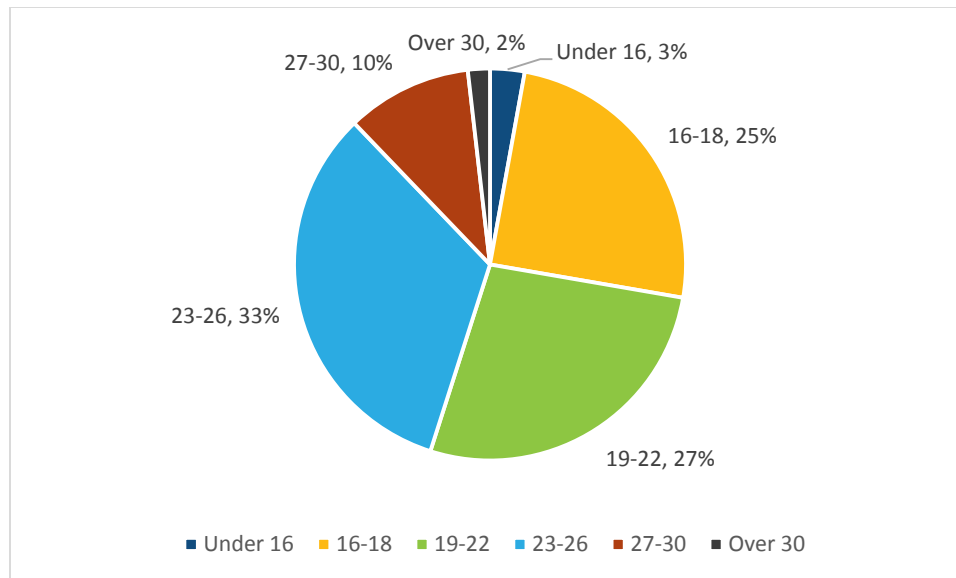
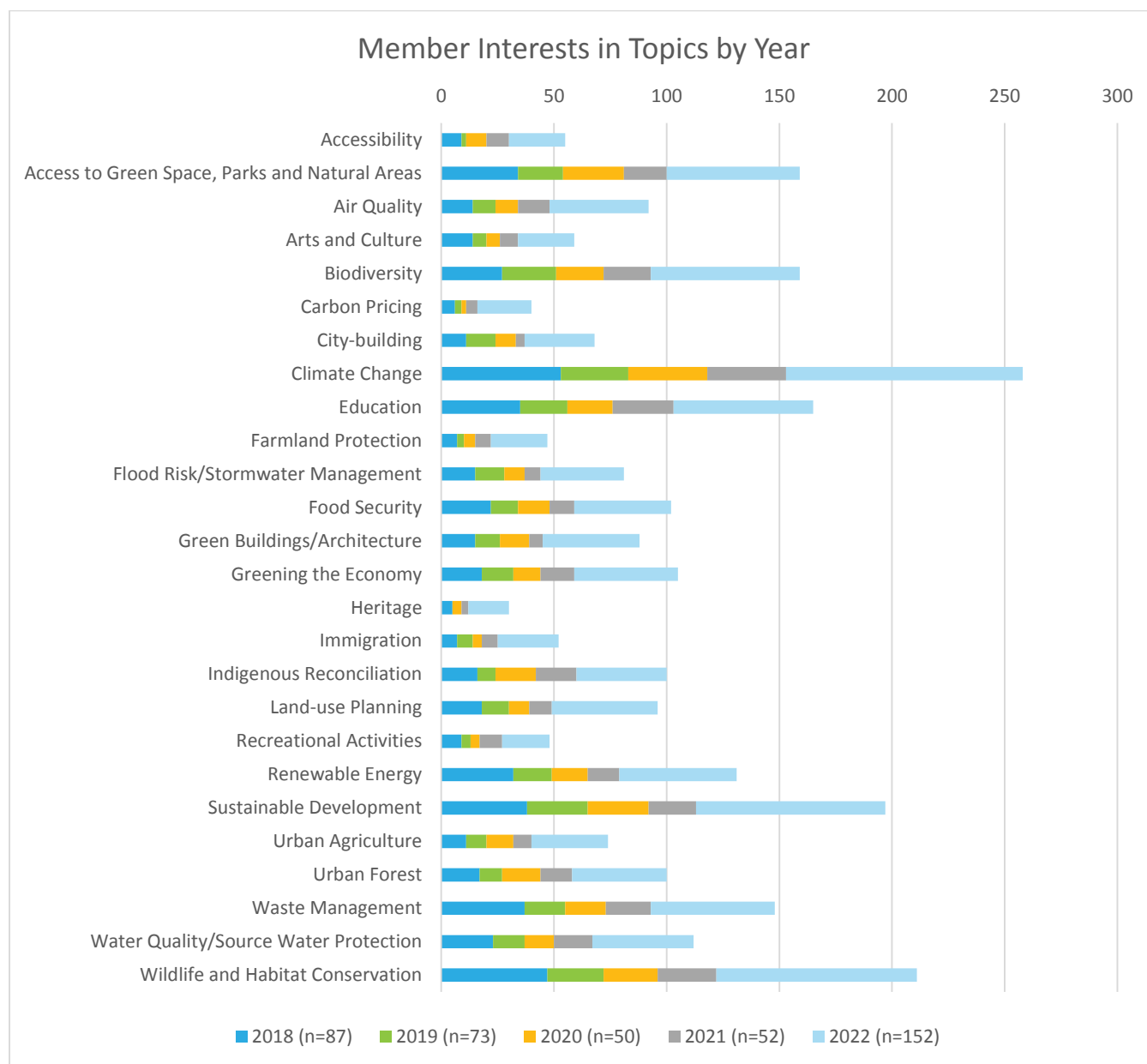


FIGURE 5: AGE DISTRIBUTION OF MEMBERSHIP

Most Important Issues

Registrants were instructed to select the top five most important issues to them from a list. This list included environmental, social, and sustainability issues, and was developed through a collaborative effort between the RWA Youth Council Working Group and TRCA staff (a more fulsome discussion of this process can be found in the “TRCA Youth Council 2018/19 Report”). Some respondents elected to choose more than five, and those additional answers were recorded. There is no way to determine the individual hierarchy of importance for each respondent; therefore we rely on the number of times an item was selected to indicate its overall importance to the entire group.

Aggregated responses were similar to last year (Figures 4 and 5), where climate change was once again the most frequently selected topic and throughout TRCA’s jurisdiction. Indigenous reconciliation and access to green space are topics that saw a large increase in interest in the pandemic years of 2020 and 2021. This year, we see a rebound in interests in wildlife and habitat conservation, biodiversity and sustainable development. We also see a general increase in greening the economy and food security, which may be related to wider economic and housing concerns discussed widely in Ontario in 2022.

**FIGURE 6: MEMBER SELECTION OF TOPICS BY YEAR**

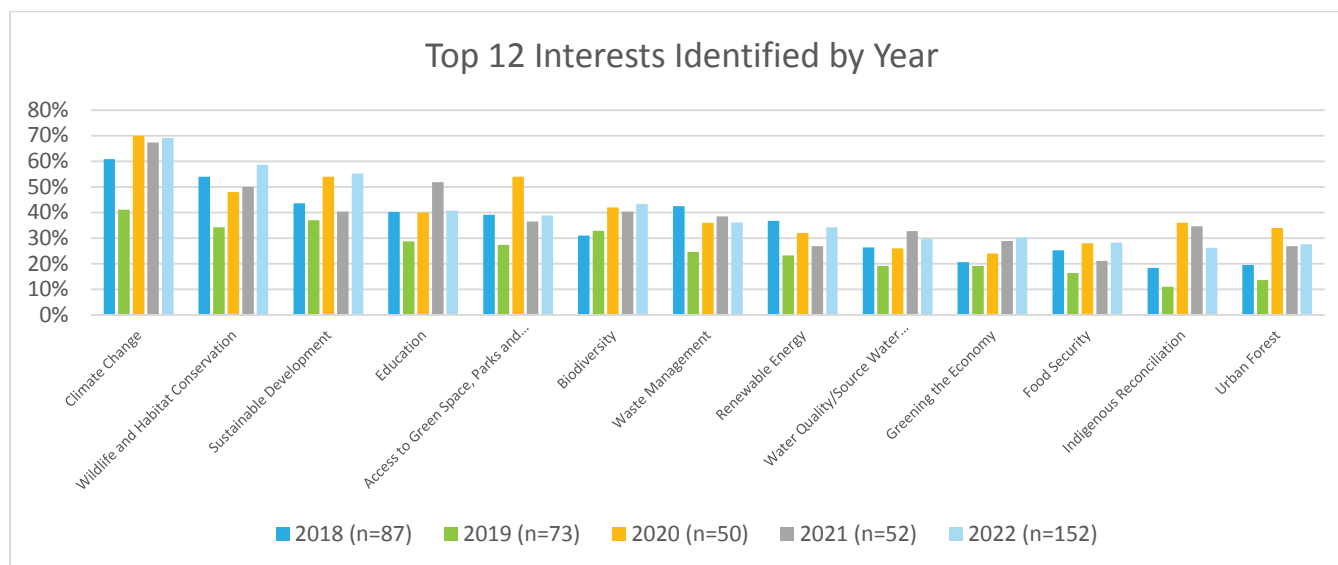


FIGURE 7: MEMBER SELECTION OF TOP 12 TOPICS BY YEAR

Oak Ridges Moraine Trail External Advisory Group

In Spring 2022, the Youth Council was contacted by TRCA Conservation Parks and Lands staff and the Oak Ridges Trail Association (ORTA) to engage a youth representative on an external advisory group for four meetings to prepare an updated Oak Ridges Moraine Trail Strategy. One Youth Council Executive volunteered as representative, and as part of collecting information about youth perspectives, the TRCA Youth Council launched a short survey distributed in three monthly newsletters.

Three questions were asked:

- 1) How important are the following aspects to you when deciding whether or not to visit a trail (at a green space, conservation area, or park)? [This question provided 14 options, see Figure 6]
- 2) What's your favourite part about visiting trails?
- 3) What are some improvements you would like to see at outdoor trails near you?

18 responses were collected. Common themes in the written responses included parking, trail design, wayfinding, trail maintenance, rule enforcement, wildlife viewing and appreciation of nature. Trail conditions were voted most important, followed by parking availability, admission fees, and biodiversity and habitat diversity. While the sample size was small, the feedback was still provided to the ORTA for consideration. A representative from ORTA was also able to join a meeting with the Youth Council Executive to discuss in further depth some important or innovative ideas that ORTA was exploring in its trail strategy. Feedback ranged on topics such as trail design, accessibility, and use of technology.

This was the first time the TRCA Youth Council Executive acted in an advisory capacity, but beginning in the 2023-2025 Regional Watershed Alliance term, two seats will be opened for the TRCA Youth Council to participate in the multi-stakeholder advisory committee to the TRCA Board of Directors.

How important are the following aspects to you when deciding whether or not to visit a trail (at a green space, conservation area, or park)?

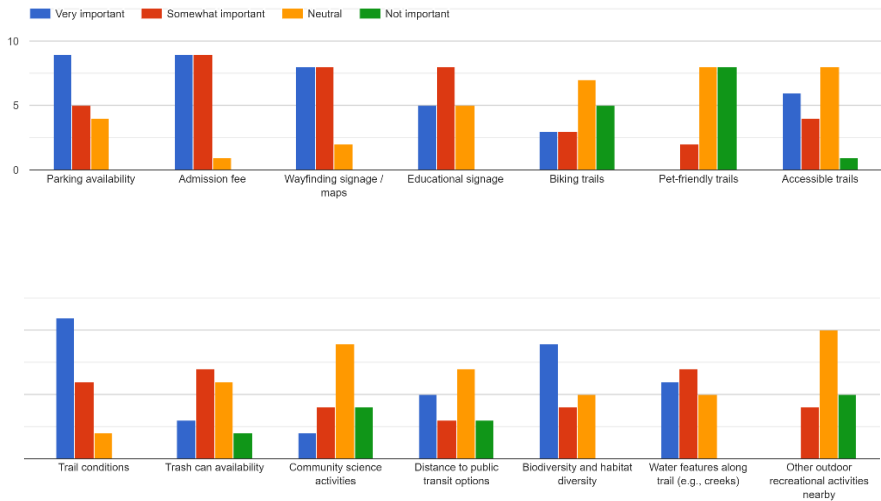


FIGURE 8: TRAIL VISIT CONSIDERATIONS BY IMPORTANCE ACCORDING TO SURVEYED YOUTH

Objective: Create Fun Opportunities

The Youth Council Executive was able to organize and host a number of events in 2022 and start of 2023, both in person and virtually. Participation in these events varied greatly, as we have found that some topics are more popular than others, particularly events focused on skill-building and careers. The following section provides a brief overview of each activity hosted by the 2022-2023 Youth Council Executive.

Discover TRCA Summer Challenge (July to September 2022)

This was a 9-week series of virtual challenges for members of the public, accessed via TRCA’s website. Each week featured three challenges of varying difficulty and length (from 30 minutes to half a day) related to a weekly theme, designed by the Youth Council Executive. The themes were: Truth and Reconciliation, species identification, sustainability, waste, reuse and repair, nature and storytelling, be an environmental champion, and water. A bonus week allowed anyone to submit challenges they may have previously missed. Challenges ranged from online research to hiking outdoors to learning a plant-based recipe. As an asynchronous event, the challenges were meant to be flexible for participants. Completion of at least one challenge for a week entered participants into a draw for a weekly prize. Two Grand Prizes were offered to the participant that completed the greatest number of challenges and to a winner of a random draw from all Summer Challenge participants. This event saw moderate success with 42 challenges received across the season. The virtual format of this event also required a greater amount of TRCA staff time to dedicate to website edits and social media postings.

Toronto Island Environmental and Flood History Tour (August 2022)

This unique event originated from Youth Council Executive member Elly Akkuyu, who had just recently completed her a Master’s degree in environmental applied science and management. Along with TRCA Erosion Risk Management staff, Elly designed a three-hour walking tour of the Toronto Island with stopping points to

discuss environmental and flood history information pulled from her research of the Toronto Islands. Stopping points were also added at sites where TRCA had completed emergency works following the 2017 and 2019 extreme flood events and at locations relevant to the ongoing Class Environmental Action and discussions of future flood and infrastructure protection. It was also an opportunity for the tour date to align with City of Toronto's Island Master Plan pop ups, which included a TRCA table at Gibraltar's Point. This event drew 5 participants. It was a learning experience to organize our first in-person event post-pandemic and to realize the challenges with offering free events at a busy public space that required specific transportation.



FIGURE 9: ELLY LEADING THE MORNING GROUP ON THE TORONTO ISLAND TOUR, AT WARD'S ISLAND

Meadoway Planting and Hike Event (October 2022)

This was a three-hour event at Thompson Memorial Park in Scarborough in partnership with TRCA's Conservation Youth Corps programming in Toronto and led by Community Learning staff. Activities included a short tour of stormwater management features around Highland Creek and an opportunity for participants to learn to hand seed and maintain restoration plantings in a section of the Meadoway, a long-term restoration project by the TRCA on 16 km of hydro corridor in Scarborough that will eventually connect the Rouge and Don River watersheds. Youth Council Executive members led icebreaker activities and portions of the tour content. 22 participants attended on the beautiful and sunny Saturday afternoon, notably including some families and younger children.



FIGURE 10: LEFT, PARTICIPANTS HELPING WITH WEEDING AND MAINTENANCE OF THE MEADOWAY. RIGHT, TISHA DEMONSTRATING FACTS ABOUT SNAKES ON THE HIKE.

Traditional Craft Workshop with Diane Montreuil (November 2022)

The Youth Council hosted an afternoon workshop at the Downsview Park Community Hub, a free space for community groups. Diane Montreuil is an Algonquin-Metis artist and educator that has previously worked with TRCA and school boards in the Toronto region, and she taught participants how to make traditional choker necklaces with leather and bone. Despite the snowstorm, 11 participants attended.

This event was also our first paid event, as we collected a small fee for art supplies needed. Paid events seem to encourage a higher proportion of attendees compared to registration numbers for free events. However, free participation for any youth with financial barriers was accommodated for this event.



FIGURE 11: LEFT, PARTICIPANTS WORKING ON THEIR NECKLACES. RIGHT, A GROUP PHOTO AT THE WORKSHOP WITH DIANE.

Objective: Build Youth Capacity and Learning Opportunities

Peel Climate Action Leadership Retreat (October 2022)

Two Executive members led a workshop at Albion Hills to 15 high school students on taking climate action. The workshop included a presentation with examples of personal climate stories and a Venn diagram method of

determining climate actions. This was followed by a small group brainstorming session implementing the diagram method, with participants provided a template for creating their own personal climate action plans.

TRCA Youth Council Virtual Town Hall (November 2022)

Arising from discussions at the September Executive retreat about the need to better engage general members, the Executive planned a virtual town hall to include an overview of the TRCA Youth Council program, a presentation by Anil Wijesooriya, Director of Restoration and Infrastructure, and Youth Council discussion questions. The question-and-answer period with Anil was informative and the youth that attended learned a lot about restoration and infrastructure projects, as well as careers at TRCA. While the lower turnout of General members was not conducive to an in-depth discussion, following this event, it was decided that future presentations and career discussions should be recorded so that more people can view the information at a later date.

Infrastructure Planning and Permits Webinar (January 2023)

The Youth Council hosted Beth Williston, Associate Director, and Shirin Varzani, Senior Planner, from TRCA's Infrastructure Planning and Permits team for a presentation on infrastructure planning, environmental assessments, permits, and planning careers. Held on Zoom, TRCA was also able to collect information about attendees, which included participants located in a range of watersheds in and out of TRCA jurisdiction, and a spread of undergraduate students, graduate students, and young professionals in the environmental sciences, GIS, planning, and biology. The two-hour webinar format was a great length to include a lengthy question and answer session. 18 participants attended and the recording will be posted to TRCA's Youtube channel and Youth Council webpage.

Virtual KAIROS Blanket Exercise (February 2023)

A blanket exercise is an immersive and interactive session to learn about Indigenous and non-Indigenous history of this place we call Canada, facilitated by KAIROS Canada. This event will be hosted by the Youth Council on February 4, 2023.

PROGRAM EVALUATION

Structure

The structure of the Youth Council has seen some minor adjustment since the program's inception, namely the delivery of a combination of online events in 2020 and 2021, now with a return to select in-person events. Having a good age range on the Youth Council Executive enables better promotion of initiatives, from high school to young professional audiences. Continuing members will help maintain institutional memory and facilitate more events to continue running into the transition between terms. Logistically, the Youth Council Executive continue to meet monthly but have seen increased informal communications between meetings. The 2022-2023 Youth Council Executive preferred not having assigned roles throughout the year but were very engaged in volunteering for tasks and enjoyed rotating through monthly roles, which included Chair and taking minutes for meetings. The TRCA Youth Council will soon hold two seats on the Regional Watershed Alliance, which will allow the Executive to learn more about TRCA's programs and services and to provide more youth perspective on TRCA strategic goals.

Goals and Objectives

Build youth network

The youth network continues to grow as more groups reach out to learn about the Youth Council, and more events are hosted with various different partners. Hosting events in partnership with other groups is a great opportunity for network development. By extending our audience through partner networks, other groups can be reached that may not have been previously aware of TRCA. Use of LinkedIn and TRCA's education newsletters also benefitted network growth. Providing a combination of in-person and online initiatives on a variety of topics draws in different audiences through flexibility of choices and accessibility.

Learn about what is important to youth

The entrance survey continues to provide the most robust data indicating the most important issues to youth. As was discussed earlier, some changes in the most frequently selected topics changed from year to year, which has been reflective of the current situation that has arisen from the pandemic, such as social movements in diversity, inclusion and Indigenous reconciliation, and concerns on housing and economy in Ontario. The Youth Council will continue to collect this data to inform their, and TRCA's, programming.

Create fun opportunities for youth

The Youth Council Executive have continued to pursue diverse fun opportunities for youth. Event themes included climate change, habitat conservation and stewardship, sustainable communities, and learning about Indigenous history and culture, in line with the interests of the general and Executive members. Fun opportunities increase the draw for more members of the public to join a single event and/or to sign up for the General membership list with the Youth Council.

Build youth capacity and learning opportunities

Capacity building amongst the Youth Council Executive has been significant. Extending the terms of some of the Executive has resulted in strong peer-to-peer knowledge sharing and mentorship, which has increased the overall capacity of the Youth Council Executive. The returning Executive members set expectations and norms that helped to ensure that the 2022-2023 Executive remained consistently engaged throughout their term. Furthermore, the mentorship and expectations set by the group helped to provide an atmosphere where new members were comfortable sharing ideas and taking the lead on new activities and initiatives.

The activities held by the Youth Council Executive were empowering not only for the participants, but also for the youth organizing the events. Opportunities to present to small and large audiences lead to growth in leadership and public speaking skills for Executive members. The Youth Council Executive also gained valuable experience organizing events of varying formats, from two-hour-long walking tours, to a season-long series of challenges, to hosting Zoom webinars with polls and breakout rooms. Initiatives that invite Indigenous speakers and presenters also fostered deeper understanding of Indigenous history and culture, and provided experience and capacity for the Youth Council to address issues of reconciliation in their future work.

The Youth Council Executive continue to benefit greatly in their academic and employment pursuits through the skills and experiences they gain as part of the program. This year, they have had multiple opportunities to meet formally and informally with staff from various TRCA divisions, opening their perspectives to the diversity of career opportunities at conservation authorities and in the wider environmental sector. There continues to be

great opportunity to demonstrate interesting and unique work done by TRCA staff to the Youth Council, as well as to engage former TRCA seasonal staff for the long-term through the Youth Council program.

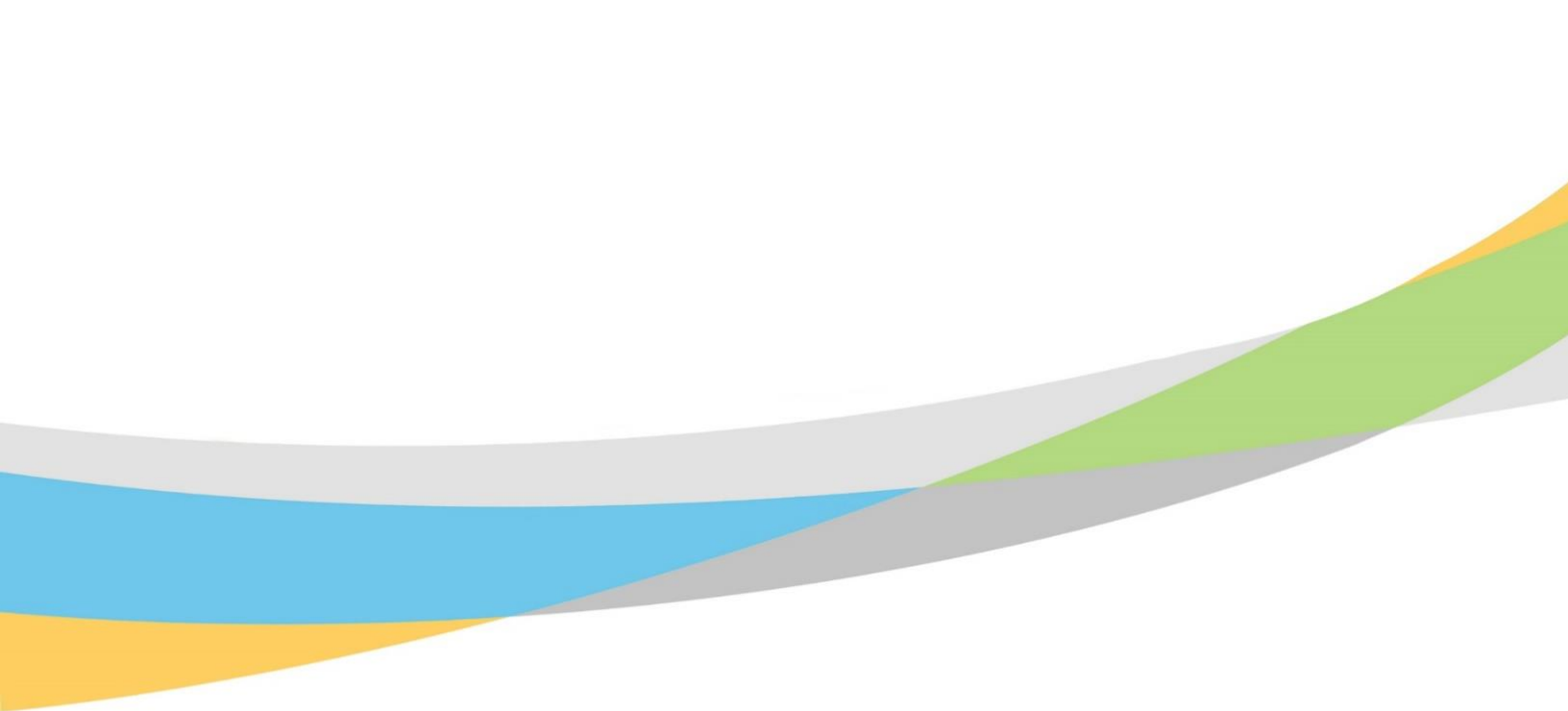
RECOMMENDATIONS

Overall, the Youth Council continues to reach program goals of creating fun opportunities for youth, building capacity, identifying youth perspectives, and building a youth network. The following is a summary of the recommendations for program improvement through the evaluation of meeting goals and objectives:

- Continue hybrid program delivery with online offerings for presentations and discussion forums, and in-person offerings for place-based or hands-on activities
- Continue network building and marketing the TRCA Youth Council, tapping into other TRCA education and public-facing programs and TRCA connections with municipal and external partners
- Strengthening the connections between the Executive and General members of the Youth Council through individual outreach to new General members and open Executive meetings on occasion
- Building a communication platform to re-engage former Youth Council Executives to champion initiatives and attend events
- Continue efforts to broaden the recruitment of the Youth Council to include more members from diverse communities through more deliberate recruitment strategies with different groups/agencies who work in target communities
- Continue to find synergies between TRCA's work and strategic goals/priorities and the work of the Youth Council

CONCLUSION

The TRCA Youth Council program seeks to engage youth aged 16-30 in TRCA's jurisdiction. It is a program that is led by youth under the mentorship and guidance of TRCA staff. As restrictions eased in 2022, the Youth Council was able to organize a combination of virtual and in-person events. Virtual events are preferred for information sharing and saving time and costs, while in-person events were intentional around place-based and hands-on activities. The events and initiatives of 2022 are demonstrative of the continued drive and passion of the 2022-2023 Youth Council Executive. And while there are some recommendations for program improvement, we are pleased to see how the Executive has been able to achieve progress towards the goals set out in the program framework. This term also saw a great increase in the number of General membership sign ups. Major strengths from the 2022-2023 term are the variety of Youth Council event programming offered and the increase in outreach efforts through marketing and presentations, which led to an increase in the number of General membership sign ups. The program has also had a positive impact on Executives in developing their leadership and public speaking skills, as well as supporting their academic and professional pursuits. With these successes in mind there is, however, always room to improve program delivery. We have provided a number of recommendations, including the continuation of engagement of General members and former Executive members, broadening the network to include more recruitment with different groups and agencies who work with under-represented communities, and finding synergies between TRCA's work and strategic goals that can better incorporate Youth Council perspectives.



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Item for the Information of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance
Wednesday, March 22, 2023 Meeting

FROM: Anil Wijesooriya, Director, Restoration and Infrastructure

RE: **NATURAL CHANNEL RESTORATION PROJECTS IN BRAMPTON**

KEY ISSUE

Report on natural channel restoration and Eco Park partnerships in Brampton, specifically the Jordan Jefferson Jayfield Parks (JJJ) Natural Channel Restoration Project and Eastbourne Park Natural Channel Restoration Project.

RECOMMENDATION:

THAT the report on Natural Channel Restoration Projects in Brampton and accompanying presentation, be received.

BACKGROUND

Toronto and Region Conservation Authority (TRCA) is the largest watershed-based conservation organization in Canada and is a global leader in habitat restoration with over 60 years of experience protecting, enhancing, restoring, and monitoring natural habitats. TRCA's Restoration and Resource Management group uses a strategic approach to identify, plan, implement, and monitor projects that enhance habitats and improve ecosystem functions. Restoring ecosystem function provides ecosystem services such flood mitigation and water quality treatment, that benefit where humans live, work and play. TRCA uses a science-based approach to understand local history, hydrology, and ecology to identify natural areas that are impaired, set restoration targets and identify priority projects. These projects focus on improving natural cover; restoring streams and riparian areas using natural channel design principles; restoring, creating, and enhancing wetlands and shorelines; rehabilitating native; providing essential wildlife habitats and using applied research and monitoring to quantify restoration benefits. TRCA restores hundreds of hectares of natural areas each year.

In previous decades, many watercourses in the Region of Peel were modified through channelization and various forms of armouring. A standard practice at the time, channelization and armouring was done to improve flood flow conveyance. The realignment (straightening) of watercourses accompanied filling within valleylands to facilitate development, a practice that is no longer permitted due to negative environmental impacts. Current knowledge has shown that channelization can increase the chances of downstream flooding and erosion (Villard, 2015). Moreover, channels that have been lined with concrete or other hard treatments have a limited ability to sustain ecological function or provide habitat for fish and wildlife. Many of these altered channels are now nearing the end of their operational life expectancy and are in varying states of disrepair. These channels are now contributing to erosion and streambank

Item 10.3

failure, which can raise the risk of local flooding and damage to adjacent properties and infrastructure.

Natural channel restoration involves the replacement of hardened channels through the construction of a natural watercourse that will facilitate water conveyance; improve flood storage; and provide habitat for fish and wildlife. Restoring hydrologic processes benefits nutrient and sediment transport, aquatic habitat, and riparian cover. Natural channel design principles typically include widening the floodplain where possible; re-establishing channel meanders with in-stream substrates; reconnecting the channel to its floodplain; planting riparian areas; and installing structural habitat using woody debris.

The Eco Park model, approved by Brampton Council in January 2020, is made up of a network of sustainable urban/green spaces, referred to as Eco-Spaces, that better integrate residents with the natural environment. Most of Brampton's 2500 hectares of Natural Heritage System (NHS) forms the backbone of Brampton's Eco Parks. From this foundation, Brampton Eco Parks will expand and evolve into city parks, streetscapes, and other spaces to eventually form a comprehensive green network. Eco Parks aim to foster local stewardship, encourage active communities, help build attractive neighbourhoods, and responsibly connect people with nature. Eco Parks will help protect and support City infrastructure while conserving, enhancing, and celebrating Brampton's natural landscapes.

The attached presentation outlines the strategic process for identifying priority natural channel projects and provides updates on projects currently being implemented. The Jefferson, Jordan and Jayfield Natural Channel Restoration Project, which will be completed in Spring 2023, is the first to include Eco Park principles into its design. Components of the work include removal of a concrete lined channel and drop structures; widening the floodplain; creating a meandering watercourse with in-stream habitat; constructing floodplain wetlands; and extensive tree and shrub plantings. Eco Park design principles include upgrades to park amenities with opportunities to view the restored watercourse.

Completed Work to date:

- Construction of 1000m of Natural Channel restoration including 150m of new trail alignment
- Eco Park amenities installed (Outdoor Amphitheatre, Outdoor Classroom, Log play structure, log benches and lookout areas)
- Trees Planted: 8,425 trees and shrubs, 360 calipers, 7000 bioengineering stakes

Work Remaining:

- Installation of Eco Park Fitness Stations
- Remaining tree and shrub and riparian plantings in Spring 2023

Construction started for Eastbourne Park Natural Channel Restoration Project. To date, a detailed design has been completed for a 1km stretch of concrete lined channel within

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Eastbourne Park. A Community meeting occurred on October 26, 2022 to inform residents of plans in advance of the construction that is now underway.

RATIONALE

A report titled “Ten Year Strategic Plan for Urban Stream Restoration in City of Brampton” was produced by TRCA in 2018 at the request of the City of Brampton to identify and prioritize potential urban stream restoration projects. Previously completed studies including “Interim Report: Peel Channels Remediation Strategy” (2014); “Spring Creek Remediation Project Fluvial Geomorphological Characterization” (2015); and “Aquatic Habitat and Geomorphology Monitoring: Progress Report” (2018) have been used to guide the prioritization process. A list of five priority sites were identified where degraded concrete lined channels would benefit most from stream restoration, using the following criteria:

- TRCA’s Integrated Restoration Prioritization ranking;
- Infrastructure state of repair;
- Flood risk potential;
- access and available work areas; and
- fish and wildlife habitat gain potential.

Five priority sites were identified, which include:

- Jefferson Jordan and Jayfield Parks
- Eastbourne Park
- Fallingdale and Earnscliffe Park
- Donald M. Gordon Chinguacousy and Hilldale Parks
- Maitland and Hilldale Parks

All these sites have excellent potential to employ Eco Park design principles as they are well used by residents and have trail and amenity infrastructure already existing that could be enhanced and expanded.

Relationship to TRCA’s 2022-2034 Strategic Plan

This report supports the following Pillar(s) and Outcome(s) set forth in TRCA’s 2023-2034 Strategic Plan:

Pillar 1 Environmental Protection and Hazard Management:

- 1.1 Deliver provincially mandated services pertaining to flood and erosion hazards

Pillar 3 Community Prosperity:

- 3.1 Connect communities to nature and greenspace

FINANCIAL DETAILS

Funds for the projects were obtained through Peel capital budgets to complete the stream restoration components of the work. The Eco Park portion of the project was funded through a Fee for Service agreement with the City of Brampton.

DETAILS OF WORK TO BE DONE

The JJJ Natural Channel Project will be completed in Spring of 2023. The restoration

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work at Eastbourne Park is scheduled for completion in Fall of 2024. TRCA will continue work with the City of Brampton to implement priority projects identified in “Ten Year Strategic Plan for Urban Stream Restoration in City of Brampton”.

Report prepared by: John Stille

Email: john.stille@trca.ca

For Information contact: Clifton Coppolino, (365) 566-2359

Email: clifton.coppolino@trca.ca

Date: October 24, 2022

Item for the Information of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance
Wednesday, March 22, 2023 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **SUMMARY OF TRCA ERO SUBMISSIONS ON RECENT
LEGISLATIVE, REGULATORY AND POLICY INITIATIVES IN
SUPPORT OF ONTARIO'S MORE HOMES BUILT FASTER:
ONTARIO'S HOUSING SUPPLY ACTION PLAN: 2022-2023**

KEY ISSUE

Summary of Toronto and Region Conservation Authority's (TRCA) policy consultation submissions in November and December 2022 on provincial legislative, regulatory and policy initiatives relevant to TRCA interests.

RECOMMENDATION:

IT IS RECOMMENDED THAT the summary of TRCA's submissions on recent legislative, regulatory and policy initiatives in support of Ontario's More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023, be received as information.

BACKGROUND

On October 25, 2022, the Province introduced [Bill 23, More Homes Built Faster Act, 2022](#) to support More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023. In addition, related legislative, regulatory, policy proposals and initiatives to help the government achieve its goal of building 1.5 million homes over the next ten years were posted for comment on the Environmental Registry of Ontario (ERO). In a [report](#) to the Board of Directors on November 10, 2022, staff provided an analysis of the impact of Bill 23 and a summary and preliminary draft responses to the various ERO postings. Attached to the report was TRCA's CEO [presentation](#) to the Standing Committee on Heritage, Infrastructure and Cultural Policy (November 10, 2022) which included TRCA comments and proposed revisions to the amendments to the [Conservation Authorities Act](#) (CA Act) through Schedule 2 of Bill 23.

Bill 23 received Royal Assent on November 28, 2022 and amended several Acts in addition to the CA Act, including the [Planning Act](#), [City of Toronto Act](#), [Municipal Act](#), [Development Charges Act](#) and [Ontario Land Tribunal Act](#). The commenting period was extended for some of the ERO postings related to Bill 23 to enable feedback to be received and help inform implementation as well as future initiatives.

Other ERO proposals outside of Bill 23 but related to the province's objective to build more homes and later enacted on December 21, 2022, included amendments to the Greenbelt Plan, Greenbelt Area boundary regulation and Oak Ridges Moraine Conservation Plan (ORMCP), and revocation of the Central Pickering Development Plan (CPDP), under the [Ontario Planning and Development Act, 1994](#). Another notable ERO

posting was the update to the Ontario Wetland Evaluation System, approved on December 22, 2022.

RATIONALE

Summary of Responses

In **Table 1** below is a list of provincial consultations for which TRCA completed and submitted responses in November and December 2022, with links to the ERO proposals. Recognizing that members may have an interest in TRCA's submissions, the corresponding TRCA letter responses to the ERO proposals are contained as attachments to this report. Also provided for the information of the Board in **Attachment 1** are brief summaries of the provincial legislative and policy initiatives and submissions noted in Table 1.

Table 1: TRCA Submissions to the ERO, November to December 2022		
ERO Posting	Proposal Summary	TRCA Submission Date
Proposed updates to the Ontario Wetland Evaluation System (ERO # 019-6160)	MNRF proposed changes to the Ontario Wetland Evaluation System which would add new guidance related to re-evaluation of wetlands and updates to mapping of evaluated wetland boundaries and recognize professional opinion of wetland evaluators and role of local decision makers.	November 24, 2022 Refer to Attachment 2
Proposed Revocation of the Central Pickering Development Plan (ERO # 019-6174)	MMAH proposal to revoke the Central Pickering Development Plan.	November 24, 2022 Refer to Attachment 3
Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0 (ERO # 019-6141)	MNRF proposed changes to the <i>Conservation Authorities Act</i> to focus CA development approvals and planning review on natural hazards, identify CA lands suitable for housing, and to streamline processes.	November 28, 2022 Refer to Attachment 4
Proposed Amendments to the Greenbelt Plan (ERO # 019-6216)	MMAH proposed amendments to the Greenbelt Plan to add 13 new Urban River Valley areas and lands in the Paris Galt Moraine in Wellington County and remove or redesignate 15 areas of land.	December 4, 2022 Refer to Attachment 5

Table 1: TRCA Submissions to the ERO, November to December 2022 cont.

Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022) (ERO # 019-6163 and 019-6197)	MMAH proposed changes to the <i>Planning Act</i> and <i>City of Toronto Act</i> to address the 'missing middle' housing supply, streamline planning approvals and to limit CA appeals of planning matters.	December 8, 2022 Refer to Attachment 6
Supporting Growth and Housing in York and Durham Regions Act, 2022 (ERO # 019-6192)	MECP proposed legislation that would require the expansion of crucial wastewater treatment services for York Region and the construction of a phosphorus reduction facility to remove phosphorus from drainage water that flows into Lake Simcoe.	December 9, 2022 Refer to Attachment 7
Proposed Revocation of the Parkway Belt West Plan (ERO #019-6167)	MMAH proposal to revoke the Parkway Belt West Plan.	December 19, 2022 Refer to Attachment 8
Conserving Ontario's Natural Heritage (ERO #019-6161)	MNRF sought feedback on how Ontario could offset development pressures on wetlands, woodlands, and other natural wildlife habitat. MNRF is considering developing an offset policy that would require a net positive impact on these features and help reverse the decades-long trend of natural heritage loss in Ontario.	December 19, 2022 Refer to Attachment 9
Review of A Place to Grow and Provincial Policy Statement (ERO #019-6177)	MMAH sought input on how to create a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply.	December 28, 2022 Refer to Attachment 10
Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario (ERO #019-2927)	MNRF is proposing a regulation that outlines how conservation authorities permit development and other activities for addressing impacts to natural hazards and public safety.	December 28, 2022 Refer to Attachment 11

Implications of Bill 23 CA Act Amendments

On December 16, 2022, TRCA issued an interim update memorandum to our municipal partners on the implications of Bill 23 CA Act amendments with a focus on development and infrastructure plan review and permitting functions. The memorandum included the following key messages:

Plan Review

- There is no change to the current review and commenting functions under the Planning Act and Environmental Assessment Act for natural hazard matters, including where such review and comment is pursuant to Memorandums of Understanding (MOUs) and Service Level Agreements (SLAs). Planning application review and commenting for natural hazards is a mandatory program and service under [Ontario Regulation 686/21](#).
- There has been no change to the requirement for municipalities to circulate applications to conservation authorities in accordance with the regulations under the Planning Act, and existing screening procedures continue to apply to such circulations
- The scoping of some aspects of non-mandatory review and commenting for certain applications, proposals and other matters that are made under prescribed acts (e.g., Planning Act, Environmental Assessment Act, other acts as may be prescribed), does not become operative until such time as the Minister of Natural Resources and Forestry issues an enabling regulation identifying those acts. (Note: as further detailed below in this report, a regulation was issued on December 28, 2022).
- Effective January 1, 2023, Ontario Land Tribunal (OLT) appeals of land use planning decisions and party status requests under the Planning Act by conservation authorities, in their capacity as public bodies, will be limited to matters that relate to natural hazard policies in any policy statements issued under the Planning Act. This new provision does not impact OLT appeals where a conservation authority obtained party status prior to January 1, 2023. TRCA has always coordinated with its municipal partners in respect of OLT appeals, with TRCA taking a supporting role to municipalities in respect of natural heritage matters and leading its own case in respect of natural hazard matters.

Permits

- Until the new Section 28 and Section 28.1 provisions come into force and [Ontario Regulation 166/06](#) is repealed, it is business as usual for permitting.
- When the amendments come into force, which we anticipate may occur at some point in 2023, the tests of “pollution” and “conservation of land” for the issuance of a permit will be replaced with “unstable soil or bedrock”.
- Those new tests have already come into force for permits related to Minister’s Zoning Orders (MZOs) and Community Infrastructure and Housing Accelerator

Orders (CIHAOs), as have new provisions enabling the Minister by regulation to limit conditions to be applied to permits for MZO and CIHAO development projects.

- Conservation authority permits remain applicable law in respect of building permit applications, and municipal building officials should continue to refer applicants for development proposals within CA Act regulated areas to TRCA.
- The new subsection 28(4.1), being the clause to exempt permits for certain regulated areas in certain municipalities where there are certain *Planning Act* approvals, will not become operative until a regulation or regulations are made to prescribe activities, areas of municipalities and types of authorizations under the *Planning Act* that qualify for the exemption. Any exemption is subject to such terms and conditions as may be prescribed in those regulations. It was noted that some municipal partners are concerned about potential liability from this exemption. At this time, absent further information on the specific exemptions that may be proposed, we can only focus on ensuring that conservation authority input through the planning process is fully and comprehensively addressed in any municipal approvals.

Other Conservation Authority Programs and Services Provided Through MOUs and Agreements

- The recent legislative changes through Bill 23 do not affect other TRCA programs and services. TRCA provides a wide variety of programs and services that further the conservation, restoration, development, and management of natural resources in watersheds across its jurisdiction.
- Establishing MOUs with municipalities where they are not already in place for the delivery of municipally requested services, as well as other agreements for provision of other non-mandatory services to provincial agencies and infrastructure providers remains a requirement under the CA Act and associated regulations.
- We are continuing to work with our municipal and agency partners to formalize these arrangements through MOUs and agreements where they currently do not exist. For a status update on this work, please refer to the [staff report](#) and [attachment](#) that went to TRCA's Board of Directors on November 10, 2022.

Provincial Notice of New Regulatory Requirements

On December 28, 2022, all conservation authorities received correspondence from the Ministry of Natural Resources and Forestry notifying that the government had proceeded with two regulations, both of which came into effect on January 1, 2023.

1. A new Minister's regulation ([Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 \(1.1\) and 21.1.2 \(1.1\) of the Act](#)) was made to focus CAs' role when reviewing and commenting on proposals, applications, or other matters related to development and land use planning. Under this regulation, CAs are no longer able to provide a municipal (Category 2) or other (Category 3) program or

service, (i.e., non-mandatory), related to reviewing and commenting on a proposal, application, or other matter made under the following Acts:

- Aggregate Resources Act, Condominium Act, 1998, Drainage Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Niagara Escarpment Planning and Development Act, Ontario Heritage Act, Ontario Water Resources Act, and Planning Act.
2. Amendments were made to Ontario Regulation 686/21: Mandatory Programs and Services to require conservation authorities to identify conservation authority lands suitable for housing. This information is to be included in the land inventory required to be completed by conservation authorities by December 31, 2024.

Relationship to TRCA's 2022-2034 Strategic Plan

This report supports the following Pillars and Outcomes set forth in TRCA's 2023-2034 Strategic Plan:

Pillar 1 Environmental Protection and Hazard Management:

- 1.1 Deliver provincially mandated services pertaining to flood and erosion hazards

Pillar 1 Environmental Protection and Hazard Management:

- 1.4 Balance development and growth to protect the natural environment ensuring safe sustainable development

Pillar 2 Knowledge Economy:

- 2.3 Advocacy and adaptability in the face of policy pressures

Pillar 2 Knowledge Economy:

- 2.4 Integrate environmental considerations and science into decision making

FINANCIAL DETAILS

Staff are engaged in this policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-12. No additional funding is proposed to support the policy analysis work associated with the preparation of these comments.

Minister's Direction – Fees

On November 10, 2022, the Board of Directors approved the 2023-2024 Planning, Permitting and Infrastructure Planning Fee Schedules and have been in effect since that time. On December 28, 2022, all CAs received notification that a Minister's Direction pursuant to subsection 21.3(1) of the CA Act had been issued with the effect of preventing any changes to these schedules for the 2023 calendar year both in terms of fee rates and fee classification. TRCA's existing fees and classifications are not affected by this Direction and should continue to be collected as per the normal course of business.

DETAILS OF WORK TO BE DONE

In response to the interim update memorandum issued on December 16, 2022, municipal staff have reached out to set up meetings with TRCA staff to further discuss the implications and implementation of the CA Act amendments, as well as the recently released regulations. Staff will report back to the Board on these discussions and provide more detail on the implications to our work in a future report. TRCA will continue to provide timely and quality delivery of all TRCA programs and services in accordance with the CA Act as amended.

Report prepared by: Jeff Thompson, Mary-Ann Burns, Laurie Nelson
Emails: jeff.thompson@trca.ca; maryann.burns@trca.ca; laurie.nelson@trca.ca
For Information contact: Laurie Nelson, (437) 880-2282
Email: laurie.nelson@trca.ca
Date: January 12, 2023

Attachments: 11

Attachment 1: Summaries of TRCA Responses to Housing Supply ERO Postings

Attachment 2: TRCA - Proposed Updates to the Ontario Wetland Evaluation System
ERO 019-6160

Attachment 3: TRCA - Proposed Revocation of CPDP ERO 019-6174

Attachment 4: TRCA - Legislative and Regulatory Proposals Affecting CAs ERO 019-6141

Attachment 5: TRCA - Proposed Greenbelt Plan Amendments ERO 019-6216

Attachment 6: TRCA - MMAH – Planning Act Changes ERO 019-6163 and ERO 019-6197

Attachment 7: TRCA - Supporting Growth and Housing in York and Durham Regions
ERO 019-6192

Attachment 8: TRCA - Proposed Revocation of the Parkway Belt West Plan ERO 019-6167

Attachment 9: TRCA - MNRF - Conserving Ontario's Natural Heritage ERO 019-6161

Attachment 10: TRCA – MMAH - Place to Grow PPS Review ERO 019-6177

Attachment 11: TRCA – MNRF - Proposed Permit Regulation Updates ERO 019-2927

The following are summaries of TRCA submissions to each of the ERO postings listed in **Table 1**. The full TRCA response letters can be found in **Attachments 2 through 11**.

In all submissions, TRCA indicated support for the Province's goal of addressing the housing crisis through expediting development approvals and noted that TRCA has taken actions to support this objective. The submissions maintained, however, that resolving the housing crisis should not have to come at the expense of the environment or public safety.

ERO #019-6160 – MNRF Proposed Updates to the Ontario Wetland Evaluation System (OWES)

Proposal Overview: Add new guidance to the Ontario Wetland Evaluation System related to re-evaluation of wetlands and updates to mapping of evaluated wetland boundaries, and recognize professional opinion of wetland evaluators and role of local decision makers.

Summary of TRCA's Response: TRCA's main concern with the proposed changes to the OWES process is that it would significantly reduce the number of wetlands evaluated as provincially significant (PSWs). PSWs are currently afforded greater environmental protections in provincial policy and subsequent impacts/removals would see their essential natural functions lost. We recommended that "complexing" not be removed from the OWES process as it is a mechanism to value hydrologically and biologically connected wetlands across the landscape; further, that wetland evaluation be tied to habitat of endangered species, and that greater clarity regarding government oversight and accountability in the OWES approval process be provided. Please see **Attachment 2** for TRCA's full response to ERO 019-6160.

Outcome: A Decision Notice was posted on December 22, 2022, that the government updated the OWES as proposed, with the following additional clarifications:

- the evaluation would be considered final once a trained evaluator attests that they have undertaken an evaluation in accordance with OWES,
- require that evaluators send the final wetland boundary mapping and wetland status to MNRF within 30 days,
- require evaluators to notify landowners that a wetland evaluation is being conducted.

ERO #019-6174 – MMAH Proposed Revocation of the Central Pickering Development Plan (CPDP)

Proposal Overview: To revoke the Central Pickering Development Plan (CPDP), under the *Ontario Planning and Development Act, 1994*, with a view to streamline, reduce and eliminate burdens and potentially increase housing supply.

Summary of TRCA's Response: TRCA recommended that, prior to revocation, clear direction be provided to affected municipalities to ensure official plans and by-laws uphold the ecological systems established through the CPDP and be consistent with the Duffins Creek Watershed Plan. TRCA also recommended that the CPDP stay in place until watershed and sub-watershed plans for Petticoat Creek were completed and details of proposed infrastructure improvements to the York Durham Sewer System (YDSS) in Bill 23 were better known. We further recommended convening a multi-agency panel to identify shared interests, potential impacts, mitigative policies and a path forward to protect and restore natural systems and address local and downstream natural hazard risks. Please see **Attachment 3** for TRCA's full response to ERO 019-6174.

Outcome: On December 21, 2022, a Decision Notice was posted that the government is revoking the CPDP.

ERO #019-6141 – MNRF Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0

Proposal Overview: Legislative and regulation changes under the *Conservation Authorities Act* to streamline processes, provide clarity and certainty for development, and focus on conservation authorities' natural hazards mandate.

Summary of TRCA's Response: TRCA expressed significant concern that the proposed legislative changes as per Schedule 2 (CA Act) of Bill 23 represented a major departure from the first round of CA Act amendments, (which required Memorandums of Understanding between municipalities and CAs for non-mandatory programs and services) and exceeded the scope of items discussed with the CA Working Group (CAWG). TRCA also articulated major concerns that the proposed changes would severely limit CAs' commenting role in the plan review process (under the *Planning Act* and the *Environmental Assessment Act*) and eliminate our ability to assess permits for "conservation of land" and "pollution". It was argued that taking away the holistic ecosystem approach was counter to the purpose of "focusing CAs on their core mandate of natural hazards" since the ecosystem approach is integral to managing hazards.

TRCA firmly requested removal and/or revision of these changes submitting that natural hazards (mandatory service) cannot be effectively managed without consideration of natural heritage (non-mandatory service), as affirmed in the 2019 Provincial Flood Advisor's report recommendation #17: "That the Province support municipalities and conservation authorities to ensure the conservation, restoration and creation of natural green infrastructure (i.e., wetlands, forest cover, pervious surfaces) during land use planning to reduce runoff and mitigate the impacts of flooding."

TRCA recommended the Province re-engage the CAWG and act upon recommendations brought forward to create certainty for development projects while maintaining required protections. Please see **Attachment 4** for TRCA's full response to ERO 019-6141.

Outcome: Bill 23 was passed by the Legislature and received Royal Assent on November 28, 2022. Refer to main Board report for outcome of the amendments.

On December 28, 2022, a new Minister's regulation ([Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 \(1.1\) and 21.1.2 \(1.1\) of the Act](#)) was made to focus CAs' role (on natural hazards) when reviewing and commenting on proposals,

applications, or other matters related to development and land use planning. Under this regulation, CAs are no longer able to provide a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter made under the following Acts:

- *Aggregate Resources Act*
- *Condominium Act, 1998*
- *Drainage Act*
- *Endangered Species Act, 2007*
- *Environmental Assessment Act*
- *Environmental Protection Act*
- *Niagara Escarpment Planning and Development Act*
- *Ontario Heritage Act*
- *Ontario Water Resources Act*
- *Planning Act*

CAs' plan review role must continue to be in accordance with the amended Conservation Authorities Act and [O. Reg. 686/21: Mandatory Programs and Services](#), under 21.1 (1) of the Act

ERO #019-6216 – MMAH Proposed Amendments to the Greenbelt Plan

Proposal Overview: Changes to the Greenbelt Plan were proposed that would remove or redesignate 15 areas of protected land, totaling 7,400 acres from the edge of the Greenbelt to build 50,000 new homes. In exchange, the Province proposed to add 9,400 acres of land to the Greenbelt in the Paris Galt Moraine area and 13 Urban River Valleys (URVs) previously considered for addition through earlier phases of consultation on growing the Greenbelt.

Summary of TRCA's Response: TRCA noted that a shortage of land supply is not the problem with land available inside the existing built-up areas and on undeveloped land outside greenbelts based on the Report of the Ontario Housing Affordability Task Force. TRCA suggested the Province work with our partner municipalities, TRCA and the development industry to support reasonable development in approved urban areas outside the Greenbelt that considers current science and policy. TRCA maintained the position that the Greenbelt and the policy protections it provides should not be reduced. However, if the removals were to proceed, a science-based approach based on comprehensive watershed and natural heritage studies must be considered, e.g., to ensure removals/additions are within the same watersheds and that natural systems, natural hazards and buffers/setbacks remain. Please see **Attachment 5** for TRCA's full response to ERO 019-6216.

Outcome: As posted on the respective EROs ([019-4485](#), [019-6217](#), [019-6218](#)), a decision was made on December 21, 2022 to amend the Greenbelt Plan and Greenbelt Area boundary regulation, and redesignate land under the Oak Ridges Moraine Conservation Plan, as proposed.

ERO #019-6163 – MMAH Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022) and [019-6197](#) - Proposed Changes to O. Reg 299/19: Additional Residential Units

Proposal Overview: Legislative changes to the *Planning Act* and the *City of Toronto Act* proposed to support increasing housing supply and streamlining planning approvals, including:

- Allowing up to three units per lot “as-of-right” in many existing residential areas
- Requiring municipalities to implement “as-of-right” zoning for transit supportive densities in specified areas around transit, and to update their zoning by-laws accordingly
- Removal of planning policy approval responsibilities from certain upper-tier municipalities (regions of Durham, Halton, Niagara, Peel Waterloo, York, and Simcoe County)
- Limits to third party appeals for planning matters
- Exempting all aspects of site plan control for residential development up to ten units and removing the ability for municipalities to regulate architectural details and landscape design through site plan control
- Enacting provisions limiting CA appeals to matters on natural hazard policy in provincial statements

Summary of TRCA’s Response: With Bill 23 having been passed in advance of the comment deadline, TRCA requested that CAs be consulted on the regulations necessary to implement the amendments to address our concerns related to reduced oversight for managing natural hazards and meeting source water protection requirements, e.g., via site plan control exemptions and “as-of-right” zoning permissions. TRCA also expressed concerns on how removal of regional planning responsibilities could impact watershed planning and source protection plan implementation through diminished regional scale planning coordination and oversight. Please see **Attachment 6** for TRCA’s full response.

Outcome: Bill 23 was passed by the Legislature and received Royal Assent on November 28, 2022.

ERO #019-6192 – MECP Supporting Growth and Housing in York and Durham Regions Act, 2022

Proposal Overview: Legislation was proposed that would require York and Durham Regions to expand and improve the existing YDSS to convey sewage from communities in upper York Region to the Duffins Creek Water Pollution Control Plant in Durham Region for treatment and discharge into Lake Ontario.

Summary of TRCA’s Response: TRCA noted that related ERO postings (e.g., Greenbelt Amendments) contemplated urban expansion and new development that would require a re-examination of servicing capacity beyond the capacity of what had been envisioned previously for these areas. We recommended that additional details on transmission routes and associated infrastructure, be provided and that the Province conduct and consult on an appropriate EA for the undertaking (or similar requirements within contemplated Environmental Reports) to inform alternatives and avoid/mitigate

unavoidable environmental impacts. Please see **Attachment 7** for TRCA's full response to ERO 019-6192.

Outcome: Bill 23 was passed by the Legislature and received Royal Assent on November 28, 2022.

ERO #019-6167 – MMAH Proposed Revocation of the Parkway Belt West Plan

Proposal Overview: Feedback was sought on revoking the Parkway Belt West Plan, 1978 (PBWP), under the *Ontario Planning and Development Act, 1994* to help streamline, reduce, and eliminate burdens and to potentially increase housing supply.

Summary of TRCA's Response: The features, functions corridors and linkages provided PBWP are critical in supporting biodiversity, especially in urban settings and are vital in combating the effects of climate change. Open space corridors also bring social benefits, e.g., portions comprise elements of the [TRCA Trail Strategy for the Greater Toronto Region](#). The PBWP has been effective in protecting vital infrastructure and greenspace, however, no insight is provided on how Plan objectives will continue to be met, or how policy gaps would be addressed. As such, TRCA recommended that the PBWP stay in place until a more fulsome Plan review process involving public consultation is undertaken and/or that some parts be included in the Greenbelt. Please see **Attachment 8** for TRCA's full response to ERO 019-6167.

Outcome: At the time of writing, a decision on this proposal has not been released.

ERO #019-6161 – MNRF Conserving Ontario's Natural Heritage

Proposal Overview: Through a discussion paper entitled, "Conserving Ontario's Natural Heritage", feedback was sought on a policy framework to offset development pressures on wetlands, woodlands, and other natural wildlife habitat. This offset policy would require a net positive impact on these features to help reverse the long-term loss of natural heritage in Ontario.

Summary of TRCA's Response: In addition to detailed commentary specific to the discussion paper, the following general comments were provided:

- Natural feature offsetting should not be the default option for land use proposals; avoidance of negative impacts to features and functions should take precedence
- Although beneficial in some circumstances, offsetting has significant limitations and cannot practically replace all ecosystem structure and functions
- Effective implementation requires clarity and collaboration

Please see **Attachment 9** for TRCA's full response to ERO 019-6161.

Outcome: As at the time of writing, a decision on this proposal has not been released.

ERO #019-6177 – MMAH Review of A Place to Grow and Provincial Policy Statement

Proposal Overview: Input was sought on how to streamline a province-wide land use planning policy framework to enable municipalities to approve housing faster and

increase housing supply. In doing so, the Provincial Policy Statement (PPS) would be integrated with A Place to Grow (Growth Plan) to form a new planning policy instrument that:

- Leverages the housing-supportive policies of both policy documents;
- Removes or streamlines policies that duplicate, delay or burden housing development;
- Ensures growth management and planning tools increase housing supply and options;
- Continues to protect the environment, cultural heritage, public health and safety; and
- Ensures growth is supported with the appropriate amount and type of infrastructure.

Core elements of this new policy instrument of interest to TRCA could include:

- Less-prescriptive policy direction requiring fewer studies, more flexible comprehensive reviews enabling faster implementation of provincial policy.
- Streamlined policy direction for natural heritage through empowered local decision making and options to reduce development impacts, including offsetting/compensation.
- Simplified policy direction to enable municipalities to expand settlement area boundaries.
- Direction enabling municipalities to use alternate population and employment information to determine housing and land needs.
- Direction to increase housing supply through intensification in strategic growth areas.

Summary of TRCA's Response: The proposed amalgamation of the PPS and Growth Plan risks diluting environmental protections specific to the urban centres and settlement area boundary issues of the Greater Golden Horseshoe, in favour of province-wide housing-focused direction. The absence of area-specific environmental policies contained in the Growth Plan could result in diminished overall protections. Policies pertaining to the wise use and management of resources (e.g., natural heritage, water), protecting public health and safety (e.g., natural hazards), integrated infrastructure and land use planning to support growth (e.g., water, wastewater and stormwater management) and protecting what is valuable (natural heritage and water resource systems, key natural features, etc.) should not be seen as barriers to housing. They are fundamental to effective land use, infrastructure and environmental planning and should be carried forward as prerequisites to development. Please see **Attachment 10** for TRCA's full response to ERO 019-6177.

Outcome: As at the time of writing, a decision on this proposal has not been released.

ERO #019-2927 – MNRF Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario

Proposal Overview: A regulation is proposed governing the activities that require permits under the CA Act. It would focus permitting decisions on matters related to the control of flooding and other natural hazards and the protection of people and property and would allow updates to the CA Act in recent years to come into effect. A consultation guide was provided with additional descriptions of the proposed changes.

Summary of TRCA's Response: TRCA supported certain aspects of the proposal in principle (e.g., service delivery standards as requirements, updating "other areas" associated with wetlands, streamlining approvals for low-risk activities). TRCA expressed concern, however, regarding the modified definition of "watercourse" as it would result in headwater drainage features no longer being regulated by CAs, making them and the vital functions they provide vulnerable to development. TRCA also highlighted the potential implications of CA permit exemption framework being tied to a *Planning Act* approvals process not designed to respond to the dynamic, science-based nature of natural hazards at the watershed scale or having the staff and technical capacity to do so as provided under the CA Act. TRCA further cautioned against exemptions where detailed design of a project and limits of development relative to natural hazards is not fully determined. TRCA recommended reinstating the multi-stakeholder CAWG to provide input on the new regulation(s) prior to finalization. Additionally, TRCA recommended that the definition of wetland be amended for consistency with the PPS. Please see **Attachment 11** for TRCA's full response to ERO 019-2927.

Outcome: A government decision specific to this ERO has not been released and a section 28 regulation has not been released at the time of writing.

Chief Executive Officer



November 24, 2022

BY E-MAIL ONLY (wetlands@ontario.ca)

**Re: TRCA Response to Request for Comments
Proposed Updates to the Ontario Wetland Evaluation System (ERO #019-6160)**

Thank you for the opportunity to comment on the above noted posting to the Environmental Registry of Ontario (ERO) by the Ministry of Natural Resources and Forestry (MNRF), which proposes updates to the Ontario Wetland Evaluation System in support of Ontario's *Housing Supply Action Plan*. We understand that the intent of this ERO is to remove duplicate requirements and streamline the Ontario Wetland Evaluation System (OWES) process. We note the following proposed changes of key interest to TRCA:

- New section on Wetland Re-evaluations and Mapping Updates
- Removal of:
 - Sections and references to wetland complexes / complexing
 - MNRF as a review and approval authority for final wetland evaluations
 - References to "locally important wetlands"
 - Consideration and scoring for the habitat of endangered or threatened species
 - References to other users of wetland evaluations, e.g., conservation authorities (CAs)
 - Details for determination of a "complete wetland evaluation file"
 - Detailed listing of sources of information to consider when ascertaining wetland locations (e.g., imagery through Land Information Ontario, CA regulatory maps, etc.)
 - "Documentation of Wetland Features Not Included in the Evaluation" section

TRCA has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the *Conservation Authorities Act* (CA Act);
- A public commenting body under the *Planning Act* and the Environmental Assessment (EA) Act;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipal partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region.

In these roles, and as stated in the *Made-in-Ontario Environment Plan*, CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. With TRCA's roles, responsibilities, and experience in mind, we offer the following comments.

GENERAL COMMENTS

Wetlands are vital to the health of our watersheds and communities. Some of the most noteworthy ecosystem services and functions provided by wetlands include regulation of the hydrologic cycle,

reduction of peak flows and flooding during storm events, promotion of groundwater recharge and discharge, regulation of climate, uptake of pollution, promotion of healthy aquatic communities, protection of biodiversity including provision of unique and specialized habitat for a variety of species and communities, and provision of recreational opportunities. These services are often economically and ecologically impossible to duplicate once lost.

To support reasonably healthy and resilient ecosystems, [Environment Canada's How Much Habitat is Enough](#) recommends a minimum of 10 percent wetland coverage across the landscape. Within TRCA's jurisdiction, wetland cover is extremely low at less than 5 percent, and 90 percent of these wetlands are small (less than 2 ha) in size. Roughly 90 percent of historic wetlands across TRCA's watersheds were lost due to land conversion. Thus, the value of the functions and services provided by the remaining wetlands is magnified in this altered land use context.

As the main tool for assessing wetlands' value at the provincial scale, OWES is a fundamental component of Ontario's natural resources management framework. Its application has proven OWES to be a science-based, defensible framework, allowing for the consistent valuation of wetlands and the rating of wetlands relative to each other. Further, OWES has provided a mechanism through which conflicting claims about wetland values can be resolved. Allowing for the collection of significant biophysical information housed at the provincial scale, OWES' application provides valuable information used by decision makers, resource managers and interested persons.

TRCA uses OWES evaluation results to assist with implementing our regulatory responsibilities under the CA Act. Our municipal partners also rely on TRCA's science-based technical expertise to assist with the identification, review, and protection of wetlands through our review and commenting role under the *Planning Act*, and in the development of watershed plans and studies. We acknowledge that OWES is not a mechanism to suggest the kind of management that is best applied to a wetland, however, OWES provides the fundamental basis for considering wetland management options and alternatives. This has been critical to implementing federal and provincial legislation and policy and supporting effective land use planning and resources management decision making at various scales.

The role that OWES plays in supporting land use planning and resource management decision making will continue to be important as the Province acts decisively to increase the housing supply and advance infrastructure projects. We are supportive, in principle, of the government undertaking a review of the OWES manual and share the goal of increasing housing supply. However, **TRCA is concerned that the proposed changes to OWES would significantly reduce the number of PSWs afforded greater environmental protections. If these changes take effect, we are concerned that subsequent impacts/removals would diminish wetlands' essential natural functions, such as mitigating floods, controlling erosion, conserving, and purifying water, supporting biodiversity, and carbon sequestration.**

The following comments reflect TRCA's concerns with the proposed updates to the OWES Southern Manual, as presented in ERO #019-6160. TRCA trusts that this feedback will help inform meaningful and practical updates to OWES, allowing this framework to continue to support effective and efficient decision making in a defensible and practical way. In addition to the following numbered comments and recommendations, which emphasize key, higher-level areas of concern, please consider our detailed comments in the table below. We look forward to continued collaboration with the Province and its government and stakeholder partners on how to achieve our shared goals. This collaboration could take the form of a working group as outlined in some of our later recommendations. The pre-established

Conservation Authorities Working Group or another working group could help to ensure changes are practical and carefully considered in light of potential impacts.

1. Wetland complexing must not be removed as a mechanism to value hydrologically and biologically connected wetlands across the landscape

Currently under the OWES manual wetlands under 2 ha in size do not need to be evaluated for significance (no change to the manual). Under the current proposal to amend the OWES manual, the ability to 'complex' wetlands would be eliminated. In current practice, small wetlands are evaluated as part of a functionally interconnected complex of wetlands across the landscape as their true value can only be accurately assessed at this broader scale. This allows an entire complex of wetlands to be scored together, valuing the true function of interconnected wetlands. Subsequently, complexing ensured that wetlands of provincial significance were identified. With the currently proposed changes to the OWES manual, wetlands as part of an established PSW complex can be re-evaluated. Small wetlands can be pulled out of the wetland complex and re-evaluated on their own, thus resulting in wetlands currently designated as provincially significant being down listed. Small wetlands evaluated on their own will not achieve scores high enough to assign a PSW designation. These wetlands will be at significant risk of being undervalued and eligible for removal. A further consequence would be that as a result of smaller wetlands in a complex being removed, that the larger protected PSWs that are left would likely see their functions diminish and become degraded.

To further highlight the potential consequences, TRCA offers the following. A cursory analysis of wetlands across TRCA's jurisdiction has documented 10,355 individual wetland units. When broken down by size, 90% of these wetlands are less than 2 ha. Wetlands within TRCA's jurisdiction cover approximately 11,000 hectares – which constitutes only 4.46% of the total land area within the jurisdiction. Thus, wetlands across the TRCA jurisdiction are extremely rare on the landscape and are primarily small. Consequently, their cumulative hydrological, ecological, and social functions are significant.

The vulnerability of these wetlands must be noted. It is acknowledged that 61% of these wetlands currently intersect with hazard lands regulated by TRCA. However, of the remaining wetlands, 97% are smaller than 2 hectares and only 24% are currently evaluated as provincially significant.

The proposed changes to OWES in relation to complexing and the identified size threshold puts a vast majority of wetlands within the TRCA jurisdiction, particularly those outside of hazard lands, at risk. It is acknowledged that there have been challenges to the wetland complexing processes, however, the ability to value closely linked wetlands should not be entirely removed. This will ensure wetland values, when considered at a landscape scale, are adequately captured.

TRCA Recommendations

- ❖ **TRCA strongly recommends that the section titled "Wetland Complexes" as well as all references to wetland complexes / complexing remain in the OWES manual, to continue to encourage evaluators to score the entire complex as one wetland. TRCA would be pleased to work with the Province to review the OWES criteria for complexing and scoring to ensure that these considerations remain effective, to eliminate uncertainty and the lack of clear direction for complexing wetlands, and to ensure that scoring continues to be based on a scientific approach.**

- ❖ The updated OWES manual should state that re-evaluation of wetland complexes may only occur through a complete re-evaluation of all units in the existing wetland complex, and that the status of a wetland complex (e.g., significant, or not) may only change based on a re-evaluation of the complete wetland complex (i.e., all units that were previously evaluated as part of the wetland complex must be re-evaluated at the same time). Previous wetland evaluations must also be considered when undertaking evaluations to clearly identify and document where changes have occurred resulting in a different cumulative score.

2. The OWES approval process needs clarity, government oversight and accountability

MNR's roles in administering and applying OWES would be removed. Instead, responsibility for applying OWES would lie with a certified wetland evaluator. This would place significant responsibility with evaluators without robust standards to ensure expertise/competence or recourse for breach of ethics or professional misconduct. Moreover, approval responsibilities would be downloaded to municipalities without a clear process for doing so. Wetland evaluations (and re-evaluations) would be "approved" once an evaluation is submitted to the municipality. This would contradict the science-based principle of peer review and iterative application review process under the *Planning Act*. Municipalities generally lack the capacity and expertise to address wetland evaluation matters. This change without commensurate expertise or technical review capacity present, would cause confusion and delays, particularly if disagreement arose regarding evaluation accuracy/results or applicable policy. Adding to this complexity, municipal capacity and technical expertise to receive and respond to wetland evaluations is limited even in the Greater Toronto Area, which could necessitate increased costs to the taxpayers to remedy.

There are no clear requirements for making wetland evaluations, re-evaluations, delineation/mapping and associated data publicly accessible or shared amongst government or partnering agencies. Clarification is needed given that wetlands may cross jurisdictional boundaries, or their identification and significance may have broader implications to regional and provincial natural heritage systems and watershed planning with resulting downstream flood and hazard impacts. Recognition of the Province's role in providing information, data, and in some cases expertise, should not be lost.

TRCA Recommendations

- ❖ If the Province is to remove itself from OWES, the appropriate government or partner agency, and their roles and responsibilities regarding such coordination and oversight should be clearly identified/referenced to support the evaluation process.
- ❖ There needs to be an accountable, unbiased body that oversees the OWES process and provides support to those undertaking evaluations and those receiving evaluations (for instance, academic institutions that support OWES certification could be an accountable, unbiased body).
- ❖ There must also be a process for reviewing submitted evaluations and scrutinizing results to hold wetland evaluators accountable. Oversight should be built into the process to ensure that wetland evaluations are undertaken in accordance with OWES and to demonstrate transparency and accountability. This is essential for OWES to remain science-based and defensible. Such a provincially led process with clear governance exists for Source Protection Plans involving CAs and municipalities and provincially designated staff, and something akin to this should be considered to ensure rigour in the wetland evaluation process.

- ❖ **The role of the “decision maker addressing a land use planning and development or resource management matter” must be clarified to assist external agencies such as CAs and private landowners with navigating the process of obtaining completed wetland evaluations.**

3. Reinstate Wetland Valuation tied to Habitat of Endangered Species

Another critical component of OWES proposed for removal is any valuation tied to the habitat of species at risk. Wetlands that support these species have values and functions that should be considered in OWES. Rather than remove reference entirely, OWES should reconsider how species at risk habitat is defined and scored. This proposed removal additionally creates inconsistencies with the federal *Species at Risk Act* and Ontario’s *Endangered Species Act* whereby the value of species at risk and their habitat are being ignored in the OWES valuation process. Thus, OWES should continue to acknowledge and account for species at risk to ensure alignment with other provincial and federal processes.

- ❖ **TRCA strongly recommends that rather than exclude a species at risk section entirely, the criteria for consideration of species at risk be refined to ensure that it is clearly demonstrated that a wetland directly supports critical life processes of the species, and a lesser score (e.g., score of 150 per species, and 75 for each additional species) be afforded to species at risk to address the challenges of an automatic PSW designation.**

4. The proposed updates are premature and do not reflect the interests and concerns of all key impacted stakeholders involved in OWES implementation

Changes focus on the large-scale devaluation of wetlands to facilitate development. **TRCA recommends that changes should address identified challenges with a view to efficient and effective land use planning and resource management decision making.** In TRCA staff’s experience, a lack of clear direction in wetland policy results in reluctance in undertaking evaluations using OWES, causing delays. Additionally, multiple requested re-evaluations of PSWs in TRCA’s jurisdiction have stalled with the Province in recent years, causing significant delay in planning approvals.

OWES should be scientifically defensible, transparent, and accountable, and include checks and balances, while remaining efficient and practical. Yet, entire sections pertaining to these critical components would be removed without a scientific rationale. The confusion and delays described above as a result of these changes would run counter to the Province’s intent for building more homes faster. Compounded by proposed changes to the CA Act through Bill 23 (and potential changes to the PPS and Growth Plan), the OWES updates would further dilute the provincial framework for the management and protection of wetlands at a time when consistency and predictability are imperative to expedite development approvals to get more housing built faster.

TRCA Recommendations

- ❖ **The Province should create a working group to better inform the proposed updates to OWES so it can be practically and efficiently implemented. The group should be represented by all those involved in OWES implementation, including public and private sector practitioners, academia, public agencies (including wetland regulators, government, and municipal representatives), Indigenous communities, and NGOs. This group would be well positioned to inform immediate changes to OWES for more efficient implementation and advise on how best to update Ontario’s framework for managing wetlands that meet shared objectives for expedited development and environmental protection.**

DETAILED COMMENTS

In response to the above noted general challenges, the proceeding detailed comments provide detailed observations and recommendations, ideally encouraging revisions that will allow for OWES to be practical and defensible.

ERO 019-6160 – DETAILED COMMENTS	
Page	Comment
Page 4	Anticipated challenges associated with the responsibilities bestowed to OWES evaluators have not been addressed. OWES certification does not provide assurance of professional competence and experience, nor does it provide mechanisms to hold evaluators accountable to professional standards. There are no requirements to renew certification or commit to learning and continued professional improvement. Further, there are no scenarios under which an evaluator can have their certification suspended or withdrawn if professional standards are not complied with. To ensure the revised OWES process is transparent, defensible, and practical, there must be procedures in place to hold wetland evaluators accountable. Oversight should be built into the process to ensure that wetland evaluations are undertaken in accordance with OWES and to demonstrate transparency and accountability. This is essential for OWES to remain science-based and defensible.
Page 4	Reference to CAs and their role in regulating wetlands, and reference to wetland protections afforded under the Provincial Policy Statement (PPS) would be removed. We note that proposed changes to the CA Act (and regulations made thereunder) through Bill 23, or any future changes to the PPS have not been finalized as public consultation is ongoing. As the overarching framework for the regulation and management of wetlands in Ontario is not known at this time, it is premature to propose corresponding changes in OWES. We recommended that a working group be established that allows for representation of all those involved in the implementation of OWES. This would better inform the proposed changes to OWES and ensure that the manual can be practically and efficiently implemented.
Page 4-5	Removing reference to uses of wetland evaluations in land use planning, watershed plans and PPS may lead to a misunderstanding of the environmental purpose of wetland evaluations. Please clarify how wetland evaluations can and should be utilized within the land use planning and resources management planning frameworks. The applicability of OWES to other resource management processes (e.g., CLTIP, resource management plans, watershed plans, etc.,) as well as to private and public landowners not associated with the land use planning process is not described in OWES.
Page 7-8	<p>The new section on 'Wetland Re-Evaluations and Mapping Updates' would allow wetlands previously evaluated as part of a complex to be re-evaluated as a single wetland, likely resulting in them being reassessed as not significant. The individual functional significance of the wetland making up the complex will be removed. This may be appropriate in very limited circumstances. However, to maintain the integrity of previous evaluations, limitations should be placed on the ability to 'break apart' wetland complexes and re-evaluate individual components within them.</p> <p>A significant number of small wetlands currently identified as provincially significant would be re-evaluated as not significant, and a large number of wetlands within the GGH would be eligible for removal from the landscape as their value have not been accurately defined.</p>

	<p>Of the 10,355 wetland units within TRCA's jurisdiction, 6,325 are found within or intersect with hazard lands (i.e., crest of slope, meanderbelt, floodplain). The remaining 4,030 wetlands outside of hazard lands are primarily small wetlands, with 97% of them being less than 2 ha in size. Further, of these 4,030 wetlands, only 24% are currently evaluated as provincially significant, largely due to the fact that most were evaluated as part of a wetland complex.</p> <p>These wetlands would be extremely vulnerable to removal from the landscape, as they would be eligible for removal from the complex and re-evaluation. Individually, they would generally not trigger scores high enough to designate them as provincially significant. Their cumulative values would not be considered under the proposed OWES framework. Where only 4.46% of the total land area in TRCA's jurisdiction is covered in wetland, the removal of upwards of 24% of these wetlands would have devastating consequences on the hydrological, ecological, and social functions as well as the ecosystem services they provide.</p> <p>We recommend providing clear guidance and limitations on re-evaluating wetlands that were part of a PSW complex. At minimum, OWES should provide further opportunity for very closely hydrologically and biologically linked wetlands to be considered as one wetland unit, which would be applicable to wetlands that are currently part of a wetland complex (See detailed comments below on the proposed changes to the section on Wetland Complexes).</p>
Page 7-8	<p>Within the section titled 'Wetland Re-Evaluations and Mapping Updates', there are no conditions or requirements associated with wetland re-evaluations. Thus, a wetland can be evaluated repeatedly, resulting in potentially conflicting results. Through the land use planning decision making process, this could cause costly impacts or delays. We recommend providing greater direction on when a wetland could be eligible for re-evaluation, thus eliminating a source of confusion or delay.</p>
Page 7-8	<p>The proposed new section titled 'Wetland Re-Evaluations and Mapping Updates' states that previous wetland evaluation documentation can be used as a source of information where it should state that the previous wetland evaluation information <u>should</u> be used as source of information. This will ensure previous information is available to the wetland evaluator and / or circumstances that have changed influencing a different evaluation result are considered.</p>
Page 5-8	<p>Proposed changes to the sections 'How the Scoring System Works' and 'A Complete Evaluation' would remove the Province's role in administering OWES and / or being available to support evaluators in applying the evaluation system or addressing disagreement or issues. Sole responsibility for interpreting and applying OWES is in the hands of a wetland evaluator.</p> <p>This leaves a significant gap in the oversight of OWES. It is recommended that there be an accountable, unbiased body that oversees the OWES process and provides support to those undertaking evaluations and those receiving evaluations (for instance, academic institutions that support OWES certification). It is further recommended that there be a process established for reviewing submitted evaluations and scrutinizing results with hard timelines for decision making.</p>
Page 8	<p>The OWES manual outlines that the evaluation system provides a mechanism or framework through which conflicting claims about wetland values and uses can be resolved. However, the new section titled 'A Complete Evaluation' proposes that a wetland evaluation is complete once it has been received by a decision maker. There will be no mechanism under</p>

	OWES to address and resolve conflicting claims, as there remains no oversight to the evaluation process and no opportunity to review efforts and scrutinize results. TRCA recommends that the Province reconsider the process by which wetland evaluations are submitted and verified. To maintain defensibility, there must be a process under which it can be determined if a wetland evaluation was completed accurately and in accordance with the manual, or even if it is complete. Decision makers should be offered an opportunity to review evaluations, consult with the province or another unbiased agency in interpreting the results, and request revisions. At minimum, the revised OWES manual should allow for decision makers to accept or reject a wetland evaluation based on a set of standards or have an evaluation peer reviewed. Otherwise, there will be no way to maintain quality standards and / or uphold credibility. There is no transparency or accountability on behalf of the wetland evaluator. Decision makers will be constrained, and decisions may be made based on inaccurate or unverified information. Misapplication of legislation and policy may also result. Likewise, decision makers will not be able to defend their decisions. This increased complexity and lack of certainty will result in costly delays in decision making.
Page 8	We suggest defining a ‘decision maker’ in the context of proposed revisions that would place responsibility for receiving a wetland evaluation with a ‘decision maker addressing a land use planning and development or resource management matter’. While this may be clear to some in the context of municipal planning processes, it is not as clear for resource management matters. Also, please provide more certainty on how OWES better recognizes the role of local decision makers, as stated in the summary of proposed changes on Page 2. Currently, it appears as if decision makers have no role other than receiving an evaluation and taking it for face value, as highlighted in the comment above.
Page 8	Significant delays can occur in the land use planning and permitting processes where there is a lack of clear direction in applicable wetland definitions. Much of the process of wetland planning and management is focused on whether a feature qualifies as wetland or not. Within OWES, the definition of wetlands and wetland areas references wetlands that should not be considered in OWES. There may be opportunities to expand this section to provide clear criteria for features qualifying as a wetland under OWES. Wetlands that are extremely small (under 0.2 ha) and isolated, or those that have recently developed (less than 10 years) due to land conversion (i.e., construction of a berm, installation of a roadside swale, etc.), could be excluded from consideration as a wetland. The circumstances under which this section might be expanded should be explored in consultation with applicable experts and agencies, such as a working group referenced in previous comments. This could address some of significant challenges identified in the application of OWES, allowing for targeted work on wetlands that hold critical function and values and better directing the type of features that should be regulated and / or managed.
Page 9	The revised OWES should provide clarity and direction on how to evaluate, re-evaluate or adjust the boundary of a wetland that has been unlawfully removed or altered. OWES should stipulate that background data (historical imagery, previous wetland boundaries, previously collected data) be used to inform previous wetland boundaries. This would provide support to decision making and associated management options for these scenarios. Remaining silent on this matter will continue to cause confusion and conflict. Stating that once the vegetation and soil conditions have been eliminated, a wetland is no longer present, continues to provide challenges for decision makers and enables landowners to unlawfully impact wetlands for development gains.
Page 9	The section ‘The Wetland Evaluation File’ is proposed for removal from OWES. If provincial oversight of wetland evaluations and files is to be eliminated, the OWES manual should

	<p>provide clear instruction for submitting wetland evaluations to ensure those documents are standardized and publicly accessible within a reasonable amount of time. There needs to be an accountable organization or public body responsible for records keeping, ensuring that old files and associated data are accessible and new information is made available. In the revised OWES manual, please include clear requirements and timelines associated with submitting wetland evaluations and associated digital mapping files. Consider utilizing the Natural Heritage Information Centre / Lands and Information Ontario platform to make current and past wetland evaluations available to decision makers, the public, stakeholders, academia, Indigenous communities, NGO's, etc. NHIC is referenced as a source for a number of other OWES criteria and holds publicly accessible natural heritage data – thus this platform would be a logical location for making wetland evaluation documents and data available. This comment is also relevant to the following sections within OWES: Field Evaluation, Wetland Boundaries, Preparation of Wetland Maps, and Completing the Wetland Data and Scoring Record.</p>
Page 12	<p>The section titled 'Sources of Information', outlines that 'no information' should be clearly stated, and the wetland evaluation should not contain any blanks. It is acknowledged that wetland evaluations may not be completed to the greatest degree of accuracy. Wetland evaluators are limited by their professional experience, expertise, and access to data. Thus, it is critical for some level of administration oversight and / or peer review to ensure that all data applicable to a wetland evaluation is considered, and to ensure that practitioners are provided with access to data that may have been missed or was unavailable (e.g., through data sharing agreements, specialized licencing and / or training; data that is restricted, etc.).</p>
Page 14-15	<p>Trained evaluators can now have untrained individuals assist them with field visits provided their work is reviewed by the trained evaluator. This opens the door for incomplete data collection if individuals do not have the appropriate level of expertise. Consider providing stronger language on sign-off from a certified wetland evaluator, ensuring the data is complete and the wetland evaluation has been carried out in accordance with the manual. Further, reconsider the essential need for oversight to the process so that there is an opportunity to review and accept wetland evaluations.</p>
Page 14	<p>The new section titled 'Field Visits' states that wetland evaluations require field visits at an appropriate time of year. Please consider providing some additional guidance on the meaning of 'appropriate time of year'. Some criteria considered under OWES can be assessed at any time of year, however, other information can only be accurately obtained during a specific window. For instance, delineating the boundary between upland and wetland vegetation and accurately identifying plants within a wetland can only be accurately undertaken during the growing season. Despite this, many practitioners attempt to identify plant species and map wetland boundaries during the winter months.</p> <p>Please provide further guidance to ensure OWES provides clear direction and eliminates opportunities for abuse or misinterpretation. The lack of specific direction in this section will result in missed opportunities for appropriate field work and delay in the evaluation process.</p>
Page 15	<p>Please leave proposed strikeouts in the section titled 'Timing of Field Visits' to ensure evaluators understand the value in identifying data/information gaps that may influence (re)evaluations or revise the information to better reflect to the proposed changes to OWES. Specifically, maintain a note that "A wetland evaluation is conducted at a point in time. Thus, information obtained in an evaluation should be considered in the context of</p>

	available information at that time. Where information is not available, this should be clearly noted. As wetlands may be re-evaluated in the future, it is crucial to identify any missing information or data gaps that may be filled at a future date’.
Page 18	In the section ‘Wetland Boundaries’, the note ‘existing wetland boundaries, regardless of their age remain in effect until they are revised...’ is proposed for removal. This note should remain in the text of the manual or revised to align with proposed changes to OWES. It is important that the OWES manual states that wetland boundaries remain in effect until they are re-evaluated, or the boundaries refined through a site visit (as per direction contained in the section Wetland Re-Evaluations and Mapping Updates). This would ensure that wetland boundaries are not removed from the provincial data set until it can be clearly demonstrated that the wetland has changed or no longer exists through the OWES process.
Page 20	Within the section ‘Wetland Edges Bordering on Lakes and Rivers’, please consider the following minor revisions: <ul style="list-style-type: none"> • Correct the type-o within the second example to read ‘river or lake’. • Utilize the same unit of measure, noting a distance of 30 m or less (as opposed to 100 feet) in the second example. • Provide clarity on the term ‘edges bordering on’ to avoid ambiguity. • The terminology ‘bordering on’ is utilized elsewhere in OWES. Please clarify as needed throughout OWES to avoid ambiguity in interpretation and resulting delay.
Page 20	Within the section ‘Wetland Edges Bordering on Lakes and Rivers’, examples outline circumstances under which very closely grouped wetlands function together as one. Two examples are provided. Please consider providing more context or criteria to be met to consider closely grouped wetlands to be evaluated as one and provide additional direction to evaluators on how to make this determination.
Page 20	Under the proposed process where no review or oversight is required, a lack of specific criteria for grouping wetlands will result in misinterpretation and delay. Please consider applying lessons learned from the current OWES process and provide more specific direction on grouping wetlands as one.
Page 20	Within the section ‘Wetland Edges Bordering on Lakes and Rivers’, a 30 m threshold has been applied to outline when wetlands should be evaluated as one unit. Additionally, 100 feet has been identified as the threshold for wetlands along a ‘river or a lake’ to be considered as one unit. The scientific rationale for this is not clear. Please consider utilizing a defensible and consistent threshold based upon a literature review and / or direction in existing policies and guidelines, and that a reference is provided rationalizing the distance threshold and consider hydrological and biological criteria.
Page 23	Catchment Basin maps can no longer be used in the scoring process for the hydrological component as per the proposed changes to OWES. The hydrological component is designed to determine the net hydrological benefit provided by the wetland to the portion of the basin downstream of the wetland. The catchment basin map is used to identify other detention areas and feeds into the flood attenuation (section 3.1) and water quality improvement (section 3.2) calculations in the hydrological component. Thus, excluding the catchment basin map implies that a given wetland would automatically score lower if the added information obtained from the catchment basin map is being excluded. Rationale for this exclusion should be provided. Please reinstate the section on catchment basin maps in OWES to ensure that the net hydrological benefit provided by the wetland is considered in OWES or consider an alternative criterion to account for the catch basin component.

Page 24	<p>Direction from the removed section ‘Completing the Wetland Evaluation Data and Scoring Record’ is critical to ensure a wetland evaluation is completed to the standards set out in the manual. Please consider leaving in the existing text or revising it to reflect any relevant changes in the manual. OWES should provide clear direction on information to be contained within a wetland evaluation, the format which it should be prepared in, and timelines associated with submitting the materials. If the Province’s role in providing oversight to wetland evaluations is removed, it is critical that new processes and standards be put in place to ensure OWES is accurately and consistently applied, and there is little room for misinterpretation of expectations or misapplication of the manual. This comment is also relevant to the following sections within OWES: The Wetland Evaluation File, Field Evaluation, Wetland Boundaries, and Preparation of Wetland Maps.</p>
Page 26	<p>Revisions are proposed to the section titled ‘Wetland Size’. This section notes that small wetlands, those under 2 ha in size, are generally not evaluated. Rationale is to be provided if these wetlands are to be evaluated. While OWES acknowledges that small wetlands have important hydrological, social, and biological functions, there is a significant gap in ensuring the values associated with small wetlands are accurately accounted for, particularly in areas where wetland loss is the greatest.</p> <p>Small wetlands dominate the landscape in built-up areas in southern Ontario. Only approximately 9% of wetlands in the southern GTA (Eco-District 7E-4) are greater than 2 ha in size, while only 17% of wetlands in the central GTA (Eco-District 6E-7) are greater than 2 ha in size. These statistics are further highlighted when considering that 72% of wetland units in southern GTA are less than 0.5 ha in size, and 59% of wetlands in central GTA are less than 0.5 ha in size.</p> <p>Considering their rarity on the landscape, these small wetlands hold critical hydrological, social, and biological functions – particularly when considered cumulatively across the landscape. Small wetlands are often hydrologically linked to other wetlands and surface water features within a watershed; contain important groundwater seepage functions, particularly in headwater areas; support flood attenuation; provide important habitat connectivity; and support Significant Wildlife Habitat, habitat of species at risk, and rare species, providing critical biodiversity and habitat functions. They also contribute to societal well-being and culture in a variety of ways. However, small wetlands and their value are often overlooked. They will be even further overlooked considering that the ability to complex wetlands is proposed for removal from OWES. It is strongly recommended that the section on Wetland Size in OWES be updated, and direction provided to encourage or require evaluations of wetlands under 2 ha in size in areas where wetland loss is the greatest. For instance, where wetlands under 2 ha in size represent over 75% of wetlands on the landscape in an Eco-District, or within a watershed, could be a trigger to undertake a wetland evaluation.</p>
Page 26	<p>The changes proposed to OWES as they relate to the ability to evaluate wetlands as part of an interconnected complex, as well as the manual maintaining that small wetlands (under 2 ha in size) need not be evaluated presents considerable challenges particularly across built-up areas where small wetlands dominate the landscape yet provide critical functions. At minimum there should be language in OWES that stipulates that land use planning and development decision makers may request or require, at their discretion, that smaller wetlands be evaluated to support effective decision making and to accurately apply policy. In addition, consider the size trigger for a wetland evaluation being consistent with other</p>

	<p>provincial guidelines or evaluation tools (e.g., ELC, Oak Ridges Moraine and Greenbelt Technical Papers). The opportunities to evaluate closely linked wetlands as one unit should be further expanded in OWES. This is one such matter in OWES that may be best addressed through a working group of all those involved in the wetland evaluation process.</p>
Page 26	<p>Removing all ability to evaluate wetlands as part of a complex of closely spaced wetlands that are related in a functional way would present considerable challenges in identifying wetland values across the landscape and accounting for the cumulative functions of wetlands when considered as interconnected features. This reverses the natural heritage system and landscape scale approach to management that has developed over the past decades. This will also result in the value of small wetland being overlooked or ignored as scores will be lower with smaller units having fewer species, less interspersions, smaller catchments, etc. The risk to wetlands across the landscape is considerable, particularly in areas where small wetlands dominate the landscape and where pressures on wetlands are greatest. OWES must recognize the interconnected nature of wetlands across a landscape and account for values and functions that should be considered cumulatively. This gap can be addressed through various means, including:</p> <ul style="list-style-type: none"> • Maintain the ability to evaluate wetlands as part of a complex in OWES, with much greater direction and clarity provided. The current approach lacks clear direction and thus has resulted in challenges and misapplication of wetland complexing when considering small, isolated, low functioning wetlands. This can be remedied through a more clear and efficient process of wetland complexing, as opposed to eliminating the ability to complex wetlands entirely. • Include wetlands that are closely linked but not directly bordering on lakes and rivers. Currently, proposed revisions to the section 'Wetland Edges Bordering on Lakes and Rivers' provides examples of when closely linked wetlands should be evaluated as one, but this could be expanded upon. • Greatly increasing the eligible scoring under Section 1.2.4 'Proximity to Other Wetlands and Waterbodies', thus recognizing the greater value of wetlands that are connected hydrologically or biologically. <p>It is strongly recommended that the OWES ensure that the intent of wetland complexing is not lost, to acknowledge that in some circumstances the interconnected nature of wetlands should be valued, and to ensure that small wetlands are recognized for their values and functions, particularly when evaluated cumulatively across the landscape. Should these gaps remain, the challenges with implementation of OWES will persist, rendering the update to OWES a futile exercise. Likewise, the potential repercussion and loss of wetlands that are no longer fairly valued could be significant.</p>
Page 41	<p>Under Section 2.2 (Recreational Activities), recreational activity information gathering should also include government records as a source. The Province holds much of this information and should be appropriately referenced.</p>
Page 42	<p>A note on Page 42 has been removed, specifically as it relates to 'Aboriginal values'. In fact, reference to Indigenous community values is insufficient throughout the document. It is recommended that Indigenous values associated with wetlands are strongly acknowledged and valued in OWES. Consultation with Indigenous communities should be a critical component of updating OWES, particularly updating Section 2.8 to be consistent with government commitments to meaningful engagement and collaboration.</p>

Page 46-47	<p>Within section 4.1.2 (Species), please reconsider the strike out proposed within the last paragraph on page 47. It should be noted in OWES that existing information contained within a wetland evaluation is valid until a new evaluation is undertaken and additional survey completed to document species present within a wetland. Validity of species observations should not be solely based on the evaluator's discretion, but also on any applicable standards set by NHIC. It is not clear why removing this section from OWES is required – thus this paragraph should be reconsidered for inclusion or revised appropriately to reflect applicable changes to OWES.</p> <p>Within Section 4.1.2 also please reconsider strike outs with respect to contacting NHIC for support in interpreting Element Occurrences – it is best to have the most accurate information in a wetland evaluation, and thus consultation with experts should be encouraged rather than discouraged. This will avoid potentially valuable data excluded at the evaluator's discretion. Evaluators cannot be assumed to have relevant expertise within all wetland evaluation criteria, and thus, consulting experts or provincial standards should be encouraged.</p>
Page 51-52	<p>The evaluation criteria in OWES remains largely unchanged, other than species at risk, where evaluation criteria is to be removed related to Reproductive Habitat for Endangered and Threatened Species (Section 4.1.2.1) and Migration, Feeding or Hibernation Habitat for an Endangered or Threatened Species (Section 4.1.2.2). Rationale for excluding scoring criteria related to species at risk should be provided, noting that a majority of wetland habitats that support these species have been impacted by land use conversion.</p> <p>It is acknowledged that an automatic score of 250 has been problematic in the past, as this score would automatically result in the wetland being considered a PSW. However, complete removal of all references and criteria related to species at risk is not an appropriate solution. Values associated with species at risk that rely on wetlands to carry out their life processes must be acknowledged in OWES to ensure that some of the more critical functions of wetlands are considered.</p> <p>It is noted that species at risk are generally captured as provincially tracked species in Sections 4.1.2.3 and 4.1.2.4 of OWES – however, distinguishing and acknowledging species at risk separately from provincially tracked species should remain a component of the evaluation.</p> <p>It is therefore recommended that, rather than exclude a species at risk section entirely, the criteria for consideration of species at risk be refined to ensure that it is clearly demonstrated that a wetland directly supports critical life processes of the species, and a lesser score (e.g., score of 150 per species, and 75 for each additional species) be afforded to species at risk to address the challenges of an automatic PSW designation.</p> <p>It is recognized that there are other legal mechanisms in place that dictate the management of species at risk and their habitats (e.g., Endangered Species Act). That said, the intent of OWES should be on the comprehensive and scientifically based valuation of wetlands, including their role in supporting species at risk.</p>
Page 55	<p>A note is added to Page 55, outlining that the ministry may make a list that could be used in addition to or instead of those in Appendix 5 and 6. Please state 'from time to time' and include text outlining that these lists created by the Ministry should be developed in</p>

	consultation with internal and external experts. The recommendation for an overarching working group could be a mechanism to allow for this review and consultation or a commitment to consultation on the ERO could alternatively be provided.
Page 55	Any references where point criteria using Significant Wildlife Habitat Ecoregion Criteria Schedule is recommended, evaluators should demonstrate full survey methodology has been carried out. This is critical given the previous role of MNRF would be removed.
Page 63	We recommend reinstating reference to locally significant wetlands. Municipal governments should be provided an opportunity to utilize the information gathered through an OWES evaluation as ‘the basis for considering management options and alternatives’ (as noted in the introduction).

Thank you for the opportunity to provide comments on this important initiative. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

<Original Signed by>

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Cc: Laurie Nelson, Director, Policy Planning, TRCA
Sameer Dhalla, Director, Development and Engineering Services, TRCA
Brad Stephens, Senior Manager, Planning Ecology, TRCA

Chief Executive Officer



November 24, 2022

BY E-MAIL ONLY (MSOC.Admin@ontario.ca)

**Re: Response to Request for Comments
Proposed Revocation of the Central Pickering Development Plan (ERO #019-6174)**

Thank you for the opportunity to comment on this posting on the Environmental Registry of Ontario (ERO) by the Ministry of Municipal Affairs and Housing (MMAH) which proposes to revoke the Central Pickering Development Plan (CPDP), under the Ontario *Planning and Development Act, 1994*. As the ERO states, this proposal intends to help support the government's commitment to streamline, reduce and eliminate burdens and to potentially increase housing supply.

Toronto and Region Conservation Authority (TRCA) has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the *Conservation Authorities Act* (CA Act);
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipal partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region owning and directly managing lands and conducting programs and projects in collaboration with the province, municipalities, stakeholders, and indigenous communities within the confines of the CPDP area.

In these roles, and as stated in the *Made-in-Ontario Environment Plan*, CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

COMMENTS

TRCA appreciates the Province's important goal of addressing the housing crisis through expediting development approvals and has taken streamlining actions that help support this objective. We do not believe, however, that resolving the housing crisis needs to come at the expense of the environment. To this end, we provide the following comments to ensure that well planned sustainable development can happen safely while maintaining nature's beauty and diversity.

Revocation of the CPDP would remove an area-specific policy framework focused on the permanent protection, maintenance and enhancement of natural features, functions and systems. Revocation of the CPDP combined with recent legislation will also remove protection of areas that previous governments and stakeholders intended to be preserved for agricultural and conservation uses. Careful consideration of the CPDP and its objectives were shaped by previous provincially led EA and planning processes that

involved extensive public and stakeholder consultation including consultation with indigenous communities. These CPDP objectives were refined through the Seaton Community Master Environmental Servicing Plan Amendment (MESPA) process, but the MESPA is not a statutory document. Amendment 22 to the Pickering Official Plan (OP) provides policies for developing and managing the Seaton community but is subject to potential amendment. Further, there are no applicable higher level regional policies that would articulate the strong policies in the CPDP as the Region of Durham's OP only defers to the CPDP. Together, proposed changes through Bill 23 to the CA Act, the proposed repeal of the Duffins Rouge Agricultural Preserve Act, proposed removal of the Duffins Rouge Agricultural Preserve from the Greenbelt, and proposed changes to the Ontario Wetland Evaluation System create potential for loss of significant biodiversity and damage to downstream areas of the Petticoat and Duffins Creek watersheds. Without clarity on how features and functions will be protected in the absence of the CPDP, these proposed changes will increase the vulnerability of this area's natural systems, significant natural features, and endangered species that were proposed to be protected permanently through the CPDP, Greenbelt, and other legislative protections.

To date, the CPDP has been successful in achieving the goals set out in its mandate, however, the ERO posting does not provide any insight into how these important objectives would continue to be met. Rather, the ERO posting highlights how neither Pickering or Durham Region's OPs have adopted the full approach of the CPDP and that further planning approvals (e.g., subdivision approvals) will continue to be implemented. Prior to revocation of the CPDP, a high-level replacement policy framework articulating the objectives of the original Plan should be in place to ensure that the Region of Durham and City of Pickering adopt strong policies in support of protecting natural systems and comprehensive policy framework to guide planning decisions for all of the CPDP area. Any changes in these areas may also require initiation of new infrastructure and planning processes in neighbouring municipalities including York, Markham, and Toronto which were factored into CPDP development.

Revoking the CPDP would leave lands in the approved MESPA highly susceptible to negative impacts of development and potentially exacerbate natural hazards in downstream areas. The removal of the CPDP would nullify the extensive review and approval process that went into identifying the impacts of residential, employment, commercial and infrastructure in the Duffins Creek watershed including the sizing of servicing and infrastructure to support these thresholds. It could also result in provincially owned properties and privately owned lands slated for dedication into public ownership being developed and henceforth removed from the natural heritage system. Further, from the recently proposed draft City of Pickering's Comprehensive Zoning By-Law, there appears to be no intention to uphold the full extent of the provincially identified Seaton Natural Heritage System as identified in the MESPA or the CPDP. Converting existing environmental protection within the Greenbelt Protected Countryside, Seaton NHS, and Duffins Rouge Agricultural Preserve to other zoning designations could result in negative impacts. The Province has recommended that the CPDP should be adopted into the municipal plans, however, this has not been the case, as is clearly demonstrated in the City's draft By-law of August 2022.

The protection of the Duffins Rouge Agricultural Preserve is a crucial factor in protecting the Rouge National Urban Park and ecosystem components of the Rouge River, Duffins Creek and Petticoat Creek watersheds. Downstream portions of these creeks are particularly susceptible to flooding impacts and these issues must be addressed in any replacement municipal policy framework if the CPDP is removed. By promoting connectivity free from urbanization between the Rouge, Petticoat and Duffins watershed, the ecological systems can be conserved and restored as intended. Opening lands for new infrastructure and or development within this area without proper and extensive planning could undermine the important goals of ecological connectivity, gene dispersion and system connection of the corridors with

potential impacts on infrastructure and downstream communities subject to flood risk. Thus, **TRCA strongly recommends that clear direction be provided to affected municipalities to ensure that municipal OPs and by-laws uphold the ecological systems established through the CPDP and consistent with the Duffins Creek Watershed Plan prior to revocation. We also strongly recommend that the CPDP stay in place until a watershed and subwatershed plan for Petticoat Creek is completed, until related and linked legislative processes are complete, and details of proposed infrastructure improvements to the York Durham Sewer System in Bill 23 are better known.**

Finally, TRCA recommends that the Province pause the proposed revocation of the CPDP and convene a special panel to include the City of Pickering, City of Markham, City of Toronto, York and Durham Regions, Rouge Park/Parks Canada and TRCA which could include the Province (Infrastructure Ontario) and other landowners to identify shared interests, potential impacts of this decision, mitigative policies and a path forward that would protect and restore natural systems and address natural hazard risks in this area and in downstream areas.

Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

< Original Signed By>

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Cc: Sameer Dhalla, Director, Development and Engineering Services
Laurie Nelson, Director, Policy Planning
Steve Heuchert, Associate Director, Development Planning and Permits

Chief Executive Officer



November 28, 2022

VIA EMAIL (mnrwaterpolicy@ontario.ca)

Ministry of Natural Resources and Forestry
Resources Planning and Development Policy Branch
300 Water Street, 2nd Floor, South Tower
Peterborough, ON K9J 8M5

**Re: TRCA Response to Request for Comments
Legislative and Regulatory Proposals Affecting Conservation Authorities to Support the Housing
Supply Action Plan 3.0 (ERO #019-6141)**

Thank you for the opportunity to comment on this posting on the Environmental Registry of Ontario (ERO) by the Ministry of Natural Resources and Forestry (MNR), which proposes legislative changes to the *Conservation Authorities Act* (CA Act) and *Planning Act* affecting conservation authorities (CAs) to support Ontario's *Housing Supply Action Plan*.

On November 10, 2022, Toronto and Region Conservation Authority (TRCA) presented to the Standing Committee on Heritage, Infrastructure and Cultural Policy. A copy of TRCA's presentation, which includes proposed revisions to Schedule 2 of Bill 23 to address our comments, is enclosed as Attachment 1 and forms part of this ERO submission.

We understand that the Ontario government is proposing changes to focus CAs on their core mandate, support faster and less costly approvals, streamline CA processes, and make land suitable for housing available for development. More specifically, we understand that, among a suite of other proposed amendments, key changes of particular interest to TRCA include:

- Greatly reducing CAs' role in reviewing and commenting for municipalities on development applications and land use planning policies under prescribed Acts
- Removing CAs' ability to enter into agreements and commenting services for municipalities under prescribed Acts, including the *Planning Act* and *Environmental Assessment Act* (EA Act)
- Enable exemptions for permits under the CA Act if *Planning Act* approvals are in place
- Remove established tests for considering the effects of "Pollution" and "Conservation of Land" as key principles for permitting decisions under the CA Act
- Allow the Minister to freeze CA fees
- Require CAs to identify lands suitable for housing development within their portfolios

As the ERO posting states, Ontario has a housing supply crisis that must be addressed through continued action from all levels of government, the private sector, and non-profits, particularly if the Ontario government is to reach its stated goal of 1.5 million homes built over the next 10 years.

TRCA has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the CA Act;
- A public commenting body under the *Planning Act* and the EA Act;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipalities, provincial and federal agency partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region.

In these roles, and as stated in the “Made-in-Ontario Environment Plan”, and consistent with the four pillars of “Ontario’s Flooding Strategy”, CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. With TRCA’s roles, responsibilities, and experience in mind, we offer the following comments.

GENERAL COMMENTS

Conservation Authority Working Group

As a valued member of the Province’s multi-stakeholder, solutions-oriented Conservation Authority Working Group (CAWG), TRCA, industry and municipal stakeholders helped develop guidance and solutions to further streamline development approvals under predictable frameworks without jeopardizing public safety, dismissing natural systems, or transferring additional responsibilities to municipalities. We were interested in doing more on this front but were instead focused by the Province on administrative and budget matters. In TRCA’s jurisdiction we have worked jointly with our TRCA-building industry working group to update guidance documents and regulations, and advance plans to modernize digital submissions to support streamlined review of complete applications. In addition, TRCA’s municipal partners have engaged TRCA in establishing complete application checklists and pre-consultation requirements to help conform to Bill 109 *Planning Act* timelines. **Prior to the finalization of Bill 23 and release of associated future regulations and/or policies, we request the Province re-engage the CAWG and act upon recommendations brought forward to create certainty for development projects while maintaining required protections.** To complement future work by the CAWG, we suggest the Province also establish other multi-stakeholder working groups to drive decision making on projects that will create more housing, e.g., to help realize/incentivize construction of near-term housing where approvals are in place, or through agreements with landowners/developers to build housing upon delivery of provincially funded infrastructure (transit, servicing, flood protection, etc.).

CAs’ interdisciplinary, watershed perspective benefits municipal planning at all stages

CAs add value to the growth planning process by bringing a science-based watershed perspective to cross municipal boundary issues and across legislative review and approval processes (high level/strategic through to detailed design for both development and infrastructure). CAs save municipalities and developers time and money, as the cost-efficient CA system allows municipalities to benefit from the expertise of CA technical staff (e.g., hydrogeologists, biologists, and engineering staff) in review of planning applications instead of each hiring their own. Where growth and intensification are proposed in areas of historical residential development within the flood hazard, CAs work with our government partners and the development industry to seek opportunities for remediation and restoration to reduce risk and increase resiliency. In this way, increased housing supply is facilitated, remnant and degraded natural features like valleylands and wetlands are protected and enhanced, and the flood and erosion risks to life and property are eliminated or mitigated. Mitigation is one of the four pillars of Ontario’s Flooding Strategy

that CAs are best positioned to support. CAs use their environmental modeling, watershed data, and environmental policy expertise, to advise municipal implementers on how to strategically implement development and infrastructure projects to meet provincial and municipal policies for growth management, public safety, environmental protection and climate change. The information CAs provides to all levels of government and private sector proponents helps to ensure infrastructure is planned and designed in a way that avoids losses due to flooding, erosion, and extreme weather events that are becoming more frequent due to climate change. Based on losses in other jurisdictions with no CAs, it is estimated that many billions of dollars of infrastructure losses have been saved in Ontario due to the role of CAs working in concert with all levels of governments in the planning and design of infrastructure.

Provincial support needed for increasing the rate of development

Significant examples of major projects benefiting from TRCA's contributions in the planning, design and construction of enabling works to facilitate redevelopment of mixed-use communities and higher-density transit-oriented developments include the Toronto Waterfront and Lower Donlands, Yonge Street Corridor and strategic growth areas in Brampton, Vaughan, and Markham. In support of other future major "catalyst" infrastructure projects where lands near transit could be freed up for development through flood protection and remediation, TRCA recommends increased provincial funding, engagement, and support, e.g., elements of the Brampton Riverwalk project and use of provincial lands for Black Creek Renewal flood protection. This would help ensure infrastructure is in place to help deliver near-term housing through agreements with developers that benefit from infrastructure investments.

Focusing on our core mandate of natural hazards

Bill 23 introduces changes beyond the scope of items discussed through consultations with the CAWG and represents a major departure from the first round of CA Act amendments in 2017. Those amendments made clear that CAs should focus their work on natural hazard related programs, but also that municipalities should have the option of receiving non-mandatory CA services through agreements. TRCA recognizes the critical need for expedited delivery of housing especially in the GTA and Greater Golden Horseshoe. Moreover, the government's stated intent for schedule 2 of Bill 23 is to focus conservation authorities on their core mandate of managing natural hazards of flooding and erosion, however, **TRCA is deeply concerned that Bill 23, Schedule 2 removes our ability to comment on natural heritage and water resources within the planning and environmental assessment processes, and restricts our permitting role, as these amendments would, in fact, impair our ability to focus on the natural hazard mandate.**

TRCA submits that natural hazards cannot be effectively managed (mandatory service) without also effectively managing natural heritage (non-mandatory service). The 2019 Provincial Flood Advisor's report recommendation affirms this connection: "That the Province support municipalities and conservation authorities to ensure the conservation, restoration and creation of natural green infrastructure (i.e., wetlands, forest cover, pervious surfaces) during land use planning to reduce runoff and mitigate the impacts of flooding."

Moreover, lessons learned from past development practices that employed flood control measures without regard for natural heritage features and the hazard management role they play, have been borne out in damaging and costly floods in many Canadian cities. Examples are found in the older parts of our watersheds with concrete lined waterways where there were once natural channel banks; here storms cause flood waters to rush into surrounding urban areas causing damage and disruption. Overall, flood events in Ontario have been comparatively less disruptive and costly **due in large part to the municipal implementation of CA advice in the planning process, and CA implementation of the section 28 permitting regulation, including use of the pollution and conservation of land tests.**

There are some aspects of Bill 23 that TRCA supports as bold actions that will increase housing affordability and supply. However, as per the resolution unanimously passed by [TRCA's Board of Directors held on October 28, 2022](#), and Board-endorsed [TRCA staff report on the impact of Bill 23 on November 10, 2022](#), **TRCA is firmly requesting a removal and/or revision to certain proposed legislative changes that would otherwise diminish or revoke our existing responsibilities. Please see our detailed comments below describing our specific recommendations.**

DETAILED COMMENTS

We offer the following responses related to specific aspects of the proposed changes we believe to be of paramount concern. Within each response we have included recommendations specific to certain legislative changes we believe would better meet shared government and TRCA objectives regarding the streamlining of housing development approvals, conservation of natural resources and protection of people and property from natural hazards.

1. TRCA has significant concerns with the proposed addition of subsection 21.1.1(1.1) – Prohibiting CAs from reviewing and commenting to municipalities under prescribed Acts (e.g., *Planning Act*), including:

- **Municipalities rely on TRCA to provide timely technical, science-based comments** on planning applications and municipally initiated planning instruments **to assist in determining conformity to provincial policy involving the natural environment, watershed planning, and climate change.**
- **Many municipalities do not have the technical professional staff expertise (ecologists, hydrogeologists) or data (monitoring, modelling, inventory, mapping)** to inform management of natural hazard risk in the context of natural resource management.
- TRCA has demonstrated that we can deliver non-mandatory services effectively and efficiently and there is no evidence that municipalities could improve upon this established practice. Without the option to continue this CA review role, **municipalities and taxpayers would incur significant additional costs, approvals would be delayed, the watershed perspective would be eliminated, and municipalities' ability to prepare for climate change would diminish.**
- **TRCA's partner municipalities have expressed continued support of our cost-effective, value-added programs and plan review services through existing municipal MOUs** (in place since early 2000s or prior), which are currently being updated to ensure streamlined review and clear roles. As well, TRCA is exploring the establishment of new MOUs with several municipal partners at their request. Through discussions with TRCA, municipalities expressed the need for the flexibility to be able to enter into agreements with CAs to review and comment on *Planning Act* applications to benefit from their expertise. Removing this option would cause unnecessary delay, increase costs and inefficiency, and result in duplication across municipalities when affordable, expedited approvals by qualified professions are essential to sustainable housing development.
- It is unclear what "proposals, applications or other matters" within the Acts being prescribed are not to be reviewed or commented on.

- The government's policy intent would be better reflected by reframing this provision to allow CAs to provide such comments directly to a municipality for the municipality's own use.
- The amendments as proposed would increase risk of failure and loss of infrastructure from it being planned without proper regard for environmental factors. This situation could lead to resulting negative impacts from the cost of losses or repairs to infrastructure which would be borne by taxpayers.
- Municipalities, provincial and federal agencies voluntarily seek out CA advice to protect their investments and the intent of this amendment seems to run contrary to accepted practice to ensure CA information is factored into the planning and design of public and private sector works. This change is proposed against the will of all parties involved in these processes with no reason given by the Province for such a change.

TRCA Proposed Revisions:

- ❖ 21.1.1(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act, **unless there is an agreement with the municipality that expressly authorizes or requests the provision of such comments directly to the municipality.**

2. TRCA has significant concerns with the proposed addition of subsection 21.1.2(1.1) – Prohibiting CAs from reviewing and commenting to infrastructure agencies under prescribed Acts (e.g., *Environmental Assessment Act*), including:

- It is unclear how prohibiting CAs from reviewing and commenting to infrastructure agencies on non-residential projects (i.e., under an environmental assessment process) would have direct bearing on the expressed goal of Bill 23 – to build more homes faster.
- **Public infrastructure providers (e.g., provincial agencies, municipalities, utilities) rely on TRCA to provide technical, science-based comments** in the class environmental assessment process and at detailed design, to assist in planning, siting, and design in accordance with provincial and municipal objectives for natural hazards, water resources and natural heritage protection.
- **TRCA has numerous service level agreements with provincial agencies and infrastructure providers** for dedicated review services (including voluntary permit review applications), for example, Metrolinx and Enbridge.
- Without this CA role, **public infrastructure providers will face delay and reduced ability to prepare for climate change** in the context of infrastructure planning, siting, and design.
- It is unclear what “proposals, applications or other matters” within the Acts being prescribed are not to be reviewed or commented on.
- The government's policy intent would be better reflected to allow CAs to provide such comments directly to provincial agencies advancing infrastructure projects, or to other infrastructure providers, for their own use.

TRCA Proposed Revisions:

- ❖ **21.1.2(1.1)** An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act, **unless there is an agreement with the infrastructure provider that expressly authorizes or requests the provision of such comments directly to that entity.**

3. TRCA has significant concerns with the proposed revised subsection 28.1(1)(a) – Removal of “pollution” and “conservation of land” tests applying to issuance of permits.

- **TRCA submits that removal of “conservation of land” is a fundamental alteration to the mandate of CAs** and will have a negative impact on TRCA’s ability to address natural hazards and climate change, **given the linkages between conservation of land and natural hazards.**
- TRCA respects and supports the municipal role of determining the principle of development and assessing conformity/consistency of proposed development under their official plans and applicable provincial policy.

TRCA Proposed Revisions:

- ❖ **The existing “pollution” and “conservation of land” tests applying to the issuance of permits under subsection 28.1(1)(a) should be retained. If “pollution” is to be removed, it should instead be replaced with “sedimentation” as CAs’ ability to enforce keeping damaging sediment out of natural features during construction of permitted works would otherwise be lost. Further, instead of removing “conservation of land” outright, we suggest defining it to relate to the protection, maintenance, and enhancement of hydrologic and ecological functions of natural features within the watershed, aligned with the interpretation of the Mining and Lands Commissioner, the courts, Conservation Ontario, and standard CA practice.**

4. TRCA has significant concerns with the proposed addition of subsection 28(4.1) – Exemption of development authorized under the *Planning Act* from requiring a permit under the *CA Act* where certain conditions are met as set out in regulation.

- It is unclear whether such exemptions would transfer CA responsibilities to municipalities on a broad scale or be limited to certain types of low-risk development. We note that a broad transfer of responsibility would conflict with the government’s stated aim of focusing CAs on their core mandate given that CA expertise would be entirely absent from planning and detailed design review that takes place in the permit process. This concern is compounded by the Bill’s amendments preventing municipalities from entering into agreements with CAs to review *Planning Act* applications on their behalf. Moreover, there is a lack of clarity regarding the assumption of sole or shared liability for natural hazard impacts, including on upstream and downstream communities.
- **TRCA recommends that all hazard-related responsibilities remain with CAs. Should this amendment not be withdrawn, the new exemption under subsection 28 (4.1)(a) should only apply where the CA is provided with sufficient opportunity to review, comment on and recommend conditions of approval for the development prior to approval under the *Planning Act*.**

- **Further, TRCA is concerned about enforcement in relation to development authorized under subsection 28(4.1), as well as 28(3) and 28(4).** Although these subsections are added to section 30.5 (Offences), there is no reference to these subsections under sections 30.2 (Entry without warrant) and 30.4 (Stop work order).

TRCA Proposed Revisions:

- ❖ **Explicitly provide that any exemption be contingent on a CA being provided sufficient opportunity to review, comment on and recommend conditions of approval to the approval authority for the development; and,**
- ❖ **Add required enforcement provisions.**

5. TRCA has concerns with the proposed addition of Section 21.3 – Minister’s direction for fee changes, including:

- There are no guidelines regarding the timing or permanence of the proposed fee freeze.
- TRCA regularly engages with municipal partners and the development industry to ensure our fees, including planning and development fees, are appropriate and established on a cost recovery basis.
- Freezing CA fees would result in negligible cost savings and unquantifiable reductions in environmental protection and public health and safety, while increasing the burden on the tax-base from CAs needing to recover plan and regulatory program review fees through increased municipal levies.

TRCA Proposed Revisions:

- ❖ **For clarity and transparency, TRCA suggests that this proposed new section explicitly provide that forgone or lost revenue resulting from a “freeze” directive may be added to the municipal levy.**
- ❖ **TRCA recommends criteria be added to identify the circumstances under which the Minister may direct a conservation authority to “freeze” its fees, that a maximum period be identified (e.g., one year) or that in the event of a “freeze”, CAs be allowed to increase fees by an annual cost of living adjustment (e.g., Consumer Price Index) during the “freeze” period.**

6. TRCA has concerns with the proposed requirement for CAs to identify lands suitable for housing development within their portfolios.

- It is unclear how this amendment would lead to an increased supply of housing. CA lands are gratuitously dedicated or acquired for conservation purposes due to the presence of natural heritage features and natural hazards within which development is generally prohibited, in accordance with provincial, municipal and TRCA policy. Protecting these environmentally significant lands helps build resilience to the impacts of climate change through stormwater management, habitat provision, carbon sequestration and other ecosystem services.
- Every potential TRCA property acquisition is evaluated according to our publicly available and provincially approved Greenspace Acquisition Project which is informed by numerous factors

including but not limited to: (i) the degree of flood and erosion risk, (ii) the significance of the lands to the greenspace system, (iii) the nature and immediacy of the threat to the greenspace, and (iv) the ability to conserve and maintain the greenspace in the future. There is little ability for TRCA to achieve new housing developments on our land portfolio. We do, however, continually review our real estate holdings, in conjunction with our partner municipalities, to determine whether any non-environmentally sensitive lands could support housing, infrastructure or other community uses.

TRCA Proposed Revisions:

- ❖ **Prior to the finalization of Bill 23 and release of associated future regulations and/or policies, we request the Province re-engage the CAWG and include this potential requirement as an item for further dialogue.**

Ontario's unique CA system saves the Province and taxpayers billions by reducing the financial impacts of extreme weather events compared to other provinces. The Premier's Special Advisor on Flooding echoed this finding and recommended strengthening CA roles. Further, we note that the Province's Housing Affordability Task Force's report and its 55 recommendations to help address Ontario's housing crisis, did not mention CAs. It begs the question why CA roles are being restricted when the way in which we are currently performing our mandate is working well to meet the shared objectives of all stakeholders in Planning Act and Environmental Assessment Act processes, as well as the section 28 permitting process.

Schedule 2 of Bill 23 could have unintentional, negative consequences on the environment and public health and safety and destabilize established planning and regulatory frameworks, at a time when certainty is needed to build more homes faster. Conservation authorities' commenting and permitting roles for natural heritage as well as natural hazards, in collaboration with our municipal partners and infrastructure providers, is vital to continuing to build safe and livable communities while increasing housing supply and preparing for the impacts of a changing climate. The Covid-19 Pandemic demonstrated the importance for the people of Ontario to have access to nature, in addition to affordable housing. Achieving both should be the goal, and one does not have to come at the expense of the other.

Thank you for the opportunity to provide comments on this important initiative. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

<Original Signed by>

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Encl. Attachment 1: TRCA Presentation to the Standing Committee on Heritage, Infrastructure and Cultural Policy, *Bill 23, More Homes Built Faster Act, 2022* – November 10, 2022

Presentation to the Standing Committee on Heritage, Infrastructure and Cultural Policy

Bill 23, More Homes Built Faster Act, 2022

TRCA Comments and Proposed Revisions to Schedule 2 of Bill 23

John MacKenzie, M.Sc.(PI) MCIP, RPP
Chief Executive Officer
Toronto and Region Conservation Authority

November 10, 2022

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act Toronto and Region Conservation Authority Overview Comments

- TRCA supports the important goal of addressing the housing crisis through expediting development approvals
- TRCA has significant concerns about provisions in Bill 23 preventing municipalities and infrastructure providers from receiving **comments from conservation authorities on natural heritage matters that intersect with natural hazard and climate change considerations**
- TRCA recommends revisions to Bill 23 to **give municipalities and infrastructure providers the option of continuing to receive such “non-mandatory” services, where requested under MOUs and service level agreements** for development and infrastructure reviews
- Since the first round of amendments to the Conservation Authorities Act in 2017, it has been clear that **conservation authorities must focus on mandatory services related to natural hazards** (Category 1), and that **conservation authorities may continue to provide non-mandatory services at the request of municipalities** (Category 2) **or other partners, to further purposes of the Act** (Category 3)
- Through the amendment to the *Planning Act* made by Bill 229 in 2021 (and as further amended by Bill 23), **conservation authorities can only participate in *Planning Act* appeals on natural hazard matters**
- In addition, **TRCA recommends retaining “pollution” and “conservation of land” as part of the tests to be applied in a permit decision**

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act Toronto and Region Conservation Authority Overview Comments cont'd

- Reducing and restricting CA roles contradicts advice from the Premier's Special Advisor on Flooding, whose report recommended strengthening CA roles
- The Housing Affordability Task Force recommendations did not raise issue with CA plan review or permitting roles
- Under the current legislative framework, the CA role has saved taxpayers billions compared to losses from extreme weather events experienced in other provinces
- Reducing CAs' ability to comment on planning applications and infrastructure applications removes critical capacity at a time when we need to achieve certainty for development and servicing to supply housing in high growth GGH municipalities
- There are no new costs from continuing the non-mandatory services that CAs currently provide to GGH municipalities, and no alternative to such role without significant new costs to municipalities

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act

Prohibition on commenting to municipalities – New subsection 21.1.1(1.1)

Bill 23 – Subsection 3(2):

21.1.1(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

TRCA Proposed Revisions:

21.1.1(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act, unless there is an agreement with the municipality that expressly authorizes or requests the provision of such comments directly to the municipality.

TRCA concerns with proposed addition of subsection 21.1.1 (1.1):

- **Municipalities rely on TRCA to provide technical, science-based comments on planning applications and municipally initiated planning instruments to assist in determining conforming to provincial policy involving the natural environment, watershed planning, and climate change**
- **Many municipalities do not have the technical professional staff (ecologists, hydrogeologists) or the data (monitoring, modelling, inventory, mapping) to inform managing natural hazard risk in the context of natural resource management**
- **Without this CA role, costs for this review would be borne by the municipality and the taxpayer, cause delays, eliminate the watershed perspective, and reduce municipalities’ ability to prepare for climate change**
- **Existing municipal MOUs for plan review services** (in place since early 2000s or prior) are currently being updated to ensure streamlined review and clear roles
- It is unclear what “proposals, applications or other matters” within the Acts being prescribed are not to be reviewed or commented on
- The government’s policy intent would be better reflected by reframing this provision to allow conservation authorities to provide such comments directly to a municipality for the municipality’s own use

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act

Prohibition on commenting to infrastructure agencies – New subsection 21.1.2(1.1)

Bill 23 – Subsection 4(2):

21.1.2(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

TRCA Proposed Revisions:

21.1.2(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act, **unless there is an agreement with the infrastructure provider that expressly authorizes or requests the provision of such comments directly to that entity.**

TRCA concerns with proposed addition of subsection 21.1.2 (1.1):

- **Public infrastructure providers (e.g., provincial agencies, utilities) rely on TRCA to provide technical, science-based comments** in the class environmental assessment process and at detailed design, to assist in planning, siting and design in accordance with provincial and municipal objectives for natural hazards, water resources and natural heritage protection
- **TRCA has numerous service level agreements (SLAs) with provincial agencies and infrastructure providers** for dedicated review services (including voluntary permit review applications), for example, Metrolinx and Enbridge
- Without this CA role, **public infrastructure providers will face delay and reduced ability to prepare for climate change** in the context of infrastructure planning, siting and design
- It is unclear what “proposals, applications or other matters” within the Acts being prescribed are not to be reviewed or commented on
- The government’s policy intent would be better reflected to allow conservation authorities to provide such comments directly to provincial agencies advancing infrastructure projects, or to other infrastructure providers, for their own use

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act

Removing tests applying to issuance of permits – Revised subsection 28.1(1)(a)

Bill 23 – Subsection 9(1):

28.1 (1)(a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

TRCA Proposed Revisions:

Retain “pollution” and “conservation of land” tests

Adjust existing definition of “pollution”

Add definition of “conservation of land” that would align with Conservation Ontario recommended definition used by CAs, which relates to protection, management, and restoration of lands to maintain and enhance hydrologic and ecological functions of natural features within the watershed

TRCA concerns with removal of “pollution” and “conservation of land” tests:

- **TRCA suggests that if “pollution” is removed it should instead be replaced with “sedimentation”** CAs’ ability to enforce keeping damaging sediment out of natural features during construction of permitted works would otherwise be lost.
- **TRCA submits that removal of “conservation of land” is a fundamental alteration to the mandate of conservation authorities** and will have a negative impact on TRCA’s ability to address natural hazards and climate change, **given the linkages between conservation of land and natural hazards**
- TRCA respects and supports the municipal role of determining the principle of development and assessing conformity/consistency of proposed development under their official plans and applicable provincial policy
- **TRCA submits that retaining “conservation of land” as part of the test to be applied is a fundamental alteration to the mandate of conservation authorities and will have a negative impact on addressing natural hazards and climate change, given the linkages between conservation of land and natural hazards**

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act

Exemption for development with a Planning Act approval – New subsection 28(4.1)

Bill 23 – Subsection 7(2):

28(4.1) Subject to subsection (4.2), the prohibitions in subsection (1) do not apply to an activity within a municipality prescribed by the regulations if,

- (a) the activity is part of development authorized under the Planning Act; and
- (b) such conditions and restrictions as may be prescribed for obtaining the exception and on carrying out the activity are satisfied.

TRCA Proposed Revisions:

Explicitly provide that exemption contingent on conservation authority being provided sufficient opportunity to review, comment on and recommend conditions of approval to the approval authority for the development

Add required enforcement provisions

TRCA concerns with proposed addition of subsection 28(4.1):

- TRCA has concerns with the proposed additional exception to the requirement to obtain a permit for development that has been authorized under the Planning Act
- TRCA suggests the **new exemption under subsection 28 (4.1)(a) should only apply where the conservation authority is provided with sufficient opportunity to review, comment on and recommend conditions of approval for the development prior to approval under the Planning Act**
- Further, TRCA is concerned about enforcement in relation to development authorized under subsection 28(4.1), as well as 28(3) and 28(4)
- Although these subsections are added to section 30.5 (Offences), there is no reference to these subsections under sections 30.2 (Entry without warrant) and 30.4 (Stop work order)

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act

Minister's direction for fee changes – New Section 21.3

Bill 23 – Section 5

21.3(1) The Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10) in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction.

TRCA Proposed Revisions:

Explicitly provide that lost revenue resulting from a “freeze” is added to municipal levy

Add criteria to identify circumstances where the Minister may direct a conservation authority to “freeze” its fees, identify maximum period, permit conservation authorities to increase fees by an annual cost of living adjustment during “freeze”

TRCA concerns with proposed addition of Section 21.3:

- Bill 23, as proposed, authorizes the Minister to freeze any fees charged by CAs, including permitting fees
- TRCA establishes the majority of its fees, including planning and permitting fees, on a cost recovery basis
- For clarity and transparency, TRCA suggests that this proposed new section explicitly provide that forgone or lost revenue resulting from a “freeze” directive may be added to the municipal levy (funded by taxpayers)
- TRCA recommends criteria be added to identify the circumstances under which the Minister may direct a conservation authority to “freeze” its fees, that a maximum period be identified (e.g., one year) or that in the event of a “freeze”, conservation authorities be allowed to increase fees by an annual cost of living adjustment (e.g., Consumer Price Index) during the “freeze” period

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act Toronto and Region Conservation Authority Summary Comments and Recommendations on Measures the Province Could Take Now to Support Housing

- Provincial leadership is needed on implementing existing plans for housing and mixed-use development in Urban Growth Centres and Mobility Hubs and approved but not-yet-built urban areas.
- Agreements with owners to deliver housing upon delivering transit, servicing, flood protection infrastructure and resolving provincial policy conflicts would help get housing sites ready for construction sooner
- Funding, engagement and support to build “catalyst” infrastructure, e.g., use of provincial lands for Black Creek Renewal flood protection works would protect existing flood-prone community; and free up lands for development in Vaughan Metropolitan Centre near transit (outstanding City and TRCA request), unfunded elements of the Brampton Riverwalk project, and in many other areas of GTA.
- More “working tables” would drive decision-making on mixed-use projects, e.g., Portlands Executive Steering Committee (TRCA/Waterfront Toronto/City of Toronto)

Attachment 1: TRCA Comments and Proposed Amendments to Bill 23



Chief Executive Officer



December 4, 2022

BY E-MAIL ONLY (greenbeltconsultation@ontario.ca)

**Re: TRCA Response to Request for Comments
Proposed Amendments to the Greenbelt Plan (ERO #019-6216)**

Thank you for the opportunity to comment on this Environmental Registry of Ontario (ERO) posting by the Ministry of Municipal Affairs and Housing (MMAH). Toronto and Region Conservation Authority (TRCA) understand that to support the “More Homes Built Faster Plan,” the government is consulting on proposed changes to the Greenbelt Plan that would remove or redesignate 15 areas of protected land (seven are in TRCA’s jurisdiction), totaling 7,400 acres from the edge of the Greenbelt to build 50,000 new homes. In exchange, the Province is proposing to add 9,400 acres of land to the Greenbelt in the Paris Galt Moraine (outside TRCA’s jurisdiction) and thirteen Urban River Valleys (five are in TRCA’s jurisdiction) previously considered for addition through earlier phases of consultation on growing the Greenbelt.

TRCA has an interest in the proposed changes given our roles as:

- A regulator under Section 28 of the *Conservation Authorities Act*,
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*,
- A delegated commenting body to represent the provincial interest in natural hazards,
- A service provider to our municipalities, provincial and federal agency partners,
- A resource management agency operating on a local watershed basis, and
- One of the largest landowners in the Greater Toronto Area.

In these roles, and as stated in the “Made-in-Ontario Environment Plan,” conservation authorities work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

Through Memorandums of Understanding and Service Level Agreements, TRCA provides technical support to its provincial and municipal partners in implementing environmentally responsible municipal growth management including development and infrastructure planning, siting and design. Further, TRCA recognizes the importance of efficiency, certainty, transparency and accountability in planning and design review processes, so that plans and projects can occur in a timely, safe and environmentally sustainable manner.

As stated in TRCA’s policy document, *The Living City Policies*, we support the legislated protection and management of the Greenbelt and continue to participate as a partner in coordinated programs to secure lands, provide stewardship, and advance the science and understanding of the provincial Greenbelt lands through watershed, groundwater, and natural heritage studies and monitoring.

GENERAL COMMENTS

TRCA shares the government's important goal of addressing the housing crisis through expedited development approvals and has taken streamlining actions that help support this objective. We do not believe, however, that resolving the housing crisis should come at the expense of the environment. To this end, we provide the following comments with the view that well planned sustainable development can happen in a timely manner while maintaining nature's beauty and diversity.

Land supply is not the problem

The Province's rationale for accessing portions of the Greenbelt for development is to, "help build housing faster and in a targeted manner, while leading to an overall expansion of the Greenbelt." The Report of the Ontario Housing Affordability Task Force (February 2022), however, states that, "a shortage of land isn't the cause of the problem" and that, "Greenbelts and other environmentally sensitive areas must be protected." The following is from page 10 of the Report (with emphasis added).

*The Greater Toronto Area is bordered on one side by Lake Ontario and on the other by the protected Greenbelt. Similarly, the Ottawa River and another Greenbelt constrain land supply in Ottawa, the province's second-largest city. But **a shortage of land isn't the cause of the problem. Land is available, both inside the existing built-up areas and on undeveloped land outside greenbelts.** We need to make better use of land ... Greenbelts and other environmentally sensitive areas must be protected, and farms provide food and food security. Relying too heavily on undeveloped land would whittle away too much of the already small share of land devoted to agriculture.*

TRCA supports the conclusions of the Task Force related to Greenbelts and notes an alignment with the findings of our municipal partners' comprehensive reviews (MCR) and related land needs analysis. Extensive MCR work made evident that an adequate land supply is available to meet provincially forecast housing needs to 2051 without removing or redesignating portions of the Greenbelt.

Unplanned Greenbelt removals ignore municipal planning and investment in the MCR process

MCR studies and land needs analysis undertaken by municipalities with CA technical support, (e.g., flood modelling and mapping updates, natural heritage and water resource system planning, urban tree canopy target setting, climate change resilience and adaptation measures) assumed that Greenbelt lands would remain undeveloped and therefore pervious. The proposed development of 50,000 units and associated hardscaping, infrastructure, and increased runoff volumes within the 7,400 hectares of land to be removed from the Greenbelt nullifies the assumption for total pervious lands. Unplanned development in isolated pockets of the Greenbelt diminishes the value of the MCR process and the municipal and CA investments required.

Meanwhile, the proposed removals for development in the Greenbelt increase the potential for downstream erosion and flooding hazards and impacts to natural heritage systems. Negative impacts to the groundwater system and functions may also occur if these areas are developed. Within TRCA jurisdiction, parts of these lands comprise significant recharge areas mapped in accordance with the requirements of the *Clean Water Act* and others are identified as ecologically significant groundwater recharge areas.

In light of the above, we recommend the Province work with our partner municipalities, TRCA, and the development industry to support responsible development within our watersheds in already studied and approved urban areas outside the Greenbelt.

Current science and policy must be considered to achieve responsible development

If Greenbelt lands are to be developed, it is imperative that Greenbelt natural system lands are set aside, and that development and infrastructure are planned, sited and designed to maintain and enhance natural system functions. Such an approach is needed to maintain the ecosystem goods and services that the system provides, and to conform to provincial policies for “protecting what is valuable” and “preparing for the regional and local impacts of a changing climate.”

If the Province persists with the proposed land exchange, TRCA recommends taking a natural systems- and science-based approach to offset environmental and agricultural impacts. The irreplaceable value of the Greenbelt is well-established for the vital ecosystem services it provides through the nature, water, and farmland it protects. Altering the OP entrenched boundaries of the Greenbelt without scientific analysis would undermine the ecological rationale and extensive consultation that shaped the Greenbelt Plan. As evidenced through TRCA’s site-specific analysis below, many of the sites proposed for removal contain NHS lands and are subject to natural hazards, yet there has been no analysis of the potential impacts of flooding and erosion or loss of biodiversity that could result from development and infrastructure being introduced to these areas.

Therefore, while we do not support changes to reduce the size of the Greenbelt, TRCA is prepared to work with our partner municipalities and the Province to leverage our independent scientific advice to inform their review of Greenbelt sites that are being considered for removal within TRCA’s watersheds. While we do not support removals, since many of these areas have not been factored into watershed studies, flood models and comprehensive updated natural heritage studies since they were assumed to be rural or non-urban uses, we strongly request that a comprehensive suite of studies and greenbelt setbacks, buffers and policies be a minimum requirement if any lands are removed.

TRCA maintains that the Greenbelt and the policy protections it provides should not be reduced. Should the removals proceed as proposed, we strongly recommend that the Province work with CAs and affected municipalities to ensure that natural heritage systems, natural hazards and science-based buffers/setbacks remain in the Greenbelt based on comprehensive watershed and natural heritage studies and that new development is required to maintain ecosystem functions.

Science-based approach to offsetting Greenbelt land removals

Under the *Greenbelt Act, 2005*, amendments cannot reduce the amount of land covered by the Greenbelt. The government proposes to offset the acreage of land that would be removed or redesignated to build housing by designating a portion of the Paris Galt Moraine and thirteen new Urban River Valleys (URVs) within the Greenbelt. This would diminish policy protections on 7,400 acres of land predominated by private ownership to facilitate development in exchange for Greenbelt URV lands that are already protected either because of public ownership or existing policy protections. With respect to URVs, a natural systems-based approach should be used to identify suitable additions to contribute to a true net gain in land exchange (please see Attachment 1 enclosed, TRCA’s previous comments on adding URVs to the Greenbelt).

TRCA maintains that the addition of new URVs to the Greenbelt affords no greater protection and does not represent a true net gain by virtue of these valley lands already being protected by existing policy, municipal by-laws and/or CA regulation. In addition to provincial policies that address natural heritage and hydrologic features and areas (i.e., PPS, Growth Plan, Source Protection Plans) and CA policies and regulations, these lands are largely designated in official plans as parks, open space, recreation, conservation and/or environmental protection. Moreover, the URV policies only apply to publicly owned lands and offer less protection than other geographic-specific Greenbelt policies (e.g., Greenbelt Natural System).

Through scientific and policy analysis and collaborative work with our partner municipalities, TRCA has developed and shared updated science-based mapping of natural heritage and water resources systems to assist with integrated efforts to conform to provincial policy requirements. As illustrated through our comments on previous government consultation on Growing the Greenbelt (ERO#s 019-4485, 019-4483 and 019-4803), TRCA has identified areas within our jurisdiction we believe would make more appropriate additions for Greenbelt expansion and would be in keeping with the Greenbelt Plan's objectives, vision and goals while further enhancing the quality and extent of existing protections. **TRCA recommends that lands being added go beyond URVs as suggested in our previous comments on Greenbelt additions, and that proximity be considered as a key principle, so lands being added and removed are within the same watershed.**

Greenbelt removals would create issues of precedence and incentivize land speculation

TRCA is concerned that the proposed removal of land from the Greenbelt will set a precedent for future removals, both within the Greenbelt and on other lands intended to be protected for long-term conservation or agricultural purposes. This precedent may spur land speculation and increase development pressure on sensitive environmental lands vital to biodiversity, ecosystem functions and climate change mitigation, particularly in TRCA's jurisdiction where the bulk of Ontario's growth is concentrated and forecast to persist until at least mid-century. It could also lead to a reluctance to dedicate privately owned land into public ownership for conservation purposes under the belief that lands could be developed in the future. The proposed removal of Greenbelt lands, if approved, will make land acquisition for green infrastructure including trails, expansion of conservation areas and other important flood protection, restoration and conservation projects including those that help support ecosystem compensation in urban areas more challenging.

Ecological off-setting should be based on the mitigation hierarchy and net ecological gain

The current ERO posting is unclear as to whether the entirety of land proposed for removal from the Greenbelt is necessary to build 50,000 homes, or if areas of land typically deemed unsuitable for development by other applicable policies and regulation would remain undeveloped. While TRCA maintains that development should generally not occur within natural features and systems, the Province should require ecological offsetting to ensure any features lost to development are adequately compensated. To this end, we point you to [TRCA's Guideline for Determining Ecosystem Compensation](#) as a scientifically defensible approach for replacing natural features and ecosystem functions lost through the development and/or infrastructure planning processes (after decisions necessitating compensation, as a last resort scenario, have been made). TRCA will also be providing comments on this topic through ERO 019-6161 "Conserving Ontario's Natural Heritage," which seeks feedback on ecological offsetting.

SITE-SPECIFIC COMMENTS

Of the 15 sites proposed for removal from the Greenbelt, seven are within TRCA's jurisdiction and contain TRCA regulated natural hazards and natural features. We provide the following detailed comments specific to each location. Please note that TRCA's concerns regarding Greenbelt land removals are compounded by diminished environmental protections due to *Conservation Authorities Act* and *Planning Act* amendments through Bill 23, proposed changes to the Ontario Wetland Evaluation System and merging of the Provincial Policy Statement and Growth Plan.

Overall, there are risks associated with removing these sites from the Greenbelt in advance of science-based technical studies and accurate delineation of natural hazards and natural heritage features, primarily the expectation that all lands removed from the Greenbelt can be developed. This could present considerable challenges whereby the accurate delineation of features and assessment of potential impacts will require study that may not be achievable within the development timeframes envisioned by the subject ERO posting.

Likewise, the lands proposed for removal may contain natural hazards and their associated setbacks that would restrict development potential across the site. Additional risks include an overall reduction in the natural hazard protections and the natural heritage system benefits of the established Greenbelt, with an overall reduction in corridor width and the associated loss of function as well as a reduction in opportunities for restoration and enhancement. The result would be an overall net loss of ecological and societal benefits from TRCA watersheds, which are under considerable pressure from land use changes and population growth. The concern for these potential impacts is heightened given the removals are proposed to be offset outside of the watershed experiencing the removals and associated impacts and most vulnerable to the impacts of climate change.

It should also be noted that natural hazard delineation, natural heritage system target setting, and implementation of established municipal and provincial policy are set based on the existing Greenbelt. Any contemplated removals would therefore upset what has long been established, requiring considerable effort on behalf of municipal governments, conservation authorities, other public agencies and / or the development community to correct.

The following site-specific comments speak to potential impacts of the proposed Greenbelt developments and make suggestions for how they might begin to be addressed. Notwithstanding these comments for minimizing and mitigating, TRCA recommends the application of the mitigation hierarchy (avoid, minimize, mitigate, compensate) to these Greenbelt lands should stop at “avoid”.

City of Vaughan - North and east of Teston Road and Pine Valley Drive

These lands currently provide a 690m wide connection between the valley to the east and the large block of Greenbelt Natural Heritage System (NHS) to the west. This connection provides a passable landscape to terrestrial species and development on this site could significantly impact that connectivity. TRCA landscape modelling has identified this area as a priority for maintaining regional connectivity among high quality habitat patches as well as for ensuring local connectivity for various species that depend on forests and wetlands. Pinching this connection to 265m, as proposed through the Greenbelt removal, would have a significant impact on the intended landscape connectivity and the species using the area.

The NHS on these properties includes a valley corridor, contiguous vegetation, floodplain, and Provincially Significant Wetlands (PSWs). The limits of these features are being determined/refined through the City of Vaughan Block 41 Block Plan review and supporting Master Environmental Servicing Plan (MESP). Removal of these areas from the Greenbelt will result in additional study to ensure impacts on the NHS and associated hazards are avoided and mitigated. Included in these studies would be updating the flood hazard mapping to incorporate the updated land-use scenarios and re-establishing development limits based on the updated floodplain mapping and updating all erosion modelling conducted as part of the subwatershed study and MESP. Finally, the stormwater management plan would have to be revised to consider the additional lands.

City of Richmond Hill - Hill east of Leslie Street, north of Elgin Mills Road East, west of Highway 404

The areas proposed for removal are immediately adjacent to, and on either side of, the Rouge River Headwater Wetland Complex, which is classified as a PSW and a tributary of the Rouge River. As such, they are subject to TRCA's Regulation. The PSW consists of both marsh and swamp communities that provide protection to the sensitive cold-water stream that has groundwater upwellings due to the artesian groundwater conditions. These communities are both groundwater and surface water fed.

Appropriate buffers that have been previously agreed to in the MESP, the North Leslie Secondary Plan, and Ontario Municipal Board (OMB) hearing should be applied to all natural features and hazards on site. The minimum width

of the NHS in this area was set at 120 m for major tributaries (which this tributary has been classified as) through an OMB hearing.

All features have previously been staked, but may require updating, and the full extent of natural hazards (in particular flood plain) must be determined/delineated to ensure development is appropriately set back. The watercourse is also classified as an occupied reach for Redside Dace, an endangered species. The PSW is considered to be contributing Redside Dace habitat, that augments or maintains creek baseflow, coarse sediment supply and/or surface water quality of downstream occupied or recovery reaches. Science-based technical studies consistent with the North Leslie Secondary Plan and MESP Phases 1 and 2 should ensure that development on site would not have broader impacts on the natural heritage system and/or aggravate flooding and erosion hazards downstream.

While the west area proposed for removal contains a farmhouse and associated outbuildings, it does provide a mix of habitat types, including wetland, hedgerows and meadow, but most importantly, serves as a wildlife corridor that provides safe passage in a north-south direction immediately adjacent to Highway 404.

The east side of the valley corridor is immediately adjacent to Hwy 404. Although an overpass of the highway was contemplated through this area as part of the approved subdivision to the west, preliminary discussions for design would not accommodate access for the proposed development lands. Overpass design and grading issues with this crossing would likely require an additional road crossing of the Rouge River tributary as well as the associated PSW. This would result in a loss of PSW habitat and potential impacts to Redside Dace habitat beyond what would be occurring through the construction of the overpass alone. Currently, the NHS is approximately 160m in width, and would be reduced to approximately 90 m. This NHS width is not consistent with the OMB settlement, North Leslie Secondary Plan or the approved MESPs.

In addition, the flood hazard mapping for the North Leslie area would need to be updated based on the updated land-use scenarios and re-establishing development limits based on the new floodplain mapping. Further, all erosion modelling conducted as part of the MESP would need to be reassessed for the additional area. Finally, the stormwater management plan would have to be revised to consider the additional impervious lands.

Town of Whitchurch-Stouffville - 11861 and 12045 McCowan Road

The lands proposed for removal are adjacent to and on either side of a wetland and valley corridor associated with a tributary of the Rouge River. Appropriate buffers should be applied to all natural features on site, which should be staked, and the full extent of associated flooding and erosion hazards must be determined/delineated to ensure development is appropriately set back. Additional science-based technical studies would be required to ensure that development on site would not have broader impacts on the natural heritage system and/or aggravate flooding and erosion hazards downstream.

City of Markham - 5474 19th Ave. at the northwest corner of 19th Ave. and McCowan Road

The area proposed for removal is partially within and immediately adjacent to a Regulatory floodplain and spill area associated with a headwater drainage feature of the Rouge River watershed. Appropriate buffers should be applied to all natural features on site, which should be staked, and the full extent of associated flooding and erosion hazards must be determined/delineated to ensure development is appropriately set back. Additional science-based technical studies would be required to ensure that development on site would not have broader impacts on the natural heritage system and/or aggravate flooding and erosion hazards downstream.

City of Markham - 10235, 10378 and 10541 Hwy 48

The areas proposed for removal are partially within and adjacent to a regulatory floodplain associated with watercourses and headwater drainage features of the Rouge River watershed. The areas also contain and are adjacent to evaluated and unevaluated wetlands, and areas where natural hazards have yet to be delineated.

Appropriate buffers should be applied to all natural features on site once staked, and the full extent of associated flooding and erosion hazards must be determined and delineated to ensure development is appropriately set back. Additional science-based technical studies would be required to ensure that development on site would not have broader impacts on the natural heritage system and/or aggravate flooding and erosion hazards downstream.

City of Markham - 10379 Kennedy Road

TRCA would not support development within the area proposed for removal. The proposed removal is within a candidate Area of Natural and Scientific Interest (Life Science) adjacent to a PSW Complex, Robinson Creek, and associated flooding and erosion hazards. Development within the area proposed for removal could destroy and/or fragment important interior portions of the NHS. We note that access to the site could become an issue and that high groundwater could impede development or require dewatering that could impact reliant natural features. It should also be noted that the City of Markham Official Plan identifies enhancement lands immediately north of the proposed Greenbelt removal.

City of Pickering - South of Highway 407, west of West Duffins Creek and north of the CP Belleville rail line

The proposal to remove these lands from the Agricultural Preserve is concerning. The purpose of this designation was to protect valuable farmland and natural heritage. Removing the lands from the Greenbelt puts both uses at risk and may be detrimental to continued east-west connections between Rouge National Park and the NHS of the Seaton lands. **Please see the attached letter (Attachment 2) detailing TRCA's comments on the Province's proposed revocation of the Central Pickering Development Plan (CPDP).**

A significant risk for development of these lands is the vulnerability of a currently unimpeded corridor connection between the watersheds of Rouge River, Petticoat Creek and Duffins Creek. The NHS, identified in the CPDP, includes minimum widths that were defined specifically for this area recognizing a natural heritage approach first to land use planning. The connections and corridors in the CPDP NHS provide ecological and societal benefits in an area that has yet to experience any pressures from urbanization and population growth. As part of the Greenbelt, this location helps maintain the ecological integrity of Rouge National Urban Park and supports the agricultural, natural and cultural heritage of the Park and its diverse landscapes within and adjacent to the Park. Our records and provincial studies identify numerous species at risk that would be impacted by this proposed land use change within this area.

Additional risks include an overall reduction in the natural hazard protections and / or the natural heritage system benefits of the established Greenbelt, with an associated loss of function as well as a reduction in opportunities for restoration and enhancement. This specific area is also vulnerable to losses of prime agricultural land, a priority of the Greenbelt Plan. The result is an overall net loss of ecological and societal benefits from the Greenbelt in an area that is under considerable pressure from land use changes and population growth. This impact is heightened by the fact that the removals are proposed to be offset outside of the Petticoat Creek and Duffins Creek watersheds and far removed from areas most vulnerable to the impacts of land use change.

The current flood hazard delineation for Petticoat Creek and Duffins Creek is based on this portion of the Greenbelt being undeveloped and pervious. Development of this area will result in increases in the flood hazard for this area and the downstream lands that are already flood prone. If development will proceed in this area, significant levels of study and floodplain mapping updates will be necessary, potentially including long term and costly flood hazard remediation projects to protect the downstream lands from the impacts of development in this area. Comprehensive watershed studies and flood modeling must occur to understand and potentially mitigate negative impacts arising from proposed urban development. Based on preliminary reviews downstream infrastructure including, regional, provincial and local infrastructure will need to be retrofitted and protected to address this proposed land use change if it is approved.

Town of Ajax – 765 and 775 Kingston Road East (CLOCA)

While these lands are within the jurisdiction of the Central Lake Ontario Conservation Authority (CLOCA) they are near TRCA's regulated area of the Carruthers Watershed. We note that development on these lands would almost completely bisect the north-south corridor connecting Lake Ontario to the Oak Ridges Moraine referred to historically in regional official planning work as the "Lungs of Durham". Reducing the width of this corridor at this pinch point will significantly diminish the functionality of the corridor. TRCA defers to CLOCA for site specific commentary on the natural system impacts at this location.

Concluding Comments

TRCA recommends the proposal to remove lands from the Greenbelt be withdrawn and that the Province instead refocus on implementation including catalyst infrastructure to implement the thousands of units approved by Minister Zoning Orders (MZOs) in flood prone but approved urban areas such as East Harbour in Toronto, Concord in Vaughan, and other sites. This implementation focused approach was recommended by TRCA to Standing Committee on Bill 23 as a means of ensuring the current adequate supply of land already approved for urban development can be optimized. The desire for rapid increase in housing supply shouldn't mean Greenbelt removals, rather, in the context of rapid growth and intensification it becomes even more important to protect and enhance the natural systems and agricultural lands of the Greenbelt for the benefit of the new population and current and future generations. Such protection and enhancement will also bolster the resilience of the natural systems impacted by the demands of the new population. Such an approach will also help to optimize existing infrastructure and services such as transit where they are present with savings for taxpayers. Protecting the environment and providing housing in a timely fashion are both important, and one should not have to come at the expense of the other.

Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at (416).667.6290 or at john.mackenzie@trca.ca.

Sincerely,

<Original Signed by>

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Encl: Attachment 1: TRCA Letter-ERO #019-4485, #019-4483, #019-4803 Growing the Size of the Greenbelt
Attachment 2: TRCA Letter-ERO#019-6174 Proposed Revocation of Central Pickering Development Plan

Cc: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services



April 22, 2022

BY E-MAIL ONLY (greenbeltconsultation@ontario.ca)

Greenbelt Consultation
Provincial Planning Policy Branch
777 Bay Street, 13th floor
Toronto, ON M7A 2J3

Re: Proposed Amendments to the Greenbelt Plan (ERO #019-4485) and Area Boundary Regulation (EROs #019-4483) and Ideas for Adding More Urban River Valleys (ERO #019-4803)

Thank you for the opportunity to comment on the above noted Environmental Registry (ERO) postings. TRCA conducts itself in accordance with the objects, powers, roles, and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* (CA Act) and the Ministry of Natural Resources and Forestry's Procedural Manual chapter on CA policies and procedures for plan review and permitting activities. TRCA is:

- A public body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement (PPS);
- A regulatory authority under Section 28 of the CA Act;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, and as stated in the "A Made-In-Ontario Environment Plan," TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Through Memorandums of Understanding and Service Level Agreements, TRCA provides technical support to its provincial and municipal partners in implementing municipal growth management policies. TRCA provides science-based policy advice to municipalities related to planning and environmental assessment applications in the Provincial Greenbelt to achieve land use and infrastructure planning decisions that conform to the Greenbelt Plan. The Plan's Urban River Valley designation confers a provincial interest on urban river valleys already protected through municipal official plan policies and TRCA's Regulation and policies.

Government Proposal

Through the subject EROs, the Ministry of Municipal Affairs and Housing is undertaking Phase 2 consultation to grow the Greenbelt. In doing so, we understand that the Ministry intends to build upon previous feedback through Phase 1 of this consultation and seek additional input on proposed amendments to the Greenbelt Plan (including Schedules 1, 2, and 4) and Greenbelt Area Boundary Regulation (Ontario Regulation 59/09) that would add thirteen new Urban River Valley (URV) areas to the Greenbelt Plan.

Additionally, we understand that general feedback for other potential new URV additions or expansions to the Greenbelt is also being sought, provided such recommendations reflect the "Key Principles for Expanding the Greenbelt" identified in Phase 1.

We note that, of the thirteen new URVs proposed, five are located within TRCA's jurisdiction along the Don and Humber River valley corridors within the limits of the City of Toronto. Specifically, the proposals would include portions of the following watercourses:

Don River

- Burke Brooke
- Wilket Creek
- Taylor Massey Creek

Humber River

- Humber Creek
- Black Creek

Comments

TRCA offers the following comments, which are reflective of those previously provided to the Ministry through Phase 1 consultation on Growing the size of the Greenbelt on April 19, 2021 (ERO# 019-3136).

TRCA supports increasing the size of the Greenbelt through new or expanded URVs, especially from an educational and awareness-raising standpoint. As stated in the Greenbelt Plan, the river valleys that run through existing or approved urban areas and connect the Greenbelt to inland lakes and the Great Lakes are a key component of the long-term health of the Natural System.

As per policy 6.2.1 of the Greenbelt Plan, Greenbelt policies related to URVs only apply to public lands. By virtue of this policy application and the new URVs being predominantly on public lands, the new URVs are already protected through other policy and regulatory means. In addition to being protected by existing provincial policies that address natural heritage and hydrologic features and areas (i.e., PPS, Growth Plan, Source Protection Plans) and CA policies and associated regulations, URV lands are typically already designated for protection in official plans (OPs) as parks, open space, recreation, conservation and/or environmental protection.

TRCA has been collaborating with our municipal partners to provide updated science-based Natural Heritage System (NHS) mapping to inform municipal OP updates through the Municipal Comprehensive Review (MCR) process. TRCA has also developed Water Resource System (WRS) data layers to help our municipal partners conform to new provincial policies requiring identification of the WRS. These scientific and systems-based areas (or portions thereof) would more effectively inform future Greenbelt expansions once the NHS and WRS frameworks are in place and related components of MCR work conclude.

TRCA would welcome the opportunity to help delineate and/or refine the most appropriate boundary expansions based on science and in consultation with affected municipalities. However, until MCRs are complete in accordance with the upcoming July 1, 2022 conformity deadline imposed through the Growth Plan, the implications of Greenbelt expansion on other provincial priorities cannot be fully understood, particularly in relation to updated NHS and WRS mapping, Land Needs Assessments, long-term infrastructure planning and the implementation of the Province's Agricultural System.

Notwithstanding the above, TRCA has identified areas we believe generally align with the Province's criteria for URV expansion and would be in keeping with the Greenbelt Plan's objectives, vision and goals while further enhancing the quality and extent of existing protections. Examples of these areas include, but are not limited to:

- Major watercourses in our jurisdiction currently excluded from the Greenbelt but linked to existing Greenbelt areas, URVs with direct connections through the Plan's natural heritage, and water resource systems linked through Lake Ontario.
- Relatively small, isolated pockets, primarily consisting of prime agricultural land containing and/or adjacent to natural features fully encapsulated by (but outside) larger swaths of the Greenbelt, which if enveloped by the Greenbelt would form and further enhance a continuous broad band or protected land built upon the Greenbelt's systems approach.

- Provincially owned lands within the natural heritage system of current OPs that, if expanded, would link existing Greenbelt areas across watershed corridors as part of a larger, connected system.
- Stretches of former Lake-Iroquois shoreline between existing URVs, which represent largely east-west wildlife habitat movement corridors and areas of increased groundwater recharge and discharge functions.

With regard to the ERO's request for ideas to expand the Greenbelt, **TRCA recommends that the Province review the URV policies, with a focus to consider a natural systems-based approach to expanding and enhancing the Greenbelt rather than a private versus public land ownership criteria.** This would better reflect the Province's key factors of Greenbelt expansion and enhancement, as listed in the ERO posting, (i.e., to allow for the ecological connection and integration of the Greenbelt into urban settings through river valley connections, and to protect natural and open space lands to assist in ecological connections, natural heritage and hydrologic features and functions of river valleys).

TRCA's Living City Policies states that TRCA supports the legislated protection and management of the Greenbelt and continues to participate as a partner in coordinated programs to secure lands, provide stewardship, and advance the science and understanding of the Provincial Greenbelt lands through watershed, groundwater, and natural heritage studies and monitoring. Accordingly, **should the Province not consider the above recommendation, TRCA recommends that the Province consider proposing and consulting on a mechanism for newly acquired public lands, that meet provincial criteria for Greenbelt/URV expansion, to be added to the Greenbelt.**

Thank you once again for the opportunity to provide comments on this proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, Ext. 5281 or at laurie.nelson@trca.ca.

Sincerely,

<Original signed by>

Laurie Nelson, MCIP, RPP
Director, Policy Planning

BY E-MAIL

cc:

TRCA: John MacKenzie, Chief Executive Officer
Sameer Dhalla, Director, Development and Engineering Services
Alexander Schuler, Associate Director, Property, Assets and Risk Management

Chief Executive Officer



November 24, 2022

BY E-MAIL ONLY (MSOC.Admin@ontario.ca)

**Re: Response to Request for Comments
Proposed Revocation of the Central Pickering Development Plan (ERO #019-6174)**

Thank you for the opportunity to comment on this posting on the Environmental Registry of Ontario (ERO) by the Ministry of Municipal Affairs and Housing (MMAH) which proposes to revoke the Central Pickering Development Plan (CPDP), under the Ontario *Planning and Development Act, 1994*. As the ERO states, this proposal intends to help support the government's commitment to streamline, reduce and eliminate burdens and to potentially increase housing supply.

Toronto and Region Conservation Authority (TRCA) has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the *Conservation Authorities Act* (CA Act);
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipal partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region owning and directly managing lands and conducting programs and projects in collaboration with the province, municipalities, stakeholders, and indigenous communities within the confines of the CPDP area.

In these roles, and as stated in the *Made-in-Ontario Environment Plan*, CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

COMMENTS

TRCA appreciates the Province's important goal of addressing the housing crisis through expediting development approvals and has taken streamlining actions that help support this objective. We do not believe, however, that resolving the housing crisis needs to come at the expense of the environment. To this end, we provide the following comments to ensure that well planned sustainable development can happen safely while maintaining nature's beauty and diversity.

Revocation of the CPDP would remove an area-specific policy framework focused on the permanent protection, maintenance and enhancement of natural features, functions and systems. Revocation of the CPDP combined with recent legislation will also remove protection of areas that previous governments and stakeholders intended to be preserved for agricultural and conservation uses. Careful consideration of the CPDP and its objectives were shaped by previous provincially led EA and planning processes that

involved extensive public and stakeholder consultation including consultation with indigenous communities. These CPDP objectives were refined through the Seaton Community Master Environmental Servicing Plan Amendment (MESPA) process, but the MESPA is not a statutory document. Amendment 22 to the Pickering Official Plan (OP) provides policies for developing and managing the Seaton community but is subject to potential amendment. Further, there are no applicable higher level regional policies that would articulate the strong policies in the CPDP as the Region of Durham's OP only defers to the CPDP. Together, proposed changes through Bill 23 to the CA Act, the proposed repeal of the Duffins Rouge Agricultural Preserve Act, proposed removal of the Duffins Rouge Agricultural Preserve from the Greenbelt, and proposed changes to the Ontario Wetland Evaluation System create potential for loss of significant biodiversity and damage to downstream areas of the Petticoat and Duffins Creek watersheds. Without clarity on how features and functions will be protected in the absence of the CPDP, these proposed changes will increase the vulnerability of this area's natural systems, significant natural features, and endangered species that were proposed to be protected permanently through the CPDP, Greenbelt, and other legislative protections.

To date, the CPDP has been successful in achieving the goals set out in its mandate, however, the ERO posting does not provide any insight into how these important objectives would continue to be met. Rather, the ERO posting highlights how neither Pickering or Durham Region's OPs have adopted the full approach of the CPDP and that further planning approvals (e.g., subdivision approvals) will continue to be implemented. Prior to revocation of the CPDP, a high-level replacement policy framework articulating the objectives of the original Plan should be in place to ensure that the Region of Durham and City of Pickering adopt strong policies in support of protecting natural systems and comprehensive policy framework to guide planning decisions for all of the CPDP area. Any changes in these areas may also require initiation of new infrastructure and planning processes in neighbouring municipalities including York, Markham, and Toronto which were factored into CPDP development.

Revoking the CPDP would leave lands in the approved MESPA highly susceptible to negative impacts of development and potentially exacerbate natural hazards in downstream areas. The removal of the CPDP would nullify the extensive review and approval process that went into identifying the impacts of residential, employment, commercial and infrastructure in the Duffins Creek watershed including the sizing of servicing and infrastructure to support these thresholds. It could also result in provincially owned properties and privately owned lands slated for dedication into public ownership being developed and henceforth removed from the natural heritage system. Further, from the recently proposed draft City of Pickering's Comprehensive Zoning By-Law, there appears to be no intention to uphold the full extent of the provincially identified Seaton Natural Heritage System as identified in the MESPA or the CPDP. Converting existing environmental protection within the Greenbelt Protected Countryside, Seaton NHS, and Duffins Rouge Agricultural Preserve to other zoning designations could result in negative impacts. The Province has recommended that the CPDP should be adopted into the municipal plans, however, this has not been the case, as is clearly demonstrated in the City's draft By-law of August 2022.

The protection of the Duffins Rouge Agricultural Preserve is a crucial factor in protecting the Rouge National Urban Park and ecosystem components of the Rouge River, Duffins Creek and Petticoat Creek watersheds. Downstream portions of these creeks are particularly susceptible to flooding impacts and these issues must be addressed in any replacement municipal policy framework if the CPDP is removed. By promoting connectivity free from urbanization between the Rouge, Petticoat and Duffins watershed, the ecological systems can be conserved and restored as intended. Opening lands for new infrastructure and or development within this area without proper and extensive planning could undermine the important goals of ecological connectivity, gene dispersion and system connection of the corridors with

potential impacts on infrastructure and downstream communities subject to flood risk. Thus, **TRCA strongly recommends that clear direction be provided to affected municipalities to ensure that municipal OPs and by-laws uphold the ecological systems established through the CPDP and consistent with the Duffins Creek Watershed Plan prior to revocation. We also strongly recommend that the CPDP stay in place until a watershed and subwatershed plan for Petticoat Creek is completed, until related and linked legislative processes are complete, and details of proposed infrastructure improvements to the York Durham Sewer System in Bill 23 are better known.**

Finally, TRCA recommends that the Province pause the proposed revocation of the CPDP and convene a special panel to include the City of Pickering, City of Markham, City of Toronto, York and Durham Regions, Rouge Park/Parks Canada and TRCA which could include the Province (Infrastructure Ontario) and other landowners to identify shared interests, potential impacts of this decision, mitigative policies and a path forward that would protect and restore natural systems and address natural hazard risks in this area and in downstream areas.

Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

< Original Signed By>

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Cc: Sameer Dhalla, Director, Development and Engineering Services
Laurie Nelson, Director, Policy Planning
Steve Heuchert, Associate Director, Development Planning and Permits

Chief Executive Officer



December 8, 2022

BY E-MAIL ONLY (PlanningConsultation@ontario.ca)

**Re: TRCA Response to Request for Comments
Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of
Bill 23 - the proposed More Homes Built Faster Act, 2022) (ERO #019-6163) and
Proposed Changes to Ontario Regulation 299/19: Additional Residential Units
(ERO #019-6197)**

Thank you for the opportunity to comment on the above noted postings to the Environmental Registry of Ontario (ERO) by the Ministry of Municipal Affairs and Housing (MMAH), which proposed changes to the *Planning Act* and the *City of Toronto Act*, for the purposes of building new homes for Ontarians as part of the Province's commitment to build 1.5 million homes over the next ten years. More specifically, we understand that, among a suite of other proposed amendments, key changes of particular interest to TRCA include:

- Allowing up to three units per lot "as-of-right" in many existing residential areas to strengthen the existing additional residential unit (ARU) framework
- Requiring municipalities to implement "as-of-right" zoning for transit supportive densities in specified areas around "major transit station areas" (MTSA) and "protected" MTSA (PMTSA), and to update their zoning by-laws accordingly within one year of MTSA/PMTSA approval
- Removal of planning policy approval responsibilities from certain upper-tier municipalities (including the regions of Durham, Peel, York, and Simcoe County)
- Limits to third party appeals for planning matters
- Exempting all aspects of site plan control for residential development up to ten units and removing the ability for municipalities to regulate architectural details and landscape design through site plan control
- Re-enact provisions not yet in force that would limit conservation authority (CA) appeals to natural hazard matters in provincial policy statements
- Broaden the ability of CAs to use an existing streamlined process to sever land

TRCA has an interest in the proposed changes given our roles as:

- A regulator under Section 28 of the *Conservation Authorities Act*;
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipal, provincial and federal agency partners;
- A resource management agency operating on a local watershed basis; and

- One of the largest landowners in the Greater Toronto region.

In these roles, and as stated in the “Made-in-Ontario Environment Plan” and consistent with “Ontario’s Flooding Strategy”, CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. With TRCA’s roles and experience in mind, we offer the following comments.

COMMENTS

TRCA supports the Province’s important goal of addressing the housing crisis through expediting development approvals and has taken actions that help support this objective, however, Bill 23 could bring increased costs and delays to the planning process while jeopardizing the environment and public safety from natural hazards. As per the resolution unanimously passed by [TRCA’s Board of Directors held on October 28, 2022](#), and Board-endorsed [TRCA staff report on the impact of Bill 23 on November 10, 2022](#), **TRCA had requested a removal and/or revision to certain proposed legislative changes. Now that the amendments proposed under the current ERO postings have passed through Bill 23, TRCA requests that the Province reconvene the multi-sector Conservation Authority Working Group and consult on the development of the regulations necessary to implement the amendments to address concerns for:**

- **reduced oversight for managing natural hazards and meeting source water protection requirements,**
- **prohibiting CA advisory services to municipalities for Ontario Land Tribunal appeals on natural heritage,**
- **preventing municipalities from applying a full suite of sustainable design standards.**

Please see our detailed comments below describing our recommendations specific to these concerns.

1. Intensification through “as-of-right” permissions for Additional Residential Units (ARUs) and higher density around transit should not be permitted within natural hazards

We understand that up to three ARUs would be permitted on an urban property without the need to change zoning or official plans, which could include two residential units in the principal building, one in an ancillary building or three residential units in a principal building. Municipalities would also be required to implement “as-of-right” zoning for transit supportive densities around specified transit station areas.

While we generally support the Province’s proactive measures to intensify development and concentrate higher densities around transit to increase housing supply, we note that Ontario’s land use planning framework not only articulates where and how growth is to occur, it identifies where growth should not take place. In part, this is to protect the agricultural land base, ecological and hydrological features and areas, and mitigate against risk to life and property from natural hazards. TRCA’s own policy document, The Living City Policies, is consistent with this policy framework and guides our advisory role under the *Planning Act* and regulatory role under the CA Act.

As a commenting body, and through our memorandums of understanding, TRCA (along with other CAs) assists municipalities in assessing, avoiding, remediating, or mitigating risks from natural

hazards prior to *Planning Act* approvals and the issuance of building permits. Where requested, we assist municipalities with comprehensive official plan and zoning by-law reviews to ensure flood plain mapping and policies are up to date and conform to provincial policy on natural hazards. In TRCA's experience, where official plans and zoning do not reflect current natural hazard mapping or contain associated land use restrictions, there is potential for development permissions to establish expectations that conflict with provincial and CA policies for developing outside of lands subject to natural hazards. Even where development already exists within a flood plain, proposed additions or additional units increases risk to life and property. This inconsistency leads to confusion and delay of development approvals. The current government actions to amend the *Planning Act* under Bill 23 for as-of-right additional units ignores these risks where it enables the potential for intensified development regardless of natural hazards.

To assist with implementation of increased housing units safely, it should be clarified as to how these permissions would interface with other provincial policies, e.g., pursuant to section 3.1 of the Provincial Policy Statement (PPS) generally directing development outside of natural hazards and consistent with the PPS description of Special Policy Areas, which states that, "A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain." It is imperative that provincial policy direction be adhered to so that risk to life and property are not increased by virtue of development and intensification within a natural hazard.

CAs work proactively with municipalities to identify appropriate locations for municipal implementation of missing middle and higher density transit-oriented development outside of natural hazards areas. CAs can also advise on remediation strategies for areas undergoing urban revitalization that may contain flood and erosion prone areas and remnant degraded natural features, which in turn can help expedite development and infrastructure plans and projects. TRCA is concerned that the legislative changes may prevent opportunities for this collaboration to continue.

Therefore, TRCA recommends that the Province require municipalities to implement the legislative changes for "as-of-right" permissions contingent on the subject lands being outside of natural hazards and to continue to engage conservation authorities to help identify these areas. Furthermore, we recommend that the Province focus on implementation of catalyst infrastructure to protect existing flood prone residential areas that once remediated could then be intensified.

2. Removal of regional planning policy and approval responsibilities within TRCA's jurisdiction would diminish regional-scale planning coordination and oversight when consistency and efficiency are needed most to address Ontario's housing crisis

TRCA recognizes the valuable roles our partnering regional municipalities play in integrating land use, infrastructure, and environmental planning and we encourage the Province to consider their requests in response to Bill 23. TRCA works collaboratively with Peel, York and Durham regions on various regional planning exercises to assist with provincial policy conformity, including watershed planning, identification and protection of natural heritage systems, implementation of drinking water source protection policy, and coordinated growth management through land needs assessment and infrastructure expansion. In light of this experience and the proposed removal of regional planning responsibilities within our jurisdiction, we note the following areas of potential concern.

Watershed and Subwatershed Planning

Like regional planning, watershed planning is undertaken at the scale necessary for meaningful, integrated long-term planning that considers cumulative development impacts across local municipal boundaries. TRCA's experience with watershed planning and subwatershed planning is that this type of work, when supported by regional municipalities with involvement of local municipalities, creates certainty for all stakeholders and saves time while achieving other efficiencies at successive stages of *Planning Act* and environmental assessment processes across multiple political boundaries. For instance, the Carruthers Creek Watershed Plan was recently developed through collaborative efforts by TRCA, the Region of Durham, the Town of Ajax and City of Pickering to establish management actions to guide municipal implementation of development and infrastructure and environmental decision-making across the watershed. Without the regional planning role, (combined with CAs' removal from natural heritage planning matters under the CA Act), opportunities for coordination among municipalities sharing a watershed and the associated benefits achieved, are drastically reduced.

Source Water Protection

Under the *Municipal Act*, regional municipalities within TRCA's jurisdiction are responsible for drinking water production, treatment, and storage. Within the CTC Source Protection Plan (SPP) developed under the *Clean Water Act* these regional municipalities coordinate and work together with local municipalities to implement the land use planning policies in the CTC SPP. This direction and guidance are distilled in part through regional official plans, updated to conform to new or amended source protection plans.

As noted, regional municipalities are implementors of land use planning policies within source protection plan policies. These policies are in place to ensure certain development and site alteration under the *Planning Act* (including certain Site Plan applications) does not become a significant drinking water quantity threat, e.g., due to recharge reduction. Removal or transference of this responsibility could place new requirements on lower-tier municipalities without the expertise or capacity to do so. It could also necessitate amendments to source protection plans given existing references to regional roles and conformity requirements (and timing) for OP and zoning approvals.

Additionally, under the Growth Plan, regional municipalities are (currently) required to undertake integrated planning to manage provincially forecasted growth. Due to this convergence, regional growth planning has become a vital mechanism for source water protection in that it considers how development, land use and infrastructure interface with the long-term viability of water quality and quantity to support anticipated growth. However, **TRCA is concerned that removal or downloading of regional planning responsibilities to local municipalities could undermine source protection plan implementation and would necessitate a timely review and update of source protection plans.**

3. Site plan control exemptions have implications for CA service to municipalities in managing natural hazard risk and in source water protection

Bill 23 exemptions for Site Plan control could have unintended consequences on managing natural hazard risk and on source protection plan implementation.

It is noted that without site plan control, municipalities may have limited ability to receive input on or regulate site detailed design items such as setbacks and location of buildings as they relate to hazardous lands and natural features. It is also noted that site plan control can be an important opportunity for municipalities to ensure that stormwater is properly managed with the potential to increase pluvial flooding. Without site plan control there may be no other *Planning Act* circulation

to the conservation authority, losing an earlier opportunity for the CA to identify any challenges with the proposed development.

Where a municipality can currently implement source protection policies through review of Site Plan applications (e.g., to require salt management plans, control siting and design of septic systems and stormwater management controls), many (i.e., if > 10 residential units) would instead be deferred to a later stage (e.g., building permit), where staff may lack necessary technical and policy expertise. This could necessitate revisions and lead to unnecessary costs and delays if, as experienced by TRCA staff, a stormwater management pond or sewage force main were proposed in a wellhead protection area where it would impact drinking water quality. Site Plan applications are also triggers for specific source protection plan policies. Therefore, exempting Site Plan controls would nullify their ability to protect against certain drinking water threats outright, e.g., reduced water quantity (recharge reduction) from increased impervious cover.

Lastly, widespread acceleration of development approvals through Bill 23 could shift municipal projections for existing capacity and projected timing of new drinking water sources (e.g., wells, intakes) and/or capacity re-allocation, which could influence demand and timing for source protection plan amendments under Section 34 of the *Clean Water Act*. In TRCA's experience these processes require extensive pre-consultation and technical evaluation between consultants, CAs, municipalities and the Province to evaluate and delineate drinking water vulnerability threats. It also requires associated policy and mapping updates and corresponding statutory public consultation to amend existing source protection and official plans, which can take time and necessitate transition provisions to streamline development while maintaining drinking water protections. As a Source Protection Authority, TRCA has first-hand experience in these processes, as evidenced through our current work related to new wells and increased allocation in Nobleton and Caledon, and a new water treatment intake (Toronto Island) and treatment outlet (Ashbridges Bay) in Toronto. Given the key role regional municipalities play in coordinating this work with regional planning responsibilities, we believe they should maintain their regional planning role.

TRCA will continue to work with our partner source protection authorities – Credit Valley Conservation and Central Lake Ontario Conservation Authority to lead the development of the source protection plan for the CTC Source Protection Region.

We recommend the Province engage CAs and municipalities to identify appropriate solutions to ensure that watershed planning and source protection plans continue to be implemented effectively and in a timely manner.

Further, TRCA recommends that the site plan exemption for less than 10 units be subject to none of the proposed units being within an area subject to natural hazards and that municipalities be directed to engage in early pre-consultation with CAs to identify and resolve any issues with the proposed development, including issues associated with natural hazards or the protection of sources of drinking water.

4. Limiting CA Appeals of Land Use Planning Decisions leaves a gap in CA service to municipalities

Under Bill 23's *Planning Act* amendments, CA appeals of land use planning decisions will be limited to matters that affect land they own, where the CA is the applicant, or when a CA is acting as a public body, only relating to natural hazard policies in provincial policy statements. In current practice, TRCA supports its municipal partners in *Planning Act* appeals dealing with both natural hazards and natural heritage due to municipalities' reliance on TRCA staff as expert witnesses in ecology, hydrogeology, geotechnical engineering and water resource engineering. **TRCA**

recommends, that to maintain current efficient and effective CA advisory service to municipalities for appeals related to natural heritage, we recommend the Province engage municipalities and CAs to consult on ways to address the gap in service that will be left by Bill 23, that currently helps streamline appeals and approvals.

5. Municipal Green Standards are a valuable tool for preparing for climate change

Under Bill 23, the exemptions for Site Plan control remove the ability for municipalities across TRCA's jurisdiction to regulate architectural details and landscape design, curtailing the ability to implement green development and urban design standards. TRCA's municipal partners regularly engage TRCA on the development of these standards through our valuable advisory role in the plan input and plan review process. Many of these site level matters that TRCA advises municipalities on assist them in meeting provincial policies for preparing for the impacts of a changing climate through sustainable development and infrastructure planning and design, e.g., Low Impact Development measures for stormwater management. Given that the *Planning Act* amendments for this change were approved through the passing of Bill 23, **TRCA recommends that municipalities be provided with an alternate mechanism in order to retain the ability to implement green development standards.**

Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,

<Original signed by>

John MacKenzie, M.Sc.(Pl), MCIP, RPP
Chief Executive Officer

Cc: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services

Chief Executive Officer



December 9, 2022

BY E-MAIL ONLY (Blair.rohaly@ontario.ca)

Environmental Assessment and Permissions Division
135 St Clair Avenue West 14th Floor
Toronto, ON, M4V 1P5
Canada

**Re: TRCA Response to Request for Comments
Supporting Growth and Housing in York and Durham Regions Act, 2022
(ERO #019-6192)**

Thank you for the opportunity to comment on this posting on the Environmental Registry of Ontario (ERO) by the Ministry of the Environment, Conservation and Parks (MECP) which proposed new legislation that would require the expansion of wastewater treatment services for York Region and the construction of a phosphorus reduction facility to remove phosphorus from drainage water that flows into Lake Simcoe. The ERO posting states that these changes intend to provide a solid foundation to address Ontario's housing supply crisis over the long term and will be supplemented by continued action in the future.

Toronto and Region Conservation Authority (TRCA) has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the *Conservation Authorities Act* (CA Act);
- A public commenting body under the *Planning Act* and the *Environmental Assessment* (EA) Act;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipal, provincial, and federal agency partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region.

In these roles, and as stated in the "Made-in-Ontario Environment Plan," CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

COMMENTS

TRCA shares the Province's important goal of addressing the housing crisis through expediting development approvals and has taken actions to support this objective, however, we do not believe that resolving the housing crisis needs to come at the expense of the environment. To this end, we submit the following comments with a view to well-planned sustainable infrastructure that can happen safely while maintaining nature's beauty and diversity.

As a watershed-based resource management agency, source protection authority, and in TRCA's commenting and regulatory roles, we assist municipalities and development proponents in facilitating sustainable infrastructure planning, design and construction of municipal sewage works affecting TRCA watersheds and regulated areas.

Further, TRCA supports our partner municipalities, including York and Durham regions, in their responsibilities for growth management (development) and water and wastewater servicing, planning and design (infrastructure), based on our multi-disciplinary expertise in watershed planning and water resources management. This work also contributes to meeting provincial policies for preparing for the impacts of a changing climate, for watershed planning to inform infrastructure planning, and through application of the mitigation hierarchy, natural hazard management, and the siting, planning and design of resilient infrastructure.

The proposed Act (now approved legislation through Bill 23) requires York and Durham Regions to expand and improve the existing York Durham Sewage System to convey sewage from communities in upper York Region to the Duffin Creek Water Pollution Control Plant in Durham Region for treatment and discharge into Lake Ontario. The ERO posting states that implementing this proposal would accommodate growth and housing development in the upper part of York Region to 2051. **TRCA notes that current related ERO postings, (e.g., proposed Greenbelt Plan amendments), contemplate urban expansion and new developments that would require a re-examination of servicing capacity beyond the capacity of what had been envisioned previously for these areas.**

In addition, we note that there are no detailed maps or schedules provided so that we can understand the potential impacts associated with transmission routes and associated infrastructure such as pumping stations, appurtenances, and access shafts, staging and construction areas that would likely be required as part of this undertaking. There are many sensitive environmental features and functions including natural hazards in the Rouge, Duffins and Petticoat systems where this undertaking is proposed. TRCA owned and managed lands could also likely be affected and potentially required for this undertaking but without mapping it is unclear what these would be.

We recommend that additional details on transmission routes and associated infrastructure including detailed mapping should be provided to inform public and agency responses.

Further, the current proposal exempts identified projects from the *Environmental Assessment Act*, and instead requires the development of Environmental Reports. The posting states that the Reports must contain details about the sewage works and any approvals required to implement the projects, the anticipated cost, the potential impacts to the environment and mitigation of those impacts. We note, however, that there is no direction provided in the legislation on the minimum environmental study requirements of these reports. TRCA as a property owner and reviewer would have to be provided adequate information so that we could review the proposed works within our allowable scope recognizing recent legislative changes.

The provision of this information would provide clarity for those responsible for developing and reviewing the reports while ensuring that all critical environmental and hazard considerations are made in lieu of the formal environmental assessment (EA) process. TRCA would likely have to convey lands or easements due to our extensive holdings within the affected watersheds of the YDSS. Legislative compliance is an important matter in any real property disposition. There are a number of issues related to compliance with other federal Acts (e.g., *Fisheries Act*, *Species at Risk Act*) that must be satisfied or understood related to this proposal and these matters are typically addressed through the

EA process. Provincial legislative and regulatory requirements including the *Endangered Species Act* and *Source Water Protection Act* and others must also be understood. Reasonable alternatives to the undertaking and alternative methods should also be explored as this is a significant part of an EA. It is unclear whether this information would be present in the contemplated Environmental Reports.

Moreover, minimum requirements are needed for Environmental Reports with direction to avoid, minimize, mitigate, and compensate for environmental impacts including impacts in areas regulated or owned by TRCA. TRCA's Guideline for Determining Ecosystem Compensation may be a useful tool for the Province to examine in this regard. The Environmental Reports should explore opportunities to minimize environmental impacts on natural systems, including dewatering management plans that consider the environment and source water protection. Additionally, we note the proposal makes no mention of monitoring requirements during and after the proposed works, or for environmental restoration and compensation of affected areas. A requirement for monitoring should be built into expanded direction on environmental reporting related to the proposed works.

TRCA recommends the Province conduct an appropriate level of environmental assessment for this undertaking, and, if it chooses not to, to provide the same information requirements as an environmental assessment within the contemplated Environmental Reports. This information is vital so as to avoid or mitigate environmental impacts, and to inform reasonable siting and design alternatives that could avoid, minimize, or mitigate impacts to the environment, and ensure source water protection. Where impacts are unavoidable, provincial requirements should provide clarification on mitigation, requisite restoration, and compensation for affected areas.

Lastly, from our review of the information provided we are also unclear about the public and agency review process associated with the proposed Environmental Reports and components of the undertaking and even proponentcy on this undertaking recognizing that it is being directed by the Province involving two Regions.

TRCA recommends the Province and or the proponents of the undertaking if this is not the Province include an appropriate period of public and agency consultation on the terms of reference for the Environmental Reports and an appropriate period of time for review of draft versions of the Environmental Reports once they are prepared to ensure all relevant considerations that would normally be present in an Environmental Assessment Act process are addressed.

Thank you for the opportunity to provide comments on this important initiative. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please reach out at 416.667.6290 or at john.mackenzie@trca.ca at your earliest convenience.

Sincerely,

<Original signed by>

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Cc: Laurie Nelson, Director, Planning Policy
Sameer Dhalla, Director, Development and Engineering Services

Chief Executive Officer



December 19, 2022

BY E-MAIL ONLY (parkwaybeltwestplan@ontario.ca)

**Re: TRCA Response to Request for Comments
Proposed Revocation of the Parkway Belt West Plan (ERO #019-6167)**

Thank you for the opportunity to comment on this posting on the Environmental Registry of Ontario (ERO) by the Ministry of Municipal Affairs and Housing (MMAH). We understand the Ontario government is seeking feedback on a proposal to revoke the Parkway Belt West Plan, 1978 (PWBWP), under the *Ontario Planning and Development Act, 1994* (OPDA). The ERO states that this revocation would support the government's commitment to streamline, reduce, and eliminate burdens and to potentially increase housing supply.

Toronto and Region Conservation Authority (TRCA) has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the *Conservation Authorities (CA) Act*;
- A public commenting body under the *Planning Act* and the *Environmental Assessment (EA) Act*;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipal, provincial, and federal agency partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region including of lands within and abutting the PWBWP.

In these roles, and as stated in the "Made-in-Ontario Environment Plan", CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. With TRCA's roles, responsibilities, and experience in mind, we offer the following comments.

GENERAL COMMENTS

TRCA appreciates the Province's important goal of addressing the housing crisis through expediting development approvals and has taken streamlining actions that help support this objective. We do not believe, however, that resolving the housing crisis needs to come at the expense of the environment. To this end, we provide the following comments.

The proposal notes four main goals upon which the Parkway Belt West Plan was created and emphasizes that it has been successful in protecting land for transportation and utility corridors and preserving the links between urban areas. Little is provided, however, in relation to evaluating the goal of providing a system of open space and recreational facilities within the Plan area – a key component of the Plan. In addition, the PWBWP has played and continues to play a vital role in protecting transportation and infrastructure corridors that are important to the North American, national, and provincial economy.

Encroachment by competing land uses can compromise these irreplaceable infrastructure corridors including sewage systems that are of vital importance to the health of TRCA managed watersheds in the GTA and this should be weighed heavily in any decision making about the potential revocation of this plan. Instead, the proposal generally notes that years of successive provincial legislation, land use policy and plans have modernized the “outdated” policy framework, however, this is not clarified in any detail.

Implications to the revocation of the PWBWP could result in negative and permanent impacts to infrastructure and the natural environment prior to ensuring core elements of the Plan are addressed elsewhere through existing and/or proposed policy. Of particular note are the ecological implications of lost open space corridors and linkages. These corridors and linkages are designed to support continuous areas of habitat and species movement. The features, functions, corridors, and linkages provided by the Parkway Belt are critical in supporting biodiversity especially within the now urban settings where they are located. Open space corridors contain natural heritage features and areas as well as natural hazards and their associated setbacks, allow for the interconnectedness of these features to be maintained to support healthy and dynamic ecosystems in the face of biodiversity loss and extreme weather events.

These open space corridors are also important for combatting the effects of climate change, supporting carbon sequestration and pollution uptake. In addition to ecological functions, the provision of these open space corridors also brings social benefits. For example, we note that portions of the PBWP comprise vital elements of the [TRCA Trail Strategy for the Greater Toronto Region](#). A multi-use inter-regional trail was part of the original PWBWP, and which should be protected so necessary active transportation connections can be achieved. In addition, open spaces in the PWBWP have been factored into watershed plans for the major river systems in our jurisdiction including the Humber, Don, and Rouge Rivers and Etobicoke Creek.

It is acknowledged that, since the PBWP’s inception, legislation, policy, and provincial plans have been introduced to provide a more up-to-date framework for infrastructure, natural heritage, agriculture, and parks and open space areas. Nevertheless, the proposal does not provide insight as to how all Plan objectives will continue to be met, or how potential policy gaps could be addressed. Moreover, legislative changes through Bill 23, proposed changes to the PPS, Growth Plan and Ontario Wetland Evaluation System may undermine protections in the existing policy framework outside of the PWBWP under the OPDA. following revocation. In the absence of a thorough and transparent analysis of the implications and opportunities to fill identified policy gaps resulting from proposed Plan revocation, core elements of the PBWP, may be lost, including the identification and protection of open space and utility corridors and linkages between intensifying communities.

Although the PPS and provincial plans contain good policies for infrastructure planning, much of infrastructure planning takes place under an environmental assessment process, which does not fall under the PPS or for which there are exemptions in the provincial plans. Further, the PBWP constitutes a connected green corridor already in majority public ownership or easement agreements. In the urban context, this form of green infrastructure is a valuable public resource, and offers many similarities or opportunities to the [Meadoway](#) project, a TRCA initiative involving Hydro One and municipalities to transform 16 kilometres of underutilized lands within a hydro corridor into one of Canada’s largest linear parks. The Meadoway concept could be successfully exported across large portions of the PWBWP as a provincial / municipal program. The PWBWP provides a useful policy framework for this plan. The Plan as it provides an important amenity, active transportation linkage opportunity, while continuing to protect vital infrastructure corridors that will come under greater pressure and that will become even more vital over time.

Therefore, TRCA recommends that the PWBWP stay in place until a more fulsome Plan review process involving public consultation is undertaken. Much greater detail must be communicated by the Province to stakeholders as to the rationale for the revocation and about what alternative planning controls or policy instruments will be put in place to address the gaps that will be created by removal. Municipalities and stakeholders need time to consider a proposed revocation and to build this into future OP and Zoning reviews and the time provided for this via an ERO posting is simply inappropriate and inadequate.

If a revocation occurs without any additional consultation, we recommend that some parts of the PWBWP including some provincially owned and TRCA owned or managed properties be considered for inclusion directly into the Greenbelt Plan. We note that this opportunity was not considered in the Greenbelt Plan ERO posting and we recommend that it should be explored in more detail through a working group. We at a minimum suggest consultation with our organization, our neighbouring CA's in the GTA including the Credit Valley Conservation Authority and Halton Conservation and all upper and lower tier municipalities within the PWBWP area. If the government still intends to revoke this plan that has achieved so many incredible benefits for the GTA and southern Ontario as a whole, prior to revocation of the PWBWP, the Province should work collaboratively with government agencies, CAs, and other stakeholders to assess policy gaps for open space and trail planning in both the development and infrastructure planning processes, and outline how they will be addressed, particularly in light of recent legislative and policy changes under Bill 23 and associated proposed regulations.

In conclusion, there are a number of risks presented by revoking this Plan without details provided on what would take its place. The PWBWP has functioned well to protect vital infrastructure and to protect greenspace and if left intact or amended, to address any potential modernization objectives, can continue to provide this function into the future. Significant funds and efforts were invested by the Robarts and Davis government and successive provincial governments to achieve the PWBWP. The proposed removal could result in risks and added costs to taxpayers in trying to achieve public objectives such as active transportation linkages and other public infrastructure and greenspace objectives within the PWBWP.

Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please reach out at 416.667.6290 or at john.mackenzie@trca.ca at your earliest convenience.

Sincerely,

<Original signed by>

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Cc: Sameer Dhalla, Director, Development and Engineering Services
Laurie Nelson, Director, Policy Planning

Chief Executive Officer



December 19, 2022

VIA EMAIL (mnrwaterpolicy@ontario.ca)

Ministry of Natural Resources and Forestry
Resources Planning and Development Policy Branch
300 Water Street, 2nd Floor, South Tower
Peterborough, ON K9J 8M5

**Re: TRCA Response to Request for Comments
Conserving Ontario's Natural Heritage (ERO #019-6161)**

Thank you for the opportunity to comment on this posting on the Environmental Registry of Ontario (ERO) by the Ministry of Natural Resources and Forestry (MNRF). We understand that, through a discussion paper entitled, "Conserving Ontario's Natural Heritage," the Ontario government is seeking feedback on a policy framework to offset development pressures on wetlands, woodlands, and other natural wildlife habitat. We further understand that this offset policy would require a net positive impact on these features to help reverse the long-term loss of natural heritage in Ontario.

As the ERO posting states, Ontario has a housing supply crisis that must be addressed through continued action from all levels of government, the private sector, and non-profits, particularly if the Ontario government is to reach its stated goal of 1.5 million homes built over the next 10 years.

TRCA has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the *Conservation Authorities Act* (CA Act);
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act* (EA Act);
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipalities, provincial and federal agency partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region.

In these roles, and as stated in the "Made-in-Ontario Environment Plan", and consistent with the four pillars of "Ontario's Flooding Strategy", CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. With TRCA's roles, responsibilities, and experience in mind, we offer the following comments.

GENERAL COMMENTS

Off-setting should not be the default option

Significant growth across our jurisdiction continues to place stress on natural heritage systems, features, and functions. This situation of compromised and at-risk ecosystems emphasizes the importance of a systems approach to natural heritage planning for resilience to urbanization and climate change impacts. A robust, connected NHS is needed especially in highly urbanized watersheds of the Greater Golden Horseshoe. In the face of rapid urbanization and land use change, TRCA recognizes that ecological offsetting can, in some instances

as a last resort to avoidance of impacts, be an effective tool in helping to maintain ecological functions and biodiversity critical for resilience.

After extensive consultation, TRCA developed ecosystem compensation policies (pages 88 to 89 and 102 to 103 in *The Living City Policies*, 2014), that set the context for the development of TRCA's [Guideline for Determining Ecosystem Compensation](#) in 2018. The Guideline is a scientifically defensible approach for replacing natural features and ecosystem functions lost through the development and/or infrastructure planning process. Also developed after consulting with stakeholders, the Guideline is based on principles of the mitigation hierarchy including avoidance first and compensation as a last resort, an ecosystems approach and net gain, among others.

At the same time, in the land use and infrastructure planning process, TRCA recommends to approval authorities a "protection first" approach. TRCA's development of ecosystem compensation policies and technical guideline do not in any way diminish TRCA's commitment, or the commitment of its member municipalities, to the protection of the features, functions, and services of the natural system.

Accordingly, the Province's establishment of an ecological off-setting framework should not negate the need for development and infrastructure projects and plans to apply the mitigation hierarchy. In other words, natural feature off-setting scenarios should not be the default for land use proposals and avoidance of negative impacts to features and functions should take precedence in any process.

Ecological Off-setting Limits

Using the Guideline, TRCA and our municipal partners have gained valuable knowledge in the successes and challenges of implementation. Through this experience it has become clear that offsetting, although beneficial in some circumstances, has significant limitations and cannot practically replace ecosystem structure and function of many ecosystem types and scales. As outlined in TRCA's *Living City Policies*, in many instances natural feature impacts and associated compensation are not the preferred option of environmental management, regardless of feature evaluation or the level of ecological function. As a diminishing resource and essential components of mitigation and resilience to climate change within a growing and intensifying Province, the natural system should not be viewed as expendable in favour of unchecked urban expansion. For an offsetting program to be effective it must be directed by a strong protective policy framework that clearly and specifically outlines when offsetting can, and cannot, be contemplated.

The objective of the approach outlined in the discussion paper is stopping the net loss of natural heritage in Ontario and reversing the trend by focusing on restoration and net gain. TRCA supports this objective, and we note that the principles and approach in our [Guideline for Determining Ecosystem Compensation](#) are in place to help achieve it. However, realizing this objective province-wide is dependent on maintaining and strengthening existing natural heritage protections within the *Planning Act*, the Provincial Policy Statement (PPS), and the CA Act. It is also dependent on collaborative partnerships between the Province, municipalities, conservation authorities (CAs), Indigenous communities, and other stakeholders. As stated in our response to other ERO postings related to Bill 23, we believe the enacted, proposed, and potential changes to the *Planning Act*, PPS, and CA Act regulations unless changed will undermine the ability to achieve the stated objective.

Effective implementation requires clarity and collaboration

Similar to the proposed changes to the Ontario Wetland Evaluation System, it is unclear who the implementers of the Offsetting Policy will be. The collaborative effort mentioned above is key to implementation and is tied back to Ontario's current planning framework. Once changed, there will be a lot of process unknowns. If offsetting becomes solely a municipal tool with no clarity from the Province on who will lead and be supported

from other stakeholders, such as CAs, there may be challenges in appropriate and successful implementation.

TRCA encourages the Province to follow the recommendations provided by the Wetland Conservation Strategy Advisory Panel report titled "Considerations for the Development of a Wetland Offsetting Policy for Ontario" (May 2018) to guide the development of a provincial ecological offsetting policy.

DETAILED COMMENTS

The government's discussion paper outlines five principles considered in the development of the offsetting policy. These principles are outlined below, followed by our feedback.

Net Gain - The goal of the offsetting policy should be net gain with respect to the extent and quality of natural heritage features or their functions, within a reasonable period of time.

- TRCA supports the principle of net gain in theory. However, it can be very difficult to implement in practice, further highlighting the need for strong protection policies.
- The "or" between features or their functions should be changed to "and". The current way the principle is written may allow for the lost ecological functions to be replaced with engineered green infrastructure or low impact development elements.
- The "reasonable timeframe" within this principle should be defined to minimize the time lag between feature removal and feature restoration. This is crucial to ensure the ecosystem services being removed from the landscape are replaced as soon as possible.

Avoidance first - Offsetting should be the last step after other options to avoid and mitigate any impacts on natural heritage are considered.

- This should be the first principle as avoidance of impact should be explored before any other principles apply. A strong and clear policy framework and supporting definitions must be provided in support of this principle to ensure decisions on offsetting are made without delay.
- Change "should" to "must" and change "considered" to "explored and exhausted" and add "minimize" after "to avoid" so that the principle reads as follows, *"Offsetting must be the last step after other options to avoid, minimize and mitigate any impacts on natural heritage are explored and exhausted."*

Informed - Offsetting should consider the best available science, and knowledge, including Traditional Ecological Knowledge.

- TRCA agrees that contemplating the removal and offsetting of natural features must be informed by a comprehensive understanding of the structure and function of the feature and the surrounding natural system.
- Some CAs, including TRCA, have developed offsetting policies and guidelines and gained valuable knowledge in the successes and challenges of implementation. These CAs should be given the opportunity to participate and collaborate with the Province in the development of the offsetting policy.
- This principle appears to be inconsistent with recently proposed changes to the Ontario Wetland Evaluation System and other policies. The proposed changes to these policies are diminishing the need for ecological data and knowledge to inform decisions.
- Development of offsetting ratios for ecosystem structure loss should be informed by science. Recommendations included in Considerations for the Development of a Wetland Offsetting Policy for Ontario (May 2018) should be followed when developing such ratios.

Transparency and accountability - The offsetting policy should incorporate provisions for oversight, tracking and public reporting on the effectiveness of implementation.

- TRCA agrees with this principle.

Limits to Offsets - Some wetlands, like coastal wetlands, bogs and fens in southern Ontario, and other areas that historically have been important for recreation and tourism should be ineligible for offsetting.

- TRCA agrees there should be limits to what should be eligible in an offsetting program. Despite a strong protective policy and regulatory regime that currently exists, natural features and their functions continue to decline.
- In accordance with the PPS and Provincial Plans, municipal Official Plans contain policies for protection of natural features and areas, natural hazards and water resources. However, through the planning and development process, non-provincially significant natural features that are not protected by any other provincial or federal regulation may be permitted to be impacted by the planning approval authority, should they deem it acceptable.
- Additionally, features may be impacted through the installation or expansion of public infrastructure under an environmental assessment process.
- In updating their OP environmental policies, some municipalities have included policy provisions that address the limited instances where impacts to local natural heritage features are permitted on condition that compensation is provided to make up for the loss of the feature. Similarly, TRCA recognizes that impacts to natural features, in specific circumstances where avoidance and mitigation are not feasible, may be permitted through the planning and development process as stated in Section 7.4.2 of TRCA's Living City Policies. These limitations should be outlined within the *Planning Act* and the PPS, and not simply within the offsetting program.
- Accordingly, beyond the policy framework within the *Planning Act* and PPS for protection of features and their functions, criteria should be provided to guide which features should or should not be eligible for offsetting. Some of the criteria to be considered could be the replaceability of the feature, whether the feature is helping to mitigate a natural hazard, the habitat quality of the feature, whether the feature provides support for species at risk, the degree of isolation or ability of the feature to persist on the landscape should development surround it, the size of the feature, the age of the feature.
- Through our experience in developing and implementing offsetting policies in conjunction with municipalities, clear and specific eligibility of features can help expedite approvals.

In addition to the five principles above, TRCA suggests including the items below, either as standalone principles or for incorporation into those above:

- **Prompt on-the-ground ecological restoration** - Offsets shall be used to replace the ecologic and hydrologic features and functions lost. Offset funds should not be used for engineered infrastructure, public transit, manicured open spaces/ornamental trees, or brochures (actual examples of proposed compensation). Development of a calculation tool could function as an effective method to clearly communicate acceptable offsetting options given the removals proposed.

Natural heritage features created or restored by offsets shall be protected for the long-term through appropriate zoning (e.g., Environmental Protection or similar), inclusion in the natural heritage system and/or via a restrictive covenant. Requiring or incentivizing implementation prior to removal should be considered in the development of the policy.

- **Proximity** - A principle that speaks to the proximity between the impact and the offsetting should be added. As outlined in the discussion paper, we agree that offsets should be located within the same watershed as the impact. This should be strengthened in the form of a principle.
- **Like for Like** - A principle should be added that outlines the need to replace the impacted feature with the same type of feature where possible. For example, offsetting the removal of a forest with restoring

a forest. Where this is not possible, the offsetting restoration should be guided by local habitat restoration plans and strategies.

- **Ratios** - The offsetting policy should establish ratios that, in part, address the time lag associated with like for like offsetting for certain features. For example, a restored forest will take several years before smaller, planted trees and shrubs provide an equivalent level of ecosystem services to the mature feature being removed.
- **Land Base** - A principle should be added outlining the need to add new lands to the natural heritage system for restoration in the offsetting actions. Ensuring the overall size of the natural system is not reduced due to land use change is critical to meeting the objective of stopping the net loss of natural heritage in Ontario and reversing the trend by focusing on restoration and net gain. Land securement of existing natural areas does not replace the size or functions of the natural heritage system lost to development. Offsets must demonstrate additionality.
- **Costs** - The proponent shall cover the full cost of offsets (including labour, maintenance, and monitoring). Taxpayers should not be on the hook to offset the loss to the benefit of the proponent of the development.
- **Adaptive Management** - The importance of using an adaptive management approach to inform offsetting should be highlighted in a principle. This should include the need for monitoring, program evaluation, and commitment to modify the policy if evaluation indicates it is not meeting the core natural heritage objectives.

The discussion paper includes a short section on implementation considerations. As outlined above, TRCA has several years of experience implementing offsetting programs and can bring a wealth of knowledge to help inform the proposed provincial program. Some initial considerations are outlined below.

Scale - There are several challenges with effective implementation of an offsetting program. This is made even more difficult when considered at the provincial scale.

Principles can be consistent across the province. However, implementation needs to be tailored to specific areas. In much of southern Ontario, the watershed is the ideal scale.

Feasibility - Some habitat types that may be made available for offsetting, through policy or process changes, can be extremely difficult to replicate elsewhere. Wetlands, for example, require several criteria to be met to ensure long term persistence on the landscape. Sourcing of viable opportunities for wetland creation requires a site of adequate size and appropriate soils and a significantly larger catchment area to feed the wetland. At the larger scale that an offsetting fund may desire, identification of sites may prove extremely difficult.

Other factors, such as ownership/land availability, encumbrances on neighboring lands, existing habitat/natural heritage values also play a role in determining feasibility. One of the main challenges to implementing restoration/creation of features through offsetting is finding suitable land. The policy should explain how land will be obtained for the purpose of feature creation to avoid significant time lags from feature removal and restoration. Options for establishing processes to find suitable lands, including a potential land bank should be explored.

Capacity - Proposed and potential changes to policy and guidance documents may result in significant quantities of habitat available for offsetting. The resulting scale of implementation could potentially be far greater than

the capacity of the consultants, contractors, agencies, non-governmental organizations, and others that are currently practicing in Ontario.

Implementation - It is unclear if the proposed offsetting policy would only apply to approvals under the *Planning Act*, or if it would apply to applications under other planning or permitting instruments, such as the EA Act or CA Act. The pressures noted in the introduction do not stop at land use planning. Infrastructure projects and other activities that do not trigger a planning approval represent significant pressures on natural heritage in Ontario.

A clear legislative framework should be identified that includes the circumstances when offsetting applies and how governance and administration will be undertaken.

Overlap with municipal programs/instruments for individual trees and natural areas

The offsetting policy should consider municipal requirements for maintaining and enhancing the urban tree canopy, and natural areas e.g., individual tree protection policies and by-laws ravine and natural feature bylaws and specifications for associated compensation. There are opportunities to avoid duplication, improve coordination and reduce costs by integrating compensation requirements where impacts to natural systems and ecosystem functions overlap with the urban tree canopy.

Defining Features - A lack of clarity in definitions and criteria for identifying natural heritage features currently plays an important role in the offsetting process in Ontario. Where ambiguity in the status of a feature or potential feature exists, the planning process slows considerably. This delay is often then attributed to offsetting. Most offsetting policies in Ontario identify smaller, less complex, isolated features as being appropriate for offsetting (it should be noted that in highly dense, urban areas sometimes these features are all the greenspace that exists and is therefore treasured). These same attributes often call into question whether the feature qualifies as a feature at all. Thus, greater clarity is required for defining features to facilitate quick decision making around feature management and offsetting.

Thank you for the opportunity to provide comments on this important initiative. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

<Original signed by>

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Cc: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services

Chief Executive Officer



December 28, 2022

BY E-MAIL ONLY (growthplanning@ontario.ca)

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch
13th Floor, 777 Bay St
Toronto, ON M7A 2J3

**Re: Response to Request for Comments
Review of A Place to Grow and Provincial Policy Statement (ERO #019-6177)**

Thank you for the opportunity to comment on this posting on the Environmental Registry of Ontario (ERO) by the Ministry of Municipal Affairs and Housing seeking input on how to create a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply. We understand that the government is proposing to integrate the Provincial Policy Statement (PPS) and A Place to Grow (Growth Plan) into a new planning policy instrument that:

- Leverages the housing-supportive policies of both policy documents;
- Removes or streamlines policies that duplicate, delay or burden housing development;
- Ensures growth management and planning tools increase housing supply and options;
- Continues to protect the environment, cultural heritage and public health and safety; and
- Ensures growth is supported with the appropriate amount and type of community infrastructure.

We further understand that the core elements of this new policy instrument could include, but are not limited to, the following items of interest to the Toronto and Region Conservation Authority (TRCA):

- Streamlined, less-prescriptive policy direction requiring fewer studies, more flexible comprehensive reviews enabling faster implementation of provincial policy.
- Streamlined policy direction for natural heritage through empowered local decision making and options to reduce development impacts, including offsetting/compensation.
- Simplified policy direction to enable municipalities to expand settlement area boundary expansions (SABE), e.g., in response to local contexts, market demand, etc.
- Policy direction enabling municipalities to use alternate population and employment information to determine housing and land needs.
- Policy direction to increase housing supply through intensification in strategic growth areas.

TRCA has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the *Conservation Authorities Act* (CA Act);
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipal, provincial, and federal partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region.

In these roles, and as stated in the *Made-in-Ontario Environment Plan*, CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

GENERAL COMMENTS

TRCA appreciates the Province's important goal of addressing the housing crisis through expediting development approvals and has taken streamlining actions that support this objective. We do not believe, however, that resolving the housing crisis needs to come at the expense of the environment or public safety due to natural hazards. To this end, we provide the following comments.

The ERO posting states that PPS policies, "allow flexibility in their implementation provided that the original intent of the policy is upheld," and that, "planning decisions under A Place to Grow must demonstrate that provincial direction is explicitly satisfied." It goes on to explain that although the PPS must be independently satisfied, where there is overlap and conflict between the two policy documents, A Place to Grow prevails. TRCA appreciates the importance of recognizing these distinctions and points further to section 1.2.3 of the Growth Plan, which states:

As provided for in the Places to Grow Act, 2005, this Plan prevails where there is a conflict between this Plan and the PPS. The only exception is where the conflict is between policies relating to the natural environment or human health. In that case, the direction that provides more protection to the natural environment or human health prevails.

TRCA is concerned that the proposed amalgamation without the same emphasis on maintaining the natural environment and human health policies in both the Growth Plan and PPS risks diluting environmental protections specific to the urban centres and settlement area boundary issues of the GGH, in favour of a province-wide scale, housing-focused policy direction. From an environmental perspective, what may not be as ecologically or hydrologically important in a rural northern context may be critical to the highly altered drainage patterns and degraded natural features in an urban setting. A high-level merged PPS policy document that does not maintain the same environmental and human health policies contained in the Growth Plan creates the potential for area specific environmental policy to be lost, with resulting negative impacts on social and economic well-being.

Policies from both the PPS and the Growth Plan pertaining to watershed planning, the wise use and management of resources (e.g., natural heritage, water), protecting public health and safety (e.g., natural hazards), integrated infrastructure and land use planning to support growth (e.g., water, wastewater and stormwater management) and protecting what is valuable (natural heritage and water resource systems, key natural features, etc.) should not be seen as policy barriers to housing. The Conservation Authorities Working Group which involved representatives from BILD, municipalities, and other sectors requested emphasis on watershed planning and jointly produced updated subwatershed planning guidance to help create certainty in the development process. In any amalgamation of policy documents, watershed planning, natural heritage, natural hazards, and resource systems policies should be recognized as fundamental to effective development and infrastructure planning and be carried forward as prerequisites to growth and intensification.

RESPONSES TO DISCUSSION QUESTIONS

TRCA recognizes the importance of streamlined approvals to achieve increased housing supply based on our experience as a technical advisor in the planning and EA processes and as a regulatory authority. With this in mind, we offer the following responses to the ERO posting's discussion questions.

1. What are your thoughts on the proposed core elements to be included in a streamlined province-wide land use planning policy instrument?

The ERO posting proposes the following under the core element of Environment and Natural Resources:

(2.) Natural Heritage – streamlined policy direction that applies across the province for Ontario’s natural heritage, empowering local decision making, and providing more options to reduce development impacts, including offsetting/compensation (Proposed Updates to the Ontario Wetland Evaluation System)

While we agree that “Environment and Natural Resources” is a core element, we are concerned that the focus for Natural Heritage is on reducing impacts and offsetting/compensating instead of being premised on protection first and restoration. The approach appears to reflect an assumption that housing should be achieved at all costs so that if natural features are lost, they will simply be compensated for. As described in TRCA’s comment on the Off-setting ERO posting, natural feature removals with compensation has significant limitations and cannot practically replace ecosystem structure and function of many ecosystem types and scales. TRCA maintains that compensation should not be the default for development and rather should be a last resort with avoidance of negative impacts to features and functions taking precedence in any process.

The Province should ensure that any options for reducing development impacts are based on science, can be practically implemented, and are informed by the input of municipal governments, CAs, academia, the development and environmental consulting industry, and Indigenous communities (see TRCA comments on Conserving Ontario’s Natural Heritage, ERO 019-6161).

Accordingly, the protection of natural features should not be viewed as a barrier to the supply of housing. Natural heritage features help reduce flows and store floodwaters, which reduces risk and improves emergency response timelines while maintaining quality of life for residents. Natural heritage, water resource and natural hazard systems are inextricably linked, therefore the protection of all these systems is necessary to support the maintenance of healthy watersheds and to best protect public health and safety. There must continue to be specific policy direction in a future planning policy instrument that will achieve essential conservation and protection objectives in relation to natural heritage.

Current natural heritage protections in the PPS that should be carried forward include:

- identifying natural heritage systems and protecting natural features and areas.
- requirement to evaluate adjacent lands prior to development and site alteration taking place (to maintain the basic integrity of natural heritage systems and features planning).
- prohibiting development and site alteration in significant natural features (wetlands, coastal wetlands, woodlands, valleylands), significant wildlife habitat, ANSIs, coastal wetlands, fish habitat, and habitat of endangered species and threatened species.

In addition, the Province should provide greater clarity and direction on identifying and evaluating significant natural features.

Current natural heritage protections in the Growth Plan that should be carried forward include:

- key environmental protections for GGH-scale water resource and natural heritage systems
- requirements for watershed planning
- protection of key hydrologic and key natural heritage features, functions and areas

Moreover, natural heritage protection policies should adhere to the mitigation hierarchy and be comprehensive and clear about intent, definitions, and roles with associated implementation guidance to ensure that tools and resources are available to support and empower local decision makers. The absence

of these creates uncertainty and a lack of oversight in assessments and decision making (as provided for in TRCA comments on the proposed updates to the Ontario Wetland Evaluation System, ERO 019-6160).

Water Resources Management Core Element of Environment and Natural Resources

Another major shortfall for the core element of Environment and Natural Resources is the absence of water resources management, e.g., watershed planning, stormwater management and source water protection. Sections 1.6.6.7 and 2.2.1 of the current PPS are critical policy aspects to the protection of water resources, especially given the anticipated impacts from rapid growth and intensification envisioned in the provincial housing plan.

An accelerated approach to growth and development should be premised on a natural systems approach that recognizes, at the watershed scale, the connection among natural heritage, natural hazards and water resources management, to help prepare for the impacts of a changing climate. The protection and management of natural heritage systems, for example, by municipalities is critical for both maintaining biodiversity and for managing the risks associated with natural hazards. Such an approach is especially needed in the context of rapid urbanization to provide greenspace for existing and new communities, protect drinking water supplies, sustain natural habitats, and to manage flood and erosion risks.

Source Water Protection

The PPS and Growth Plan provide direction for watershed and subwatershed planning and the quality and quantity of surface and groundwater, to ensure decisions related to planning for growth protect drinking water sources and supplies, among other matters of provincial interest. Under the *Clean Water Act*, watershed-based Source Protection Plans are implemented in part by municipalities under the *Planning Act* and the *Environmental Assessment Act*. This integrated policy framework works to protect both groundwater recharge functions for aquifers as well as discharge functions to support natural features.

PPS and Growth Plan policy direction to protect, improve or restore the quality and quantity of water are essential and should be carried forward, including:

- using the watershed as the ecologically meaningful scale for integrated, long-term planning
- considering cumulative impacts of development
- identifying (and protecting) water resource systems to provide for the protection of key hydrologic features, key hydrologic areas, and their functions
- evaluating and preparing for the impacts of a changing climate to water resource systems
- restrictions on development and site alteration to protect municipal drinking water supplies and vulnerable areas
- ensuring stormwater management practices minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surface

TRCA worked collaboratively with partner municipalities to help implement provincial policies related to watershed planning, identification, and protection of the natural heritage and water resource systems through recent Municipal Comprehensive Reviews.

TRCA recommends that should the Province proceed with a new, merged provincial policy document, that it requires planning approval authorities to:

- undertake watershed planning in collaboration with conservation authorities, using watershed as the ecologically meaningful scale for integrated and long-term planning and the foundation for considering cumulative impacts of development
- protect and restore a natural heritage system made up of natural features and natural hazards and associated buffers
- direct that buffers start from the greatest extent of natural features and hazards
- manage stormwater to maintain the hydrologic function of features and groundwater systems, and meet SWM criteria for water quantity (flooding), quality, erosion, and water balance

TRCA recommends that provincial policy direction in the PPS and the Growth Plan on watershed planning, natural hazards, natural heritage, and water resources be maintained, and strengthened as above, in any amalgamated provincial policy document.

Natural Hazards

As a sub-component under Environment and Natural Resources, the ERO posting proposes for Natural and human-made hazards - “streamlined and clarified policy direction for development in hazard areas, while continuing to protect people and property in areas of highest risk.”

It is unclear what is meant by “areas of highest risk.” To focus protection only on these areas, and not on all lands subject to natural hazard risk, is extremely concerning from a public safety and a liability perspective. Such an approach would run counter to the current policy and regulatory framework for natural hazard management implemented by the Province, municipalities and conservation authorities that protects life, property and saves public dollars otherwise needed for flood damages.

Current policies that reduce unacceptable risk to life and property from natural hazards, direct development away from natural hazards, do not create or aggravate natural hazards, and address climate change impacts, are vital to the health and well-being of Ontarians and should be carried forward. This includes continuation of specific policy concepts such as the “floodway” and “one-zone” and “two-zone” floodplain based on the regulatory storm event. The Province should work with CAs, municipalities and the building industry to update technical guidance for natural hazards in a timely manner to help achieve these important policy objectives.

To ensure increased housing supply is not located within areas of natural hazard risk, increased provincial investment in natural hazards identification, management, and remediation is needed. Inadequate investment in the identification of hazardous areas, to determine where growth and intensification should not occur, can be a barrier to building a range of housing forms and increasing housing supply. Increased provincial investment in natural hazards identification, management, and remediation along with strong provincial policy direction and technical guidance to municipalities to engage partner CAs, would help ensure new development, redevelopment, or any form of intensification mitigates, remediates, or is safely sited outside of natural hazards. Doing so minimizes risk to life and property, while optimizing public-and private-sector time and resources for helping to increase the mix and supply of diverse housing types across the province.

Updated provincial technical guidance is needed for effective implementation of provincial policy. Previously, CAs and the Province have discussed the need for updates to the provincial technical guides on natural hazards and the Special Policy Area Procedures to enable more efficient technical reviews. Finalization and approval of these guidance documents in tandem with the new planning tools for increasing housing supply would help facilitate faster approvals of more sustainable housing. A good

example of provincial technical guidance is the draft subwatershed planning guide recently developed by the Province through the CA Working Group discussed earlier in this submission.

TRCA recommends, given the Province’s commitment to prepare for the impacts of a changing climate, that they work with the CA Working Group to update the provincial Natural Hazard Technical Guides to provide implementation guidance specific to flood and erosion risk and mitigation in both urban and greenfield contexts. In addition, the provincial procedures related to Special Policy Areas should be updated, informed by lessons learned by CAs and municipalities from comprehensive updates undertaken since 2009.

Watershed-Scale Planning

The rapidly shifting provincial land use planning framework will have a significant impact on municipalities responsible for implementation. Replacing the regional-scale Growth Plan with a “one-size fits all” provincial-scale policy statement while removing the regional planning function in the GGH imposes new growth management challenges for the municipalities in TRCA’s jurisdiction, including how rapid growth accommodation intersects with watershed planning.

Like regional growth planning, watershed planning is undertaken at the scale necessary for meaningful, integrated long-term planning that considers cumulative development impacts across local municipal boundaries. TRCA’s experience with watershed and subwatershed planning, is that this type of work, when supported by a strong regional growth management framework with involvement of local municipalities, creates certainty for all stakeholders and saves time while achieving efficiencies at successive stages of *Planning Act* and environmental assessment processes across multiple political boundaries.

TRCA recommends that any new, merged policy document retain the watershed as the ecologically meaningful scale for integrated, long-term planning, as well as the foundation or considering cumulative impacts of development to mitigate upstream and downstream development impacts across political boundaries.

In the context of Settlement Area Boundary Expansions, TRCA recommends that growth management decisions are appropriately informed by watershed-scale and subwatershed planning and consider the local expertise of watershed practitioners, provincial policy should continue to include:

- watershed-scale planning requirements regarding the identification and protection of regional-scale natural heritage and water resource systems.
- protection from adverse upstream/downstream impacts from flooding and erosion.
- feasibility analysis of SABE and avoidance of negative impacts on watershed conditions.
- direction that large-scale development be supported by a stormwater management plan informed by a subwatershed plan.

2. What land use planning policies should the government use to increase the supply of housing and support a diversity of housing types?

Policies (and accompanying legislation) that would incentivize expedited construction following approvals within a certain timeframe, e.g., within 2 years of permit approval. CAs have long used permit expirations as a successful tool in ensuring development and site alteration are undertaken in an expeditious manner following approvals.

Working collaboratively with municipalities and CAs, identify historic neighbourhoods within flood hazards where higher density residential growth and intensification could be concentrated following provincially funded remediation and restoration works to reduce risk and increase resiliency. In this way, increased housing supply is facilitated, remnant and degraded natural features like valleylands and wetlands are protected and enhanced, and the flood and erosion risks to life and property are eliminated or mitigated.

CAs use their environmental modeling, watershed data, and environmental policy and design and construction expertise, to advise municipal implementers on how to strategically implement development and infrastructure projects to meet provincial and municipal policies for growth management, public safety, environmental protection, and climate change. Significant examples of major projects benefiting from TRCA's contributions have been to facilitate redevelopment of mixed-use communities and higher-density transit-oriented developments in the Toronto Waterfront and Lower Donlands, and in strategic growth areas in Brampton, Vaughan, and Markham.

Provincial funding and engagement is needed in support of other future major "catalyst" infrastructure projects where lands near transit could be freed up for development through flood protection and remediation, e.g., elements of the Brampton Riverwalk project, the Concord Highway 7 and Bowes Road potential transit hub, and use of underutilized and surplus provincial lands in the Vaughan Metropolitan Center that are necessary for Black Creek Renewal flood protection and redevelopment of housing on adjoining sites. A greater emphasis on supporting implementation would help ensure infrastructure is in place to help deliver near-term housing through agreements with developers that benefit from infrastructure investments.

3. How should the government further streamline land use planning policy to increase the supply of housing?

A great deal of time, effort and cost goes into the identification of wetlands and application of the definition embedded in the PPS, 2020 in the land use planning and appeals process. While TRCA supports the current definition of a wetland, additional clarity would reduce delays resulting from disagreement on additional details, such as the size and vintage of a wetland. **The definition of wetland should apply a minimum size of 0.2ha and a minimum age of 10 years.** This would expedite determining the status of small, isolated potential wetlands. It would also provide clarity for areas where wetland vegetation has established due to recent changes to site drainage.

Considering that the proposed policy framework would apply to the whole province, the Natural Heritage section could be refined to ensure that protections afforded to significant natural features are improved and requirements to evaluate are stronger in those Ecoregions where the greatest impacts and losses have occurred. For instance, reduced criteria for triggering significance of wetlands and woodlands in Ecoregions where losses have exceeded a certain scientifically based threshold. This will provide for much greater certainty and efficiency in the land use planning and decision-making process.

TRCA has developed [technical guidance documents](#) that assist municipalities and the development industry in assessing the need to undertake wetland water balance studies (for example) and/or scoping them by considering the sensitivity of features and the scale of projects, among other criteria.

4. What policy concepts from the PPS and A Place to Grow are helpful for ensuring there is a sufficient supply and mix of housing and should be included in the new policy document?

Please see TRCA comments and recommendations throughout this submission.

5. What policy concepts in the PPS and A Place to Grow should be streamlined or not included in the new policy document?

Low willingness on the part of proponents to evaluate the significance of potential natural heritage features represents a significant barrier and delay in the land use planning process. Building upon the weak requirement for evaluation of some natural heritage features currently in Section 4.6 of PPS 2020, new policy direction should include clear requirements for feature identification, evaluation of significance and determination of protection or other management options.

To avoid confusion and speed up evaluation, the onus should be clearly placed on the proponent to identify and confirm all types of significant wildlife habitat (SWH). In practice, the direction provided in the Natural Heritage Reference Manual is not consistently interpreted and results in delay. Habitat types where MNRF is required to determine if SWH exists causes an added layer of communication and review that delays the process. Data and screening layers from municipalities and other public agencies can be used to inform proponents.

Greater clarity on evaluation, management and mitigation associated with some significant wildlife habitat types would greatly streamline that process. There are SWH types that are difficult to identify through study (e.g., ground nesting birds), difficult to manage and provide mitigation for (terrestrial crayfish, heronries).

Further to the above, it is recommended that review of the Provincial Policy Statement be accompanied by a review and update of the Natural Heritage Reference Manual to provide greater clarity and direction where there has been difficulty or inconsistency in interpretation and application.

The Natural Heritage Reference Manual was first produced in support of the PPS in 1999 and was updated in support of the 2005 PPS. However, an update to this document has not been provided since 2010, and it remains the most relevant provincially produced resource to aid in natural heritage evaluation. While it still applies to the natural heritage sections of the 2020 PPS, up-to-date guidance and implementation support including case studies documenting best practices would streamline the application of policy relative to proposals to increase the supply of housing. TRCA would be pleased to provide input into this manual along with case studies of effective implementation and best practices where housing was achieved while mitigating natural hazards and protecting and restoring natural heritage.

This being said, for the Natural Heritage Reference Manual to effectively and practically support the land use planning process, it is strongly encouraged that a working group be established to support this review and update. This working group should include representatives from municipal governments, provincial governments, academia, conservation authorities, the environmental consulting community, and other applicable public and private organizations.

The Provincial program supporting the identification of significant areas of natural and scientific interest (ANSI) has been inconsistently applied across the province for some time now. The review of the PPS offers an opportunity to re-evaluate this program in a way that maintains existing protections and streamlines the process for updating currently identified ANSIs. Further, there are opportunities to consider a more defensible and practical process for identifying new ANSIs, with much greater oversight being provided at the local decision-making scale.

Policies that help effectively manage growth through more compact development patterns while continuing to address conservation objectives, including minimum greenfield densities and intensification

targets, should be increased to optimize the use and efficiency of land and infrastructure necessary to support additional housing.

TRCA is encouraged to see the emphasis on local decision making. **To further aid local implementation, the Province should maintain the policy principle to allow planning authorities and decision makers to go beyond minimum standards to suit their local conditions and needs.**

TRCA recommends reconvening the multi-sector CA Working Group, with inter-disciplinary technical experts, to seek input on the formulation of core environmental elements for a merged provincial policy document.

Overall, TRCA recommends that environmental policy protections be maintained and strengthened to provide for resilience of natural systems and ecosystem services to growing and intensifying communities of the GGH and the watersheds of TRCA and its municipal partners.

Thank you for the opportunity to provide comments on this important initiative. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

< Original Signed By >

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Cc: Sameer Dhalla, Director, Development and Engineering Services
Laurie Nelson, Director, Policy Planning

Chief Executive Officer



December 28, 2022

BY E-MAIL ONLY (mnrwaterpolicy@ontario.ca)

**Re: Response to Request for Comments
Proposed updates to the regulation of development for the protection of people and property
from natural hazards in Ontario (ERO #019-2927)**

Thank you for the opportunity to comment on this posting on the Environmental Registry of Ontario (ERO) by the Ministry of Natural Resources and Forestry (MNRF), which proposes a new regulation governing the activities that require permits under the *Conservation Authorities Act* (CA Act) to support Ontario's *Housing Supply Action Plan*

On November 10, 2022, Toronto and Region Conservation Authority (TRCA) presented to the Standing Committee on Heritage, Infrastructure and Cultural Policy on Bill 23. A copy of TRCA's submission to ERO #019-6141, Legislative and Regulatory Proposals Affecting Conservation Authorities to Support the Housing Supply Action Plan 3.0, which includes TRCA's presentation and recommendations to the Committee, is enclosed as Attachment 1 and forms part of this submission.

We understand that the Ontario government is proposing to consolidate the current 36 individual regulations under the CA Act into a single provincial regulation. The intent is to focus permitting decisions on matters related to the control of flooding and other natural hazards, the protection of people and property and allow recent amendments to the CA Act to come into effect.

We note that a Consultation Guide is provided in the ERO posting with service delivery standards proposed as requirements for CA permit administration and with additional descriptions for key proposed regulatory changes, including, but not limited to:

- Defining wetlands and hazardous lands and development activity as per the existing definitions in the CA Act
- Updating the definition of "watercourse" from an identifiable depression in which water continuously flows to a defined channel having a bed, and banks or sides
- Updating the "other areas" in which the prohibitions on development apply to within 30 metres (m) of all wetlands
- Streamlining approvals for low-risk activities, which may include exempting some activities from requiring a permit if certain requirements or conditions are met (i.e., requiring that an activity be registered with an authority before it can proceed)
- Requiring conservation authorities (CAs) to request any information or studies needed prior to the confirmation of a complete application
- Limiting the site-specific conditions that a CA may attach to a permit to matters dealing with natural hazards and public safety

Toronto and Region Conservation Authority (TRCA) has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the CA Act;
- A public commenting body under the *Planning Act* and the Environmental Assessment (EA) Act;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipal, provincial, and federal agency partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region.

In these roles, and as stated in the “Made-in-Ontario Environment Plan”, CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. With TRCA’s roles, responsibilities, and experience in mind, we offer the following comments.

GENERAL COMMENTS

As the ERO states, the government is proposing to streamline approvals under the CA Act to help meet Ontario’s housing supply needs, while supporting faster, more predictable, and less costly approvals. TRCA shares the Province’s important goal of addressing the housing crisis through expediting development approvals and has taken streamlining actions that support this objective. We do not believe, however, that resolving the housing crisis needs to come at the expense of the environment or public health and safety.

Reinstate the multi-stakeholder, solutions-oriented Conservation Authority Working Group (CAWG) to provide meaningful input to the development of the proposed new regulation.

As a valued member of the Province’s multi-stakeholder CAWG, TRCA, industry and municipal stakeholders helped develop guidance and solutions to further streamline development approvals under predictable frameworks without jeopardizing public safety, dismissing natural systems, or transferring responsibilities to municipalities. The CAWG was interested in advancing more of this work but were instead focused by the Province on CA administrative and budget matters.

In TRCA’s jurisdiction, we have worked jointly with our TRCA-building industry working group to update guidance documents and procedures, and advance plans to modernize digital submissions to support streamlined review of complete applications. In addition, TRCA’s municipal partners have engaged TRCA in establishing complete applications, checklists and pre-consultation requirements to conform to Bill 109 *Planning Act* timelines, inclusive of TRCA’s regulatory permitting requirements. This coordination between planning and permitting applications provides streamlining efficiencies and certainty while ensuring development and infrastructure is safely protected from natural hazards.

The ERO posting does not include a draft regulation but provides a consultation guide, “Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario” (the Guide). While TRCA generally supports the proposal to consolidate the existing 36 individual section 28 regulations into one regulation that would apply to all CAs, each CA must have the ability to establish individual, Board-approved policies that account for their local watershed context. **TRCA recommends that the Province reinstate the CAWG and leverage their collective expertise and solutions-oriented approach to support the development of the proposed new regulation in order to**

achieve desired outcomes and successful implementation. Furthermore, it is recommended that CAs be given the opportunity to review and comment on a draft regulation prior to finalization and that the regulation incorporate a transition period for implementation, similar to the Generic Regulation conformity process in 2006 to Ontario Regulation 97/04.

DETAILED COMMENTS

We offer the following comments in response to the proposed updates and components of the new regulation as described in the Consultation Guide.

Proposed Update to Watercourse Definition

The definition of “watercourse” is proposed to be updated from “an identifiable depression in the ground in which a flow of water regularly or continuously occurs” to “a defined channel having a bed, and banks or sides”. **The proposed modification to the definition would result in headwater drainage features (HDFs) no longer being regulated by CAs as they may not have an identifiable depression with regular or continuously flowing water. This would make HDFs and the vital functions they provide more vulnerable to development.**

Key functions provided by HDFs include flood control, habitat provision, organic matter conveyance, evapotranspiration, maintenance of water flow, water temperature regulation (e.g., artesian inputs), infiltration, and water quality. The focus on bed and banks does not consider the broader context of the feature, the connections it provides, potential impacts or disturbance it has endured. Further, it ignores the current and accepted best practice in the planning and permitting processes of assessing HDFs using CA guidelines adopted by many municipal partners and developed in consultation with the building industry; a consistent and predictable framework for determining appropriate management of these features. Lastly, given the association of these features with the regulatory floodplain, opportunities to assess the full extent of hazardous lands may be missed if headwaters are not captured by CA regulation. This could have significant impacts on the control of flooding throughout CA watersheds, particularly in the downstream municipalities within TRCA’s jurisdiction where provincially forecast growth is concentrated. Furthermore, fisheries habitat may be permanently impacted by the loss of HDFs under this new definition with resulting negative impacts on several Endangered species present in our jurisdiction. As a result of the above, **TRCA strongly recommends that the current definition of watercourse from the CA Act be maintained.**

Update Wetland Definition to Align with Provincial Policy

The Guide indicates that there is no proposal to change the definition of a wetland as currently set out in the CA Act for the purposes of the new regulation. TRCA recommends, however, **that the definition of wetland be amended to be consistent with the wetland definition in the Provincial Policy Statement (PPS), 2020.** This will result in regulatory efficiencies by having a single definition for land use planning and CA permitting and reduce confusion and delay that is currently experienced in wetland identification and management in the permitting process. This change would also result in consistency with Ontario Regulation 686/21: Mandatory Programs and Services under the CA Act.

Defining Limits of Regulated Areas

The Consultation Guide indicates that the limits of the areas where prohibitions apply to river and stream valleys and areas adjacent or close to the shoreline of Great Lakes are not proposed to be significantly changed from the descriptions under existing regulations, but certain changes are under consideration to make these limits consistent across CAs while still allowing for local context. In absence of the specific details, TRCA would highlight the importance of applying a sufficient allowance to the delineated hazard

for purposes of defining the regulation limits. The regulatory allowance enables appropriate development setbacks, accommodates erosion access allowances per the provincial technical hazard guidelines and a freeboard for flooding to ensure new hazards are not created and existing ones are not aggravated. For example, there are a number of area specific matters in our jurisdiction that need to be considered particularly due to high lake and wave uprush issues on the north shore of Western Lake Ontario that may differ from other areas. TRCA and our partners have applied setbacks, freeboard measures for infrastructure, and other guidance to address our specific context successfully (e.g., 76.20 minimum freeboard for new infrastructure on the Toronto Waterfront) and this knowledge should inform this review. Therefore, we echo the need for review and comment on any draft regulation prior to its finalization.

Updating “other areas” associated with Wetlands

It is proposed that “other areas” in which development is prohibited/regulated be updated to within 30 metres of all wetlands. Since 2019, based upon municipal and industry consultation, TRCA has implemented a streamlining measure through our annual regulation mapping update to reduce the extent of the “other areas” around all wetlands within built urban areas to 30 metres. Outside of urban areas, TRCA maintains a 120 metre “other area”, (known as area of interference), around Provincially Significant Wetlands (PSWs) and wetlands on the Oak Ridges Moraine (ORM) and 30 metres for all other wetlands. TRCA generally supports the proposed update to 30 metres, however, in greenfield areas there should be a mechanism to assess a development proposal’s potential impact on the hydrological function of a wetland within its catchment (e.g., large-scale redevelopment, major infrastructure, major fill placement) and any associated impacts to the control of flooding or erosion.

Streamlining Approvals for Low-Risk Activities

TRCA has long-standing Board-approved measures in place reflecting a risk-based management approach in which we expedite permit review and approval based on the scale of proposed activities and risk associated with the relevant natural hazard or feature. These include minor works applications, staff delegated approvals, and routine infrastructure works permits that, due to their nature, are not considered to impact the tests of our Regulation or affect program or policy interest, while ensuring compliance with legal obligations under our Regulation. Additionally, in instances where a TRCA permit is not required, TRCA has an established system to rapidly issue clearance letters. TRCA conducts these assessments thoroughly as a science-based organization with extensive technical expertise and well-established municipal partnerships.

The proposed streamlining approach for certain low-risk development activities could result in similar efficiencies experienced by TRCA and other CAs. As such, **TRCA is generally supportive of the intent of the streamlining proposal, however, prior to finalizing the enabling regulation, further details and clarifications are required. We recommend that CAWG be reinstated to support the development of this streamlining initiative, inclusive of criteria and compliance, to ensure that it can be effectively implemented.** We offer the following comments in response to the details and criteria provided in the Consultation Guide:

- The proposal suggests that individuals could potentially register with an “authority” for streamlined approvals or exemptions. **Clarification is required as to whether a provincial registry system is envisioned or if the registry is with the individual CA. Moreover, ‘authority’ responsibilities for determining the extent of hazards/features in relation to proposed exemptions or streamlined approvals should be clarified.** Natural hazards and features are delineated by qualified professionals in the field and/or through detailed supporting technical

information. CA regulation mapping available to the public is generally used as a preliminary screening tool and should not be relied upon for the precise determination of a natural feature or hazard for a specific site without verified or refined data, site confirmation or approved technical study. TRCA recommends that given their expertise, **CAs retain the natural hazards and features determination with enabling mechanisms to recover associated costs for services rendered and determine alternative permitting requirements, as necessary.**

- The proposed streamlining measures would allow a substantial structure and/or placement of fill without any setback from the limit of a wetland, watercourse, or hazard. **We recommend the inclusion of minimum setbacks be addressed in the regulation** (e.g., 6 metre erosion access allowance/set back per MNRF technical guide).
- The disturbance area associated with development activities is not necessarily equal to the size of the structure, as it can include related construction activities, such as grading and stockpiling of materials and/or other related development and site alteration. **TRCA recommends clarifying that approvals may only be streamlined where the full extent of all related activities is evaluated holistically to ensure their collective impact would not negatively impact natural features and/or exacerbate risk from natural hazards.**
- Fencing that crosses or runs perpendicular to a flood hazard will catch debris, create flow blockages and increase upstream flood hazards. Similarly retaining/landscaping walls or other barriers that are called a 'fence' may also impact natural hazards.
- **Non-habitable accessory structures less than 10 square metres should also not be permitted to utilize any method of cantilevering.** Alternatively, the requirement for non-habitable accessory structures could be combined to also include an unenclosed detached deck or patio of the same size.
- Ontario's Building Code was recently amended to not require permits for single-storey auxiliary structures (e.g., sheds) less than 15m² in gross area without plumbing, a measure that aligns with the activities proposed for streamlining through this ERO. In our experience, however, in working with municipal partners to prevent or reduce natural hazard risk to life and property, auxiliary structures are frequently proposed within or abutting natural hazards. In some instances, these structures are built within hazards without a permit or converted to maintain a habitable use, thus increasing overall risk. The respective permitting requirements of municipalities and CAs under the *Building Code Act* and CA Act, and subsequent enforcement activities help to deter and remediate such occurrences. We are concerned that these issues could be exacerbated through the proposed streamlining measures. **We recommend that this matter be addressed in the streamlining initiative to ensure habitable structures are not built within hazardous lands.**

Program Service Delivery Standards

TRCA generally supports the proposed program service delivery standards as requirements for CA permit administration as they are generally consistent with TRCA core values and current practices. TRCA has made efforts related to the proposed requirements to increase efficiencies, expedite planning and permit reviews, and enhance customer service. Examples include:

- Board-approved permitting policies, procedures and supporting technical guidance made widely available through TRCA's website and developed in consultation with municipalities, TRCA-building industry working group and other stakeholder/public consultations; hosting public open houses and stakeholder meetings and training on regulation mapping updates, planning and permitting policy documents and supporting technical guidance.
- Regular file triage and consultation meetings with municipal partners, development of complete application checklists for planning and permitting, establishing expedited permit issuance protocols, including staff-delegated permits and routine infrastructure and emergency works permits, and regular reviews of TRCA fee schedules and service delivery standards, in consultation with municipalities and the building industry.
- Regarding "timelines for a decision on a permit application following the submission of a complete application", **we recommend the Province implement a "stop the clock" provision, similar to what MECP applies to its own Environmental Compliance Approval (ECA) review processes, that would effectively pause the timelines when the onus for resolving CA comments is on the applicant for consideration and resubmission.** The permit review process is iterative in nature and there are factors outside the control of CAs which can impact decision timelines. Despite best efforts to expedite reviews, timelines are often exceeded to ensure an acceptable form of development is approved. In part, this is because proponents contribute significantly to the length of time it takes for an application to be processed as approval requirements are often not addressed through an initial submission. For there to be a timely approval, applicants must meet pre-consultation and submission requirements and include timely re-submission(s) containing the information necessary to make a well-informed decision, particularly when involving matters of health and safety.

Limiting Site-Specific Permit Conditions – Addressing the Gap Resulting from Bill 23

It is proposed that the site-specific conditions a conservation authority may attach to a permit be limited to conditions to mitigate:

- effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; and
- conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.

TRCA is pleased that the new regulation will incorporate as a "test" in the permit decision making process for the application of site-specific conditions associated with the second bullet noted above. We are extremely disappointed that Bill 23 removed the tests of "conservation of land" and "pollution" from applying to permit issuance to be prescribed in regulation and have yet to receive an explanation for the removal of such an important test necessary to achieve our provincial mandate. As set out in Attachment 1, TRCA's submission on Bill 23, one of the keys to watershed management is the ability to conserve lands needed to safeguard development and infrastructure from natural hazards and build resilience of natural systems to urbanization and climate change impacts. We are concerned that when reviewing permit applications, there will be no ability to protect important lands adjacent to hazards from proposals for unsustainable development practices such as grading, filling, and using hard engineering (e.g., retaining walls) to create additional developable area. Furthermore, TRCA had requested that if the "pollution" test were to be removed through Bill 23 that it be replaced with "sedimentation" to enable the continuation of conditions related erosion and sediment control measures that are accepted building industry standards within the GGH. This would enable enforcement compliance abilities to prevent damaging

impacts from sedimentation to natural features and hazards. The gap created by the removal of these tests should be addressed.

Through the application of the conservation of land test, TRCA was able to work with proponents to find natural design solutions that meant environmental protection and much needed development and infrastructure could co-exist to provide their respective benefits. Such examples include natural channel design, natural bank stabilization for the mitigation of the hazard, maintaining vegetation on the landscape or installation of green infrastructure to reduce erosion and slow flood waters. TRCA recommends that the Province address the gap left by removing the conservation of land “test” from the permitting process to continue to provide opportunities for nature-based solutions that manage and natural hazard risk, enhance natural systems, and increase resilience to urbanization and climate change impacts.

Exemption of Development Authorized under the Planning Act

Since the posting of the Consultation Guide, the CA Act has been amended by Bill 23. The new subsection 28(4.1), being the clause to exempt permits for certain regulated areas in certain municipalities where there are certain *Planning Act* approvals, will not become operative until a regulation or regulations are made to prescribe activities, areas of municipalities and types of authorizations under the *Planning Act* that qualify for the exemption. We note that any exemption is subject to such terms and conditions as may be prescribed in those regulations. Some municipal partners have already expressed concerns about potential liability from this exemption.

The Consultation Guide does indicate that the Ministry has not proposed a regulation utilizing this exemption tool as part of this regulatory proposal but is requesting initial feedback on how it may be used. **TRCA recommends that further advice on potential CA permit exemptions be sought from the multi-stakeholder CA Working Group with a clear indication of the government’s intentions to better scope feedback.** In advance of this requested further engagement, we provide the following general comments:

- At a broad scale, an exemption framework could create a two-tiered approach to the protection of people and property from natural hazards which could contradict the core mandate of CAs. **The *Planning Act* review process is not designed to review applications at the same level of technical detail as the science-based permit review process carried out under the CA Act, which is flexible and responsive to the dynamic nature of natural hazards and considers emerging science and technologies.** The regulatory framework under the CA Act works at both site-specific and watershed levels with consideration for upstream and downstream impacts to communities across political boundaries. It has clear direction to focus on addressing natural hazards, where the *Planning Act* balances multiple considerations.
- **Blanket CA permit exemptions where a *Planning Act* approval is in place would put additional pressure, responsibility and liability on municipalities and could result in approvals being issued in error.** Additional detail on how this would work is required to ensure that efforts would not be duplicated especially with higher level and less detailed *Planning Act* approval processes such as Official Plan (OP), and Zoning By-law (ZBL) reviews. Our municipal partners have raised concerns that they would have to build in immense staff and technical capacity at great cost to properly replicate CA review and enforcement capabilities at a time when consistency is paramount to streamlining housing development. What is also of concern is that the current process in our

jurisdiction works well where CAs comment on OP and ZBL approvals to set the stage for more detailed permit submissions at later stages (Site Plan and Building Permit stages). It is our experience that many OP and ZBL and draft plan of subdivision processes do not have defined end uses or built structures with associated level of detailed design, grading etc., to address the information requirements of CA Act approvals within the regulated area. As a result, TRCA staff and our municipal partners are uncertain as to what efficiencies beyond the current process we apply in our jurisdiction could be achieved at these high-level stages without detailed supporting information. Furthermore, the applicants typically continue to make many changes at these OP, ZBL and draft plan of subdivision stages prior to settling on a final product to construct. This dynamic process creates challenges for achieving a consolidated CA and *Planning Act* permission at these stages of the planning process and could result in multiple changing submissions. These increased costs and potential delays of multiple reviews for higher order OP and ZBL, draft plan of subdivision approvals will need to be passed on to applicants and taxpayers. There may be opportunities to examine permissions flowing from Site Plan and Building Permit processes, but care will need to take place to ensure issuance of approvals will not exacerbate risks to public safety and properties from natural hazards.

- **Exemptions should only apply where detailed design of a project has been reviewed and accepted by a municipality and CA**, such as a Registered Draft Plan of Subdivision or Condominium where a high level of detailed engineering, servicing and grading information has been provided and where conditions have been (or can be) cleared. For the reasons stated above we strongly recommend that **Exemptions should not apply to Official Plan of Zoning By-law Amendments, Draft Plans of Subdivision or to Consent or Minor Variances where detailed design factors, grades, stormwater issues, etc., and the limits of development relative to natural hazards may not be fully determined.**

Thank you for the opportunity to provide comments on this important initiative. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

< Original Signed By >

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Encl.

Attachment 1: TRCA Submission to ERO #019-6141, November 28, 2022

Cc: Sameer Dhalla, Director, Development and Engineering Services
Laurie Nelson, Director, Policy Planning

Chief Executive Officer



November 28, 2022

VIA EMAIL (mnrwaterpolicy@ontario.ca)

Ministry of Natural Resources and Forestry
Resources Planning and Development Policy Branch
300 Water Street, 2nd Floor, South Tower
Peterborough, ON K9J 8M5

**Re: TRCA Response to Request for Comments
Legislative and Regulatory Proposals Affecting Conservation Authorities to Support the Housing
Supply Action Plan 3.0 (ERO #019-6141)**

Thank you for the opportunity to comment on this posting on the Environmental Registry of Ontario (ERO) by the Ministry of Natural Resources and Forestry (MNRF), which proposes legislative changes to the *Conservation Authorities Act* (CA Act) and *Planning Act* affecting conservation authorities (CAs) to support Ontario's *Housing Supply Action Plan*.

On November 10, 2022, Toronto and Region Conservation Authority (TRCA) presented to the Standing Committee on Heritage, Infrastructure and Cultural Policy. A copy of TRCA's presentation, which includes proposed revisions to Schedule 2 of Bill 23 to address our comments, is enclosed as Attachment 1 and forms part of this ERO submission.

We understand that the Ontario government is proposing changes to focus CAs on their core mandate, support faster and less costly approvals, streamline CA processes, and make land suitable for housing available for development. More specifically, we understand that, among a suite of other proposed amendments, key changes of particular interest to TRCA include:

- Greatly reducing CAs' role in reviewing and commenting for municipalities on development applications and land use planning policies under prescribed Acts
- Removing CAs' ability to enter into agreements and commenting services for municipalities under prescribed Acts, including the *Planning Act* and *Environmental Assessment Act* (EA Act)
- Enable exemptions for permits under the CA Act if *Planning Act* approvals are in place
- Remove established tests for considering the effects of "Pollution" and "Conservation of Land" as key principles for permitting decisions under the CA Act
- Allow the Minister to freeze CA fees
- Require CAs to identify lands suitable for housing development within their portfolios

As the ERO posting states, Ontario has a housing supply crisis that must be addressed through continued action from all levels of government, the private sector, and non-profits, particularly if the Ontario government is to reach its stated goal of 1.5 million homes built over the next 10 years.

TRCA has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the CA Act;
- A public commenting body under the *Planning Act* and the EA Act;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipalities, provincial and federal agency partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region.

In these roles, and as stated in the “Made-in-Ontario Environment Plan”, and consistent with the four pillars of “Ontario’s Flooding Strategy”, CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. With TRCA’s roles, responsibilities, and experience in mind, we offer the following comments.

GENERAL COMMENTS

Conservation Authority Working Group

As a valued member of the Province’s multi-stakeholder, solutions-oriented Conservation Authority Working Group (CAWG), TRCA, industry and municipal stakeholders helped develop guidance and solutions to further streamline development approvals under predictable frameworks without jeopardizing public safety, dismissing natural systems, or transferring additional responsibilities to municipalities. We were interested in doing more on this front but were instead focused by the Province on administrative and budget matters. In TRCA’s jurisdiction we have worked jointly with our TRCA-building industry working group to update guidance documents and regulations, and advance plans to modernize digital submissions to support streamlined review of complete applications. In addition, TRCA’s municipal partners have engaged TRCA in establishing complete application checklists and pre-consultation requirements to help conform to Bill 109 *Planning Act* timelines. **Prior to the finalization of Bill 23 and release of associated future regulations and/or policies, we request the Province re-engage the CAWG and act upon recommendations brought forward to create certainty for development projects while maintaining required protections.** To complement future work by the CAWG, we suggest the Province also establish other multi-stakeholder working groups to drive decision making on projects that will create more housing, e.g., to help realize/incentivize construction of near-term housing where approvals are in place, or through agreements with landowners/developers to build housing upon delivery of provincially funded infrastructure (transit, servicing, flood protection, etc.).

CAs’ interdisciplinary, watershed perspective benefits municipal planning at all stages

CAs add value to the growth planning process by bringing a science-based watershed perspective to cross municipal boundary issues and across legislative review and approval processes (high level/strategic through to detailed design for both development and infrastructure). CAs save municipalities and developers time and money, as the cost-efficient CA system allows municipalities to benefit from the expertise of CA technical staff (e.g., hydrogeologists, biologists, and engineering staff) in review of planning applications instead of each hiring their own. Where growth and intensification are proposed in areas of historical residential development within the flood hazard, CAs work with our government partners and the development industry to seek opportunities for remediation and restoration to reduce risk and increase resiliency. In this way, increased housing supply is facilitated, remnant and degraded natural features like valleylands and wetlands are protected and enhanced, and the flood and erosion risks to life and property are eliminated or mitigated. Mitigation is one of the four pillars of Ontario’s Flooding Strategy

that CAs are best positioned to support. CAs use their environmental modeling, watershed data, and environmental policy expertise, to advise municipal implementers on how to strategically implement development and infrastructure projects to meet provincial and municipal policies for growth management, public safety, environmental protection and climate change. The information CAs provides to all levels of government and private sector proponents helps to ensure infrastructure is planned and designed in a way that avoids losses due to flooding, erosion, and extreme weather events that are becoming more frequent due to climate change. Based on losses in other jurisdictions with no CAs, it is estimated that many billions of dollars of infrastructure losses have been saved in Ontario due to the role of CAs working in concert with all levels of governments in the planning and design of infrastructure.

Provincial support needed for increasing the rate of development

Significant examples of major projects benefiting from TRCA's contributions in the planning, design and construction of enabling works to facilitate redevelopment of mixed-use communities and higher-density transit-oriented developments include the Toronto Waterfront and Lower Donlands, Yonge Street Corridor and strategic growth areas in Brampton, Vaughan, and Markham. In support of other future major "catalyst" infrastructure projects where lands near transit could be freed up for development through flood protection and remediation, TRCA recommends increased provincial funding, engagement, and support, e.g., elements of the Brampton Riverwalk project and use of provincial lands for Black Creek Renewal flood protection. This would help ensure infrastructure is in place to help deliver near-term housing through agreements with developers that benefit from infrastructure investments.

Focusing on our core mandate of natural hazards

Bill 23 introduces changes beyond the scope of items discussed through consultations with the CAWG and represents a major departure from the first round of CA Act amendments in 2017. Those amendments made clear that CAs should focus their work on natural hazard related programs, but also that municipalities should have the option of receiving non-mandatory CA services through agreements. TRCA recognizes the critical need for expedited delivery of housing especially in the GTA and Greater Golden Horseshoe. Moreover, the government's stated intent for schedule 2 of Bill 23 is to focus conservation authorities on their core mandate of managing natural hazards of flooding and erosion, however, **TRCA is deeply concerned that Bill 23, Schedule 2 removes our ability to comment on natural heritage and water resources within the planning and environmental assessment processes, and restricts our permitting role, as these amendments would, in fact, impair our ability to focus on the natural hazard mandate.**

TRCA submits that natural hazards cannot be effectively managed (mandatory service) without also effectively managing natural heritage (non-mandatory service). The 2019 Provincial Flood Advisor's report recommendation affirms this connection: "That the Province support municipalities and conservation authorities to ensure the conservation, restoration and creation of natural green infrastructure (i.e., wetlands, forest cover, pervious surfaces) during land use planning to reduce runoff and mitigate the impacts of flooding."

Moreover, lessons learned from past development practices that employed flood control measures without regard for natural heritage features and the hazard management role they play, have been borne out in damaging and costly floods in many Canadian cities. Examples are found in the older parts of our watersheds with concrete lined waterways where there were once natural channel banks; here storms cause flood waters to rush into surrounding urban areas causing damage and disruption. Overall, flood events in Ontario have been comparatively less disruptive and costly **due in large part to the municipal implementation of CA advice in the planning process, and CA implementation of the section 28 permitting regulation, including use of the pollution and conservation of land tests.**

There are some aspects of Bill 23 that TRCA supports as bold actions that will increase housing affordability and supply. However, as per the resolution unanimously passed by [TRCA's Board of Directors held on October 28, 2022](#), and Board-endorsed [TRCA staff report on the impact of Bill 23 on November 10, 2022](#), **TRCA is firmly requesting a removal and/or revision to certain proposed legislative changes that would otherwise diminish or revoke our existing responsibilities. Please see our detailed comments below describing our specific recommendations.**

DETAILED COMMENTS

We offer the following responses related to specific aspects of the proposed changes we believe to be of paramount concern. Within each response we have included recommendations specific to certain legislative changes we believe would better meet shared government and TRCA objectives regarding the streamlining of housing development approvals, conservation of natural resources and protection of people and property from natural hazards.

1. TRCA has significant concerns with the proposed addition of subsection 21.1.1(1.1) – Prohibiting CAs from reviewing and commenting to municipalities under prescribed Acts (e.g., *Planning Act*), including:

- **Municipalities rely on TRCA to provide timely technical, science-based comments** on planning applications and municipally initiated planning instruments **to assist in determining conformity to provincial policy involving the natural environment, watershed planning, and climate change.**
- **Many municipalities do not have the technical professional staff expertise (ecologists, hydrogeologists) or data (monitoring, modelling, inventory, mapping)** to inform management of natural hazard risk in the context of natural resource management.
- TRCA has demonstrated that we can deliver non-mandatory services effectively and efficiently and there is no evidence that municipalities could improve upon this established practice. Without the option to continue this CA review role, **municipalities and taxpayers would incur significant additional costs, approvals would be delayed, the watershed perspective would be eliminated, and municipalities' ability to prepare for climate change would diminish.**
- **TRCA's partner municipalities have expressed continued support of our cost-effective, value-added programs and plan review services through existing municipal MOUs** (in place since early 2000s or prior), which are currently being updated to ensure streamlined review and clear roles. As well, TRCA is exploring the establishment of new MOUs with several municipal partners at their request. Through discussions with TRCA, municipalities expressed the need for the flexibility to be able to enter into agreements with CAs to review and comment on *Planning Act* applications to benefit from their expertise. Removing this option would cause unnecessary delay, increase costs and inefficiency, and result in duplication across municipalities when affordable, expedited approvals by qualified professions are essential to sustainable housing development.
- It is unclear what "proposals, applications or other matters" within the Acts being prescribed are not to be reviewed or commented on.

- The government’s policy intent would be better reflected by reframing this provision to allow CAs to provide such comments directly to a municipality for the municipality’s own use.
- The amendments as proposed would increase risk of failure and loss of infrastructure from it being planned without proper regard for environmental factors. This situation could lead to resulting negative impacts from the cost of losses or repairs to infrastructure which would be borne by taxpayers.
- Municipalities, provincial and federal agencies voluntarily seek out CA advice to protect their investments and the intent of this amendment seems to run contrary to accepted practice to ensure CA information is factored into the planning and design of public and private sector works. This change is proposed against the will of all parties involved in these processes with no reason given by the Province for such a change.

TRCA Proposed Revisions:

- ❖ 21.1.1(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act, **unless there is an agreement with the municipality that expressly authorizes or requests the provision of such comments directly to the municipality.**

2. TRCA has significant concerns with the proposed addition of subsection 21.1.2(1.1) – Prohibiting CAs from reviewing and commenting to infrastructure agencies under prescribed Acts (e.g., *Environmental Assessment Act*), including:

- It is unclear how prohibiting CAs from reviewing and commenting to infrastructure agencies on non-residential projects (i.e., under an environmental assessment process) would have direct bearing on the expressed goal of Bill 23 – to build more homes faster.
- **Public infrastructure providers (e.g., provincial agencies, municipalities, utilities) rely on TRCA to provide technical, science-based comments** in the class environmental assessment process and at detailed design, to assist in planning, siting, and design in accordance with provincial and municipal objectives for natural hazards, water resources and natural heritage protection.
- **TRCA has numerous service level agreements with provincial agencies and infrastructure providers** for dedicated review services (including voluntary permit review applications), for example, Metrolinx and Enbridge.
- Without this CA role, **public infrastructure providers will face delay and reduced ability to prepare for climate change** in the context of infrastructure planning, siting, and design.
- It is unclear what “proposals, applications or other matters” within the Acts being prescribed are not to be reviewed or commented on.
- The government’s policy intent would be better reflected to allow CAs to provide such comments directly to provincial agencies advancing infrastructure projects, or to other infrastructure providers, for their own use.

TRCA Proposed Revisions:

- ❖ **21.1.2(1.1)** An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act, **unless there is an agreement with the infrastructure provider that expressly authorizes or requests the provision of such comments directly to that entity.**

3. TRCA has significant concerns with the proposed revised subsection 28.1(1)(a) – Removal of “pollution” and “conservation of land” tests applying to issuance of permits.

- **TRCA submits that removal of “conservation of land” is a fundamental alteration to the mandate of CAs and will have a negative impact on TRCA’s ability to address natural hazards and climate change, given the linkages between conservation of land and natural hazards.**
- TRCA respects and supports the municipal role of determining the principle of development and assessing conformity/consistency of proposed development under their official plans and applicable provincial policy.

TRCA Proposed Revisions:

- ❖ **The existing “pollution” and “conservation of land” tests applying to the issuance of permits under subsection 28.1(1)(a) should be retained. If “pollution” is to be removed, it should instead be replaced with “sedimentation” as CAs’ ability to enforce keeping damaging sediment out of natural features during construction of permitted works would otherwise be lost. Further, instead of removing “conservation of land” outright, we suggest defining it to relate to the protection, maintenance, and enhancement of hydrologic and ecological functions of natural features within the watershed, aligned with the interpretation of the Mining and Lands Commissioner, the courts, Conservation Ontario, and standard CA practice.**

4. TRCA has significant concerns with the proposed addition of subsection 28(4.1) – Exemption of development authorized under the *Planning Act* from requiring a permit under the *CA Act* where certain conditions are met as set out in regulation.

- It is unclear whether such exemptions would transfer CA responsibilities to municipalities on a broad scale or be limited to certain types of low-risk development. We note that a broad transfer of responsibility would conflict with the government’s stated aim of focusing CAs on their core mandate given that CA expertise would be entirely absent from planning and detailed design review that takes place in the permit process. This concern is compounded by the Bill’s amendments preventing municipalities from entering into agreements with CAs to review *Planning Act* applications on their behalf. Moreover, there is a lack of clarity regarding the assumption of sole or shared liability for natural hazard impacts, including on upstream and downstream communities.
- **TRCA recommends that all hazard-related responsibilities remain with CAs. Should this amendment not be withdrawn, the new exemption under subsection 28 (4.1)(a) should only apply where the CA is provided with sufficient opportunity to review, comment on and recommend conditions of approval for the development prior to approval under the *Planning Act*.**

- **Further, TRCA is concerned about enforcement in relation to development authorized under subsection 28(4.1), as well as 28(3) and 28(4).** Although these subsections are added to section 30.5 (Offences), there is no reference to these subsections under sections 30.2 (Entry without warrant) and 30.4 (Stop work order).

TRCA Proposed Revisions:

- ❖ **Explicitly provide that any exemption be contingent on a CA being provided sufficient opportunity to review, comment on and recommend conditions of approval to the approval authority for the development; and,**
- ❖ **Add required enforcement provisions.**

5. TRCA has concerns with the proposed addition of Section 21.3 – Minister’s direction for fee changes, including:

- There are no guidelines regarding the timing or permanence of the proposed fee freeze.
- TRCA regularly engages with municipal partners and the development industry to ensure our fees, including planning and development fees, are appropriate and established on a cost recovery basis.
- Freezing CA fees would result in negligible cost savings and unquantifiable reductions in environmental protection and public health and safety, while increasing the burden on the tax-base from CAs needing to recover plan and regulatory program review fees through increased municipal levies.

TRCA Proposed Revisions:

- ❖ **For clarity and transparency, TRCA suggests that this proposed new section explicitly provide that forgone or lost revenue resulting from a “freeze” directive may be added to the municipal levy.**
- ❖ **TRCA recommends criteria be added to identify the circumstances under which the Minister may direct a conservation authority to “freeze” its fees, that a maximum period be identified (e.g., one year) or that in the event of a “freeze”, CAs be allowed to increase fees by an annual cost of living adjustment (e.g., Consumer Price Index) during the “freeze” period.**

6. TRCA has concerns with the proposed requirement for CAs to identify lands suitable for housing development within their portfolios.

- It is unclear how this amendment would lead to an increased supply of housing. CA lands are gratuitously dedicated or acquired for conservation purposes due to the presence of natural heritage features and natural hazards within which development is generally prohibited, in accordance with provincial, municipal and TRCA policy. Protecting these environmentally significant lands helps build resilience to the impacts of climate change through stormwater management, habitat provision, carbon sequestration and other ecosystem services.
- Every potential TRCA property acquisition is evaluated according to our publicly available and provincially approved Greenspace Acquisition Project which is informed by numerous factors

including but not limited to: (i) the degree of flood and erosion risk, (ii) the significance of the lands to the greenspace system, (iii) the nature and immediacy of the threat to the greenspace, and (iv) the ability to conserve and maintain the greenspace in the future. There is little ability for TRCA to achieve new housing developments on our land portfolio. We do, however, continually review our real estate holdings, in conjunction with our partner municipalities, to determine whether any non-environmentally sensitive lands could support housing, infrastructure or other community uses.

TRCA Proposed Revisions:

- ❖ **Prior to the finalization of Bill 23 and release of associated future regulations and/or policies, we request the Province re-engage the CAWG and include this potential requirement as an item for further dialogue.**

Ontario's unique CA system saves the Province and taxpayers billions by reducing the financial impacts of extreme weather events compared to other provinces. The Premier's Special Advisor on Flooding echoed this finding and recommended strengthening CA roles. Further, we note that the Province's Housing Affordability Task Force's report and its 55 recommendations to help address Ontario's housing crisis, did not mention CAs. It begs the question why CA roles are being restricted when the way in which we are currently performing our mandate is working well to meet the shared objectives of all stakeholders in Planning Act and Environmental Assessment Act processes, as well as the section 28 permitting process.

Schedule 2 of Bill 23 could have unintentional, negative consequences on the environment and public health and safety and destabilize established planning and regulatory frameworks, at a time when certainty is needed to build more homes faster. Conservation authorities' commenting and permitting roles for natural heritage as well as natural hazards, in collaboration with our municipal partners and infrastructure providers, is vital to continuing to build safe and livable communities while increasing housing supply and preparing for the impacts of a changing climate. The Covid-19 Pandemic demonstrated the importance for the people of Ontario to have access to nature, in addition to affordable housing. Achieving both should be the goal, and one does not have to come at the expense of the other.

Thank you for the opportunity to provide comments on this important initiative. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6920 or at john.mackenzie@trca.ca.

Sincerely,

<Original Signed by>

John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Encl. Attachment 1: TRCA Presentation to the Standing Committee on Heritage, Infrastructure and Cultural Policy, *Bill 23, More Homes Built Faster Act, 2022* – November 10, 2022

Presentation to the Standing Committee on Heritage, Infrastructure and Cultural Policy

Bill 23, More Homes Built Faster Act, 2022

TRCA Comments and Proposed Revisions to Schedule 2 of Bill 23

John MacKenzie, M.Sc.(PI) MCIP, RPP
Chief Executive Officer
Toronto and Region Conservation Authority

November 10, 2022

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act

Toronto and Region Conservation Authority Overview Comments

- TRCA supports the important goal of addressing the housing crisis through expediting development approvals
- TRCA has significant concerns about provisions in Bill 23 preventing municipalities and infrastructure providers from receiving **comments from conservation authorities on natural heritage matters that intersect with natural hazard and climate change considerations**
- TRCA recommends revisions to Bill 23 to **give municipalities and infrastructure providers the option of continuing to receive such “non-mandatory” services, where requested under MOUs and service level agreements** for development and infrastructure reviews
- Since the first round of amendments to the Conservation Authorities Act in 2017, it has been clear that **conservation authorities must focus on mandatory services related to natural hazards** (Category 1), and that **conservation authorities may continue to provide non-mandatory services at the request of municipalities** (Category 2) **or other partners, to further purposes of the Act** (Category 3)
- Through the amendment to the *Planning Act* made by Bill 229 in 2021 (and as further amended by Bill 23), **conservation authorities can only participate in *Planning Act* appeals on natural hazard matters**
- In addition, **TRCA recommends retaining “pollution” and “conservation of land” as part of the tests to be applied in a permit decision**

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act Toronto and Region Conservation Authority Overview Comments cont'd

- Reducing and restricting CA roles contradicts advice from the Premier's Special Advisor on Flooding, whose report recommended strengthening CA roles
- The Housing Affordability Task Force recommendations did not raise issue with CA plan review or permitting roles
- Under the current legislative framework, the CA role has saved taxpayers billions compared to losses from extreme weather events experienced in other provinces
- Reducing CAs' ability to comment on planning applications and infrastructure applications removes critical capacity at a time when we need to achieve certainty for development and servicing to supply housing in high growth GGH municipalities
- There are no new costs from continuing the non-mandatory services that CAs currently provide to GGH municipalities, and no alternative to such role without significant new costs to municipalities

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act

Prohibition on commenting to municipalities – New subsection 21.1.1(1.1)

Bill 23 – Subsection 3(2):

21.1.1(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

TRCA Proposed Revisions:

21.1.1(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act, unless there is an agreement with the municipality that expressly authorizes or requests the provision of such comments directly to the municipality.

TRCA concerns with proposed addition of subsection 21.1.1 (1.1):

- **Municipalities rely on TRCA to provide technical, science-based comments on planning applications and municipally initiated planning instruments to assist in determining conforming to provincial policy involving the natural environment, watershed planning, and climate change**
- **Many municipalities do not have the technical professional staff (ecologists, hydrogeologists) or the data (monitoring, modelling, inventory, mapping) to inform managing natural hazard risk in the context of natural resource management**
- **Without this CA role, costs for this review would be borne by the municipality and the taxpayer, cause delays, eliminate the watershed perspective, and reduce municipalities' ability to prepare for climate change**
- **Existing municipal MOUs for plan review services** (in place since early 2000s or prior) are currently being updated to ensure streamlined review and clear roles
- It is unclear what “proposals, applications or other matters” within the Acts being prescribed are not to be reviewed or commented on
- The government’s policy intent would be better reflected by reframing this provision to allow conservation authorities to provide such comments directly to a municipality for the municipality’s own use

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act

Prohibition on commenting to infrastructure agencies – New subsection 21.1.2(1.1)

Bill 23 – Subsection 4(2):

21.1.2(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.

TRCA Proposed Revisions:

21.1.2(1.1) An authority shall not provide under subsection (1), within its area of jurisdiction, a program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act, **unless there is an agreement with the infrastructure provider that expressly authorizes or requests the provision of such comments directly to that entity.**

TRCA concerns with proposed addition of subsection 21.1.2 (1.1):

- **Public infrastructure providers (e.g., provincial agencies, utilities) rely on TRCA to provide technical, science-based comments** in the class environmental assessment process and at detailed design, to assist in planning, siting and design in accordance with provincial and municipal objectives for natural hazards, water resources and natural heritage protection
- **TRCA has numerous service level agreements (SLAs) with provincial agencies and infrastructure providers** for dedicated review services (including voluntary permit review applications), for example, Metrolinx and Enbridge
- Without this CA role, **public infrastructure providers will face delay and reduced ability to prepare for climate change** in the context of infrastructure planning, siting and design
- It is unclear what “proposals, applications or other matters” within the Acts being prescribed are not to be reviewed or commented on
- The government’s policy intent would be better reflected to allow conservation authorities to provide such comments directly to provincial agencies advancing infrastructure projects, or to other infrastructure providers, for their own use

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act

Removing tests applying to issuance of permits – Revised subsection 28.1(1)(a)

Bill 23 – Subsection 9(1):

28.1 (1)(a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

TRCA Proposed Revisions:

Retain “pollution” and “conservation of land” tests

Adjust existing definition of “pollution”

Add definition of “conservation of land” that would align with Conservation Ontario recommended definition used by CAs, which relates to protection, management, and restoration of lands to maintain and enhance hydrologic and ecological functions of natural features within the watershed

TRCA concerns with removal of “pollution” and “conservation of land” tests:

- **TRCA suggests that if “pollution” is removed it should instead be replaced with “sedimentation”** CAs’ ability to enforce keeping damaging sediment out of natural features during construction of permitted works would otherwise be lost.
- **TRCA submits that removal of “conservation of land” is a fundamental alteration to the mandate of conservation authorities** and will have a negative impact on TRCA’s ability to address natural hazards and climate change, **given the linkages between conservation of land and natural hazards**
- TRCA respects and supports the municipal role of determining the principle of development and assessing conformity/consistency of proposed development under their official plans and applicable provincial policy
- **TRCA submits that retaining “conservation of land” as part of the test to be applied is a fundamental alteration to the mandate of conservation authorities and will have a negative impact on addressing natural hazards and climate change, given the linkages between conservation of land and natural hazards**

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act

Exemption for development with a Planning Act approval – New subsection 28(4.1)

Bill 23 – Subsection 7(2):

28(4.1) Subject to subsection (4.2), the prohibitions in subsection (1) do not apply to an activity within a municipality prescribed by the regulations if,

- (a) the activity is part of development authorized under the Planning Act; and
- (b) such conditions and restrictions as may be prescribed for obtaining the exception and on carrying out the activity are satisfied.

TRCA Proposed Revisions:

Explicitly provide that exemption contingent on conservation authority being provided sufficient opportunity to review, comment on and recommend conditions of approval to the approval authority for the development

Add required enforcement provisions

TRCA concerns with proposed addition of subsection 28(4.1):

- TRCA has concerns with the proposed additional exception to the requirement to obtain a permit for development that has been authorized under the Planning Act
- TRCA suggests the **new exemption under subsection 28 (4.1)(a) should only apply where the conservation authority is provided with sufficient opportunity to review, comment on and recommend conditions of approval for the development prior to approval under the Planning Act**
- Further, TRCA is concerned about enforcement in relation to development authorized under subsection 28(4.1), as well as 28(3) and 28(4)
- Although these subsections are added to section 30.5 (Offences), there is no reference to these subsections under sections 30.2 (Entry without warrant) and 30.4 (Stop work order)

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act

Minister's direction for fee changes – New Section 21.3

Bill 23 – Section 5

21.3(1) The Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10) in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction.

TRCA Proposed Revisions:

Explicitly provide that lost revenue resulting from a “freeze” is added to municipal levy

Add criteria to identify circumstances where the Minister may direct a conservation authority to “freeze” its fees, identify maximum period, permit conservation authorities to increase fees by an annual cost of living adjustment during “freeze”

TRCA concerns with proposed addition of Section 21.3:

- Bill 23, as proposed, authorizes the Minister to freeze any fees charged by CAs, including permitting fees
- TRCA establishes the majority of its fees, including planning and permitting fees, on a cost recovery basis
- For clarity and transparency, TRCA suggests that this proposed new section explicitly provide that forgone or lost revenue resulting from a “freeze” directive may be added to the municipal levy (funded by taxpayers)
- TRCA recommends criteria be added to identify the circumstances under which the Minister may direct a conservation authority to “freeze” its fees, that a maximum period be identified (e.g., one year) or that in the event of a “freeze”, conservation authorities be allowed to increase fees by an annual cost of living adjustment (e.g., Consumer Price Index) during the “freeze” period

Schedule 2, Bill 23: Amendments to the Conservation Authorities Act Toronto and Region Conservation Authority Summary Comments and Recommendations on Measures the Province Could Take Now to Support Housing

- Provincial leadership is needed on implementing existing plans for housing and mixed-use development in Urban Growth Centres and Mobility Hubs and approved but not-yet-built urban areas.
- Agreements with owners to deliver housing upon delivering transit, servicing, flood protection infrastructure and resolving provincial policy conflicts would help get housing sites ready for construction sooner
- Funding, engagement and support to build “catalyst” infrastructure, e.g., use of provincial lands for Black Creek Renewal flood protection works would protect existing flood-prone community; and free up lands for development in Vaughan Metropolitan Centre near transit (outstanding City and TRCA request), unfunded elements of the Brampton Riverwalk project, and in many other areas of GTA.
- More “working tables” would drive decision-making on mixed-use projects, e.g., Portlands Executive Steering Committee (TRCA/Waterfront Toronto/City of Toronto)

Attachment 1: TRCA Comments and Proposed Amendments to Bill 23

