

PRESENT Paul Ainslie, Chair
Dave Barton, Vice Chair
Kevin Ashe
Joanne Dies
Paula Fletcher
Chris Fonseca
Laura Isidean
Parthi Kandavel (arrived at 9:44 a.m.)
Joe Li
Jennifer McKelvie
Amber Morley
Joseph Ogilvie (left at 10:29 a.m.)
Anthony Perruzza (arrived at 9:46 a.m.)
Mario Russo
Dianne Saxe
David West

ABSENT Navjit Kaur Brar
Vincent Crisanti
Stephen Dasko
Linda Jackson
Hugo Kroon
Jamaal Myers
Steve Pellegrini
Gord Perks
Anub Simson
Rowena Santos
Connie Tang
Barry Warner

1. CALL TO ORDER

Board of Directors Meeting #3/24 was held via videoconference, on March 22, 2024. The Chair, Paul Ainslie, called the meeting to order at 9:37 a.m.

2. ACKNOWLEDGEMENT OF INDIGENOUS TERRITORY

The Chair recited the acknowledgement of Indigenous Territory.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

4. MINUTES OF THE TRCA BOARD OF DIRECTORS MEETING #2/24, HELD ON FEBRUARY 23, 2024

RES.#A 36/24

Moved By: Joanne Dies
Seconded By: Kevin Ashe

THAT the Minutes of the Board of Directors Meeting #2/24, held on Friday February 23, 2024, be approved.

Carried

5. DELEGATIONS

None

6. PRESENTATIONS

None.

7. CORRESPONDENCE

None.

8. SECTION I - ITEMS FOR BOARD OF DIRECTORS ACTION

8.1 TRCA COMMEMORATIVE ASSETS NAMING GUIDELINES AND PRINCIPLES

RES.#A 37/24

Moved By: Amber Morley
Seconded By: Mario Russo

WHEREAS the Naming of TRCA Assets Policy was last updated in 2003;

AND WHEREAS the current policy can be updated to take into consideration Indigenous history, engagement efforts and to reflect TRCA's 2022 People First Diversity, Equity and Inclusion Strategic Playbook;

THEREFORE LET IT BE RESOLVED THAT TRCA's Commemorative Assets and Facility Naming Guidelines and Principles as outlined within this report, be endorsed;

AND FURTHER THAT TRCA staff prepare an updated Commemorative Assets and Facility Naming Policy for consideration based on the endorsed guidelines and principles.

Carried

8.2 CONSERVATION AUTHORITIES ACT LEGISLATIVE AND REGULATORY AMENDMENTS EFFECTIVE APRIL 1 2024

RES.#A 38/24

Moved By: Amber Morley
Seconded By: Mario Russo

WHEREAS the pending proclamation of amendments to the Conservation Authorities Act (CA Act) and associated regulations, as summarized in this report, come into force on April 1, 2024;

THEREFORE, LET IT BE RESOLVED that the Interim Policy and Procedure Guidance set out in the attachments to this report be approved for implementation of the legislative and regulatory changes;

AND FURTHER THAT effective April 1, 2024, pursuant to Section 21.2 of the CA Act, the Board of Directors delegate decisions related to requests for the reconsideration of fees to the Chief Executive Officer;

AND FURTHER THAT effective April 1, 2024, pursuant to Section 28.4 of the CA Act and associated regulation, the Board of Directors designate the following senior positions under to approve and sign permits: Chief Executive Officer, Director, Development and Engineering Services, Associate Director, Senior Manager, and Senior Planner positions within the Development Planning and Permits Business Unit and Associate Director, Senior Manager, and Senior Planner positions within the Infrastructure Planning and Permits Business Unit;

AND FURTHER THAT effective April 1, 2024, pursuant to Section 28.4 of the CA Act and associated regulation, the Board of Directors delegate decisions related to requests for the reconsideration of complete application determinations to the Chief Executive Officer;

AND FURTHER THAT the Clerk and Manager of Policy so advise the Ministry of Natural Resources and Forestry, TRCA municipal partners, Conservation Ontario and the TRCA-BILD Working Group.

Carried

8.3 CONSERVATION AUTHORITIES ACT REGULATED AREA MAPPING

RES.#A 39/24

Moved By: Amber Morley
Seconded By: Mario Russo

WHEREAS in 2019, TRCA staff undertook the first jurisdiction-wide update to TRCA's Section 28 Regulation mapping update since 2006 in

consultation with member municipalities, the public, and the building industry;

AND WHEREAS at TRCA Board of Directors Meeting #6/19, held on Friday, June 21, 2019, Resolution #A116/19 was approved, stating that staff continue to make updates to the Regulation mapping on an annual basis;

AND WHEREAS staff have now updated the regulated area mapping to reflect the most currently available information as well as the technical requirements of Ontario Regulation 41/24 that will come into effect on April 1, 2024;

THEREFORE, LET IT BE RESOLVED THAT the 2023 updates to the regulation mapping be endorsed by the TRCA Board of Directors for internal use, for municipal staff screening purposes, and for public viewing on TRCA's website;

AND FURTHER THAT the Clerk and Manager of Policy so advise the Ministry of Natural Resources and Forestry, TRCA municipal partners, Conservation Ontario and the TRCA-BILD Working Group.

Carried

8.4 APPOINTMENT OF OFFICERS FOR UNDER SECTION 30.1 FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THE CONSERVATION AUTHORITIES ACT AND REGULATIONS

RES.#A 40/24

Moved By: Amber Morley
Seconded By: Mario Russo

WHEREAS TRCA has 9 full time Enforcement Officers appointed under O. Reg. 166/06 and R.R.O. 1990, Reg. 119 of the Conservation Authorities Act, for enforcement and compliance with Section 28 and 29 of the Act and its regulations, and has 10 staff members within TRCA's Conservation Parks appointed as officers to aid in Section 29 compliance initiatives pursuant to the Section 29 regulation;

AND WHEREAS pursuant to the pending proclamation of amendments to the Conservation Authorities Act the appointment of officers now falls under Section 30.1 of the Act as of April 1, 2024;

THEREFORE, LET IT BE RESOVLED THAT all existing appointments of officers for Section 28 and 29 enforcement remain valid until Section 30.1 comes into force on April 1, 2024;

AND FURTHER THAT TRCA's Board of Directors appoint all existing officers, as listed in Attachment 1, pursuant to Section 30.1 of the Conservation Authorities Act effective April 1, 2024.

Carried

8.5 KEATING CHANNEL PARTNERSHIP DREDGING PROGRAM 2024-2026

RES.#A 41/24

Moved By: Paula Fletcher
Seconded By: Amber Morley

WHEREAS Keating Channel currently has a backlog of sediment that must be removed from to achieve flood protection;

WHEREAS the City of Toronto has approved \$12 million to fund Keating Channel dredging as part of the 2024 budget process and has forecasted another \$12 million in 2025, subject to budget approval;

WHEREAS Toronto and Region Conservation Authority (TRCA) will be entering into a revenue agreement with the City of Toronto to fund dredging operations in Keating Channel;

WHEREAS TRCA has an MOU with PortsToronto where TRCA has committed to give due consideration to Ports Toronto when procuring services which are within their core competency, such as dredging;

WHEREAS working with PortsToronto to complete dredging is the best option based on their expertise, history working in the Keating Channel, and costs for other sediment disposal considerations;

IT IS THEREFORE RECOMMENDED THAT TRCA enter into an agreement with PortsToronto for the dredging of Keating Channel at a total cost not to exceed \$12 million in 2024, with the option of extending the agreement into future years pending funding approval through the City's annual budget process;

AND FURTHER THAT authorized TRCA officials be directed to take whatever action may be required to implement the contract agreement with PortsToronto within City of Toronto approved budget envelopes, including the obtaining of necessary approvals, procurement of supporting engineering or environmental services if required, and the signing and execution of associated documents.

Carried

9. SECTION III - ITEMS FOR THE INFORMATION OF THE BOARD

9.1 CHANGE ORDER FOR CONTRACT 10035673 - CUDMORE CREEK WETLAND AND TRAILHEAD PROJECT

RES.#A 42/24

Moved By: Dianne Saxe
Seconded By: Kevin Ashe

IT IS RECOMMENDED THAT the report on the Change Order for Contract 10035673 – Cudmore Creek Wetland and Trailhead Improvement Project, be received, for information.

Carried

9.2 SERVICE DELIVERY REPORT FOR SECTION 28 PERMIT APPLICATIONS, 2023

RES.#A 43/24

Moved By: Dianne Saxe
Seconded By: Kevin Ashe

IT IS RECOMMENDED THAT the Service Delivery Report for Section 28 Permit Applications, 2023 be received for information.

Carried

9.3 2023 ECOSYSTEM COMPENSATION PROGRAM AND FINANCES SUMMARY REPORT

RES.#A 44/24

Moved By: Dianne Saxe
Seconded By: Kevin Ashe

IT IS RECOMMENDED THAT the 2023 Ecosystem Compensation Program and Finances Summary Report be received for information;

AND THAT staff report back with recommended improvements to the Program based on consultation with municipal partners, Building Industry and Land Development Association (BILD), and other interested parties.

Carried

9.4 FINAL UPDATE AND PROGRESS REPORT ON MUNICIPAL MEMORANDUMS OF UNDERSTANDING

RES.#A 45/24

Moved By: Dianne Saxe
Seconded By: Kevin Ashe

THAT the Final Update and Progress Report on Municipal Memorandums of Understanding, be received;

THAT Board of Directors members work with the leadership of their municipalities to move forward municipally requested work with TRCA, as enabled under approved and executed MOUs with municipalities;

THAT the remaining municipal partners that have not already executed their advanced stage MOU's with TRCA be requested to do so;

AND FURTHER THAT the Clerk and Manager, Policy, circulate this report to TRCA's municipal partners, the Ministry of Natural Resources and Forestry (MNR), Conservation Ontario, neighbouring conservation authorities, and the Ministry of Municipal Affairs and Housing (MMAH).

Carried

10. MATERIAL FROM EXECUTIVE COMMITTEE MEETING

10.1 SECTION I - ITEMS FOR BOARD OF DIRECTORS ACTION

10.1.1 ACQUISITION FROM WHITE OWL GROUP PROPERTIES LIMITED

RES.#A 46/24

Moved By: Laura Isidean
Seconded By: Dave Barton

THAT 8.91 hectares (22.017 acres), more or less, of vacant land, located south of 5th Concession Road and east of Church Street North, said land being Part of Lot 13, Concession 4, designated as Parts 1 and 2 on Registered Plan 40R-30476, municipally known as 2290 Greenwood Road, in the Town of Ajax, Regional Municipality of Durham, be purchased from White Owl Properties Limited;

THAT the Ecosystem Compensation Agreement (ECA) reflects the terms and conditions set out in this report and that this conveyance be subject to executing the ECA;

THAT the purchase price of the ecosystem compensation lands be \$2.00;

THAT Toronto and Region Conservation Authority (TRCA) accept payment from White Owl Properties Limited in the amount of \$187,794.60 as

additional compensation to the land conveyance for off-site ecosystem compensation and costs associated with the land conveyance;

THAT TRCA receive conveyance of the land free from encumbrance to the satisfaction of TRCA and subject to existing service easements;

THAT the transaction be completed at the earliest possible date and all reasonable expenses incurred incidental to the closing for land transfer tax, legal costs, and disbursements are to be paid by TRCA;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

Carried

10.1.2 ACQUISITION FROM CPSP ANNANDALE NOMINEE INC.

RES.#A 47/24

Moved By: Laura Isidean
Seconded By: Dave Barton

THAT 34.55 hectares (85.38 acres), more or less, of vacant land, located east of Church Street South and north of Bayly Street, said land being Parts 1 to 15 inclusive on Plan 40R-13916 save and except Part 1 on Plan 40R-25769 and Parts 1 to 8 on Registered Plan 40R-32490, municipally known as 221 Church Street South, in the Town of Ajax, Regional Municipality of Durham, be purchased from CPSP ANNANDALE NOMINEE INC.;

THAT the purchase price be \$2.00;

THAT Toronto and Region Conservation Authority (TRCA) receive conveyance of the land free from encumbrance, subject to existing service easements, and in an environmental condition that is to the satisfaction of TRCA staff and subject to the Town of Ajax entering into a Management Agreement with TRCA for the land;

THAT the transaction be completed at the earliest possible date with all reasonable expenses incurred incidental to the closing for land transfer tax, legal costs, and disbursements to be paid by TRCA;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

Carried

10.1.3 PERMANENT EASEMENT REQUEST FROM AMEXON HOLDINGS CORPORATION

RES.#A 48/24

Moved By: Laura Isidean
Seconded By: Dave Barton

THAT WHEREAS the Toronto and Region Conservation Authority (TRCA) is in receipt of a request from Amexon Holdings Corporation for a permanent easement required for an existing outfall, located north of Sheppard Avenue East and West of Leslie Street, in the City of Toronto, Don River watershed;

AND WHEREAS it is in the best interest of TRCA in furthering its objectives as set out in Section 20 of the Conservation Authorities Act to cooperate with Amexon Holdings Corporation in this instance;

THEREFORE, LET IT BE RESOLVED THAT a permanent easement containing 0.0139 hectares (0.0344 acres), more or less, of vacant land, required for existing outfall, designated as Parts 7 and 8 on draft Registered Plan by R. Avis Surveying Inc., Project No: 2688-14 and Drawing No: 2688-14R.DWG, in the City of Toronto, be conveyed to Amexon Holdings Corporation;

THAT consideration be \$447,200 plus applicable taxes; all legal, appraisal, survey and other costs to be paid by Amexon Holdings Corporation;

THAT Amexon Holdings Corporation is to fully indemnify TRCA from any and all claims from injuries, damages or costs of any nature resulting in any way, either directly or indirectly, from this conveyance or the carrying out of construction;

THAT an archaeological investigation be completed, with any mitigation measures being carried out to the satisfaction of TRCA staff, at the expense of Amexon Holdings Corporation;

THAT a permit pursuant to Ontario Regulation 166/06, as amended, be obtained by Amexon Holdings Corporation prior to the commencement of construction;

THAT all TRCA lands disturbed by the proposed works be revegetated/stabilized following construction and where deemed

appropriate by TRCA staff, a landscape plan be prepared for TRCA staff review and approval in accordance with existing TRCA landscaping guidelines, at the expense of Amexon Holdings Corporation;

THAT written notice of the proposed disposition be provided to the Minister of Natural Resources and Forestry least 90 days before the disposition in accordance with Section 21(2) of the Conservation Authorities Act;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

Carried

10.1.4 PERMANENT EASEMENT FOR CITY OF TORONTO FOR THE DVP SANITARY SEWER RELOCATION PROJECT

RES.#A 49/24

Moved By: Laura Isidean

Seconded By: Dave Barton

WHEREAS the Toronto and Region Conservation Authority (TRCA) is in receipt of a request from the City of Toronto for the conveyance of a permanent easement on TRCA-owned lands located north of Don Valley Parkway (DVP) and west of Millwood Road, in the City of Toronto, required for DVP Sanitary Sewer Relocation Project, Don River watershed;

AND WHEREAS it is in the best interest of TRCA in furthering its objectives as set out in Section 20 of the Conservation Authorities Act to cooperate with the City of Toronto in this instance;

THEREFORE LET IT BE RESOLVED THAT a parcel of TRCA-owned land containing 0.15 hectares (0.38 acres), more or less, of vacant land, required for DVP Sanitary Sewer Relocation Project designated as Parts 9-12 (inclusive) on draft Registered Plan by Tulloch Geomatics Inc., File:202029 EX142B, in the City of Toronto, be conveyed to the City of Toronto;

THAT consideration be the nominal sum of \$2.00 and all legal, survey and other costs to be paid by Metrolinx;

THAT the City of Toronto is to fully indemnify TRCA from any and all claims from injuries, damages or costs of any nature resulting in any way, either directly or indirectly, from this conveyance or the carrying out of construction;

THAT an archaeological investigation be completed, with any mitigation measures being carried out to the satisfaction of TRCA staff, at the expense of Metrolinx;

THAT the Minister of Natural Resources and Forestry be informed of this disposition for municipal infrastructure in accordance with Section 21(6) of the Conservation Authorities Act;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

Carried

10.1.5 ASSET RETIREMENT OBLIGATIONS

RES.#A 50/24

Moved By: Laura Isidean
Seconded By: Dave Barton

THAT the Asset Retirement Obligations Policy be approved.

Carried

10.1.6 INVESTMENT STATEMENT OF POLICY AND PROCEDURES UPDATE

RES.#A 51/24

Moved By: Laura Isidean
Seconded By: Dave Barton

THAT TRCA's Investment Statement of Policy and Procedures Updates be approved.

Carried

10.2 SECTION II - ITEMS FOR EXECUTIVE COMMITTEE ACTION

10.2.1 APPLICATION FOR PERMITS PURSUANT TO S.28.0.1 OF THE CONSERVATION AUTHORITIES ACT (MINISTER'S ZONING ORDER, ONTARIO REGULATION 156/22)

RES.#A 52/24

Moved By: Linda Jackson
Seconded By: Mario Russo

WHEREAS, as adopted at the October 23, 2020, Board of Directors meeting (amended Res. #A164/20), that in recognition of Toronto and Region

Conservation Authority's (TRCA) role as a watershed management and regulatory agency, and stewards of lands within TRCA's jurisdiction, the Board of Directors does not support development within wetlands;

WHEREAS TRCA using a science-based approach to decision making and TRCA's Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP), would not customarily support the issuance of a permit in support of development within the natural system, including wetlands, to facilitate new development;

WHEREAS the Minister of Municipal Affairs and Housing (MMAH) issued a Minister's Zoning Order (MZO) for the subject properties on March 4, 2022, as Ontario Regulation 156/22;

WHEREAS TRCA staff were consulted prior to the MZO being requested and identified the proposed development will result in the removal and substantial alteration of significant natural features and natural hazards including valley corridors, stream corridors, wetlands, woodlands, watercourses, floodplains and erosion hazards which would be contrary to applicable planning policies;

WHEREAS TRCA staff, in the absence of an approved MZO, would not normally issue a Section 28 TRCA permit where the proposed development involves the removal of the natural system including valley and stream corridors, wetlands, watercourses, floodplains and erosion hazards;

WHEREAS Section 28.0.1 of the Conservation Authorities Act requires the Authority to grant permission for a development project that has been authorized by an MZO issued under the Planning Act, and where the lands in question are not located within a Greenbelt Area under the Greenbelt Act;

WHEREAS Section 28.0.1(6), of the Conservation Authorities Act, permits the Authority to attach conditions to the permission, including conditions to mitigate any effects the development may have on the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock, and/or in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property;

WHEREAS Section 28.0.1(24), of the Conservation Authorities Act, provides that where a permit is to be issued pursuant to Ontario Regulation 166/06, the applicant is required to enter into an agreement with the Conservation Authority;

WHEREAS Section 28.0.1(25), of the Conservation Authorities Act, provides that the agreement shall set out actions or requirements that the holder of the permission must complete or satisfy to compensate for ecological impacts and any other impacts that may result from the development project;

AND WHEREAS TRCA's Board of Directors, in the absence of an approved MZO, would not normally approve of such permits, but must do so in accordance with the requirements of Provincial legislation;

THEREFORE, LET IT BE RESOLVED THAT OP Trust Jane St. Trust and Livall Holdings Limited, in the City of Vaughan be granted permission to undertake development in the form of topsoil stripping, grading and servicing associated with industrial development on the properties, subject to Standard Permit Conditions within Attachment 15 and Additional Permit Conditions within Attachment 16 hereto;

THAT TRCA staff seek full cost recovery in accordance with TRCA's Administrative Fee Schedule;

AND FURTHER THAT the Board of Directors authorize the entering into of an agreement or agreements related to the Permits for the site works and ecosystem compensation and restoration with the applicants, relevant agencies, utilities, and the City of Vaughan.

Carried

10.3 SECTION III - ITEMS FOR THE INFORMATION OF THE BOARD

10.3.1 MOTION TO REPORT BACK ON PROPOSED CHANGES TO ONTARIO'S ENVIRONMENTAL ASSESSMENT ACT

RES.#A 53/24

Moved By: Mario Russo

Seconded By: Jennifer McKelvie

BE IT RESOLVED THAT the Executive Committee request TRCA staff report back on the proposed changes to Ontario's Environmental Assessment Act with any recommendations for TRCA action, at the next available meeting.

Carried

10.4 SECTION IV - ONTARIO REGULATION 166/06, AS AMENDED

10.4.1 STANDARD DELEGATED PERMITS FOR RECEIPT - FEBRUARY 9, 2024

RES.#A 54/24

Moved By: Amber Morley

Seconded By: Joanne Dies

THAT standard delegated permits, permission for routine infrastructure works, minor works letters of approval, and permits after the fact /

resolution of violations granted by Toronto and Region Conservation Authority staff, in accordance with Ontario Regulation 166/06, as amended, which are listed below, be received.

Carried

10.4.2 STANDARD DELEGATED PERMITS FOR RECEIPT - MARCH 8, 2024

RES.#A 55/24

Moved By: Amber Morley
Seconded By: Joanne Dies

THAT standard delegated permits, permission for routine infrastructure works, minor works letters of approval, and permits after the fact / resolution of violations granted by Toronto and Region Conservation Authority staff, in accordance with Ontario Regulation 166/06, as amended, which are listed below, be received.

Carried

11. CLOSED SESSION

RES.#A 55/24

Moved By: Amber Morley
Seconded By: Anthony Perruzza

THAT the Board of Directors move into closed session, pursuant to Section C.4.(2)(a) of TRCA's Board of Directors Administrative By-Law, to discuss Item 11.1 - 2024 Cybersecurity and Data Protection Update, as the subject matter includes matters relating to the security of the property of TRCA.

Carried

RES.#A 56/24

Moved By: Amber Morley
Seconded By: Anthony Perruzza

THAT the Board of Directors rise and report from closed session at 10:29 a.m.

Carried

11.1 2024 CYBERSECURITY AND DATA PROTECTION UPDATE

RES.#A 57/24

Moved By: Parthi Kandavel
Seconded By: David West

IT IS RECOMMENDED THAT the 2024 Cybersecurity and Data Protection Update be received for information.

Carried

12. NEW BUSINESS

None.

13. ADJOURNMENT

ON MOTION from Anthony Perruzza, the meeting was adjourned at 10:38 a.m.

Paul Ainslie
Chair

John MacKenzie
Secretary-Treasurer

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, March 22, 2024 Meeting

FROM: Darryl Gray, Director, Education and Training

RE: **TRCA COMMEMORATIVE ASSETS AND FACILITY NAMING GUIDELINES AND PRINCIPLES**
Report to TRCA Board of Directors on Proposed Commemorative Assets and Facility Naming Guidelines and Principles

KEY ISSUE

Seeking Board of Directors' endorsement of Guidelines and Principles related to the development of an updated Commemorative Assets and Facility Naming Policy for Toronto and Region Conservation Authority (TRCA).

RECOMMENDATION:

WHEREAS the Naming of TRCA Assets Policy was last updated in 2003;

AND WHEREAS the current policy can be updated to take into consideration Indigenous history, engagement efforts and to reflect TRCA's 2022 People First Diversity, Equity and Inclusion Strategic Playbook;

THEREFORE LET IT BE RESOLVED THAT TRCA's Commemorative Assets and Facility Naming Guidelines and Principles as outlined within this report, be endorsed;

AND FURTHER THAT TRCA staff prepare an updated Commemorative Assets and Facility Naming Policy for consideration based on the endorsed guidelines and principles.

BACKGROUND

Diversity, equity, and inclusion (DEI) are fundamental to TRCA's 65-year history and are central to the organizational mission of being the provincial leader in conserving, restoring, and managing natural resources to advance safe and sustainable development. To this end, in 2022, TRCA launched the People First Diversity, Equity and Inclusion Strategic Playbook to guide ongoing work related to DEI both within the organizational structure of TRCA, as well as the programs and services delivered to TRCA's watershed communities in the Greater Toronto Area (GTA). Pillar #3 of TRCA's People First Strategic Playbook is as follows:

- Integrate DEI into TRCA's Strategic Plan, Program Development and Delivery: Initiatives focus on ensuring that TRCA's strategy, programs and plans are reflective and representative of the diverse communities we serve.

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The naming of TRCA's public assets and facilities is one mechanism through which to recognize the diversity, history and heritage of our communities and those people that call TRCA's watersheds home, from time-immemorial to today. Through the naming of TRCA assets and facilities in a way that reflects the rich history and diversity of TRCA's communities, visitors to TRCA's attractions, parks, education facilities and other public spaces can feel welcome and included. This builds on current and ongoing efforts related to Indigenous engagement and the integration of DEI principles into all aspects of TRCA's broad range and suite of programs and services.

Previously, in the early planning and development of TRCA's conservation areas and education facilities through the 1950s to 1970s, with some exceptions, TRCA assets were typically named based on local geographic placenames, natural or cultural heritage features, historic landowners or other persons or places of interest. These naming's typically reflected a primarily British, French, or Western European period of settlement in central Ontario during the period of the late 1700s to present day.

Examples of the history of TRCA major place names include:

- Albion Hills Conservation Area: named after the hills that defined the former Albion Township, and the conservation area's location in what is now the Town of Caledon. Albion Township was absorbed, along with other small local municipalities, into the Town of Caledon with the establishment of the Region of Peel in 1974.
- Boyd Conservation Area: named after Dr. Edmund Boyd, former landowner of the Boyd property and noted conservationist. Dr. Boyd sold the property that would become Boyd Conservation Area to the Metro Toronto Region Conservation Authority (MTRCA) in 1954.
- Petticoat Creek Conservation Area: named after Petticoat Creek, which bisects and reaches its mouth at Lake Ontario in this waterfront property. Petticoat, as used in the naming of this watershed and conservation area, is a variation on the term "Petite Côte", used by French settlers in the 1600s in reference to the creek mouth where one bank is high, and the other side low and flat.
- Claremont Nature Centre: named for the local village of Claremont, which is north-west of the Nature Centre and the closest local community.
- Kortright Centre for Conservation: named in recognition of Francis H. Kortright, noted conservationist, author, and founder of the Toronto Sportsmen Show, which was a key funder and supporter of the development of the Kortright Centre for Conservation.
- Black Creek Pioneer Village: named due to its proximity and adjacency to Black Creek, which connects both the north and south properties of this museum and tourism attraction. Black Creek itself is named for the historically dark and murky

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colour of the water in this tributary of the Humber River. Black Creek Pioneer Village will be officially renamed The Village at Black Creek in May of 2024.

- Indian Line Campground: originally named the Claireville Campground, Indian Line Campground was adopted three years following its opening in 1976 due to its proximity to Indian Line Road. Historically speaking the Indian Line was a survey line drawn by Alexander Aitkin in 1788 from the mouth of Etobicoke Creek north 22 degrees west, intended to define the western boundary of the 1787 Toronto Purchase from the Mississauga First Nation. This place name is particularly problematic, and staff will be recommending that the previous Claireville Campground name be re-adopted due to its location within Claireville Conservation Area, along with a recommendation to rename the Claireville Nature Centre (former Toronto District School Board Etobicoke Field Studies Centre) in a way that recognizes the Indigenous history of the area.

In most cases, the above names recognized early landowners or evoked local place names that often drew lineage from places or people in the settlers' country of origin. Recognizing now that the period which the majority of TRCA names draw upon represents a relatively narrow epoch of human history and does not reflect the diverse multi-cultural mosaic that the Greater Toronto Area (GTA) is comprised of today, or the rich pre-colonial history of the region, TRCA has undertaken a review of the 2003 Naming of TRCA Assets Policy and general approach therein taking into account recently reviewed and updated policies of partner municipalities and agencies.

CURRENT TRCA POLICY

TRCA's existing policy governing the naming of assets, enacted in November of 2003, provides a protocol for naming of public spaces and facilities. The current policy outlines that the naming of TRCA assets may contain any or all the following:

- The name of a major individual or corporate/public sector organization, possibly a donor;
- The name of an individual prominent in the environmental or conservation community;
- A relevant historical name associated with the geographic area or community;
- The name of a strategic initiative, a citizen's group or other partnership of TRCA; and/or
- Other names that may have significance for a specific site and area.

Approval for naming of assets resides with TRCA's Board of Directors and is intended to be based on a consultative process that includes, as per the current policy, that naming will follow a consistent process to name or rename TRCA assets including lands, structures, and other physical attributes. This process would include:

- Researching the current and suggested names, particularly their historical relevance; and
- Engaging in a consultative process with interested stakeholders, including Members of the Toronto and Region Conservation Foundation, donors, TRCA employees, Authority Members, members of the public, municipal and other non-profit organizations.

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The current TRCA policy goes on to include authority of naming with the Board of Directors:

“All name changes shall be subject to approval of TRCA’s Board of Directors. Municipalities and other stakeholders will receive information on the naming process including the rationale, the timing of the name change and any research on the history of the name to allow for comment.”

MUNICIPAL AND SCHOOL BOARD CONTEXT

Municipalities, school boards, post-secondary institutions and other similar government agencies have undertaken comprehensive reviews of naming policies and procedures with the intent to advance inclusion, improve representation and advance reconciliation. While many municipalities and other government organizations are at various stages of development and approval of new policies, the City of Toronto and the Peel District School Board have taken strides to rapidly advance updated policies and processes as it relates to naming of public assets.

City of Toronto

In June of 2022, the City of Toronto approved a new Commemorative Framework for Naming of Public Spaces, which includes new Guiding Principles for Commemoration, outlining best practices and considerations for engaging communities in a meaningful way in commemoration, and for further diversifying the range of stories told through Toronto's monuments, street names, and property names. The City of Toronto’s Guiding Principles of Commemoration include:

- Be informed by historical research, traditional knowledge, and community insights;
- Be supported by communities through meaningful engagement;
- Honour Indigenous ways of knowing and being;
- Prioritize commemorations significant to Indigenous Peoples, Black communities, and equity-deserving groups;
- Connect to Toronto, Ontario or Canada's histories and cultures; and
- Share knowledge and stories behind commemorations.

Peel District School Board

Peel District School Board, similarly, undertook a comprehensive update to its School Naming Policy in January of 2023. This update was intended to advance inclusion in school naming and create a framework for the renaming of existing schools that had previously honoured architects of the colonial system in Ontario. To this end, Peel District School Board’s policy includes three distinct provisions:

Proposed PDSB school names shall:

- Align with PDSB’s commitment to anti-colonialism, anti-racism and human rights, and consider equity and inclusion;

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- Consider the diversity of PDSB Community Members, including diversity of race, gender, creed and abilities and strive to name and rename to reflect that diversity; and
- Be distinct from other PDSB names.

Proposed PDSB school names may:

- Be the traditional territory or Indigenous name of the area;
- Be the current name of the local community;
- Be the name of the street on which the school, special area of the school or the facility faces;
- Honour a historically significant person who is generally recognized as having made a significant and positive contribution to the local community, Peel, Canada or internationally;
- Describe the program at the school, the special area of the school or the facility; and
- Recognize a significant donor to the school, Special function area or the Facility.

Proposed PDSB schools, special function areas, and facilities names shall not include:

- Names of current PDSB employees or Board members;
- Names of corporations;
- Persons who are known to have championed or orchestrated the mechanisms (legislation, policies, and practices of assimilation) of colonialism in Canada; and
- Persons who are known to have engaged in the trans-Atlantic slave trade or known to have enslaved Africans, or to have championed or orchestrated the segregation of schools in Ontario based on perceived race.

Given the above advancements in policies related to naming or commemoration of municipal or other government assets, TRCA staff have prepared a framework for TRCA Board of Directors consideration that will guide the development of an updated TRCA Policy on Commemorative Assets and Facility Naming Policy.

RATIONALE

POLICY PURPOSE

Given a growing understanding and awareness of the importance that naming of public assets plays in creating inclusive, welcoming and equitable spaces, an update of the Naming of TRCA Assets Policy from 2003 provides a framework and guiding policy for the naming, or renaming, of significant assets, landholdings or facilities, with a particular emphasis of advancing inclusion and better representing the diverse communities TRCA serves, particularly the rich, and at the same time, tragic history of Indigenous peoples. This work builds on the advancements of TRCA's municipal partners in updating municipal asset naming practices to ensure that the naming of public spaces, places and infrastructure respects and reflects the true history of the Greater Toronto Area and takes a more inclusive, community-reflected approach to naming.

The purpose of the proposed Commemorative Assets and Facility Naming Policy would be to:

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- 1) Provide the framework for the naming or renaming of TRCA assets, facilities, and public spaces; and
- 2) Ensure transparency in the naming or renaming of TRCA assets, facilities, or public spaces.

The proposed Commemorative Assets and Facility Naming Policy would be applied to the commemoration through naming or renaming of TRCA assets, facilities or public spaces.

APPLICATION AND SCOPE

To advance an updated Commemorative Asset and Facility Naming Policy for TRCA, staff have prepared key guiding principles for Board of Directors consideration. Upon endorsement by TRCA's Board of Directors, these guiding principles will underpin a draft updated Policy and ensure that commemoration through naming or renaming of assets, facilities and public spaces reflects TRCA's role as a champion of inclusion and publicly accountable steward of the region's watersheds.

The draft guiding principles that will form the foundation for an updated Commemorative Asset and Facility Naming Policy are as follows:

- 1) Create a welcoming and inclusive environment: Ensure that all TRCA staff, volunteers, contractors and visitors feel welcomed and included in the facilities and places TRCA operates.
- 2) Put inclusion first: Recognize the diversity of our communities in naming and commemoration as of central importance, particularly Indigenous peoples, Black communities, and other equity-deserving groups.
- 3) Advance reconciliation: In addition to seeking opportunities to recognize Indigenous history and places through the naming of TRCA assets and facilities, formally acknowledge Indigenous history and placenames at all major facilities, buildings, and high public use spaces, including land acknowledgements.
- 4) Be grounded in historical research, traditional knowledge and storytelling: Build on TRCA's ongoing role in preserving and safeguarding the built, cultural and natural heritage of the region from time-immemorial to present day.
- 5) Take a consultative approach: Engage TRCA's Board of Directors, key stakeholders and communities in contributing to the naming, and mechanisms of commemoration, of TRCA assets and public places and spaces, specifically ensuring engagement with indigenous communities.

As it relates to the above guidelines and principles, consultation and community engagement must be consistent with any available TRCA community engagement policy or procedure and must actively strive to include and engage the voices and perspectives of current and historically disadvantaged persons and groups within the local community.

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The updated Policy, upon approval by TRCA's Board of Directors, would be applied to recognition or commemoration that is being considered or contemplated for any public facility, park, trail, building, room, vehicle, boat, or other piece of publicly accessible equipment that requires the establishment of a new formal name or updated or revised name.

The above does not limit TRCA's ability as it relates to activities pertaining to contributions, donations or sponsorships and recognition thereof covered under TRCA's Sponsorship Policy.

Relationship to TRCA's 2023-2034 Strategic Plan

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

Pillar 3 Community Prosperity:

3.1 Connect communities to nature and greenspace

Pillar 3 Community Prosperity:

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

Pillar 4 Service Excellence:

4.2 Provide and manage an efficient and adaptable organization

Pillar 4 Service Excellence:

4.4 Transparent decision making and accountable results

FINANCIAL DETAILS

There are no financial implications related to the endorsement of the Commemorative Asset and Facility Naming Guidelines and Principles.

DETAILS OF WORK TO BE DONE

Upon endorsement of the Commemorative Asset and Facility Naming Guidelines and Principles, TRCA staff will develop a draft updated policy for consideration and approval by TRCA's Board of Directors in Q3 2024.

Given the problematic nature of the name of Indian Line Campground and an interest in renaming the current Claireville Nature Centre (former TDSB Etobicoke Field Studies Centre) to recognize the Indigenous history of the area, TRCA staff will undertake a consultation process to explore potential Indigenous names for the Claireville Nature Centre. A report and recommendations on both Indian Line Campground renaming and naming of the Claireville Nature Centre will be targeted for TRCA Board of Directors consideration in Q4 of 2024 recognizing that this proposed timing is subject to the outcome of the consultation process.

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Date: January 3, 2024

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, March 22, 2024 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: CONSERVATION AUTHORITIES ACT LEGISLATIVE AND
REGULATORY AMENDMENTS EFFECTIVE APRIL 1, 2024

KEY ISSUE

To provide a summary of Conservation Authorities Act legislative and regulatory amendments and requirements coming into effect April 1, 2024 and to request Board of Directors approval of interim policy and procedure guidance related to these amendments.

RECOMMENDATION:

WHEREAS the pending proclamation of amendments to the Conservation Authorities Act (CA Act) and associated regulations, as summarized in this report, come into force on April 1, 2024;

THEREFORE, LET IT BE RESOLVED that the Interim Policy and Procedure Guidance set out in the attachments to this report be approved for implementation of the legislative and regulatory changes;

AND FURTHER THAT effective April 1, 2024, pursuant to Section 21.2 of the CA Act, the Board of Directors delegate decisions related to requests for the reconsideration of fees to the Chief Executive Officer;

AND FURTHER THAT effective April 1, 2024, pursuant to Section 28.4 of the CA Act and associated regulation, the Board of Directors designate the following senior positions under to approve and sign permits: Chief Executive Officer, Director, Development and Engineering Services, Associate Director, Senior Manager, and Senior Planner positions within the Development Planning and Permits Business Unit and Associate Director, Senior Manager, and Senior Planner positions within the Infrastructure Planning and Permits Business Unit;

AND FURTHER THAT effective April 1, 2024, pursuant to Section 28.4 of the CA Act and associated regulation, the Board of Directors delegate decisions related to requests for the reconsideration of complete application determinations to the Chief Executive Officer;

AND FURTHER THAT the Clerk and Manager of Policy so advise the Ministry of Natural Resources and Forestry, TRCA municipal partners, Conservation Ontario and the TRCA-BILD Working Group.

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BACKGROUND

Since 2017, the Conservation Authorities Act (CA Act) has been amended by the Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139), the More Homes, More Choice Act, 2019 (Bill 108), the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 (Bill 229) and the More Homes Built Faster Act, 2022 (Bill 23). The initial amendments were made to improve governance, transparency, accountability and clarity in the roles and responsibilities of conservation authorities (CAs). The more recent amendments streamline permitting approvals under the CA Act to support the government's commitment under Ontario's Housing Supply Action Plan 2022-23 to have 1.5 million homes built over the next ten years.

On February 16, 2024, the Province released two new regulations ([Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits](#) and [Ontario Regulation 42/24: Mandatory Programs and Services](#)), under the [Conservation Authorities Act](#). O. Reg. 41/24 will replace TRCA's existing individual "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation (O. Reg. 166/06) and this single regulation will be used by all conservation authorities (CAs). O. Reg. 42/24 amends [Ontario Regulation 686/21: Mandatory Program & Service Regulation](#) to require CAs to undertake annual permitting and regulatory compliance reporting. The enactment of these regulations coincides with the proclamation of associated sections within the CA Act, all of which come into effect on April 1, 2024.

Also coming into effect on April 1, 2024 is [Ontario Regulation 688/21: Rules of Conduct in Conservation Areas](#), which replace all individual CA Section 29 regulations, including TRCA's R.R.O. 1990, Reg. 119, governing the rules of conduct in conservation areas.

The following is a summary of the key legislative and regulatory changes that will come into effect on April 1, 2024.

Legislative Proclamations - Conservation Authorities Act

New Part VI – Regulation of Areas Over Which Authorities Have Jurisdiction

The new part VI of the Act establishes the regulated area within the jurisdiction of each CA related to natural hazards including watercourses, wetlands, and development activities. Section 28(1) sets out the prohibited activities (e.g. interference in any way with a watercourse or wetland, development, etc.) within regulated areas (hazardous lands, wetlands, river or stream valleys, areas adjacent the Great Lakes, 'other areas' e.g., adjacent to wetlands), as well as certain exceptions to these prohibitions.

Section 28.1 provides for the issuance of permits despite the prohibitions 28(1), subject to the tests set out in the Act.

Permit Issuance Tests (CA Act s. 28.1)

The tests used by CAs in permit decisions:

- "conservation of land" and "pollution" tests have been removed and replaced with "unstable soils and bedrock" resulting in the following: *"the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock"*;
- a test has been added: *"the activity is not likely to create conditions or*

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circumstance 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”.

Exceptions (CA Act, 28(2), (3), (4) & (4.1))

Enables CA permit exemptions for the following:

- continues exception for activities approved under the Aggregate Resources Act;
- adds exceptions for prescribed activities, areas of municipalities or types of authorizations under the Planning Act (Note: these exceptions must be prescribed by regulation); and
- some exceptions for low-risk development activities are prescribed in O. Reg. 41/24.

Minister’s Orders and Powers (CA Act s.28.1.1)

Provides the Minister with powers to:

- direct a CA not to issue a permit;
- direct a CA or CAs not to issue a permit for a specified period of time;
- enable the Minister to issue a permit for any activity if s.28.1 "tests" are satisfied;
- make an order before or after a CA application has been submitted (even if CA decision is pending); and
- enable the Minister to issue permit with conditions as determined appropriate.

Mandatory permits, zoning orders (s.28.1.2)

Requires CAs to issue permits for:

- projects subject to a Community Infrastructure and Housing Accelerator order or Minister’s Zoning Order (MZO) issued under the Planning Act and not located in the Greenbelt Area; and
- the provisions of this section are consistent with the currently in-effect MZO provisions in s.28.0.1 of the Act (i.e., updated section numbering).

Permit Appeal Process – Regular Permits (CA Act s.28.1(8), 28.1(20), 28.1(22), 28.3(3) & (6))*

Establishes additional processes for applicants to:

- request a Minister’s review of the CA’s decision where a permit was refused or the permit conditions imposed (within fifteen (15) days);
- appeal to the Ontario Land Tribunal (OLT) a CA’s decision to refuse a permit or issue a permit subject to conditions (appeal provisions limited where a request for a Minister’s review has been made);
- appeal to the OLT for failure of a CA to make a decision on complete permit submission within ninety (90) days; and
- appeal to the OLT permits that have been cancelled following a CA hearing (within ninety (90) days).

*Note: the above applies to Section 28.1 permits (non-zoning orders). MZO permits

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under Section 28.1.2 have similar appeal provisions, except there is no provision for refusal appeals (since MZO permits cannot be refused) and no provision for non-decision appeals (however for MZO permits, the timing for decision can be subject to a regulation made by the Lieutenant Governor, requiring that permits be issued within a specified time period).

Permit Cancellation (CA Act s.28.3)

The permit cancellation provisions were moved from the CA regulations to the Act.

Delegation of Authority (CA Act s.28.4)

The provision governing delegation of authority related to the issuance or cancellation of permits for permits were moved from the CA regulations to the Act.

Reconsideration of Fees (CA Act s.21.2(11-12))

Establishes new provisions to allow for the reconsideration of user fees:

- a person who believes they were charged a fee contrary to the fee schedule, or that the fee is excessive, may ask a CA to reconsider the fee that was charged; and
- upon reconsideration of the fee that was charged, a CA may uphold the fee, vary the amount of the fee, or order that no fee be charged.

Reconsideration of Fees for Permit Applications (CA Act s.21.2(13-21))

Establishes new provisions to governing the reconsideration of permit application fees:

- CAs have thirty (30) days to make a decision upon receipt of the request from an applicant;
- applicants can appeal to the OLT for non-decision by the CA;
- if upon reconsideration a CA upholds the fee, it shall order the applicant to pay the fee and the applicant may pay the fee under protest and appeal to the OLT within 30 days; and
- the OLT may dismiss an applicant's appeal or may vary the amount or order that no fee be charged and order a CA to provide a refund.

New Part VII Enforcement and Offences (CA Act s.30.1 – 30.7)

This new section covers the enforcement and offences powers which include:

- appointment of officers;
- entry without warrants for permit application and compliance (subject to criteria and no entry to dwellings or buildings); searches with warrant and without warrant (subject to criteria);
- ability to issue "stop orders" under certain circumstances; and
- enhanced penalty provisions upon conviction and power of the court to issue rehabilitation orders.

Summary of Regulatory Changes

The following is a summary of the key regulatory changes that will come into effect on April 1, 2024. **It is important that O. Reg 41/24 be read in conjunction with the CA Act.**

Single Permit Regulation for all CAs

[O. Reg. 41/24: Prohibited Activities, Exemptions and Permits](#) will replace TRCA's existing individual "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation (Ontario Regulation 166/06). This new regulation applies to all CAs.

Definitions (O. Reg. 41/24, s.1)

- definitions were moved from the CA Act to O. Reg. 41/24;
- revised definition of a watercourse from "an identifiable depression in the ground in which a flow of water regularly or continuously occurs" to "a defined channel, having a bed or banks or sides, in which a flow of water regularly or continuously occurs"; and
- the definition of "development" remains the same but is now referred to as "development activity".

Prohibited Activities (O. Reg. 41/24, s.2)

Changes to the activities and areas where a CA permit is required:

- the distance CAs now regulate around all wetlands is 30 metres.

Note: This is a reduction in the 120-metre regulated area around Provincially Significant Wetlands and all wetlands on the Oak Ridges Moraine as set out in TRCA's Ontario Regulation 166/06. Since 2019, TRCA has implemented a permit streamlining measure and applied a 30-metre distance to all wetlands in the urban built boundary.

Applicable Flood Event Standards (O. Reg. 41/24, s.3)

- No changes for TRCA.

Maps of regulated areas (O. Reg. 41/24 s.4)

Enhances mapping provisions requiring a CA to:

- make regulation mapping publicly available on website;
- annually review mapping to determine if updates are required; and
- notification to municipalities, public, stakeholders of significant updates.

Note: Under Section 4(5) of O. Reg. 41/24, in the case of a conflict between the description of the areas where a permit is required in the CA Act and regulation and the depiction of those areas on the mapping, the description in the CA Act and regulation prevail over the maps, i.e., the text in the CA Act and regulation prevail over the regulation mapping. This approach is consistent with TRCA's existing regulation and mapping.

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Exceptions (O. Reg. 41/24 s.5)

Outlines CA permit exemptions for specified low-risk development activities, including small non-habitable structures not located in a watercourse or wetland (refer to Attachment 1). These provisions in the regulation are prescribed pursuant to Section 28(3).

Pre-submission Consultation & Complete Applications (O. Reg. 41/24 s.6 & 7)

- CAs to engage in pre-submission consultations to confirm permit requirements; and
- complete application requirements as set out in the regulation, including any other technical information, studies or plans the authority requests.

Prescribed Review Timelines (O. Reg. 41/24, s.7):

- deeming an application complete (or incomplete) within 21 days of receiving an application, including the associated landowner authorization and a fee;
- limiting the ability for a conservation authority to ask for additional studies, technical information or plans once an application has been deemed complete (unless applicant agrees); and
- requiring a conservation authority to make a decision on a permit, once deemed complete, within 90 days.

Administrative Reviews re Deeming Application Complete (O. Reg. 41/24 s.8)

New provisions allow applicants to request a CA administrative review if:

- notice for deeming application complete (or incomplete) has not been received within 21 days;
- applicant disagrees with the decision that an application is incomplete; or
- applicant disagrees that the request for information, studies or plans is reasonable.

Note: CAs must undertake administrative reviews within thirty (30) days of receiving a request to confirm if the application is complete, provide reasons why the application is incomplete or provide reasons why the request for information, studies or plans is reasonable. There is no appeal mechanism under the CA Act if the applicant disagrees with the outcome of the administrative review.

Permit Conditions (O. Reg. 41/24 s.9)

An authority may attach conditions on a permit issued under section 28.1 of the Act only if, in the opinion of the authority, the conditions:

- assist in preventing or mitigating any effects that control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard; or
- support administration or implementation of the permit, including reporting and

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notification, monitoring, and compliance with the permit.

Period of Validity of permits and extensions (O. Reg. 41/24 s.11)

- the maximum validity of a permit issued under sections 28.1, 28.1.1 and 28.1.2 of the Act, including any extensions is 60 months; and
- sets out provisions related to permits and extensions for the maximum period of validity, less than 60 months.

Policy and Procedure Documents (O. Reg. 41/24 s.12)

Requirement for CAs to develop policy and procedure documents that include:

- details of pre-consultation processes and complete application requirements;
- procedures of the permit review process;
- standard timelines for a CA to make a decision for permit once deemed complete; and
- any other policies or procedures, as the authority considers advisable for purposes of administering the issuance of permits under Part VI of the Act; and
- a process for the periodic review of policies and procedures.

Reporting Requirements (O. Reg. 42/24)

[O. Reg. 42/24](#) amends O. Reg. 686/21: Mandatory Program & Service Regulation to require CAs to undertake annual reporting outlining statistics on permits and compliance with the requirements of O. Reg. 41/24.

New Section 29 Regulation (O. Reg.688/21)

A single Section 29 regulation governing the rules of conduct in conservation areas, [Ontario Regulation 688/21: Rules of Conduct in Conservation Areas](#), will come into effect on April 1, 2024, replacing all individual CA regulations, including TRCA's R.R.O. 1990, Reg. 119. The consolidated regulation is generally the same as the existing individual regulations. The appointment of officers to enforce this regulation resides in Section 30.1 of the Act and is covered in a separate report to the Board of Directors to be considered at the March 22, 2024 meeting.

RATIONALE

General Implications and Implementation Actions

TRCA commented on the legislative and regulatory changes described in this report when they were introduced by the Province through legislation (e.g., Bill 229 and Bill 23) and through consultations posted on the Environmental Registry of Ontario. Many of the administrative related changes are consistent with current TRCA practices (e.g., pre-consultation and complete application requirements, annual regulation mapping updates, annual reporting on service delivery for permit applications, etc.). TRCA staff will have to further examine the impacts of the changed definition of a watercourse and changed regulatory distance from wetlands in the context of development proposals in our jurisdiction. The new definition of a watercourse appears to weaken protections for previously impacted headwater streams or drainage features where development is proposed recognizing that some of these areas may still also be protected through other

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regulatory policies related to flooding and hazards. In the case of wetlands, for non urban and urbanizing areas of TRCA's jurisdiction the reduced regulatory standard of 30m from 120m will limit TRCA's ability to mitigate negative impacts of proposed uses on wetlands through the land use and permit review process.

The period from the release of the regulations to when the legislative and regulatory changes come into effect was limited to six weeks. The Ministry of Natural Resources and Forestry conducted a webinar for conservation authorities on March 7, 2024 and provided a technical overview of the legislative and regulatory changes. The updated legislation and regulations will require updating of current policies, procedures, and guidelines to be consistent with the Act and regulations. TRCA has prioritized the following actions to meet the implementation of these changes by April 1, 2024:

Maps of Regulated Areas:

TRCA's annual regulation mapping update to reflect the most current information available related to regulated natural hazards and natural features, as well as the technical requirements of O. Regulation 41/24, is covered in a separate report to the Board of Directors for its March 22, 2024 meeting. Following endorsement by the Board, the mapping will be distributed for municipal screening purposes and posted on the website for the effective date of April 1, 2024.

Re-Designation of Staff to Approve and Sign Permits

Section 28.4 of the amended CA Act enables the Authority to delegate positive permit approval authority to designated staff. This delegation provision exists within TRCA's current permit regulation, O. Reg. 166/06. On June 22, 2023, at meeting #5/22, RES.#A 82/22, was approved as follows:

WHEREAS TRCA is committed to streamline administrative processes associated with the implementation of its regulatory permitting responsibilities under Section 28 of the Conservation Authorities Act;

AND WHEREAS TRCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, Ontario Regulation 166/06 as amended, enables TRCA to designate one or more employees to grant permissions for development or permission for alteration in accordance with the regulation;

THEREFORE, LET IT BE RESOLVED THAT TRCA designate the following senior positions to approve and sign permits: Chief Executive Officer, Director, Development and Engineering Services, Associate Director, Senior Manager, and Senior Planner positions within the Development Planning and Permits Business Unit and Associate Director, Senior Manager, and Senior Planner positions within the Infrastructure Planning and Permits Business Unit.

Re-designation of the above noted staff positions is recommended to implement the legislative and regulatory changes coming into effect on April 1, 2024.

No change is being proposed to the current permit reporting procedures on issued permits for information of the Executive Committee and Board of Directors or those

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permits that require approval of the Executive or Board (e.g., major permits, MZO related permits).

Enforcement and Compliance

The appointment of officers under Section 30.1 of the CA Act for the purpose of ensuring compliance with the Act and regulations is covered in a separate report to the Board of Directors on March 22, 2024.

Minister's Direction – Fees

On November 10, 2022, the Board of Directors approved the 2023-2024 Planning, Permitting and Infrastructure Planning Fee Schedules and these 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 fee schedules for the 2023 calendar year both in terms of fee rates and fee classification for fees related to permitting and to review and commenting on development related proposals or applications, such as applications made under the Planning Act. On December 13, 2023, all CAs received notification that this Minister's Direction would remain in effect from January 1, 2024, to December 31, 2024. TRCA's existing 2023-2024 Planning, Permitting and Infrastructure Planning Fee Schedules therefore continue to be applicable. TRCA fees for other programs and services are not affected by this Direction and may continue to be reviewed per the normal course of business.

Interim Policy and Procedure Guidance:

TRCA has developed the following to align with the CA Act legislation and regulation:

1. **Exceptions from Requirement for Permit Applications** (Attachment 1)
2. **Fees Policy** (Attachment 2)
3. **Pre-Submission Consultation: Permit Applications** (Attachment 3)
4. **Complete Applications: Permit Applications** (Attachment 4)

Administrative

Staff will be updating regulatory and legislative references on all applications, forms, website, database systems, etc.

Notifications

TRCA will notify municipal staff, stakeholders and the TRCA-BILD Working Group about the key legislative and regulatory changes and update the TRCA website accordingly.

Training

Internal staff training will be held for TRCA staff. External municipal and stakeholder training will be conducted, upon request. In addition, the Province will be requested to support and or conduct training on any areas where implementation issues are identified.

Relationship to TRCA's 2023-2034 Strategic Plan

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

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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. Programs and services related to ensuring that TRCA satisfies its duties, functions, and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts, are mandatory under O. Reg. 686/21.

DETAILS OF WORK TO BE DONE

TRCA staff will execute the priority action items as set out in this report to meet the legislative and regulatory changes that come into effect April 1, 2024. Given the scope of changes, it is anticipated that there will be additional actions required, (e.g., updated policies, guidelines, procedures, etc.). Staff will report on these at the appropriate time, as well as any implications to TRCA's permitting and compliance program and services arising from the implementation of the legislative and regulatory changes.

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Date: March 20, 2024

Attachments: 4

Attachment 1: Exceptions From Requirement for Permit Applications

Attachment 2: Fees Policy

Attachment 3: Pre-Submission Consultation: Permit Applications

Attachment 4: Complete Applications: Permit Applications

Attachment 1: Exceptions from Requirements for Permit Applications

TORONTO AND REGION CONSERVATION AUTHORITY INTERIM POLICY AND PROCEDURE GUIDANCE APRIL 1, 2024

EXCEPTIONS FROM REQUIREMENT FOR PERMIT APPLICATIONS UNDER SECTION 28.1 OF THE CONSERVATION AUTHORITIES ACT

Pursuant to Section 28(3) and Section 5 of O. Reg. 41/24, a permit is not required for development activity described below:

- (a) the construction, reconstruction, erection or placement of,
 - (i) a seasonal or floating dock that,
 - (A) is 10 square metres or less,
 - (B) does not require permanent support structures, and
 - (C) can be removed in the event of flooding,
 - (ii) a rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or watercourse,
 - (iii) agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley,
 - (iv) a non-habitable accessory building or structure that,
 - (A) is incidental or subordinate to the principal building or structure,
 - (B) is 15 square metres or less, and
 - (C) is not within a wetland or watercourse, or
 - (v) an unenclosed detached deck or patio that is 15 square metres or less, is not placed within a watercourse or wetland and does not utilize any method of cantilevering;
- (b) the installation of new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and that have an outlet of water that is not directed or connected to a watercourse, wetland or river or stream valley, or the maintenance or repair of existing tile drains;
- (c) the installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and

where no excavated material is deposited within an area where subsection 28 (1) of the Act applies;

(d) the maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;

(e) the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the Drainage Act and the Conservation Authorities Act Protocol, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time; and

(f) the reconstruction of a non-habitable garage with no basement, if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space.

Attachment 2: Fees Policy

TORONTO AND REGION CONSERVATION AUTHORITY INTERIM POLICY AND PROCEDURE GUIDANCE APRIL 1, 2024

FEES AND FEE SCHEDULES UNDER SECTION 21.2(7) OF THE CONSERVATION AUTHORITIES ACT

Fee Schedules

1. (1) In accordance with Section 21.2 of the Act, TRCA shall maintain fee schedules that set out,

(a) the list of programs and services TRCA provides and in respect of which it charges a fee; and

(b) the amount of the fee charged for each program or service or the manner in which the fee is determined.

(2) TRCA's fee schedules shall include user fees for programs and services only if the program or service is included in the Minister's list of programs and services in respect of which a conservation authority may charge a fee, made pursuant to Section 21.3 of the Act.

(3) TRCA's Fee Schedules shall be made available to the public on its website and by any other means that any affected TRCA business units consider appropriate.

Periodic Review of Policy

2. TRCA shall review this policy no less frequently than every five years, and may undertake a review of the fees set out in the fee schedules annually, subject to any Minister's direction regarding fee changes made under Section 23.1(1) of the Act. TRCA shall give notice to the public of any review on its website and by any other means that any affected TRCA business units consider appropriate.

Notice of Changes to Fee Policy and Fee Schedules

3. If, after a review of a fee policy or at any other time, TRCA makes a change to the fee policy or list of fees set out in the fee schedules or to the amount of any fee or the manner in which a fee is determined, TRCA shall give notice of the proposed change to the public on its website and by any other means that any affected TRCA business units consider appropriate.

Reconsideration of Fee Charged

4. Any person who considers that TRCA has charged a fee that is contrary to the fees set out in a fee schedule, or that the fee set out in the fee schedule is excessive in relation to the service or program for which it is charged, may apply to TRCA in accordance with the procedure for reconsideration set out in this policy and request that TRCA reconsider the fee that was charged.

Powers of TRCA on Reconsideration

5. (1) Upon reconsideration of a fee that was charged for a program or service, TRCA may,
- (a) order the person to pay the fee in the amount originally charged;
 - (b) vary the amount of the fee originally charged, as TRCA considers appropriate; or
 - (c) order that no fee be charged for the program or service.

Reconsideration of Fees for Permit Applications

6. If TRCA receives a request for reconsideration of a fee charged for an application for a permit made under subsection 28.1(2) of the Act, TRCA shall make its decision within 30 days after receiving the request.

Appeal if No Decision on Reconsideration of Fees for Permit Application

7. If TRCA fails to reconsider a fee charged for an application for a permit made under subsection 28.1(2) of the Act within 30 days of receiving the request for reconsideration, the person who made the request may appeal to the Ontario Land Tribunal in accordance with the provisions of Section 21.2 of the Act.

Procedure for Reconsideration

8. (1) Where TRCA receives a request for reconsideration of a fee charged, the request will be addressed by the Director with responsibility for the fee schedule to which the reconsideration request relates.
- (2) The responsible Director shall conduct a review of the request and make a recommendation to the Chief Executive Officer for decision.
- (3) TRCA shall provide its decision in accordance with Section 21.2 of the Act.

Payment of Fee for Permit Application After Reconsideration

9. If, after reconsideration of a fee charged for an application for a permit made under subsection 28.1(2) of the Act, TRCA orders a person to pay the fee under clause 5(1) (a) or (b), the person shall pay the fee in accordance with the order.

Payment of Fee for Permit Application under Protest and Appeal

10. A person who pays a fee under Section 9 for an application for a permit made under subsection 28.1(2) of the Act may,
- (a) when paying the fee, indicate to TRCA in writing that the fee is being paid under protest; and
 - (b) appeal the amount charged by TRCA upon reconsideration to the Ontario Land Tribunal in accordance with the provisions of Section 21.2 of the Act.

Attachment 3: Pre-Submission Consultation: Permit Applications

TORONTO AND REGION CONSERVATION AUTHORITY INTERIM POLICY AND PROCEDURE GUIDANCE APRIL 1, 2024

PRE-SUBMISSION CONSULTATION: PERMIT APPLICATIONS MADE UNDER SECTION 28.1 OF THE CONSERVATION AUTHORITIES ACT AND PURSUANT TO O. REG. 41/24

Pre-Submission Consultation

1. (1) Prior to submitting an application for a permit under section 28.1 of the Act and pursuant to On. Reg. 41/24, TRCA and an applicant may engage in pre-submission consultation for the purposes of confirming the requirements of a complete application to obtain a permit for the activity in question, which may include,

(a) requests by TRCA to the applicant for,

(i) initial information on the proposed activity such as a description of the project and any associated plans, or

(ii) details about the property upon which the activities are proposed to be carried out, including copies of plans, maps or surveys; or

(b) meetings between the authority and the applicant prior to the submission of an application, including any site visits to the property where the activities are proposed to be carried out.

(2) If the applicant requests a pre-submission consultation under subsection 1(1), TRCA is required to engage in the pre-submission consultation.

Procedure for Pre-Submission Consultations

2. (1) Applicants are required to complete a pre-submission consultation application form.

(2) The TRCA planner will determine the form of the pre-submission consultation (i.e., email, telephone, virtual or in-person meeting).

(3) The TRCA planner will determine whether a site visit is necessary.

(4) The applicant shall pay applicable fees in accordance with TRCA's fee schedule prior to any site visit or review by TRCA of information provided under subsection 1(1).

(5) The TRCA planner shall provide written comments to the applicant including setting out the requirements for a complete application in accordance TRCA's Complete Application Policy.

Periodic Review of Policy

3. TRCA shall review this policy no less frequently than every five years or as circumstance warrant. TRCA shall give notice to the public of any review on its website and by any other means that any affected TRCA business units consider appropriate.

Attachment 4: Complete Applications: Permit Applications

TORONTO AND REGION CONSERVATION AUTHORITY INTERIM POLICY AND PROCEDURE GUIDANCE APRIL 1, 2024

COMPLETE APPLICATIONS: PERMIT APPLICATIONS MADE UNDER SECTION 28.1 OF THE CONSERVATION AUTHORITIES ACT AND PURSUANT TO O. REG. 41/24

Complete Application Requirements

1. (1) An application for a TRCA permit made under section 28.1 of the Act and pursuant to O. Reg. 41/24 shall include:

- (a) a plan of the area showing the type and location of the proposed development activity or a plan of the area showing plan view and cross-section details of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
- (b) the proposed use of any buildings and structures following completion of the development activity or a statement of the purpose of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland;
- (c) the start and completion dates of the development activity or other activity;
- (d) if applicable, a description of the methods to be used in carrying out an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
- (e) the elevations of existing buildings, if any, and grades and the proposed elevations of any buildings and grades after the development activity or other activity;
- (f) drainage details before and after the development activity or other activity;
- (g) a complete description of any type of fill proposed to be placed or dumped, if any;
- (h) a confirmation of authorization for the proposed development activity or other activity given by the owner of the subject property, if the applicant is not the owner; and
- (i) any other technical information, studies or plans that the authority requests including information requested during pre-submission consultations between the authority and the applicant.

(2) Upon receipt of a cover letter summarizing the submission, and a completed and signed application form, the information required under subsection 1(1) and payment by the applicant

of the application fee, TRCA shall notify the applicant in writing, within 21 days, whether or not the application complies with subsection 28.1(3) of the Act and is deemed to be a complete application. Where TRCA and an applicant engaged in pre-submission consultation, the cover letter shall refer to the requirements identified during the pre-submission consultations.

(3) If TRCA notifies an applicant under subsection 1(2) that the application is complete, TRCA shall not require new studies, technical information or plans under clause 1(1)(i) from the applicant to make a determination on the application, unless agreed to by the authority and the applicant. For greater certainty, the TRCA may ask the applicant for clarification or further details regarding any matter related to the application.

Request for Review

2. (1) An applicant may request a review if,

- (a) the applicant has not received a notice from TRCA within 21 days in accordance with subsection 1(2);
- (b) the applicant disagrees with the TRCA's determination that the application for a permit is incomplete; or
- (c) the applicant is of the view that a request by TRCA for other information, studies or plans under clause 1(1)(i) is not reasonable.

(2) A review requested by an applicant under subsection 2(1) shall be completed by TRCA no later than 30 days after it is requested and TRCA shall, as the case may be,

- (a) confirm that the application meets the requirements of subsection 1(1) and is complete or provide reasons why the application is incomplete; or
- (b) provide reasons why a request for other information, studies or plans under clause 1(1)(i) is reasonable or withdraw the request for all or some of the information, studies or plans.

Procedure for Review

3. (1) A request for review should be made in writing to Director, Development and Engineering Services, using the review request form provided by TRCA, as may be updated from time to time, setting out the applicant's reasons that the application should be deemed complete, or why a request for other information, studies or plans under clause 1(1)(i) is unreasonable.

(2) The written request made pursuant to subsection 3(1) may append additional information or supporting material.

(3) The Director, Development and Engineering Services shall conduct a review of the request and make a recommendation to the Chief Executive Officer for decision.

(4) TRCA shall provide its decision to the applicant on the day the review is completed and in accordance with subsection 2(2).

Periodic Review of Policy

3. TRCA shall review this policy no less frequently than every five years or as circumstances warrant. TRCA shall give notice to the public of any review on its website and by any other means that any affected TRCA business units consider appropriate.

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, March 22, 2024 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **CONSERVATION AUTHORITIES ACT REGULATED AREA
MAPPING**
Annual Update

KEY ISSUE

Seeking Board of Directors' endorsement of the annual update to Toronto and Region Conservation Authority's (TRCA) regulated area mapping based upon the most current information available related to regulated natural hazards and natural features.

RECOMMENDATION:

WHEREAS in 2019, TRCA staff undertook the first jurisdiction-wide update to TRCA's Section 28 Regulation mapping update since 2006 in consultation with member municipalities, the public, and the building industry;

AND WHEREAS at TRCA Board of Directors Meeting #6/19, held on Friday, June 21, 2019, Resolution #A116/19 was approved, stating that staff continue to make updates to the Regulation mapping on an annual basis;

AND WHEREAS staff have now updated the regulated area mapping to reflect the most currently available information as well as the technical requirements of Ontario Regulation 41/24 that will come into effect on April 1, 2024;

THEREFORE, LET IT BE RESOLVED THAT the 2023 updates to the regulation mapping be endorsed by the TRCA Board of Directors for internal use, for municipal staff screening purposes, and for public viewing on TRCA's website;

AND FURTHER THAT the Clerk and Manager of Policy so advise the Ministry of Natural Resources and Forestry, TRCA municipal partners, Conservation Ontario and the TRCA-BILD Working Group.

BACKGROUND

TRCA has a regulatory permitting responsibility to protect people, the environment and property from natural hazards associated with flooding, erosion, and slope instability, and to conserve valley lands, wetlands, watercourses and the shoreline of Lake Ontario. Pursuant to Section 28 of the Conservation Authorities Act, TRCA administers a "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation", (the Regulation), approved by the Minister of Natural Resources and Forestry and known as Ontario Regulation 166/06, as amended. Key objectives of the Regulation include preventing or reducing the risk to life and property; minimizing negative impacts on natural features, functions, and systems; and preventing the creation of new hazards or aggravation of existing hazards.

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The Regulation enables TRCA to prohibit or regulate development in areas of land associated with natural hazards, wetlands, and watercourses, collectively known as TRCA's Regulated Area.

In the Conservation Authorities Act, "development" is defined as:

- Construction, reconstruction, erection or placing of a building or structure of any kind;
- Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- Site grading; or
- Temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

The Regulation also prohibits, in the absence of a permit from TRCA, alteration of the channel of a watercourse and interference with a wetland.

The areas of land where TRCA's Regulation applies are:

- **River and stream valleys**, including valleys with stable and unstable slopes, plus an allowance of 15 metres surrounding the valley;
- **Floodplains and areas subject to stream-related erosion** (meander belts) where valleys are not clearly defined on the landscape, plus an allowance of 15 metres surrounding these areas;
- **Lake Ontario Shoreline**, including associated flooding, erosion, slope instability and dynamic beach erosion hazards, plus an allowance of 15 metres inland from these areas;
- **Watercourses**;
- **Wetlands and areas surrounding wetlands**, where development could interfere with the hydrologic function of a wetland (areas of interference). This includes 120 metres surrounding Provincially Significant Wetlands, wetlands on the Oak Ridges Moraine and 30 metres surrounding all other wetlands. (It should be noted that in 2019, TRCA implemented a permit streamlining measure to reduce the extent of the area of interference from 120 metres to 30 metres for mapped wetlands within the Province's Greater Golden Horseshoe Built Boundary, as updated by TRCA staff to include built urban areas since 2006.); and
- **Hazardous lands**, which are lands that could be unsafe for development due to flooding, erosion, dynamic beaches or unstable soil or bedrock.

Each of these natural hazards and environmental features and the associated regulated areas are described in law through the text of the Regulation. However, given the specific geographic areas to which the Regulation applies, and the need to represent these areas visually, the Regulation also provides for the creation of regulation mapping. This mapping can be updated by TRCA as new information becomes available.

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At TRCA's Board of Directors Meeting #6/19, held on Friday, June 21, 2019, Resolution #A116/19 was approved as follows:

THAT staff continue to make updates to the Regulation mapping on an annual basis;

TRCA staff have now completed the 2023 annual update to the Regulation mapping in consultation with TRCA development, infrastructure, enforcement, and technical review staff.

Regulation Mapping to Support New Permit Regulation Effective April 1, 2024

On April 1, 2024, amendments to the [Conservation Authorities Act](#) governing the permitting process will be proclaimed including a new section, "Part VI – Regulation of Areas Under Which Authorities Have Jurisdiction". A new Minister's regulation for all conservation authorities (CAs) was approved on February 16, 2024, [Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits](#), and will also come into effect on April 1, 2024. This new, single regulation will replace all existing individual CA permit regulations including TRCA's Ontario Regulation 166/06.

TRCA's annual regulation mapping update was scheduled for the March Board of Directors meeting, prior to the release on the new regulation. Under section 2(3) of Ontario Regulation 41/24, the distance CAs now regulate around all wetlands is 30 metres. To align with the new regulation coming into effect on April 1, 2024, TRCA's 2023 regulation mapping update has incorporated this change resulting in a reduction in the 120-metre regulated area around Provincially Significant Wetlands and all wetlands on the Oak Ridges Moraine as set out in TRCA's Ontario Regulation 166/06. As noted in the background section of this report, since 2019 TRCA has implemented a permit streamlining measure and applied a 30-metre distance to all wetlands within the urban built boundary. Therefore, the impact of this change to the regulation mapping will be a reduction of the regulated area around all wetlands outside the urban built boundary.

The definition of a watercourse was updated in O. Reg. 41/24 to "a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs". TRCA will apply this definition through the normal screening process and site investigation, where applicable, at the time of a permit application.

Section 4 of O. Reg. 41/24 sets out requirements for the development of maps of regulated areas (e.g., posted on authority's website, annual reviews, etc.). These requirements are generally consistent with TRCA's current practices for maintaining and annual updating our regulation mapping since 2019.

Under Section 4(5) of O. Reg. 41/24, in the case of a conflict between the description of the areas where a permit is required in the CA Act and regulation and the depiction of those areas on the mapping, the description in the CA Act and regulation prevail over the maps, i.e., the text in the CA Act and regulation prevail over the regulation mapping. This approach is consistent with TRCA's existing regulation and mapping.

RATIONALE

Regulation Mapping: What it is and how it works

The regulation mapping is a tool that conceptually shows the area of land within TRCA's jurisdiction that is subject to the Regulation. The Regulation limit boundary is based on the best technical information available to TRCA at the time of the preparation of the map. The mapping represents spatial information for each of the regulated features and areas, which is integrated to form one conceptual boundary of the Regulation limit. TRCA's Reference Manual – Determination of Regulation Limits provides the standards and criteria used for the mapping of these features and areas. This document will be updated to reflect the requirements of O. Reg. 41/42.

Technical analysis that supports the mapping includes flood plain studies, provincial wetland mapping, ecological land classification mapping, digital elevation models, aerial photography, watercourse meander belt analysis, watercourse location mapping and Lake Ontario shoreline hazard assessment studies. Site-specific investigations and studies are required to precisely define the location of hazards and features and the legal extent of the Regulation, which typically occurs through consultation between landowners and TRCA staff during the review of a development application or proposal.

The mapping is not a "statutory map", which means that the mapping does not have the force of law. The actual regulatory requirements are found within the provisions of the CA Act and O. Reg. 41/24. The mapping is best considered as a screening tool for TRCA, municipalities and the public that indicates where the Regulation likely applies, thereby assisting with implementation of TRCA's regulatory permitting responsibilities. This contrasts with a more rigid boundary such as a schedule of a municipal zoning by-law.

The Regulated Area

Development activities and activities to straighten, change, divert or interfere in any way with the existing channel of a river and creek, stream or watercourse or to change or interfere in any way with a wetland are prohibited from commencing within a regulated area prior to obtaining a permit from TRCA. The regulated area indicates where development and interference activities need to consider potential constraints from natural hazards or features. TRCA may issue a permit if the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; and the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health and safety of persons or result in the damage or destruction of property.

In addition to facilitating TRCA's permitting responsibilities, the mapping is also used to inform:

- Solicitor/Realtor Property Inquiries to TRCA;
- TRCA's review of applications under the Planning Act and Environmental Assessment Act in accordance with the Conservation Authorities Act and associated regulations and [Ontario Regulation 686/21: Mandatory Programs and Services Regulation](#);

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- Official Plan Reviews and Comprehensive Zoning By-law updates, including natural hazard and natural system mapping; and
- TRCA's delivery of mandatory programs and services related to the risk of natural hazards.

Updated Regulation Mapping Protocol

TRCA has the ability to update the mapping as new information becomes available. Updates to the Regulation mapping improve its accuracy with respect to what is likely regulated by TRCA, thereby enhancing certainty for landowners considering or proposing development. This also assists both TRCA and municipal staff conducting development and infrastructure reviews. The last jurisdiction-wide update was completed in 2022.

The current 2023 annual update to the existing regulation mapping has been undertaken to reflect new technical information on current aerial photography. In 2019, staff committed to establishing a protocol for conducting and tracking future incremental mapping updates in a consistent and timely manner, and to report to the Board in the case of an update that involves substantial changes.

Coordination between the internal Policy Planning and Business and Data Analytics (BIDA) teams resulted in a codified workflow and protocols describing project scope, timeline, and staff roles. Staff established an internal consultation process involving an open call for update requests from development and infrastructure plan review staff, enforcement staff, and technical staff (engineers and ecologists), use of an internal online mapping platform for tracking and enabling staff review of proposed updates, and working sessions conducted with plan review and technical staff to review specific update requests. The product of this effort is updated draft Regulation mapping. There is no legal requirement for municipal council approval of the updated mapping.

Regulation Mapping Update Results

Changes to the mapping include:

- Revised limits associated with new and updated wetland mapping by Ministry of Natural Resources and Forestry and TRCA;
- Adjustments to flood hazard limits as a result of updated floodplain mapping;
- Changes to features and hazards resulting from as-built development approved by TRCA (e.g., watercourse channel realignments);
- General refinement of regulated features resulting from detailed site examination and field verification of properties through the development and infrastructure review processes (e.g., top of bank staking) and/or site visits; and
- Revised limits of the regulated area surrounding all wetlands to 30 metres.

Tracking, Notification, and Future Updates

Once endorsed, staff will send a communication and distribute the updated mapping to TRCA municipalities for their use effective April 1, 2024. TRCA will also notify the Ministry of Natural Resources and Forestry, Conservation Ontario, neighbouring conservation authorities and stakeholders including the TRCA-BILD Working Group, about the update. In addition, the publicly available "Regulated Area Search" page on

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TRCA's website will be updated to include the new mapping. Changes to the regulation mapping are tracked in TRCA's Geographic Information System (GIS) databases and will be recorded on each of TRCA's 132 regulated area maps that span the jurisdiction.

Regularly updated mapping of regulated areas will continue to ensure that TRCA staff, municipalities, stakeholders, and the public have the most accurate and current information to inform decision-making. It also contributes to TRCA's service delivery, for example in pre-consultation meetings and walk-in counter service, and enhances coordination between TRCA and municipal staff. TRCA staff will ensure that the process for future updates to the maps of regulated areas is consistent with the requirements of O. Reg. 41/24.

Relationship to TRCA's 2023-2034 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:

- 2.4 Integrate environmental considerations and science into decision making

FINANCIAL DETAILS

Funding to support policy and planning input and GIS services for the mapping products was provided by capital funding from TRCA's participating municipalities in account 120-12.

DETAILS OF WORK TO BE DONE

Following Board endorsement, TRCA staff will:

- Update the Regulated Area Search tool on TRCA's website with the final updated regulated area mapping and place notification on website to be effective April 1, 2024;
- Distribute the final updated regulated area mapping to municipal planning and building departments, along with a communication about the changes related to Ontario Regulation 41/24;
- Provide training to municipal staff on the regulation mapping or the regulation upon request;
- Continue to provide regulation mapping criteria data layers to municipalities upon request for informing comprehensive planning document reviews (e.g., official plan or zoning by-law updates);
- Inform the TRCA-BILD Working Group and provide training upon request; and
- Continue to monitor the mapping for future changes that will be compiled and

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processed on an annual basis in accordance with the requirements of Ontario Regulation 41/24.

Report prepared by: Mary-Ann Burns, Senior Manager, Planning Policy and Regulation; Laurie Nelson, Director, Policy Planning

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Date: March 14, 2024

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, March 22, 2024 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **APPOINTMENT OF OFFICERS UNDER SECTION 30.1 OF THE CONSERVATION AUTHORITIES ACT FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THE ACT AND REGULATIONS**

KEY ISSUE

Appointment of Toronto and Region Conservation Authority (TRCA) officers under Section 30.1 of the Conservation Authorities Act (the Act).

RECOMMENDATION:

WHEREAS TRCA has 9 full time Enforcement Officers appointed under O. Reg. 166/06 and R.R.O. 1990, Reg. 119 of the Conservation Authorities Act, for enforcement and compliance with Section 28 and 29 of the Act and its regulations, and has 10 staff members within TRCA's Conservation Parks appointed as officers to aid in Section 29 compliance initiatives pursuant to the Section 29 regulation;

AND WHEREAS pursuant to the pending proclamation of amendments to the Conservation Authorities Act the appointment of officers now falls under Section 30.1 of the Act as of April 1, 2024;

THEREFORE, LET IT BE RESOVLED THAT all existing appointments of officers for Section 28 and 29 enforcement remain valid until Section 30.1 comes into force on April 1, 2024;

AND FURTHER THAT TRCA's Board of Directors appoint all existing officers, as listed in Attachment 1, pursuant to Section 30.1 of the Conservation Authorities Act effective April 1, 2024.

BACKGROUND

New provisions governing the appointment of conservation authority officers will come into force on April 1, 2024, along with amendments to Section 28 and Section 29 of the Conservation Authorities Act. The new Section 30.1 replaces and streamlines existing provisions governing the appointment of officers, and provides that a conservation authority may appoint officers for the purposes of ensuring compliance with the Act and the regulations.

Officers appointed by a conservation authority are also designated as a Provincial Offences Officer for certain matters. The Minister of Natural Resources and Forestry

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has implemented, under the authority of Subsection 1(3) of the Provincial Offences Act, a class designation process whereby a conservation authority officer appointed under the Act shall be designated by the Minister and simultaneously designated as a Provincial Offences Officer. Once appointed, officers have the authority to enforce the Act and the regulations, in addition to the Trespass to Property Act, when carrying out their duties within the jurisdiction of the conservation authority.

The prerequisite to the Minister's Provincial Offences Officer appointment is that all candidate officers:

- i) Be adequately trained in the legislation to be enforced, including the Provincial Offences Act;
- ii) Have proof of a clean criminal record check; and
- iii) Be appointed as an officer to enforce conservation authority legislation at an official Board meeting.

Pursuant to the approval of the above noted reappointments, the Minister's requirements have been addressed. All existing TRCA officers to be reappointed under Section 30.1 of the Act are identified within Attachment 1.

TRCA has historically appointed officers in two distinct categories:

1. Enforcement Officers appointed on a full-time basis to establish compliance with, and to enforce the Section 28 and 29 regulations of the Act, in addition to the Trespass to Property Act. These officers are also designated as Provincial Offences Officers. Enforcement Officers play an important role in the Authority's objectives to prevent, eliminate, or reduce the risk to life and property from flooding, erosion, and slope instability, and to encourage the protection, enhancement and enjoyment of the natural systems, recreational facilities, and landholdings.

Enforcement Officers actively participate in environmental and construction compliance and protection initiatives within our regulatory jurisdiction, in addition to public safety and land use infractions. This position entails conducting regular compliance audits/ inspections of TRCA development and infrastructure permit sites, responding to public inquiries and complaints regarding the Authority's permitting processes, addressing unauthorized activities on our landholdings, and participating in TRCA's River Watch program associated with our corporate flood forecasting and warning responsibilities.

Officers routinely interact with other internal TRCA business units, and liaise closely with external partnering agencies, including our member municipalities and provincial and federal agencies. Officers maintain communications with developers, consultants, contractors, special interest groups, stakeholders, landowners, and the general public to address our compliance objectives and promote awareness of TRCA's initiatives. Officers maintain accurate records and reports, negotiate compliance with legislation, conduct investigations, and initiate legal action for significant unlawful activities.

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2. Provincial Offences Officers consist of full-time employees within the Conservation Parks business unit, and the appointment provides staff members the ability to enforce s.29 provisions of the Act, in addition to the Trespass to Property Act.

The designations of Conservation Parks supervisors within our conservation areas provide the required authority to address public safety concerns, compliance issues, unauthorized land use activities, and aid in the protection and promotion of family oriented recreational facilities on our landholdings. These staff members are primarily responsible for overseeing the operations and maintenance of our conservation areas and campgrounds, supervision of seasonal staff members, and for divisional business planning. Although their job function is not enforcement oriented, staff will engage in the enforcement and compliance role based on availability and when deemed appropriate and safe to do so. Provincial Offences Officers within our Conservation Parks provide a great deal of value to the organization and the public and represent the Authority's compliance interests in a professional manner.

Appointed staff members identify, and address compliance issues associated with unauthorized land use activities, aid in mitigating risk, liaise with and work alongside TRCA Enforcement Officers on strategic weekend shifts/ patrols, supervise site operations of TRCA's contracted security provider, and arrange for special paid duty patrols of police in order to promote the safety and enjoyment of our conservation areas and campgrounds. Threats to TRCA staff and the public, and issues involving criminal activities, are referred to local police agencies and documented for internal records and reporting.

RATIONALE

In December 2017, the Conservation Authorities Act was amended to include a new Part VII Enforcement and Offences section of the Act and made significant amendments to the provisions governing permitting and the regulated area under a new Part VI of the Act. Although the amendments to the Act have not been proclaimed into force, additional amendments to the Act have occurred since 2017. Throughout the amendments between 2017 and 2023, the un-proclaimed provisions in respect of the appointment of officers for the purposes of ensuring compliance with the Act and regulations has remained unchanged.

The amendments to the permitting and enforcement sections of the Act have been awaiting the release of a new enabling permit regulation before being enacted. The new permit regulation ([O. Reg. 41/24: Prohibited Activities, Exemptions and Permits](#)) will be enacted on April 1, 2024, along with the un-proclaimed provisions of Parts VI and VII of the Act. It is important to note that the amended Section 29 regulation, ([O. Reg. 688/21: Rules of Conduct in Conservation Areas](#)), governing the rules of conduct in conservation areas will also come into effect on April 1, 2024. The appointment of officers to enforce this regulation resides within Section 30.1 of the Act.

The appointments made through this report intend to ensure a seamless transition of these important mandatory compliance programs and services.

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Relationship to TRCA's 2023-2034 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:

- 1.2 Leadership in greenspace conservation

Pillar 1 Environmental Protection and Hazard Management:

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

Pillar 4 Service Excellence:

- 4.3 Responsive relationships and a trusted brand with a reputation for excellence

FINANCIAL DETAILS

There are no additional expenses associated with the appointments as set out in this report.

Report prepared by: Brian Moyle, Senior Manager, Enforcement and Compliance

Email: brian.moyle@trca.ca

For Information contact: Brian Moyle, (437) 880-2290

Email: brian.moyle@trca.ca

Date: March 8, 2024

Attachments: 1

Attachment 1: TRCA Officers

Attachment 1: TRCA Officers

1. Enforcement Officers:

1. Brian Moyle, Senior Manager, Enforcement and Compliance
2. Paul Nowak, Senior Enforcement Officer
3. Christopher Cummings, Senior Enforcement Officer
4. Michael Brestansky, Enforcement Officer
5. Julia Pinder, Enforcement Officer
6. Emily Lacroix, Enforcement Officer
7. Griffin DeGuzman, Enforcement Officer
8. Nolan Patterson, Enforcement Officer
9. Brad Suckling, Enforcement Officer

2. Provincial Offences Officers:

1. Sven Pittelkow, Supervisor, Boyd CA and Indian Line Campground
2. Steve Beausoleil, Supervisor, Glen Haffy CA and Heart Lake CA
3. Jay Clark, Supervisor, Albion Hills CA and Campground
4. Stephen Lenstra, Supervisor, Petticoat Creek CA
5. Tom Boyce, Assistant Supervisor, Petticoat Creek CA
6. Brett Bond, Lead Hand, Albion Hills CA and Campground
7. Kyle Reyes, Lead Hand, Albion Hills CA and Campground
8. Margaret Masters, Lead Hand, Indian Line Campground
9. Kevin Laporte, Lead Hand, Petticoat Creek CA
10. Dawson Rowntree, Lead Hand, Glen Haffy CA

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, March 22, 2024 Meeting

FROM: John MacKenzie, Chief Executive Officer

RE: **KEATING CHANNEL PARTNERSHIP DREDGING PROGRAM 2024-2026**

KEY ISSUE

Summary report on the Keating Channel Partnership Dredging Program 2024-2026 and requested approval to enter into a single source agreement with PortsToronto to complete dredging of Keating Channel in the City of Toronto.

RECOMMENDATION:

WHEREAS Keating Channel currently has a backlog of sediment that must be removed from to achieve flood protection;

WHEREAS the City of Toronto has approved \$12 million to fund Keating Channel dredging as part of the 2024 budget process and has forecasted another \$12 million in 2025, subject to budget approval;

WHEREAS Toronto and Region Conservation Authority (TRCA) will be entering into a revenue agreement with the City of Toronto to fund dredging operations in Keating Channel;

WHEREAS TRCA has an MOU with PortsToronto where TRCA has committed to give due consideration to Ports Toronto when procuring services which are within their core competency, such as dredging;

WHEREAS working with PortsToronto to complete dredging is the best option based on their expertise, history working in the Keating Channel, and costs for other sediment disposal considerations;

IT IS THEREFORE RECOMMENDED THAT TRCA enter into an agreement with PortsToronto for the dredging of Keating Channel at a total cost not to exceed \$12 million in 2024, with the option of extending the agreement into future years pending funding approval through the City's annual budget process;

AND FURTHER THAT authorized TRCA officials be directed to take whatever action may be required to implement the contract agreement with PortsToronto within City of Toronto approved budget envelopes, including the obtaining of necessary approvals, procurement of supporting engineering or environmental services if required, and the signing and execution of associated documents.

BACKGROUND

Sedimentation in the Keating Channel is a long-standing issue impacting navigation and flood risk (see Attachment 1 illustrating the channel location in the Port Lands). Regular

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dredging of the Keating Channel historically took place to maintain navigation and to manage flood risk. PortsToronto carried out regular Keating Channel dredging from construction in 1914 until 1975 when open water disposal of dredged material was banned in Lake Ontario. Dredging resumed in 1987, following the completion of an Environmental Assessment in 1983 which allowed dredged material to be taken to a Confined Disposal Facility (CDF) at the Leslie Street Spit.

In 1991, the City of Toronto (the City), PortsToronto, and the Toronto and Region Conservation Authority (TRCA) entered into a tri-lateral agreement which provided equal funding from all three parties for dredging of the Keating Channel. The annual budget and funding for annual dredging remained static while costs increased year-over-year, resulting in the creation of a sediment backlog through gradual reductions in dredging activity against continuous sediment accumulation from the Don River.

In addition to inflationary pressures, costs for dredging are impacted by limited disposal location options and by associated sediment transportation costs. The only approved local disposal site for dredged sediment is the CDF located at the Leslie Street Spit. This CDF is owned by the Ontario Ministry of Natural Resources and Forestry (MNRF) and leased to PortsToronto until late 2024.

In 2018, PortsToronto withdrew financial support for dredging activities, given the Keating Channel was no longer navigable due to the addition of new fixed bridges as part of the overall Port Lands Flood Protection project (see Attachment 2 showing the new Cherry Street Bridge over the channel). Dredging operations were further hampered by the malfunction of the existing Cherry Street lift bridge in the summer of 2019, which resulted in the bridge being permanently fixed in a down position. This situation prevented dredging equipment (tugs and barges) from entering the Keating Channel, which accelerated the accumulation of sediments within the Keating Channel. Despite these challenges, TRCA, the City, and PortsToronto worked together to complete limited dredging activities to address flood risks in 2019 and in 2021.

Based on recent surveys, the current backlog of sediment in the Keating Channel is estimated to be approximately 120,000 cubic metres in-situ (in water). Combined with continuous annual sediment deposition, between 180,000 to 220,000 cubic metres in-situ sediment is estimated to be needed to be removed from the Keating Channel to achieve the initial flood protection goals for the Port Lands area.

The City, TRCA, and PortsToronto have worked collaboratively in consultation with Waterfront Toronto and other relevant agencies to develop a short-term strategy to remove accumulated sediment from Keating Channel. The total costs funded by the City of Toronto over multiple years will be dependent on further analysis of volumes, environmental monitoring, and channel conditions. The plan to remove the backlog depends on external factors such as water levels, weather, and limitations concerning fish spawning seasons. The amount dredged in the short-term will seek to ensure alignment with Port Lands Flood Protection goals, with any remaining amounts dredged thereafter. Based on preliminary estimates, the City has approved \$12 million to fund dredging as part of the 2024 budget process and has forecasted another \$12 million in 2025, subject to budget approval. Further funding necessary beyond 2026 will be determined based on year 1 and 2 productivity.

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As a result, TRCA will be entering into a 1-year agreement with the City to fund dredging operations (with the possibility of extension, pending future budget approval) and a corresponding agreement with PortsToronto to deliver dredging services. TRCA will act as a flow through and provide project management and permitting services to facilitate the dredging partnership process between the City, TRCA and PortsToronto. TRCA costs will be supported through the existing capital budget for Keating Channel.

RATIONALE

TRCA and the City have executed an MOU allowing the City to obtain municipally requested services from the TRCA in accordance with the Conservation Authorities Act.

TRCA also has an existing MOU with PortsToronto where TRCA has committed to give due consideration to Ports Toronto when procuring services which are within their core competency, such as dredging and where Ports Toronto will give due consideration to TRCA when procuring services which are within their competencies such as ecological monitoring, restoration works and environmental studies.

The CDF is currently under lease to PortsToronto from the Province of Ontario until the end of 2024. Other sites approved for the disposal of dredged material are located outside the Greater Toronto Area which would result in additional transportation and disposal costs.

TRCA entering into a funding agreement with the City and a delivery agreement with PortsToronto to facilitate dredging was endorsed in principle by Toronto City Council at its meeting on May 10, 2023 as part of 2023.EX4.1.

City Council Decision

City Council on May 10, 11 and 12, 2023, adopted the following:

Port Lands Flood Protection

1. City Council approve, in principle, the updated funding strategy for Port Lands Flood Protection, and City Council authorize the Deputy City Manager, Infrastructure and Development Services or designate, in consultation with the Chief Financial Officer and Treasurer, to negotiate and execute an amended tri-government Contribution Agreement for the Port Lands Flood Protection project and a new Project Delivery Agreement for parks and public realm with Waterfront Toronto, in a form acceptable to the City Solicitor, based upon the principles set forth in the term sheets attached as Attachments 2 and 3 to the report (April 18, 2023) from the Deputy City Manager, Infrastructure and Development Services.

Port Lands Enabling Infrastructure Implementation

2. City Council authorize the Executive Director, Corporate Real Estate Management to approve real estate transactions in connection with the

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implementation of the Port Lands Flood Protection project, on terms satisfactory to the Executive Director, Corporate Real Estate Management, in consultation with the head of the City division to have operational management of the affected land or any affected Port Lands Flood Protection asset, with all associated agreements to be in a form satisfactory to the City Solicitor.

3. City Council authorize severally each of the Deputy City Manager, Corporate Services, the Executive Director, Corporate Real Estate Management and the Director, Transaction Services, to execute agreements and other documents relating to the transactions identified in Part 4 below on behalf of the City.

4. City Council authorize the Deputy City Manager, Infrastructure and Development Services or designate, to negotiate and execute Handover Protocol Agreements with Waterfront Toronto on terms and conditions satisfactory to the Deputy City Manager, Infrastructure and Development Services, in consultation with the relevant division heads, and in a form satisfactory to the City Solicitor for the effective and efficient acceptance and transfer of and the assumption by the City of responsibility for the operation and maintenance of municipal roads, bridges, public utilities, parks, open spaces and unique infrastructure assets that are being constructed as part of the Port Lands Flood Protection project, based upon the principles set forth in the term sheet attached as Attachment 4 to the report (April 18, 2023) from the Deputy City Manager, Infrastructure and Development Services.

5. City Council authorize the Deputy City Manager, Infrastructure and Development Services or designate, subject to funding being available in an approved Budget, and upon terms and conditions satisfactory to the City Solicitor, to enter into agreements with Waterfront Toronto as may be required for the operation and maintenance of assets constructed as part of the Port Lands Flood Protection project, for the asset warranty period following acceptance by the City.

Sediment and Debris Removal

6. City Council approve, in principle, phase one and phase two of the One-Time Backlog Keating Channel Dredging Program as outlined in Attachment 5 to the report (April 18, 2023) from the Deputy City Manager, Infrastructure and Development Services, subject to funding in the 2024 Budget.

7. City Council authorize the Deputy City Manager, Infrastructure and Development Services or designate, in consultation with the Chief Financial Officer and Treasurer, to negotiate and execute required agreements with Waterfront Toronto, the Toronto and Region Conservation Authority, PortsToronto or other parties for the One-Time Backlog Keating Channel Dredging Program as outlined in Attachment 5 to the report (April 18, 2023) from the Deputy City Manager, Infrastructure and Development Services, in a form

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acceptable to the City Solicitor.

Entering into an agreement with PortsToronto is the best option to complete dredging based on PortsToronto expertise and history working in the Keating Channel, sediment disposal considerations and consultations with the City of Toronto who is funding the work.

Relationship to TRCA's 2023-2034 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:

1.3 Maintain healthy and resilient watershed ecosystems in the face of a changing climate

Pillar 4 Service Excellence:

4.3 Responsive relationships and a trusted brand with a reputation for excellence

FINANCIAL DETAILS

The City of Toronto has approved \$12 million in funding through the 2024 budget process to cover dredging activities including permitting, monitoring, and procurement of supporting engineering services if required. TRCA costs will be supported through TRCA's existing capital budget for Keating Channel. Another \$12 million is forecasted for 2025 subject to City budget approval. Funds will be tracked in 207-01.

DETAILS OF WORK TO BE DONE

Bathymetric sounding by Ports Toronto will be conducted each spring and fall to determine the annual sediment accumulation, dredging productivity, and dredging work plans. Permitting, monitoring, modelling and any supporting engineering services will be facilitated by TRCA as required annually. Dredging is expected to begin in April 2024 and continue as City funding, weather and lake conditions permit, until design depth is reached in the Keating Channel.

Report prepared by: Johanna Kyte, Senior Manager, Government & Community Relations

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Date: March 4, 2024

Attachments: 2

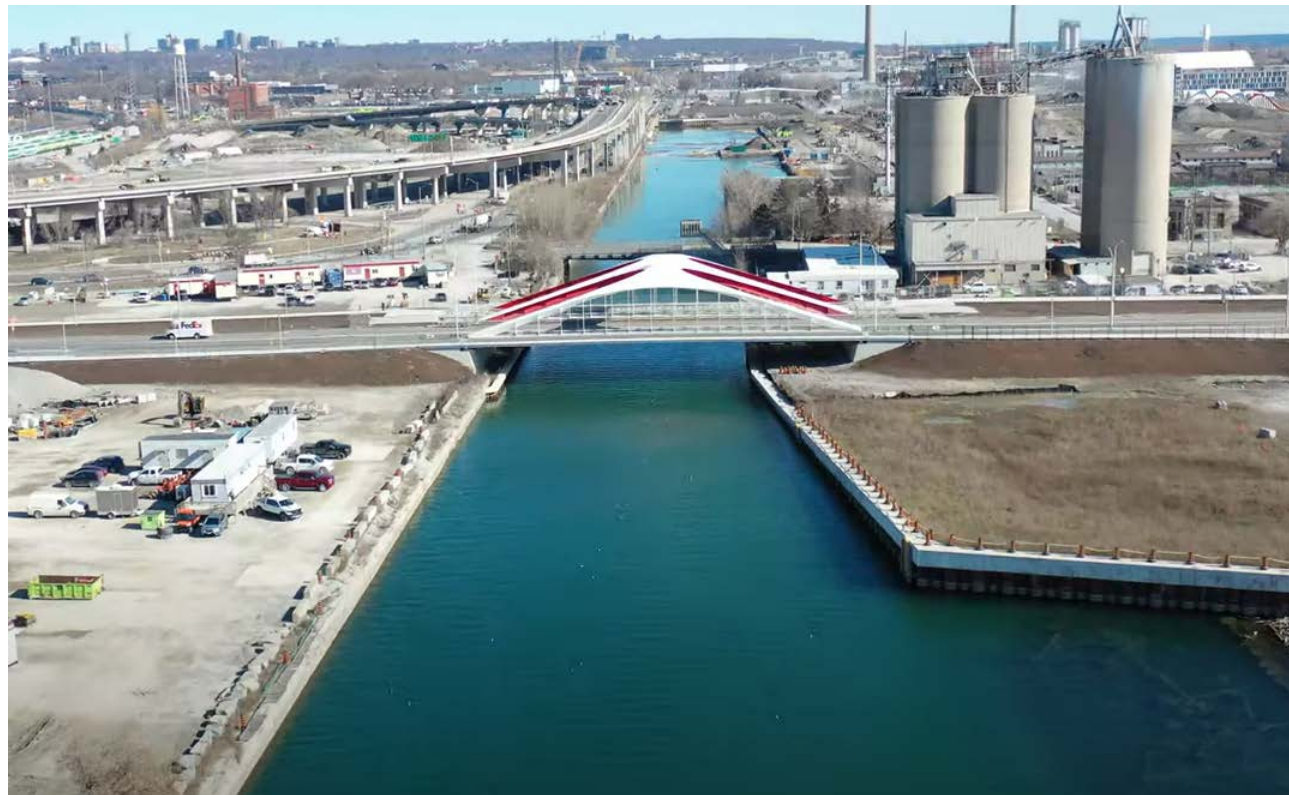
Attachment 1: Key Map of Port Lands Flood Protection Project

Attachment 2: Photo of the Keating Channel

Attachment 1: Key Map of Port Lands Flood Protection Project



Attachment 2:
Photo of the Keating Channel looking east from the Inner Harbour



Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Friday, March 22, 2024 Meeting

FROM: Anil Wijesooriya, Director, Restoration and Infrastructure

RE: **CHANGE ORDER FOR CONTRACT 10035673 – CUDMORE CREEK WETLAND AND TRAILHEAD IMPROVEMENT PROJECT**

KEY ISSUE

Information report on a Change Order to increase the value of Contract 10035673 (Cudmore Creek Wetland and Trailhead Improvement Project) by \$579,720.31 which was approved under the Chief Executive Officer's (CEO) delegated authority on January 11, 2024.

RECOMMENDATION:

IT IS RECOMMENDED THAT the report on the Change Order for Contract 10035673 – Cudmore Creek Wetland and Trailhead Improvement Project, be received, for information.

BACKGROUND

Cudmore Creek is an urbanized tributary of the Don River located at Pottery Road and Bayview Avenue in Toronto at the southern tip of Crothers Woods, a representative Carolinian forest system designated by the City of Toronto (the "City") as an ESA (Environmentally Significant Area). The land is predominantly within a City of Toronto road allowance, with a small portion of the site in the north-eastern section being Toronto and Region Conservation Authority (TRCA) property. There is a hydro tower on site that is located within the road allowance and owned by Hydro One Networks Inc. (HONI). Access to the tower has historically been from Pottery Road. The area was filled in for emergency works after a sewer line break in the early 1990's and has since been used as an informal parking lot. Ongoing issues with illegal dumping continue to degrade the ecological condition and potential of the site. Conflicts between pedestrians and vehicular traffic have also resulted in an unsafe intersection that interfaces with a major Metrolinx rail crossing.

In 2021 the City retained TRCA under Letter Agreement to undertake the Cudmore Creek Wetland and Trailhead Improvements Project. Since this time staff have been working to complete the project design and to secure all necessary permits and approvals to allow project construction to commence.

In November 2022 a Request for Tender resulted in bids that were higher than the City's available budget. CSL Group Ltd. (CSL) was the lowest bid in the amount of \$2,390,759.45. The City requested that the boardwalk lookouts and wooden pedestrian footbridge/boardwalk be removed from the tender scope to reduce the budget with the

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understanding it may be added into the design at later stages should additional funds be secured. The contract was awarded to CSL with a revised scope of work at a value of \$1,089,452.80 on March 9, 2023.

In the Fall of 2023, the City confirmed additional funding for the boardwalk lookouts and pedestrian bridge and requested that the scope of work be revisited once again to reinstate two boardwalk lookouts and a reduced scale wooden pedestrian footbridge/boardwalk into the contract. After negotiation with CSL on the value of the change order, on December 6, 2023 the City agreed to support a change order in the amount of \$579,720.31. Due to the timing of this decision falling between Board meetings and recognizing the need to complete this work in a timely manner the CEO approved the change order under delegated authority with a commitment to report back to the Board at a future meeting.

RATIONALE

The City has directed TRCA to expand the scope of work for Contract 10035673 and authorized TRCA to proceed with a change order in the amount of \$579,720.31 to increase the contract value.

FINANCIAL DETAILS

Funding for Contract 10035673 and all expenses associated with the delivery of the Cudmore Creek Wetland and Trailhead Improvements Project is being provided by the City of Toronto through a Letter Agreement in the amount of \$2,286,207.06. Account 117-01 is being used to track expenses.

DETAILS OF WORK TO BE DONE

TRCA will continue to work with the City to advance the Cudmore Creek Wetland and Trailhead Improvements Project. Construction is expected to be completed by September 2024.

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Date: February 27, 2024

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Friday, March 22, 2024 Meeting

FROM: Sameer Dhalla, Director, Development and Engineering Services

RE: **SERVICE DELIVERY REPORT FOR SECTION 28 PERMIT APPLICATIONS, 2023**

KEY ISSUE

The purpose of this report is to present Toronto and Region Conservation Authority's (TRCA) Section 28 permit application review service delivery outcomes for 2023 pursuant to the Conservation Ontario Client Service and Streamlining Initiative.

RECOMMENDATION:

IT IS RECOMMENDED THAT the Service Delivery Report for Section 28 Permit Applications, 2023 be received for information.

BACKGROUND

On March 29, 2019, the Board of Directors adopted [RES.#A38/19](#) which states in part:

“...THAT the Board of Directors endorse the three key areas identified by the Conservation Ontario working group for all Conservation Authorities to: 1) improve client service and accountability; 2) increase speed of approvals; and 3) reduce the notion of “red tape” and regulatory burden, in addition to the ongoing streamlining measures being undertaken by TRCA...;

AND THAT staff be directed to work with Conservation Ontario, municipalities, and stakeholders, including but not limited to the Building Industry and Land Development Association (BILD), to identify additional improvements and report back to the Board of Directors on the outcome of this work.”

Guidance related to service delivery standards for Section 28 permit applications was historically specified in the Ministry of Natural Resources and Forestry (MNRF) Policies and Procedures for Conservation Authority Plan Review and Permitting Activities (2010). This guidance addresses administrative matters including determining complete applications and directs that Conservation Authorities render a decision within 132 days for a “major” application or 72 days for a “minor” application.

As part of a renewed commitment to efficient regulatory services, Conservation Ontario (CO) Council endorsed the new Client Service Standards for Conservation Authority Plan and Permit Review in June 2019. This guidance established a more ambitious set of service standards that Conservation Authorities should meet as best practice. Under this framework, Conservation Authorities should render a decision on complete

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applications within 63 days for “major” applications, 42 days for “minor” applications and within 14 days for a new category of “routine” applications. Applications issued by TRCA in 2023 under this second framework are reported in the table below under “CO Guideline Timeline.”

RATIONALE

Consistent with Pillar 4, Service Excellence, of TRCA’s Strategic Plan, the Development Planning and Permits and Infrastructure Planning and Permits business units have committed to the objective of delivering at least 80% of all permit issuances within the Conservation Ontario Guideline timeframes. The following table presents the service delivery results for all Section 28 permits issued in 2023 within TRCA’s jurisdiction.

Number of Permits Issued Within Policy and Procedure timeline		Number of Permits Issued Outside of Policy and Procedure Timeline		Reason for Variance from Policy and Procedure (Optional)				
Major	Minor	Major	Minor ¹	Major	Minor			
620	743	12	7	Complexity	Multiple Submissions			
Number of Permits Issued Within CO Guideline timeline			Number of Permits Issued Outside of CO Guideline timeline			Reasons for Variance from Guidelines (Optional)		
Major	Minor	Routine	Major	Minor	Routine ²	Major	Minor	Routine
553	530	154	79	37	29	Complexity	Multiple Submissions	Staff Turnover

Assumptions include the following:

- “Routine” permits are those identified as “Minor Ancillary Residential” on TRCA’s fee schedule. These projects meet the definition of “Routine” in the CO Guideline.
- All remaining infrastructure permits, and development planning permits were identified as “Major” or “Minor” depending on the complexity of the application per the definitions in the CO Guideline.
- Policy and Procedure timelines are 132 and 72 days for “Major” and “Minor” permits, respectively.
- CO Guideline timelines are 63, 42 and 14 calendar days for “Major”, “Minor” and “Routine” permits, respectively. 7 days are added for each additional submission for “Routine” applications.
- Only permits issued in 2023 were included. Some of the permits were deemed complete in 2022 or previous years.

¹ “Minor” includes “Routine” applications for purposes of Policy & Procedure Timeline as there is no “Routine” category in that Guideline.

² CO Guideline Timeline for “routine” considered to be 14 calendar days total, plus 7 days per additional submission, per memo from Conservation Ontario, June 29, 2020.

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Of the 1,382 permits issued in 2023, 1,363 or 99% of the permits met the former Policy and Procedure Guideline and 1,237 or 90% of the permits met the enhanced CO Guideline, which exceeds the 80% objective and is higher than the 87% achieved in 2022. This was achieved despite a similar number of permits being issued in 2023 as were issued in 2022 (1,382 vs. 1,422). Of those issued, there was a 40% increase in the number of “major” permits issued over those issued in 2022, including those complex permits related to mandatory MZO permits under S.28.0.1 of the CA Act (632 vs. 449 “major” permits). Those that did not meet the Guideline include complex infrastructure and development permits requiring multiple submissions. In some cases, the reviews may have been impacted by staff turnover in early 2023.

This is the fourth year of TRCA’s annual reporting to the Board of Directors on Section 28 permit application service delivery and staff continue to anticipate reporting annually. However, further to RES.#A38/19, staff have been meeting regularly with the Building Industry and Land Development Association (BILD) to provide updates and receive feedback on service delivery. Feedback from BILD members has been positive and appreciative of TRCA’s commitment to excellence in service delivery.

TRCA is in the process of developing and implementing our digital Planning Application Review and Enforcement System with our selected enterprise software vendor. This digital file management software will result in more streamlined review and project timeline tracking to begin in mid-2024. We anticipate the software will assist staff with meeting our obligations under the proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario (ERO 019-2927).

Relationship to TRCA’s 2023-2034 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 4 Service Excellence:

- 4.2 Provide and manage an efficient and adaptable organization

FINANCIAL DETAILS

Section 28 permitting services are funded through permit application fees, account code 110-05.

DETAILS OF WORK TO BE DONE

Staff will report back annually on the service delivery for Section 28 Permit applications annually.

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Report prepared by: Steve Heuchert, Associate Director, Planning & Permits

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Date: January 16, 2024

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Friday, March 22, 2024 Meeting

FROM: Anil Wijesooriya, Director, Restoration and Infrastructure

RE: **2023 ECOSYSTEM COMPENSATION PROGRAM AND FINANCES SUMMARY REPORT**

KEY ISSUE

Annual report to Toronto and Region Conservation Authority's (TRCA) Board of Directors on TRCA's Ecosystem Compensation Program using summary statistics from TRCA's ecosystem compensation database. The report contains a summary of outcomes and performance of the program with recommendations for improvement where needed.

RECOMMENDATION:

IT IS RECOMMENDED THAT the 2023 Ecosystem Compensation Program and Finances Summary Report be received for information;

AND THAT staff report back with recommended improvements to the Program based on consultation with municipal partners, Building Industry and Land Development Association (BILD), and other interested parties.

BACKGROUND

At Authority Meeting held on June 22, 2018, Resolution #A85/18 was approved as follows:

“...THAT staff be directed to track compensation where TRCA is implementing the compensation actions and report to the Authority on project outcomes, financial accounting and overall program successes.”

Ecosystem compensation has been used as a tool to help address unavoidable natural feature and natural heritage land base losses due to land use changes under the Planning Act, Conservation Authorities Act, and Environmental Assessment Act process for public infrastructure projects. TRCA formalized the use of ecosystem compensation within the 2014 TRCA Living City Policies (RES.#A186/14), and in June 2018 adopted TRCA's Guideline for Determining Ecosystem Compensation (RES.#A85/18) (referred to as the “Guideline”), and the Ecosystem Compensation Management Framework in 2019 (referred to as the “Framework”).

TRCA works with public agencies and our municipal partners to find opportunities to replace lost natural features and add lands back to the natural heritage system. TRCA has managed ecosystem compensation as an effective tool resulting in positive outcomes when ecosystem compensation is required as a last resort and where TRCA

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has received cash-in-lieu for implementing offsets. TRCA's ecosystem compensation program is recognized nationally and provincially as a leading model that can be applied by municipalities, Conservation Authorities, and other partner agencies.

As a part of the governance structure outlined in the Framework, regular annual reporting is to be brought to the TRCA Executive Committee and Board of Directors summarizing the status of ecosystem compensation projects implemented by TRCA, providing an update on the program successes and challenges, and outlining recommendations for future program improvements.

2023 Ecosystem Compensation Program and Finances Summary

To date, TRCA has received \$30,918,000 in compensation revenue, of which \$22,258,000 has been spent on restoration and land acquisition. All remaining funds have been allocated to specific restoration projects or are being held for future land acquisitions of strategic ecological importance.

Since the application of the Guideline in 2017, TRCA has continuously improved the tracking and reporting for ecosystem compensation funds and deliverables. During this time, TRCA received \$21,605,000 in ecosystem compensation funds, of which \$19,559,000 is to be used for natural feature restoration and \$2,047,000 for land acquisition. Expenditures incurred include \$17,375,000 for restoration and \$638,700 for land acquisition. All remaining revenues are allocated to specific projects in the planning, implementation, or monitoring phase, and will be spent in accordance with the Guideline and Framework.

Highlights of the Ecosystem Compensation Program in 2023 include:

- TRCA received \$4,768,000 as ecosystem compensation funds from 25 projects.
- TRCA received \$1,192,000 as land base compensation funds (cash in lieu instead of land) from 2 projects.
- TRCA has spent \$3,484,000 in ecosystem compensation funds (which includes funds received in previous years) to plan, implement, and monitor 117 restoration projects.
- TRCA completed and commenced implementation of 43 restoration projects, totaling 34 hectares of terrestrial habitat, 704 linear metres of stream and riparian habitat, and installed 124 habitat structures, 33,575 woody stems, and 235 Kg of native seed.
- 88% of the projects were in the same municipality as the impact and 80% were in the same watershed as per Guideline recommendations.

TRCA's Guideline adopted the objective of "no net loss" and this principle remains a critical test of the success of the program. Natural feature losses and gains for ecosystem compensation projects where funds were received 2017-2023 are summarized in Table 1 below. Since 2017, there is a projected net gain for terrestrial habitat of 15.7 hectares and aquatic habitat of 268 metres. This gain is a result of reinvesting surplus funds from implemented projects where efficiencies were realized,

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which is detailed further in the full summary report. There is, however, a forecasted net loss in the meadow category, where insufficient funds were received in 2018 to offset losses. This issue has been corrected for future meadow compensation by updating the true cost for meadow restoration based on implementation experience.

Table 1: Natural feature losses and gains for ecosystem compensation projects where funds were received between 2017-2023.

Compensation Type	Stream (m)	Forest (ha)	Wetland (ha)	Riparian (ha)	Meadow (ha)	Total Terrestrial (ha)
Restoration Required	443.7	55.1	25.9	3.7	27.2	111.9
Total Restoration Secured with Project and Surplus Funds (Completed + Future)	712.0	56.3	37.0	14.1	20.1	127.6
Restoration Balance	268.3	1.2	11.1	10.4	-7.1	15.7

In addition to restoring the structure of the lost habitat, it is also critical to ensure the overall land base of the protected natural system is not reduced over time. Ensuring the land base remains the same or grows is difficult in a rapidly urbanizing region. Restoration outlined above has been occurring primarily on lands TRCA already owns. Therefore, although there is a net gain in habitat, securing land base through the ecosystem compensation process remains a challenge. Development planning policies empower TRCA and partner municipalities to secure land base compensation. However, the infrastructure planning process does not require land base compensation. Despite these challenges, in 2023 TRCA received cash-in-lieu funds to compensate for land base losses on two files.

The assessment of TRCA restoration implementation turn-around timelines and time lags shows that TRCA has largely met the targets set out in the Board approved Framework. Delays in project implementation occur when: funds are held until a substantial amount is available to complete priority projects of an appropriate size, coordinating the timing of multiple projects in the same area with other implementors, or waiting on access to lands to complete restoration.

2023 Ecosystem Compensation Program Updates

As a part of the ongoing improvements to tracking and reporting on ecosystem compensation funds and projects, TRCA worked with internal teams to complete updates and adjustments to the ecosystem compensation database. In 2023, all high priority updates have been addressed in the database which will ensure that tracking is efficient and optimized. Additionally, TRCA launched an [Ecosystem Compensation webpage](#) to educate stakeholders on program goals, to gather information and to share reporting on ecosystem compensation at TRCA in one place.

The development of an internal project review guidance document was started in 2022 and will be ongoing into 2024. The document will provide guidance for internal TRCA projects when ecosystem compensation is required.

An important part of project implementation is to engage in post implementation

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assessments of sites. This type of monitoring includes rating the success of the project, identifying deficiencies, and recommending remediation where needed. Statistics on Restoration Assessment results are now being presented in a GIS ESRI Dashboard. The results for 2023 show that 76% of projects in the 5th year of assessment are given a passing grade and require no further intervention to succeed towards the target ecosystem. Eighty percent of the projects that did not receive a passing grade recorded high levels of invasives species. Greater consideration for invasive species control will be reviewed in 2024.

In 2023, TRCA continued to provide support and engage with provincial and federal governments, municipal partners, conservation authorities, the Building Industry and Land Development Association (BILD), and other interested parties. TRCA's ecosystem compensation program was also shared through the Ecosystem Compensation webpage as well as presented at conferences, workshops and for interested partners and municipalities outside of our jurisdiction. The goal of this engagement was to highlight TRCA's approach to compensation and strive for consistent implementation of ecosystem compensation practices across Southern Ontario particularly in the Greater Golden Horseshoe.

RATIONALE

TRCA's Living City Policies and the Guideline establish the concept of ecosystem compensation in the mitigation hierarchy, recommending feature removal with ecosystem compensation only as a last resort, after all options for avoidance and protection have been exhausted. The purpose of the Guideline is to provide guidance on how to determine the total amount of ecosystem compensation required to replace lost or altered ecosystems. The guideline aims to streamline ecosystem compensation decisions, as a last resort, through the planning process.

To ensure a coordinated, effective, transparent, accountable, and adaptive approach to this aspect of managing TRCA's Compensation Program, TRCA staff developed a governance document (the Framework). The Framework outlines the tools and processes used to apply funds that have come to TRCA through ecosystem compensation agreements. The Framework is to be applied in all cases where ecosystem compensation funds are directed to TRCA (typically when off-site compensation is required), via an approved agreement, for ecological restoration projects and/or conservation land securement.

The Framework recognizes the collaborative nature of the ecosystem compensation process, the varying roles of the parties involved, and the need for coordination, particularly with TRCA's municipal partners. Although the Framework focuses on TRCA's role in the process, the tools and approaches outlined can also be adapted and used by others to manage ecosystem compensation decisions and actions.

The implementation of ecosystem compensation is complex and can vary from case to case. As such, it can be a challenge to achieve a consistent approach between the proponent and/or regulatory agency. The Guideline outlines a repeatable process for

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determining ecosystem compensation requirements when an unavoidable natural feature loss is identified. A robust governance structure (Framework) is critical to ensure that decisions and practices are applied fairly, consistently, accurately, openly, and efficiently.

Using performance measures is intended to highlight successes and challenges associated with implementing ecosystem compensation, as well as the Ecosystem Compensation Program as a whole. The performance review also outlines clear recommendations that guide future actions and improve compensation practices.

The following table outlines the Framework goals, with measures that reflect those goals, and products that can be used to rate overall program performance. These measures have been used as the basis for the Compensation Program performance review.

Table 2: Measures of the Effectiveness of the Compensation Program.

Goal	Measure	Product
No Net Loss	<ul style="list-style-type: none"> Natural features and area losses compared to areas restored with compensation funds 	<ul style="list-style-type: none"> Calculations of losses vs. restored areas Projects and Compensation Databases. GIS layers
Accountability	<ul style="list-style-type: none"> The degree to which the Framework is followed. Tracking decision making processes Overall cost accounting to determine efficiencies in program and project execution 	<ul style="list-style-type: none"> Program reporting Financial reporting Project site selection briefs Rapid Restoration Assessments and monitoring Project completion reporting
Transparency	<ul style="list-style-type: none"> The degree to which decisions, outcomes, processes, and results of program assessments are available to interested parties 	<ul style="list-style-type: none"> Program reporting Financial reporting Project site selection briefs Rapid Restoration Assessments and monitoring Project completion reporting
Consistency	<ul style="list-style-type: none"> Adherence to standardized processes so that ecosystem compensation is applied consistently to all proponents. Adherence to standardized processes for implementing ecosystem compensation that is received by TRCA 	<ul style="list-style-type: none"> Program reporting Financial reporting Project site selection briefs Rapid Restoration Assessments and monitoring Project completion reporting
Efficiency and Timeliness	<ul style="list-style-type: none"> Overall timing from when funds are received for compensation to when feature restoration and land securement begins, is implemented, and is complete following monitoring 	<ul style="list-style-type: none"> Adherence to clearly stated timeline. Variance reporting Project status tracking

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Adaptability	<ul style="list-style-type: none">• Whether a comprehensive and critical review of the ecosystem compensation program is undertaken and opportunities for improvements are acted on• Demonstrating that projects are monitored for success and maintenance undertaken when necessary.	<ul style="list-style-type: none">• Ecosystem compensation program review and execution of recommendations• Program reporting• Workshops, presentations, and stakeholder working groups.
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Relationship to TRCA's 2023-2034 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:

- 2.4 Integrate environmental considerations and science into decision making

Pillar 4 Service Excellence:

- 4.4 Transparent decision making and accountable results

FINANCIAL DETAILS

Funds are acquired for ecosystem compensation on a file-by-file basis as special projects through cash-in-lieu or fee for service. Once an agreement is made between the proponent and TRCA, an invoice is sent, and the funds are deposited into 119-99. From there funds are typically transferred into a new or existing project account. If no project account has been initialized by year end, funds are transferred into a holding account for future project implementation (940-22) or land acquisition (940-26).

DETAILS OF WORK TO BE DONE

Informed by this summary report, there are several recommendations outlined below which will form the focus for program improvements over the course of 2024.

- Review adjustments to restoration typical costing for 2024 and assess if the addition of watering and further invasive species management should be included at this time.
- Continue updating the Compensation Program database to improve reporting and incorporate more internal business units, including Property, Assets, and Risk Management to track and map land base compensation decisions.
- Finalize an internal playbook on how to track compensation for TRCA led projects.
- Following the approval of the 2024 Ecosystem Compensation Summary, share and promote the program through the TRCA's [Ecosystem Compensation webpage](#) and bring the report to the TRCA/BILD quarterly working group for

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discussion and feedback.

- Continue to provide support and engage with other levels of government, including our municipal partners, partner government agencies, and other conservation authorities.
- Investigate improvements to tracking land base losses that occur without compensation to represent natural heritage system losses more accurately.

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Date: January 16, 2024

Attachments: 1

Attachment 1: 2023 Ecosystem Compensation Program and Finances Summary Report



2023 Ecosystem Compensation Program and Finances Summary Report

Prepared by TRCA Ecosystem Compensation Program Review Team

December 2023

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EXECUTIVE SUMMARY

Toronto and Region Conservation Authority (TRCA) ecosystem compensation reporting covers compensation for losses where TRCA has received cash-in-lieu funding for restoration implementation. Instances where compensation (natural feature and land base) is not achieved on a planning file or where compensation is applied and implemented by agencies other than TRCA are not captured in this report.

To date, TRCA has received \$30.9 million in compensation revenue, of which \$22.2 million has been spent on restoration and land acquisition, and the remaining funds are allocated to projects in various phases of completion. This report focuses on 2017 onward, which is when the compensation program standards were put in place, so that consistent information can be presented based on direction from the current Guideline for Determining Ecosystem Compensation (the Guideline) and Ecosystem Compensation Management Framework (the Framework).

For compensation projects initiated between 2017 and 2023, TRCA has completed 58% of the projects, while an additional 12% are in active restoration planning or implementation phases, and the remaining 30% are still in negotiations. Since 2017, TRCA has received \$21.6 million in compensation for natural feature and Species At Risk (SAR) restoration as well as land acquisitions, of which \$18 million is forecast to be spent by the end of 2023 (inclusive of funds received prior to 2017). Remaining funds received to date are allocated to specific projects for planning, implementation, monitoring, maintenance, and future land acquisitions.

In 2023, TRCA received \$5.9 million as cash-in-lieu from 25 compensation projects, including \$1.2 million for land base compensation, and will be expending \$3.5 million from compensation funds received to date, which includes funds received prior to 2017, to implement 117 restoration projects from planning through to monitoring and maintenance. Of the natural feature restoration projects where funds were received in 2023, 88% were allocated in the same municipality and 80% in the same watershed as the impacts.

This report shows that for the losses where compensation was applied and funds were received as cash-in-lieu (2017-2023), there is a forecast net-zero balance for Species At Risk (SAR) related projects, and a net gain for terrestrial (15.7 hectares) and aquatic (268.3 metres) projects. This is primarily the result of project efficiencies and reinvesting surplus funds. A net gain is also achieved for land base where TRCA has been able to acquire or receive land dedication above the losses for the specific files where land base compensation has been negotiated.

TRCA has reasonably met the restoration implementation timelines established in the initial summary report (2019). With this 2023 report TRCA demonstrates that the program successfully manages compensation received, resulting in increasingly positive outcomes. This report identifies several recommendations that will refine and improve the way the Ecosystem Compensation Program functions, including: continued discussions on ways to track land base losses from municipal infrastructure projects; developing a playbook for tracking compensation triggered by TRCA led projects; and refinements to internal tracking, management, and reporting of information to better leverage new technologies.

PERFORMANCE UPDATE

2023 Ecosystem Compensation Program and Finances Summary

The information in this summary report was taken from TRCA's Compensation Database. The Compensation Database contains information collected and maintained by the TRCA Project Review Teams.

Figure 1 shows compensation projects across TRCA's jurisdiction including the location of compensation impacts or feature losses and the associated restoration projects from 2017-2023. These impact sites are represented by circles and squares of assorted colours indicating their compensation status (in negotiation, various stages of restoration, and completion). Restoration project sites are shown as red dots and are linked with a line to the associated compensation projects. This map focuses only on natural feature restoration and does not include areas where land base has been acquired.

The map demonstrates that although restoration is targeted as close to the impact site as possible, other considerations are involved in siting and allocation decisions to ensure the maximum ecological benefit is achieved in a timely manner. Such considerations include:

- Local watershed plans
- TRCA's Restoration Opportunities Planning (ROP) database
- TRCA's Integrated Restoration Prioritization (IRP) tool
- Coordination of leveraged opportunities with partners
- Availability of appropriate sites for restoration
- Implementation timeline targets

Projects where losses are being compensated for through federal or provincial legislation (e.g. Provincial Species At Risk) are more likely to be farther from the impact site or cross boundary lines between municipalities or watersheds.

Figure 2 shows the location of the 25 impacts where cash-in-lieu funds were received this year. Mapping also shows the associated restoration project locations and phase of work. This year saw 43 restoration projects beginning and/or finishing implementation and 74 restoration projects in other phases of completion from planning to monitoring and maintenance.

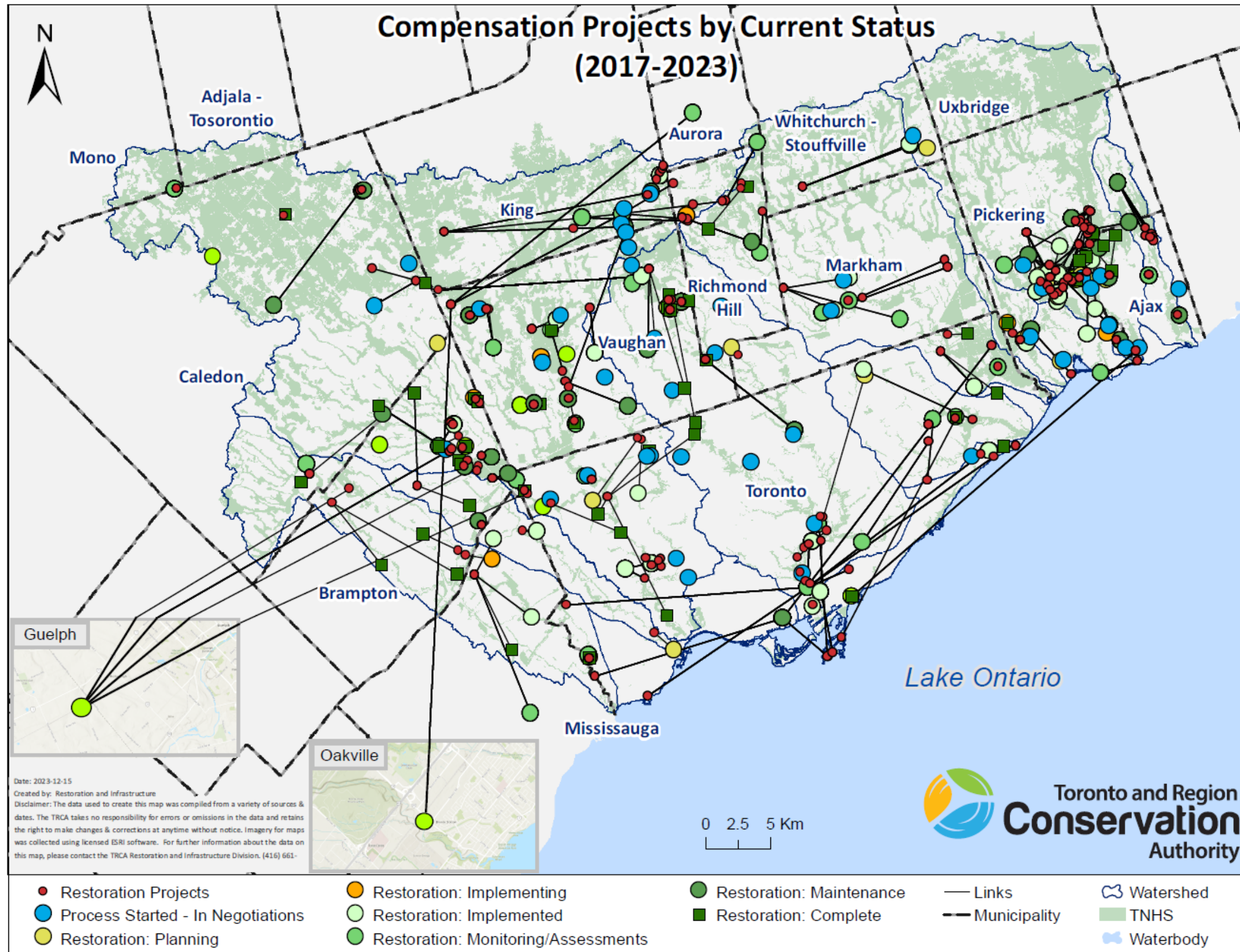


Figure 1. Location and Current Status of Compensation Projects 2017-2023.

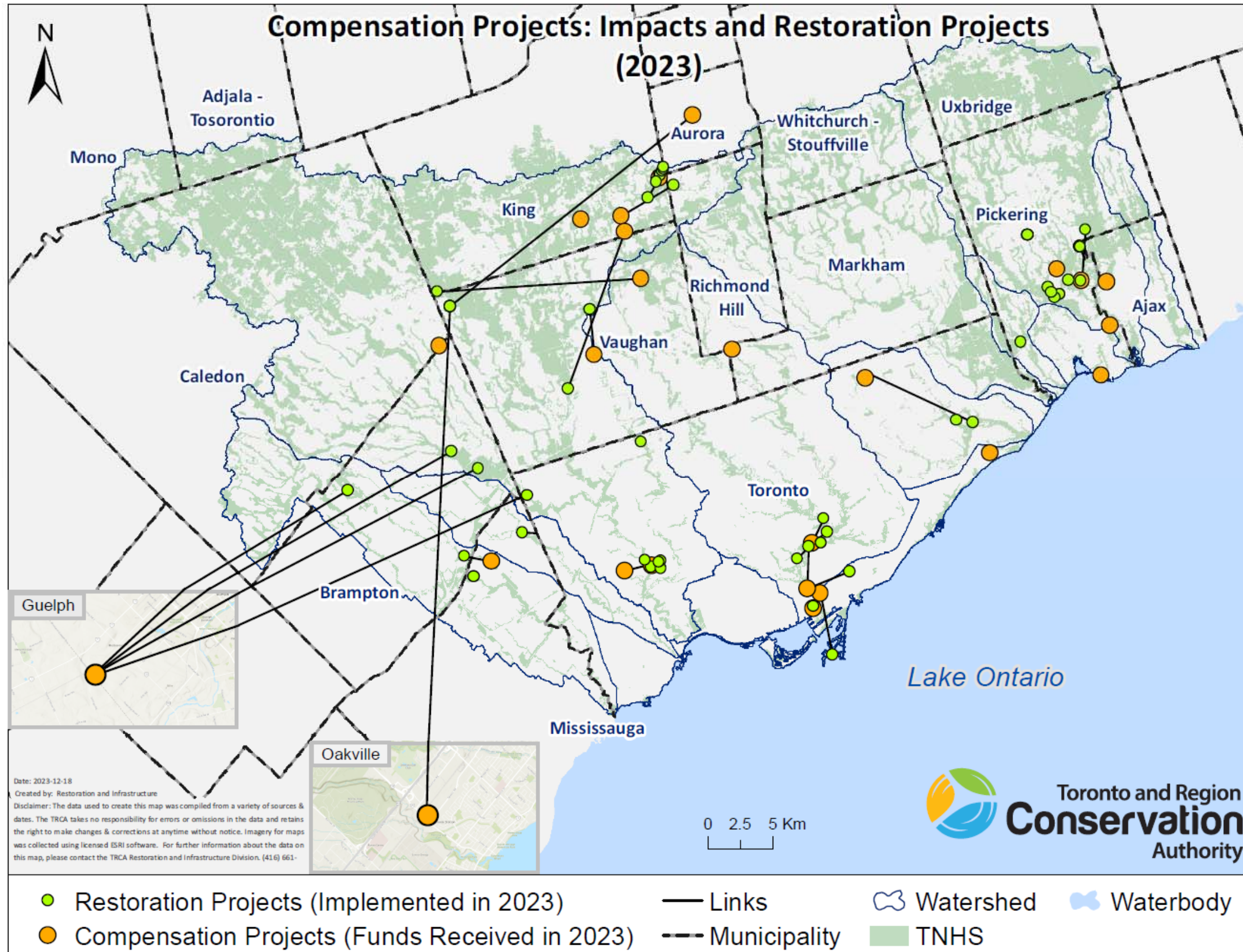


Figure 2. 2023 Compensation Projects that Received Cash-in-Lieu Across TRCA Jurisdiction.

Figures 3 and 4 show compensation projects initiated between 2017 and 2023 by their current file status. Colour coding in Figure 1 corresponds to the colour coding in Figures 3 and 4. Currently, 12% of the compensation projects initiated between 2017 and 2023 are actively being planned for restoration or are in a restoration implementing phase (orange colours), 58% have concluded implementation (green colours), and the remaining 30% are still in negotiations (blue colour).

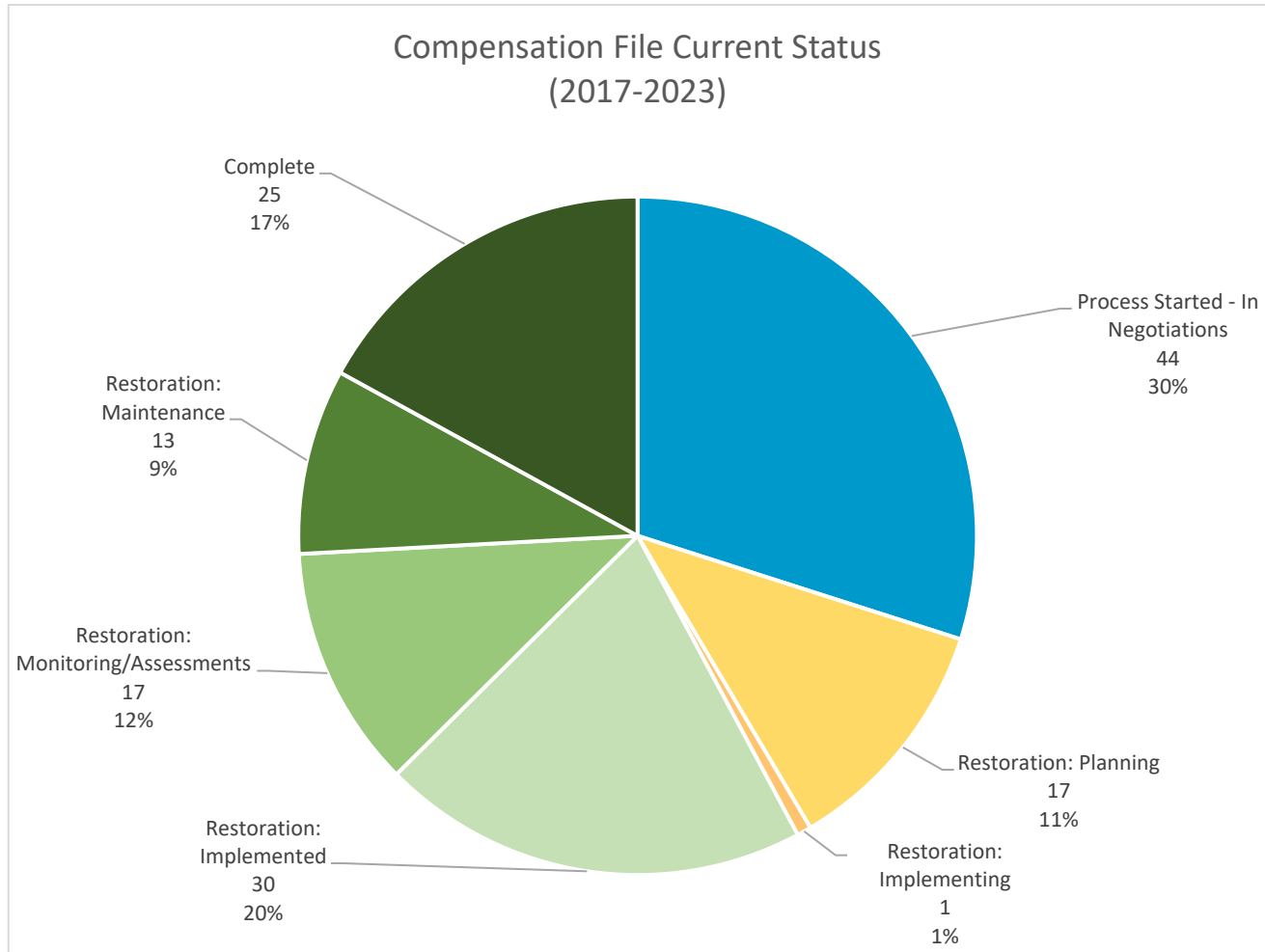


Figure 3. Compensation Projects (2017-2023) by Status.

Figure 4 presents data from all restoration projects undertaken this year with compensation funds received to date (including funds received prior to 2017). Of the 117 projects in 2023, TRCA allocated \$3,484,000 and completed the following:

- 13.1 hectares of invasive species management
- 33.7 hectares of terrestrial habitat
- 124 nest boxes and structural habitat installations
- 33,575 woody stems
- 235 kilograms of native seed
- 6,400 metres of deer fence
- 704 linear metres of aquatic/riparian habitat
- 37 monitoring reports

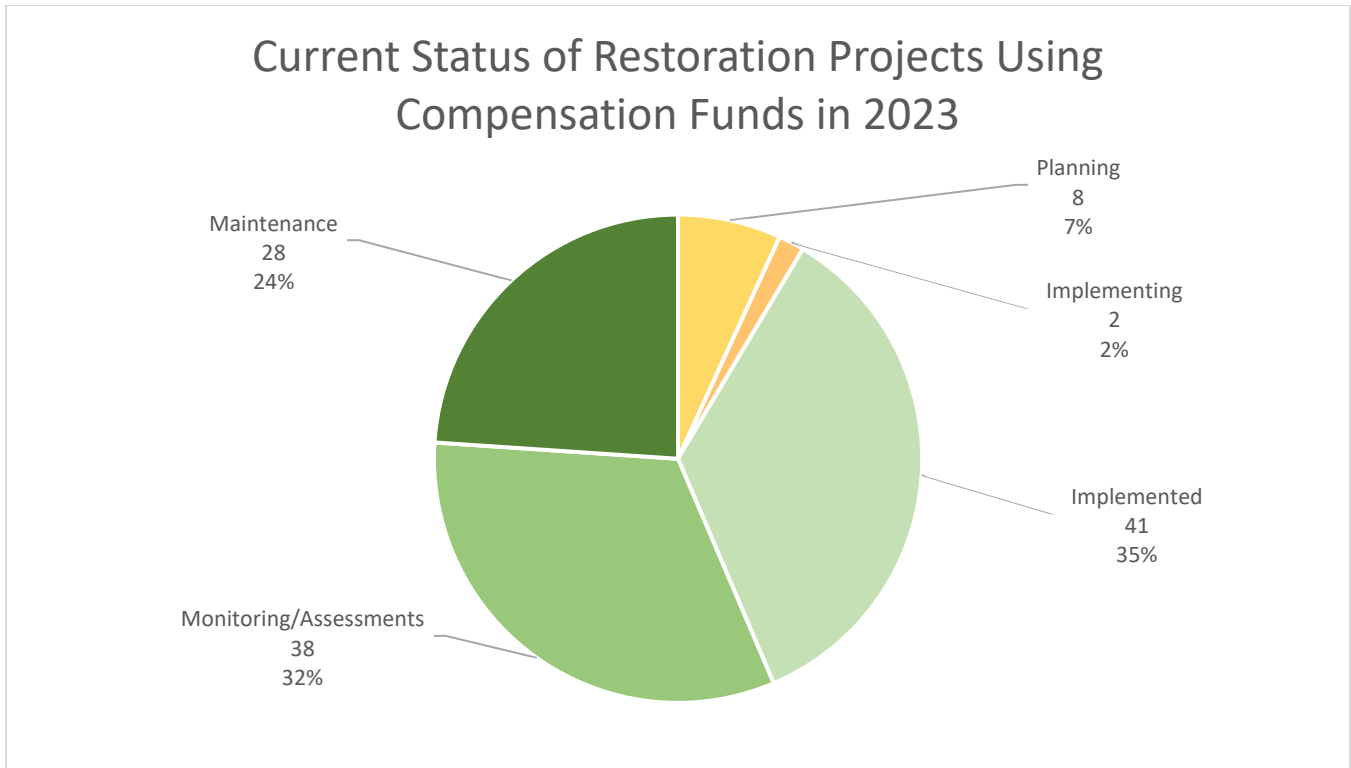


Figure 4. 2023 Restoration Project Status.

Figure 5 shows compensation funds received, or proposed to be received, by TRCA to the end of the year as cash-in-lieu and proposed expenditures to implement restoration projects. Since 2017, TRCA has received \$21,605,000 in compensation funds for natural feature restoration (\$19,559,000) and land acquisitions (\$2,047,000), and TRCA forecasts \$17,375,000 in restoration project expenditures of all funds collected to date (including funds received prior to 2017) by the end of 2023, and \$639,000 in land base expenditures. Unspent funds are allocated to specific projects to be used for future planning, implementation, monitoring, and maintenance. In 2023, TRCA received \$4,768,000 in natural feature compensation and \$1,192,700 in land base compensation and will be using \$3,484,000 for natural feature restoration. No land base acquisitions occurred in 2023 with compensation funds.

Figure 5 shows funds received by TRCA as cash-in-lieu as well as restoration expenditures which are generally increasing over time. This does not indicate that approval authorities are permitting more feature removals, but rather that the full cost of restoration and land acquisition is now better accounted for and agreed to by all parties during negotiations. This upward trend shows that TRCA restoration projects are being increasingly requested by proponents as a successful way to implement restoration across the Toronto Region. Figure 5 also

demonstrates the unpredictable nature of compensation funding, as cash-in-lieu is higher in some years than others and not easy to predict for upcoming years since each planning file is unique.

The revenue and expense totals presented in Figure 5 may differ from TRCA’s audited financial statements at fiscal year-end, as these totals were prepared and forecast prior to year-end.

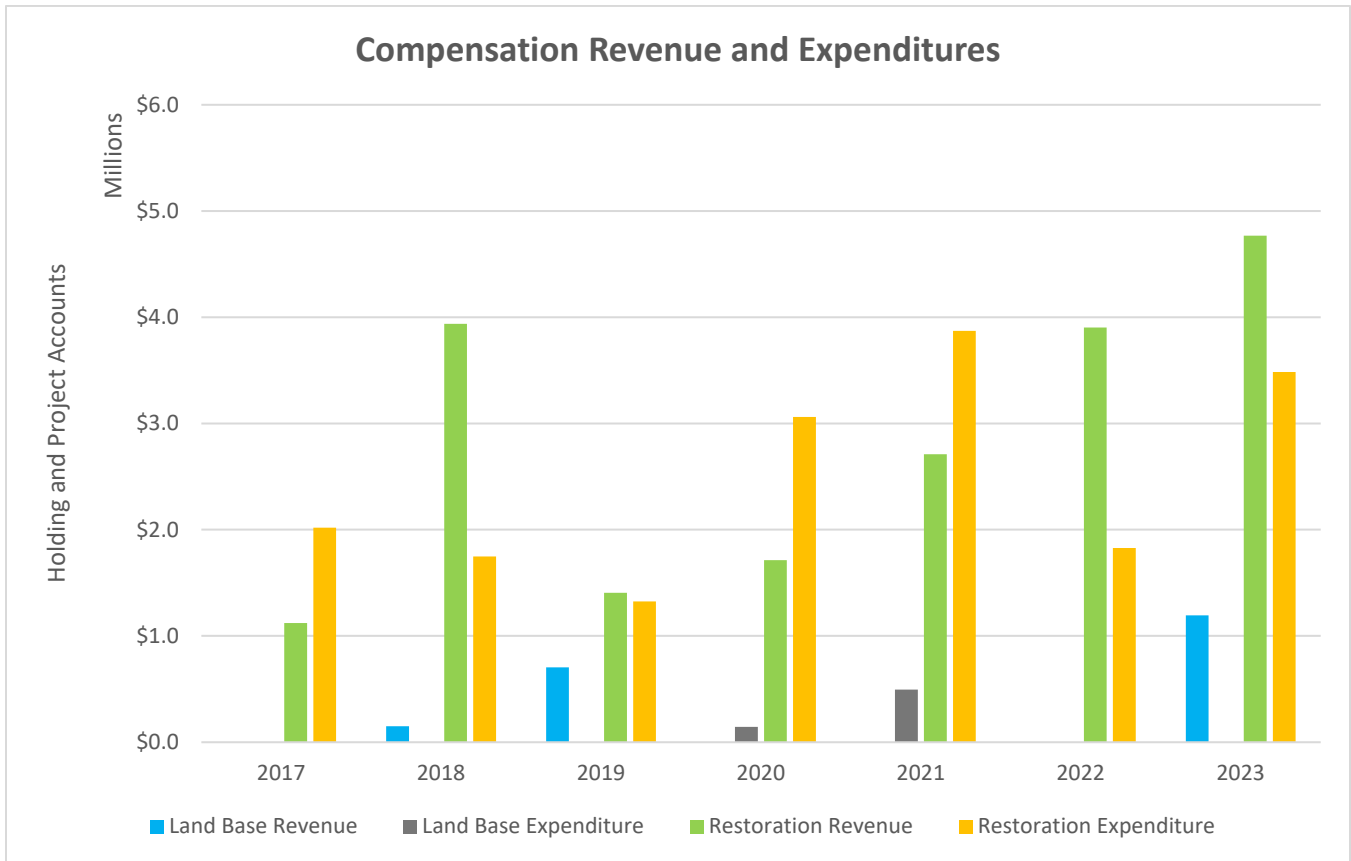


Figure 5. Compensation Revenue and Expenditures (2017-2023).

METRIC REVIEW

Goal 1: No Net Loss

The goal of no net loss is fundamental to TRCA’s principles of ecosystem compensation, where outcomes aim to fully replace the same level of lost ecosystem structure and function in proximity to where the loss occurs and, where possible, achieve an overall gain. Ecosystem feature and function losses along with their required compensation are identified through the plan review process. If TRCA receives funds as cash-in-lieu of compensation, deliverables are tracked and reported through standard project management practices.

This report defines no net loss as TRCA’s ability to restore the required compensation areas with cash-in-lieu funds received. This net balance is calculated with the understanding that funds are often received prior to

restoration sites being selected, so there is some margin of uncertainty incorporated into the restoration typical costing to allow for expedited permitting. Where proponents would like an actual restoration budget developed for compensation cash-in-lieu, restoration sites will be selected prior to issuing permits and receiving funds and, in some cases, are invoiced following works. With this definition of no net loss, the compensation required and the corresponding restoration should be equal. Required compensation areas were compared to restoration project areas (past, present, and future) and lands acquired to assess how close the Ecosystem Compensation Program is to achieving no net loss.

This report does not represent all losses and restoration in TRCA’s jurisdiction. This summary does not include situations where losses occur and compensation is not achieved through the planning process, as is often the case with land base losses that result from infrastructure projects. Consequently, not all losses are considered in this summary, and losses on the landscape are greater than presented. Also not included in this assessment are compensation situations where there are losses due to development projects and restoration is implemented by other agencies (i.e., through a landowner or a consultant implementing on- or off-site compensation related to a loss). As a result, not all restoration is considered in this summary, and restoration on the landscape is greater than presented.

Where individual tree losses occurred and opportunity allowed for a feature-based planting with trees and shrubs (at a 10:1 equivalence to trees), then the actual project area (ha) planted to accommodate for the number of individual trees lost was used in the net balance calculation, as opposed to applying a standard area (m²) per tree to convert the individual trees required to an area. Compensation that was received to implement requirements under the Ministry of the Environment, Conservation and Parks (MECP) Endangered Species Act (ESA) for losses related to Species At Risk (SAR) are presented separately from other feature-based compensation in Table 1. The results below show that TRCA has initially met the requirements which have been set by MECP to produce an overall benefit for SAR projects. Other projects tied to external requirements such as Fisheries and Oceans Canada (DFO) Fisheries Act Authorizations or Municipal Tree By-laws are included in Tables 2 and 3.

Table 1. Species At Risk Compensation Across TRCA’s Jurisdiction by Type (Funds Received 2017-2023).

Species at Risk	Butternut (#)	Bat Structures (#)	Bat Habitat Planting (ha)	Barn Swallow Cups (#)	Red Side Dace (m)	Bobolink Meadow (ha)
Restoration Required	431.0	140.0	9.8	117.0	81.0	11.3
Restoration Completed	431.0	140.0	9.8	117.0	56.0	11.3
Restoration in Future (Based on funds in account)	0.0	0.0	0.0	0.0	25.0	0.0
Total Restoration Secured (Completed + Future)	431.0	140.0	9.8	117.0	81.0	11.3
Restoration Balance	0.0	0.0	0.0	0.0	0.0	0.0

TRCA is not the responsible party for monitoring all the SAR projects that TRCA has implemented, but any information collected was reviewed for lessons learned.

Table 2 compares required compensation to restoration project areas for projects where TRCA received cash-in-lieu funds between 2017 and 2023. The results show TRCA has been able to achieve an overall net gain in habitat restored, although in the wetland and meadow categories, deficits have been forecast based on future restoration potential of funds still held and awaiting implementation. Due to the small nature of some impacts, funds need to be held until one large feature can be built to achieve efficiencies as opposed to multiple smaller projects. For meadows, the loss noted is the result of an older agreement undervaluing the cost to implement native meadow habitat restoration, this deficit is lessening over time as more projects are implemented.

Table 2. Terrestrial Natural Feature Restoration Across TRCA’s Jurisdiction (Funds Received 2017-2023).

Terrestrial Natural Features (ha)	Forest		Riparian		Wetland		Meadow		Total
	Project	Surplus	Project	Surplus	Project	Surplus	Project	Surplus	
Restoration Required	45.3		3.7		25.9		15.9		90.8
Restoration Completed	37.1	0.0	14.1	0.0	21.4	0.3	8.8	0.0	81.6
Restoration in Future (Based on funds in account)	9.5	0.0	0.0	0.0	4.1	11.2	0.1	0.0	24.9
Total Restoration Secured (Completed + Future)	46.6	0.0	14.1	0.0	25.5	11.5	8.8	0.0	106.5
Restoration Balance	1.2		10.4		11.1		-7.1		15.7

Restoration projects are assessed using TRCA’s standard Rapid Restoration Assessment (RRA) approach over the course of 5 years (Years 1, 3, and 5 following implementation). The RRA process takes an overview approach to site assessment and identifies where intervention is required to set the trajectory of a target ecosystem so that it can succeed naturally on its own. TRCA expects to see a 75% survival rate on project plantings. Information on compensation restoration has been collected and compared to standard restoration projects. With dedicated assessment and maintenance funds allocated to compensation projects a demonstrated increase in project success is observed.

Of the compensation planting projects that were assessed in 2023, 76% of projects in their fifth (5th) year received a passing score of three (3) or four (4) out of four (4) and are on track to succeed without further intervention. During assessments, information is gathered on what is driving poorer scores to identify what type of adaptive management is required. Currently invasive species competition has been noted as high on 80% of the projects with less than a 75% survival rate, and plant predation or herbivory is noted as high on 26% of the projects with less than a 75% survival rate. It is likely that the increased need for intervention on planting projects in year five (5) is related to the need for invasive species control as invasive species become more competitive over time.

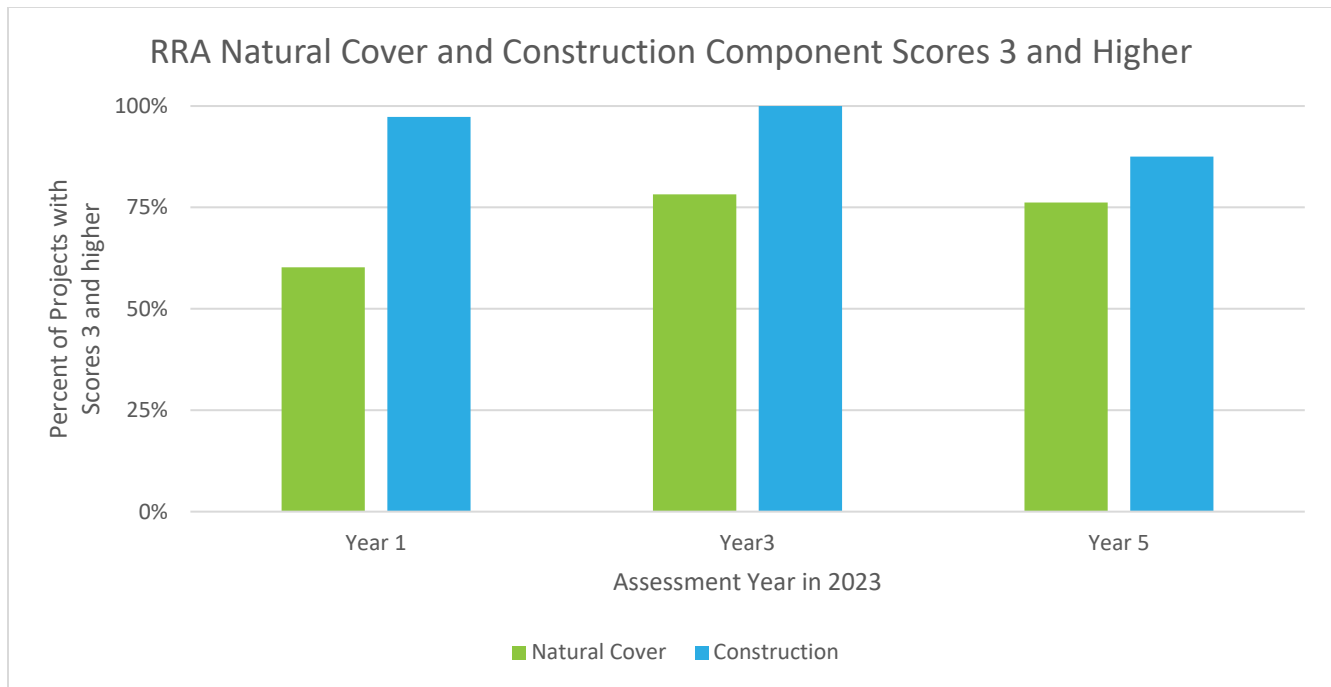


Figure 6. 2023 Rapid Restoration Assessment Results for Natural Cover and Construction Project Components.

When constructed components of compensation restoration projects are assessed (primarily wetland berms and spillways) nearly all projects received a passing grade of 3 or higher. The year 5 results appear to be lower but are heavily skewed by a low number of sites, in that there were only eight (8) projects assessed in 2023 in the fifth (5th) year and seven (7) of them did not require intervention. The last constructed site received attention to address the noted challenges.

Like Table 2, Table 3 summarizes aquatic compensation currently being implemented. Table 3 shows a net gain for aquatic natural features (268.3 m), which is due to designing simple and effective stream restoration and leveraging funds by expanding existing projects to reduce shared costs such as planning, review, mobilization, and demobilization.

Table 3. Aquatic Natural Feature Restoration Across TRCA’s Jurisdiction (Funds Received 2017-2023).

Aquatic Natural Features (m)	Stream		Total
	Project	Surplus	
Funds Source:			
Restoration Required	362.7		362.7
Restoration Completed	218.0	65.0	283.0
Restoration in Future (Based on funds in account)	348.0		348.0
Total Restoration Secured (Completed + Future)	566.0	65.0	631.0
Restoration Balance	203.3	65.0	268.3

When TRCA does not have enough funding to undertake what has been requested or required, funds to implement projects will be used in the most efficient way possible to maximize restoration toward a no-net-loss scenario. In such cases, reaching no net loss may be possible by leveraging additional funds and/or finding efficiencies by reducing project elements such as site preparations, planting numbers/spacing, or habitat features. Conversely, efficiencies in project implementation that lead to surplus funds will be reinvested toward further restoration or project enhancements. The Framework directs that surplus funds can go toward offsetting Ecosystem Compensation Program management costs and underfunded projects to reach the required restoration targets and provide a net gain where possible.

A complete net balance calculation is presented in Table 4.

Table 4. Natural Feature Losses and Gains for Compensation Projects Where Funds Were Received Between 2017-2023.

Compensation Type	Stream (m)	Forest (ha)	Wetland (ha)	Riparian (ha)	Meadow (ha)	Total Terrestrial (ha)
Restoration Required	443.7	55.1	25.9	3.7	27.2	111.9
Total Restoration Secured with Project and Surplus Funds (Completed + Future)	712.0	56.3	37.0	14.1	20.1	127.6
Restoration Balance	268.3	1.2	11.1	10.4	-7.1	15.7

In addition to restoring the structure of the lost habitat, it is also critical to ensure that the overall land base of the protected natural system is not reduced over time. Some of the restoration outlined above is occurring on lands TRCA owned prior to the impact. Therefore, although there is a net gain in habitat, there remains a net loss in the overall land base of the natural system. Securing new lands for habitat restoration through the compensation process remains a challenge. Despite these challenges, there have been some successful land base outcomes.

Of the compensation projects that TRCA received feature-based or SAR restoration project funding for in 2023, only 2 out of the 25 resulted in a requirement for land base compensation, since this is not a requirement for infrastructure projects, and several other development project files predate the Guideline.

In 2023 there was 1.0 hectare of natural heritage system land removed and compensated for through development projects. Between 2017-2023, land base compensation funds have been leveraged to secure external grants and add a total of 64.8 hectares of new land to TRCA ownership, of which 36.0 hectares will be restored and added into the natural heritage system. Compensation funds which were used for acquisition were from a urbanizing portion of Brampton and lands purchased were in a headwaters area in Caledon where funds could be used to purchase a larger tract of land resulting in the large net balance.

Table 5. Land Base Compensation Across TRCA’s Jurisdiction (Funds Received 2017-2023).

Land Base Compensation (ha)	Total
Land Base Required for lost Natural Heritage System	1.8
Land Base Acquired outside the Natural Heritage System	28.9
Land Base Acquired <u>within</u> the Natural Heritage System	36.0
Funds for Future Lands Acquisition	\$ 1,649,500
Total Lands Secured (Completed + Future)	64.8+
Net Balance	63.0+

As stated in the Guideline, regional, municipal, and provincial infrastructure projects do not necessarily require land base compensation, although the Guideline does suggest that TRCA tracks losses and work with municipalities to identify opportunities to provide land base back to the natural heritage system through TRCA’s Greenlands Acquisition and municipal land securement programs.

It should also be noted that compensation requirements for Metrolinx projects may be the result of a voluntary permit review (VPR) process or the Metrolinx Vegetation Guideline (2020) requirements. Restoration to offset Metrolinx tree removals is also primarily being implemented ahead of removals where possible as a Best Management Practice (BMP) and as part of the effort to reduce the time lag required for compensation plantings to grow.

Goal 2: Accountability

Assessing the level of accountability through the administration of the Ecosystem Compensation Program is an important measure of governance. The Framework has been implemented to guide and track the movement of funds for compensation, improve interdepartmental communications, and standardize reporting on program and project outcomes. As outlined in the Framework, reporting on individual files is completed by the Project Review Team, and annual program reports are prepared for review by the Program Review Team.

This year 76% of the funds received as cash-in-lieu have been allocated with compensation site selection briefs or documented through service agreements. The remaining projects are being discussed to determine final site selection criteria and will be completed within one (1) year of receiving funds. In total, seven (7) briefs were prepared and circulated within the Project Review Teams for agreement prior to starting restoration projects and transferring funds. Accountability is also upheld by preparing program reports, such as this one, to help guide the future development of compensation practices at TRCA by reviewing goals, progress, and recommendations for further improvement.

Goal 3: Transparency

Compensation for lost natural features is executed at municipal, provincial, and federal levels through various by-laws, policies, regulations, and legislation. TRCA’s role in compensation can be as a regulator, advisor, or compensation project implementer, therefore, transparency throughout the compensation process is important to achieve fairness and compliance in the execution of an Ecosystem Compensation Program. In 2023 TRCA

launched an [Ecosystem Compensation Program webpage](#) to more easily highlight how TRCA coordinates compensation and includes links to previous reports and graphic summaries.

Goal 4: Consistency

The Guideline stresses the need to ensure consistency throughout the compensation process, and the Framework directs how this is to be carried out. This applies to determining compensation requirements for lost natural features, calculating the cost of compensation lands, and implementing restoration projects, as well as ensuring that restoration projects meet the same high standard.

The Guideline and Framework enable as much consistency as possible between compensation projects. However, it is unrealistic to expect 100% consistency as many different factors affect each file, including the mechanism for compensation. The mechanism may be internal and tied to the Conservation Authority permit, or external and through another process, and therefore may vary from TRCA Guideline—however, in all cases TRCA strives for consistency with the Guideline.

Table 6 presents cash-in-lieu funds received by TRCA compared with funds requested in 2017-2023. This table shows that TRCA successfully negotiated full cost recovery for restoration projects 96% of the time. Discrepancies are due to funds being reduced during negotiations with proponents and other agencies or levels of government.

Table 6. Funds Received and Consistency with TRCA Guideline.

Funding (2017-2023)	Consistency %	Change from 2022
Equal to requested	96%	↑
Less than requested	4%	↓
Total	100%	

Of the restoration projects implemented between 2017 and 2023, 88% of restoration projects were undertaken in the same municipality as the losses and 85% were in the same watershed. In 2023, 88% of restoration projects were undertaken in the same municipality as the losses and 80% were in the same watershed.

Funds received in 2023 that were allocated outside of the impact municipality or watershed were related to restoration for Species At Risk (SAR) directed by MECP or fish habitat requirements (DFO). This is largely due to the nature of the impacts being in urban areas where finding space to implement restoration projects is more challenging.

Tables 7 and 8 compare compensation and restoration project locations between 2017 and 2023. At times restoration site selection rationale suggests locations outside the impacted municipality or watershed; this is decided by the Project Review Team. For example, between 2017-2023 there were forty-eight (48) restoration projects funded by compensation in Toronto:

- Forty-five (45) of the restoration projects were implemented within Toronto.

- Two (2) projects were implemented just outside of the Toronto boundary but within the same watershed.
- One (1) project, through agreement between TRCA, Toronto, and DFO, was applied to a restoration project in Ajax as both the impact and restoration sites are along the waterfront and related to coastal wetlands.

Table 7. Comparison of Compensation Source and Restoration Location by Municipality (2017-2023).

Municipality Where Restoration Occurred	Municipality where Compensation Project Occurred												# of Restoration Projects
	Ajax	Brampton	Caledon	King	Markham	Mississauga	Pickering	Richmond Hill	Toronto	Vaughan	Whitchurch-Stouffville	Outside TRCA	
Ajax	5						9		1				15
Brampton		18	2			1						3	24
Caledon			10										10
King				11									11
Markham					8								8
Mississauga						7							7
Pickering	2						76						78
Richmond Hill				4				6					10
Toronto									45				45
Vaughan				2					2	23		3	30
Whitchurch-Stouffville											2		2
# of Restoration Projects	7	18	12	17	8	8	85	6	48	23	2	6	240

Table 8. Comparison of Compensation Sources and Restoration Location by Watershed (2017-2023).

Watershed Where Restoration Occurred	Watershed where Compensation Project Occurred											# of Restoration Projects	
	Carruthers Creek	Don River	Duffins Creek	Etobicoke Creek	Frenchman's Bay	Highland Creek	Humber River	Mimico Creek	Petticoat Creek	Rouge River	Waterfront		Outside TRCA
Carruthers Creek	9												9
Don River		24				1					1		26
Duffins Creek			76		1						1		78
Etobicoke Creek		2		13				1					16
Frenchman's Bay			1		1								2
Highland Creek		3				4							7
Humber River		2					57			1		7	67
Mimico Creek							3	3					6
Petticoat Creek									4				4
Rouge River			2			1	2			13	1		19
Waterfront		2				3					1		6
# of Restoration Projects	9	33	79	13	2	9	62	4	4	14	4	7	240

Tables 9 and 10 provide additional information on the proximity of restoration compensation sites to losses across the jurisdiction. The average distance between an impact and restoration site within various municipalities and watershed between 2017 and 2023 remains unchanged at 3.6 km, and the maximum distance of 26.5 km resulted from the Toronto impact along the waterfront where restoration occurred elsewhere along the waterfront.

Table 9. Restoration Project Distance from Compensation Impact by Municipality 2017-2023.

Municipality	Average Distance (km)	Change from 2022	Maximum Distance (km)
Ajax	2.9	=	5.2
Brampton	2.6	=	11.1
Caledon	2.4	=	11.1
King	3.0	↓	16.3
Markham	5.4	↓	10.3
Mississauga	3.6	↓	11.5
Pickering	2.4	=	9.5
Richmond Hill	4.5	=	8.2
Toronto	5.5	=	26.5
Vaughan	4.3	↑	17.5
Whitchurch-Stouffville	8.9	=	8.9
Overall	3.6	=	26.5

Table 10. Restoration Project Distance from Compensation Impact by Watershed 2017-2023.

Watershed	Average Distance (km)	Change from 2022	Maximum Distance (km)
Carruthers	3.8	=	5.2
Don	3.6	↑	17.5
Duffins	2.5	=	9.5
Etobicoke	6.4	=	18.7
Frenchman’s Bay	2.5	=	4.6
Highland	8.2	=	17.6
Humber	3.1	↑	16.3
Mimico	2.6	↓	7.0
Petticoat	0.5	=	0.9
Rouge	6.2	=	26.5
Various	9.3	=	9.3
Waterfront	7.0	=	19.1
Overall	3.6	=	26.5

Goal 5: Efficiency and Timeliness

The Guideline directs that restoration should be achieved in a timely manner. This minimizes the time lag between the lost ecosystem functions and those that are provided by restoration implementation.

Targets for time lag goals were set in the 2019 program summary report.

- Time from receipt of cash-in-lieu funds to starting or initiating projects to be within 1 year
- Time from receipt of cash-in-lieu funds to project implementation to be within 2 years
- Time from receipt of cash-in-lieu funds to project completion to be within 7 years

Tables 11-13 indicate that TRCA has largely met these goals for 2017-2023, with some exceptions. Negative numbers in the time lag column indicate that restoration (planning and/or implementation) began prior to receiving funds and, in some cases, this is because of invoicing after works have been completed as per agreement. Implementation time lags beyond two (2) years are affected by the need to hold funds until sufficient funds have been received to complete a viable project, coordination of multiple projects in the same area with other implementors, and awaiting access to newly acquired lands to complete restoration. Time lags beyond four (4) years represent estimates of future activities and may be revised as restoration project implementation progresses. Timelines for meadow and SAR Bat restoration are not the same as for other ecosystem types as monitoring requirements range from 5 and 20 years.

Table 11. Time Interval Between Receiving Funds and Starting Restoration Project.

Time Lag (Years)	# of Projects	% of Projects
-10	1	1%
-5	1	1%
-4	1	1%
-3	1	1%
-2	10	10%
-1	22	23%
0	43	45%
1	12	12%
4	2	2%
5	3	3%
6	1	1%
Total	97	100%

} 94%

Table 12. Time Interval Between Receiving Funds and Restoration Project Being Implemented.

Time Lag (Years)	# of Projects	% of Projects
-7	1	1%
-1	1	1%
0	32	36%
1	25	28%
2	8	9%
3	8	9%
4	7	8%
5	6	7%
6	1	1%
Total	89	100%

} 75%

Table 13. Time Interval Between Receiving Funds and Compensation Project File Completion.

Time Lag (Years)	# of Projects	% of Projects
0	6	7%
1	11	12%
2	5	6%
3	4	4%
4	8	9%
5	17	19%
6	11	12%
7	12	14%
8	6	8%
9	2	2%
10	4	4%
11	2	2%
19	1	1%
Total	89	100%

Note: Greater than 4-year time lag represents estimate of future activities beyond 2023.

Some projects such as Meadows and SAR Bat projects have non-standard monitoring requirements from 5 to 20 years and do not fit the proposed implementation timelines.

Goal 6: Adaptability

Undertaking an adaptable management approach for compensation is important on a project and program basis. At the compensation project level, being adaptable is important as there are often multiple parties working toward complex solutions and no two projects are alike. As a result, it can be challenging to have a consistent one-solution approach to compensation. Adaptability is particularly important in urban restoration projects where there are multiple constraints that add uncertainty and threaten project viability and longevity (e.g., invasive species, soil compaction, urban storm runoff, etc.). Post-implementation assessments and monitoring are essential to understand the trajectory of a restoration project and to adapt maintenance to ensure that the target ecosystem functions are maximized.

At the program level, adaptation relates to seeking feedback from Guideline users; understanding gaps, deficiencies, or inconsistencies in how compensation decisions are tracked and executed; and making changes to ensure regulatory requirements are met in the best possible manner. Adaptation ensures that we integrate the lessons learned from working with the Guideline and Framework, so that the program can grow, become more robust and defensible, and achieve its goals.

Major adaptations that occurred during 2023 included the updates to the Guideline and Framework based on feedback from the 2022 review on the application of the documents.

DISCUSSION AND RECOMMENDATIONS

Based on the information presented above, the following sections outline key points with recommendations for the Ecosystem Compensation Program in 2024.

Goal 1: No Net Loss

Currently, compensation implementation specific to TRCA projects is achieving an overall net gain of natural feature area. However, this must be viewed cautiously since the results in this summary relate only to compensation projects where TRCA has received cash-in-lieu funding. Although this summary does not reflect the complete picture of compensation in the TRCA jurisdiction, it does provide an understanding around TRCA best practices and shows that in most cases TRCA is implementing enough off-site compensation projects to match the required losses where compensation is applied. Additionally, projects that are being implemented and assessed are achieving a high level of success and being maintained where challenges are noted on site.

The net gain identified in the results was achieved through project efficiencies. In other words, surplus funds remaining once restoration requirements were met on one project were used to provide value-added restoration (i.e., more natural features) to other projects. To address any deficits that arise, TRCA will continue to implement restoration projects in an efficient manner. Further assessment will be undertaken to determine if typical costs need to be updated to include watering costs for first year plantings and increased invasive species and pest control.

To capture the larger scope of losses and gains, TRCA will continue to look for opportunities to integrate the compensation database with other resources that could assist with tracking losses in the future. Collaboration between TRCA business units will continue toward more integration of data to improve communication and reporting.

Goal 2: Accountability

Accountability is a key element of the Ecosystem Compensation Program and TRCA continues to look for ways to improve tracking and reporting. TRCA will continue developing an internal playbook for tracking compensation on TRCA led projects to provide further clarity on ecosystem net balance equations.

Goal 3: Transparency

The Ecosystem Compensation Program has become more transparent since the adoption of the Guideline and the implementation of the Framework. As the program develops, it is important to determine if these mechanisms continue to demonstrate open and transparent lines of communication externally and internally. TRCA will continue to investigate opportunities for improved communications through database, dashboard, and website updates to ensure the goal of transparency is upheld.

Goal 4: Consistency

Although each file is different and negotiations could affect the outcome, staff continue to strive for consistency while applying the Guideline principles. TRCA also strives to achieve restoration within the same municipality and watershed as the original impact. This report shows that although there are exceptions to this rule, as agreed upon by the Project Review Team, TRCA successfully accomplishes this in most cases. When selecting a site for restoration, funds are directed first within the municipality and within the watershed second. With continued improvements to data tracking software in 2024, consistency will be improved as well.

Goal 5: Efficiency and Timeliness

The 2019 annual report on the Ecosystem Compensation Program set targets for efficiency and timeliness that TRCA will continue to strive for. The targets are referenced below and were developed by looking at the then-current time lags for the full set of restoration projects. The 2023 assessment (2017-2023) shows that TRCA achieved the follow percentages:

- 94% of projects were started or initiated within 1 year of receipt of funds; this is up slightly from 93% in 2022.
- 75% of projects completed implementation within 2 years of receipt of funds; this is up from 74% reported in 2022.
- 83% of projects were completed and funds were fully spent (including monitoring and maintenance) within 7 years of receipt of funds; this is down from 90% reported in 2022.

Projects that did not meet the restoration timeline targets were delayed for several reasons including, the need to hold funds until enough compensation is received to complete a viable project, coordination of multiple projects in the same area with other implementors, and awaiting access to newly acquired lands to complete restoration. Some projects such as Overall Benefit Bat and Bobolink projects have non-standard monitoring requirements of up to 20 years, which result in outliers that do not conform to a 5-year assessment period.

Goal 6: Adaptability

Compensation implementation is complex and can vary from file to file, so it can be a challenge to achieve a consistent approach with each proponent and/or regulatory agency. The Ecosystem Compensation Program needs to be adaptable to account for the complexities of each file and to ensure that significant changes can be incorporated into the program when required. These instances may include, but are not limited to, the following:

- New scientific understanding as it applies to ecosystem function and the impacts of natural feature losses
- Identifying specific deficiencies in the Ecosystem Compensation Program and taking actions for improvement
- Legislative and regulatory changes
- Collaboration and data sharing with other regulatory agencies that inform process change needs
- Feedback from proponents and municipalities that can inform process and communication improvements

- Undertaking comparative analysis of other jurisdictions' approaches to compensation to inform best practices and program changes
- Project monitoring results that identify a need to change restoration practices

The factors above have been critical to the development of the Guideline and the Framework, and TRCA will continue to assess performance, share information, acquire feedback, and use updated science to adapt and improve the program. Future adaptations will be outlined, assessed, and reported on in subsequent compensation summary reporting.

NEXT STEPS

The items outlined here will direct the focus for Program improvements over the course of 2024.

No Net Loss: TRCA will review the compensation typical costing to understand if added watering and invasive plants and pest control is warranted to further improve planting success rates. To help assess the net balance of compensation decisions, Compensation Database updates and integration across Divisions will continue. TRCA will further develop an internal playbook to direct how TRCA led projects (those that result in an impact and associated compensation) get tracked in the Compensation Database. TRCA will also look for ways to improve reporting with different software options.

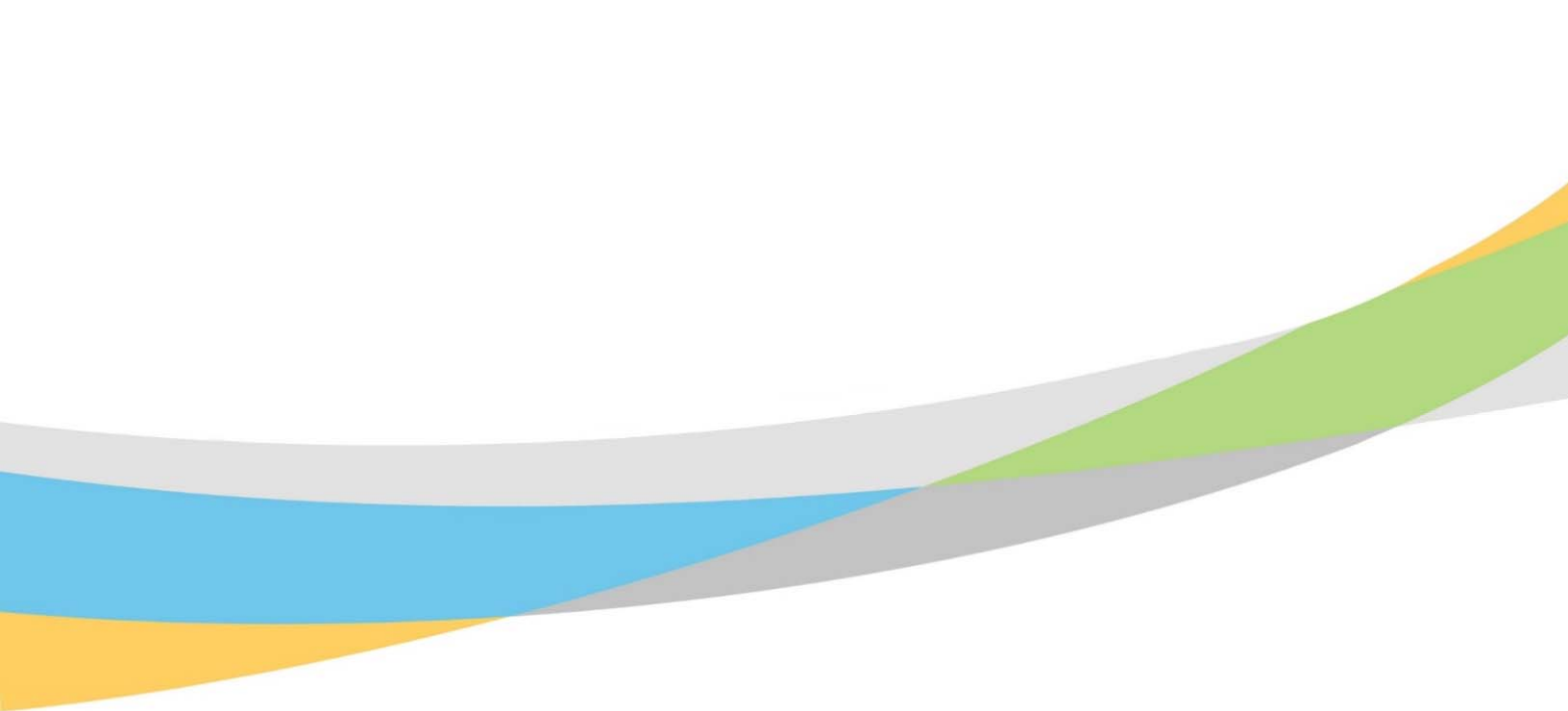
Accountability: Staff will continue to improve the Compensation Database to ensure it captures information required for file review and reporting. It is important that the information is easily accessible to both the Project and Program Review Teams as the annual Ecosystem Compensation Program summary report will depend on accurate outputs from the Compensation Database.

Transparency: TRCA will continue to review processes to determine if there are steps that can be taken to improve transparency of the Compensation Program in 2024 for our partners and compensation proponents, including potential for data presentation through a dashboard and updates to the TRCA website.

Consistency: The Program Review Team will continue to meet and discuss items that require clarity or adaptation so that TRCA can continue to implement compensation uniformly. Discussions will be held with other levels of government, including our municipal partners and other conservation authorities, to help ensure that compensation across southern Ontario is undertaken in a consistent manner while recognizing regional differences in development patterns and landscapes.

Efficiency and Timeliness: Compensation Database updates to automate summary report generation in 2024 will be investigated to improve the efficiency and timeliness of the program reporting next year. Increased access to Information Technology and Records Management (ITRM) resources will be required to support this.

Adaptability: The Ecosystem Compensation Program will continue to investigate improvements to tracking land base losses that occur without compensation in order to represent natural heritage system losses more accurately. Land base loss tracking improvements will be sought so that losses and gains can be tracked more effectively and compared to local Greenland Acquisition and Securement Strategies, thereby better capturing the net balance across TRCA's jurisdiction. Lastly, TRCA will continue to discuss and develop an internal playbook to track compensation requirements and results of TRCA led projects.



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Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Friday, March 22, 2024 Meeting

FROM: John MacKenzie, Chief Executive Officer

On behalf of Government & Community Relations

**RE: FINAL UPDATE AND PROGRESS REPORT ON MUNICIPAL
MEMORANDUMS OF UNDERSTANDING**

KEY ISSUE

To provide a final update to Toronto and Region Conservation Authority's (TRCA) Board of Directors on updating and developing new Memorandums of Understanding (MOUs) and other agreements with participating and partner municipalities in the context of the updated Conservation Authorities Act (CA Act) and regulations.

RECOMMENDATION:

THAT the Final Update and Progress Report on Municipal Memorandums of Understanding, be received;

THAT Board of Directors members work with the leadership of their municipalities to move forward municipally requested work with TRCA, as enabled under approved and executed MOUs with municipalities;

THAT the remaining municipal partners that have not already executed their advanced stage MOU's with TRCA be requested to do so;

AND FURTHER THAT the Clerk and Manager, Policy, circulate this report to TRCA's municipal partners, the Ministry of Natural Resources and Forestry (MNR), Conservation Ontario, neighbouring conservation authorities, and the Ministry of Municipal Affairs and Housing (MMAH).

BACKGROUND

Since 2015, the CA Act has been amended several times to provide further clarity and transparency surrounding the programs and services that conservation authorities (CAs) provide and the governance and operations of CAs. These amendments were undertaken through the Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139), the More Homes, More Choice Act, 2019 (Bill 108), the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 (Bill 229) and the More Homes Built Faster Act, 2022 (Bill 23). As a result of these amendments to the CA Act, CAs were required to execute MOUs with participating and partner municipalities for municipally requested non-mandatory programs and services, and cost apportioning agreements where funding by a participating municipality of other non-mandatory programs and services a CA has decided to provide to further the purposes of the CA Act. Regular updates have been provided to the Board of Directors including at the

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Board of Directors' meetings on February 26, 2021 (RES.#A26/21), June 24, 2021 meeting (RES.#A143/21), November 19, 2021 meeting (RES.#A224/21), March 23, 2023 (RES.#A52/23).

Finalized CA Act Phase 1 regulations, including the Transition Regulation, were released by the Ministry of Environment, Conservation and Parks (MECP) on October 1, 2021. A review of the Phase 1 regulations, including the Transition Regulation, and requirements for TRCA under these regulations are outlined in the TRCA report Finalized Phase 1 Regulations Under the CA Act, Environmental Registry of Ontario Posting (ERO #019-2986) (RES.#A211/21), at the Board of Directors meeting held on October 22, 2021, as well as in the update brought forward at the November 19, 2021 Board of Directors meeting (RES.#A224/21).

In accordance with the Transition Regulation, TRCA brought forward a Transition Plan for Board approval at the November 19, 2021 Board of Directors meeting (RES.#A224/21), a draft inventory of programs and services at the February 25, 2022 Board of Directors meeting (RES.#A8/22), and an updated inventory that incorporated input from participating municipalities, and MECP and MNRF, at the June 23, 2023 Board of Directors meeting (RES.#A 115/23). A finalized inventory was submitted to MNRF on January 25, 2024 (Attachment 1).

Finalized Phase 2 regulations were released on April 20, 2022, which set out requirements associated with the process for conservation authority budgets, the apportionment (formerly referred to as 'levy') to participating municipalities, the methodology for the determination of the apportionment amounts owed to the conservation authority from participating municipalities, and the public sharing of governance-related information, including the requirement to post high level parent MOUs with municipalities to a conservation authority's website. A detailed update on the Phase 2 regulations was brought forward at the June 24, 2022 Board of Directors meeting (RES.#A84/22).

TRCA also submitted all six required MOU progress reports, all within the timelines required by the Transition Regulation. These progress reports were brought forward as part of the quarterly MOU updates to the June 24, 2022 (RES.#A79/22), the September 23, 2022 (RES.#113/22), the November 10, 2022 (RES.#A176/22), the March 23, 2023 (RES.#A52/23), the June 23, 2023 (RES.#A 115/23), and the September 22, 2023 (RES.#A 151/23) Board of Directors meetings. There is no Provincial requirement for the current MOU update; however, TRCA staff have deemed it advisable to provide a final update the Board on the progress made in developing and executing MOUs with participating and partner municipalities to deliver Category 2 municipally requested services.

On October 25, 2022, the Province introduced Bill 23, the More Homes Built Faster Act, 2022 (Bill 23), which received Royal Assent on November 28, 2022. Bill 23 included changes to the CA Act to impose restrictions on non-mandatory review and commenting for certain applications, proposals and other matters that are made under prescribed

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Acts (e.g., Planning Act, Environmental Assessment Act, per O. Reg. 596/22). TRCA responses on the ERO to Bill 23 were brought to the January 13, 2023 Board of Directors meeting (RES.#A22/23). As previously noted in the MOU progress reports above, the legislative changes through Bill 23 do not affect other TRCA programs and services, nor the requirement to establish MOUs for the delivery of Category 2 municipally requested services.

RATIONALE

Comments or feedback from municipalities regarding the inventory:

As of July 25, 2022, TRCA had shared its first draft inventory with participating municipalities (Peel Region, York Region, City of Toronto, Durham Region, Town of Mono and Township of Adjala-Tosorontio), as well as with other partner local municipalities within TRCA's jurisdiction for comment. TRCA received comments only from participating municipalities and, based on these comments and on informational webinars held by MECP and MNRF, TRCA updated and received Board of Director approval on a revised draft inventory on June 23, 2023 (RES.#A 115/23). This updated inventory was shared with participating municipalities to help inform MOU discussions.

The updated draft inventory of programs and services (approved June 23, 2023) was well-received by municipalities within TRCA's jurisdiction. In general, municipal staff appreciated seeing their input incorporated into the inventory, particularly related to requests for the provision of additional context when components of services and programs fall into more than one category.

Between January 1, 2022 and December 11, 2023, TRCA had formal meetings with the following municipalities within our jurisdiction to present the draft inventory and to move forward MOU discussions:

- Region of Peel
- York Region
- City of Toronto
- Region of Durham
- Township of Adjala-Tosorontio
- Town of Mono
- City of Brampton
- Town of Caledon
- City of Mississauga
- King Township
- City of Markham
- City of Vaughan
- Town of Stouffville
- Town of Ajax
- City of Pickering
- Township of Uxbridge

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In addition, a number of less formal discussions occurred between TRCA and municipal staff across the jurisdiction on MOUs and on existing agreements for ongoing work. TRCA staff continue to work with municipal staff to ensure that TRCA's Category 2 work aligns with municipal needs.

A finalized inventory was submitted to MNRF on January 25, 2024, in accordance with the January 31, 2024 deadline set out in the Transition Regulation.

Summary of changes made to the inventory to address municipal comments:

TRCA staff updated the programs and services draft inventory based on feedback from participating municipalities and based on informational webinars held by MECP and MNRF. This updated inventory was shared in the fifth MOU Progress Report (Dated June 23, 2023, RES.#A 115/23), which outlines the additions and updates included. No additional changes were made to the finalized inventory submitted to MNRF on January 25, 2024, although some updates were made to the context-setting preamble to the inventory to provide further clarity on the rationale for the financial information used in the inventory.

Update on cost apportioning agreements:

TRCA does not anticipate a need to enter into cost apportioning agreements under Section 21.1.2 of the CA Act.

TRCA was pleased to receive Council approval and executed MOUs under Section 21.1.1 of the CA Act with all participating municipalities in our jurisdiction by the deadline of January 1, 2024. TRCA coordinated this work with other conservation authorities that share municipal jurisdictions with TRCA. A summary of the status of municipal MOUs and work to move them forward can be found in Attachment 2.

Difficulties experienced in developing agreements by the required transition date:

TRCA took a proactive response to developing required agreements with municipalities. As such, most municipalities within TRCA's jurisdiction were well acquainted with the need for developing agreements for municipally requested services within provincially required timeframes.

The Transition Regulation sets a deadline of January 1, 2024, for the execution of cost apportioning agreements with participating municipalities under Section 21.1.2 of the CA Act. TRCA also applied this deadline to the development and execution of MOUs and other agreements under Section 21.1.1 and worked with participating and partner municipalities to develop and execute MOUs in 2023. This is due to the benefits of entering into these agreements, the requirements of the budget process, as well as the fact that TRCA and municipal staff have already collaborated with many municipalities within our jurisdiction to develop advanced drafts of MOUs that were able to be finalized based on the Phase 2 regulations.

TRCA encountered challenges in meeting the January 1, 2024 deadline for municipal agreements due to the tabling and approval of Bill 23, which required TRCA to assess impacts to municipal and CA processes, roles, and responsibilities and created

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significant uncertainty for municipalities with respect to Category 2 programs and service due to the addition of subsection Sections 21.1.1(1.1) of the CA Act, which restricts conservation authorities from providing natural heritage conformity comments on behalf of municipalities when reviewing development applications. TRCA's work entering into an MOU with Peel Region, as well as MOUs with the City of Brampton, City of Mississauga, and Town of Caledon, was also impacted by the Hazel McCallion Act, which set a deadline of January 1, 2025 for the dissolution of Peel Region, and which resulted in confusion on the processes by which City of Brampton, City of Mississauga, and Town of Caledon would potentially assume the role of participating municipalities upon the dissolution or potentially revised structure of Peel Region. In both cases, significant municipal staff resources were also taken up in responding to these pieces of legislation, which then slowed the ability of municipalities to work with TRCA on developing MOUs. Additional details on the impact of Bill 23 and the Hazel McCallion Act on municipal MOUs can be found in the progress report from the September 22, 2023 (RES.#A 151/23) Board of Directors meeting. Despite these challenges Peel Region and City of Brampton executed their MOUs with TRCA and are already advancing numerous projects with TRCA under the updated MOU framework.

In addition to executing MOUs with all participating municipalities, TRCA has also executed MOUs with all local partner municipalities or has the MOU lined up for Council approval and/or execution, with the exception of the City of Vaughan. The City of Vaughan Council required an amendment to the MOU that contradicts TRCA's legislated mandatory roles related to the review of land use planning matters. As a result, TRCA is unable to sign a MOU with City of Vaughan until Council agrees to remove this amendment.

Staff did not seek with its participating municipalities any extension request. The prescribed criterion for requesting an extension is that additional time is required to conclude a cost apportioning agreement for any Category 3 programs to be included in the levy after the transition date, or to wind down a particular Category 3 program that will no longer be provided after the transition date which is not applicable to TRCA or our partners.

Additional updates:

TRCA worked closely with adjoining CAs and CAs that share municipal jurisdictions with TRCA in order to coordinate the MOU process as much as possible, and to facilitate a consistent level of service across municipal jurisdictions. Some participating municipalities within TRCA's jurisdictions, as well as participating municipalities and associated lower tier partner municipalities, also engaged in meetings with each other to share information, processes and their understanding of the MOU process.

While TRCA does not anticipate the future need to enter into cost apportioning agreements with participating municipalities for Category 3 programs and services, TRCA has also developed Category 3 MOUs and an agreement framework with non-municipal partner agencies and organizations including several provincial, federal, and City of Toronto agencies. In addition, TRCA is also exploring new or updated MOUs with key post-secondary institutions and school boards with which TRCA regularly collaborates or provides programming or services.

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Relationship to TRCA's 2023-2034 Strategic Plan

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

Pillar 4 Service Excellence:

4.2 Provide and manage an efficient and adaptable organization

Pillar 4 Service Excellence:

4.3 Responsive relationships and a trusted brand with a reputation for excellence

FINANCIAL DETAILS

There is no immediate financial impact due to carrying out the recommendations above. However, it should be noted that this undertaking involved significant time from staff in all divisions across the organization along with municipal partners. The process of undertaking agreements with municipalities related to municipally requested programs and services provided by TRCA under the amended CA Act, as well as with other external organizations, is expected to have positive financial impacts for TRCA based on the interest from most municipalities in providing funding and/or jointly seeking funding for a selection of TRCA service areas that support municipal areas of need and shared municipal and TRCA interests.

DETAILS OF WORK TO BE DONE

TRCA staff will continue to work closely with participating municipalities as part of the ongoing annual budget process to ensure that our Category 2 work reflects municipal needs, in accordance with the terms of the executed MOUs. TRCA will also continue to work with partner municipalities on moving forward projects and programs that align with both TRCA and municipal strategic priorities and interests.

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Date: February 23, 2024

Attachments: 2

Attachment 1: Final TRCA Programs and Services Inventory

Attachment 2: Municipal MOU Status Progress Table (February 23, 2024)

Attachment 1: Final Toronto and Region Conservation Authority Programs and Services January 2024

Preamble

Toronto and Region Conservation Authority (TRCA) has prepared the following final Inventory of Programs and Services to fulfill the requirements laid out in **O. Reg. 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act** under the *Conservation Authorities Act* ("Act").

This final version of TRCA's inventory of programs and services is a further iteration of the original draft inventory shared in February 2022, and the subsequent updated draft inventory shared in June 2023 with TRCA's Board of Directors, the Province, and participating municipalities. This final inventory reflects input provided by TRCA participating municipalities, as well as preliminary feedback provided by the Province to all conservation authorities requesting that the requirements of O. Reg. 687/21 be addressed with greater clarity and additional detail in some cases.

This Inventory outlines the following categories of programs and services offered by TRCA, organized in accordance with the following categories established under the Act:

- Category 1 – Mandatory programs and services under Section 21.1
- Category 2 – Municipally requested programs and services under Section 21.1.1
- Category 3 – Other programs and services under section 21.1.2

Due to the scope of TRCA's programs and services, the final inventory is a high-level summary of TRCA's programs and services organized by existing service areas that identifies a breakdown of Category 1, 2 and 3 services for each of the existing service areas.

Active TRCA accounts are largely the basis for this inventory. However, this Inventory also reflects services that TRCA has previously, and will likely provide again, to participating municipalities, other municipalities, and other public and private sector partners.

The financial breakdowns of services areas by Category 1, 2, and 3 are based on 2022 actual costs. Municipal, Federal/Provincial, non-governmental, and self-generated funding percentages are shown as percentages of the actual funding for each program/service in 2022. The percentage distribution of each program/service among Category 1, 2, and/or 3 is based on work that took place in 2022 and is the average for each program/service area. This percentage distribution is for TRCA's entire jurisdiction and may vary for different participating municipalities. As TRCA's annual revenue has grown over 60% in the past five years, it was deemed that a five-year average would not provide the best financial information available. Instead, 2022 financial information and percentage distributions were chosen as the most accurate methodology for the updated TRCA inventory, though it is recognized that this inventory represents a snapshot in time for the organization. This inventory, and associated financial information, represents TRCA's work across its entire jurisdiction.

Final TRCA Programs and Services Inventory (January 2024)

Service Area	Program /Service	Description	Category 1 Reference O. Reg. 686/21	Category* (% distribution considers all activities)	Cost* (2022)	Municipal	Fed/Prov	Non-gov	Self-gen
Watershed Studies and Strategies	Watershed Planning and Reporting	Comprehensive planning and reporting to assist municipalities by assessing risks related to natural hazard and natural resource management, developing strategies for the management of natural hazards (e.g., wetlands, rivers or streams, shoreline areas, unstable soils, etc.), including Watershed Based Resource Management Strategy and other implementation priorities.	Section 1 Subsection 12(3) Subsection 12(4)	1 – 40% 2 – 60%	\$1,851,000	99%	1%	0%	0%
Watershed Studies and Strategies	Climate	Projects and programs to understand risks associated with natural hazards and how they may be impacted by climate change, and to increase resilience of watersheds and natural systems, and assist municipalities address extreme weather and a changing climate.	Subsection 1(3) Subsection 1(4) Subsection 3(2)3	1 – 20% 2 – 80%	\$563,000	100%	0%	0%	0%

*Both Category % and Cost columns are based on funding and services delivered in 2022

Final TRCA Programs and Services Inventory (January 2024)

Service Area	Program /Service	Description	Category 1 Reference O. Reg. 686/21	Category* (% distribution considers all activities)	Cost* (2022)	Municipal	Fed/Prov	Non-gov	Self-gen
Water Risk Management	Water Resource Science	Engineering and technical services related to water resource management to support growth, flood management, including research, monitoring and analysis for internal and municipal data requirements. Manage risks associated with natural hazards. Promote public awareness of natural hazards. Provincial Groundwater Monitoring Program and Provincial Stream Monitoring Program.	Section 1(1)3 Subsection 2(2) Subsection 3(2) Subsection 12(1) Subsection 12(2)	1 – 95% 2 – 5%	\$3,096,363	82.97%	4.64%	4.46%	12.39%
Water Risk Management	Flood Management	Managing the risk posed by the natural hazard of flooding, including flood risk identification and mitigation to minimize the loss of life and property; operation of a Flood Forecasting and Warning Centre; flood remediation projects; flood control infrastructure.	Section 1(1)3 Subsection 2(2) Subsection 3(2) Section 4 Section 5 Subsection 5(1) Subsection 12(2)	1 – 90% 2 – 10%	\$5,612,073	73.91%	19.88%	0.81%	6.21%

*Both Category % and Cost columns are based on funding and services delivered in 2022

Final TRCA Programs and Services Inventory (January 2024)

Service Area	Program /Service	Description	Category 1 Reference O. Reg. 686/21	Category* (% distribution considers all activities)	Cost* (2022)	Municipal	Fed/Prov	Non-gov	Self-gen
Water Risk Management	Erosion Management	Managing the risk posed by the natural hazard of erosion, including protecting life and property from erosion and slope instability, and erosion identification, assessment and remediation services for TRCA owned assets, municipal, provincial and private property.	Section 1 Subsection 1(1)2 Subsection 1(2)1 Section 5 Subsection 5(1) Section 9 Section 10	1 – 80% 2 – 20%	\$90,112,872	84.61%	15.43%	0.75%	0%
Regional Biodiversity	Ecosystem Management Research and Directions	Ecosystem management research strategies, to assist with managing the risks posed by natural hazards, including related to the impacts of climate change, while responding to information needs and knowledge gaps identified internally or by partner municipalities.	Section 1 Section 9 Section 10 Section 12	1 – 20% 2 – 80%	\$1,429,393	89.05%	9.87%	1.68%	1.08%
Regional Biodiversity	Biodiversity Monitoring	Assesses and reports on terrestrial and aquatic biodiversity, restoration and management activities, understanding of invasive species prevalence and trends, to assist with managing natural heritage on TRCA lands and support watershed-based resource management strategy.	Section 1 Section 9 Section 10 Section 12	1 – 25% 2 – 75%	\$4,461,498	60.81%	4.60%	11.00%	34.59%

*Both Category % and Cost columns are based on funding and services delivered in 2022

Final TRCA Programs and Services Inventory (January 2024)

Service Area	Program /Service	Description	Category 1 Reference O. Reg. 686/21	Category* (% distribution considers all activities)	Cost* (2022)	Municipal	Fed/Prov	Non-gov	Self-gen
Regional Biodiversity	Restoration and Regeneration	Comprehensive and integrated environmental restoration services for TRCA owned assets, public sector partners and private clients. Protecting, conserving, rehabilitating and managing natural heritage, including the planting of trees (excluding commercial logging).	Subsection 9(1)2(iv)	1 – 20% 2 – 75% 3 – 5%	\$23,258,918	69.45%	6.91%	12.35%	23.65%
Regional Biodiversity	Forest Management	Comprehensive and integrated forest management, reforestation and restoration services to TRCA owned, municipal and regional partners and private property. Protecting, conserving, rehabilitating and managing natural heritage, including the planting of trees (excluding commercial logging).	Section 9 Subsection 9(1)	1 – 45% 2 – 20% 3 – 35%	\$1,656,326	88.25%	3.66%	0%	8.08%
Greenspace Securement and Management	Greenspace Securement	Conservation land acquisition for nominal consideration through Planning Act approvals; acquisition of strategic conservation lands to leverage natural systems and natural heritage protection. Development of policies regarding acquisition and dispositions of CA owned land. Prepare and maintain land inventory in accordance with regulatory requirements.	Section 9 Section 10 Section 11	1 – 100%	\$200,000	50%	0%	50%	0%

*Both Category % and Cost columns are based on funding and services delivered in 2022

Final TRCA Programs and Services Inventory (January 2024)

Service Area	Program /Service	Description	Category 1 Reference O. Reg. 686/21	Category* (% distribution considers all activities)	Cost* (2022)	Municipal	Fed/Prov	Non-gov	Self-gen
Greenspace Securement and Management	Greenspace Management	Land management and asset management for TRCA owned lands including, offering passive recreation on TRCA lands (i.e., trails, facilities and amenities that support public access and recreational activities in conservation areas that can be provided without direct support or supervision of CA staff) Monitoring and enforcement to maintain property owned by TRCA. Development of Conservation Area Strategy.	Section 9 Subsection 9(1) Section 10 Section 11	1 – 55% 2 – 35% 3 – 10%	\$4,328,936	69.62%	1.44%	4.46%	28.94%
Greenspace Securement and Management	Rental Properties	TRCA rents and leases certain of its properties for uses complementary to its mandate and the management of its landholdings.	N/A	3 – 100%	\$695,697	0%	0%	0%	100%
Tourism and Recreation	Waterfront Parks	As a significant waterfront landholder with jurisdictional authority over a portion of the Lake Ontario shoreline TRCA provides waterfront park development services to its municipal partners. As well as conducting environmental assessments on behalf of municipal and agency partners. Offering passive recreation on TRCA lands (i.e., trails, facilities and amenities that support public access and recreational activities in conservation areas that can be provided without direct support or supervision of CA staff).	Section 9 Subsection 9(1) Section 10	2 – 100%	\$9,351,600	100%	0%	0%	0%

*Both Category % and Cost columns are based on funding and services delivered in 2022

Final TRCA Programs and Services Inventory (January 2024)

Service Area	Program /Service	Description	Category 1 Reference O. Reg. 686/21	Category* (% distribution considers all activities)	Cost* (2022)	Municipal	Fed/Prov	Non-gov	Self-gen
Tourism and Recreation	Conservation Parks	TRCA manages ten conservation parks across nine watersheds that provide nature-based recreation within TRCA’s jurisdiction.	Section 9 Subsection 9(1) Section 10	1 – 20% 3 – 80%	\$5,622,090	19.33%	3.61%	0%	77.06%
Tourism and Recreation	Bathurst Glen Golf Club	Management and maintenance of golf recreation owned by Ontario Provincial Government and operated by TRCA.	N/A	3 – 100%	\$1,348,150	0%	10%	0%	90%
Tourism and Recreation	Village at Black Creek (formerly Black Creek Pioneer Village)	Management and maintenance of a historic village (Village on Black Creek) and museum within TRCA owned conservation lands.	Section 9 Subsection 9(1)	1 – 40% 3 – 60%	\$3,326,643	37.38%	8.44%	0%	54.17%
Tourism and Recreation	Trails	Site specific planning, development and trail management activities including nature-based recreation experiences, and offering passive recreation on TRCA lands (i.e., trails, facilities and amenities that support public access and recreational activities in conservation areas that can be provided without direct support or supervision of CA staff).	Section 9 Subsection 9(1)	1 – 20% 2 – 40% 3 – 40%	\$14,755,284	81.43%	5.04%	0.52%	13.53%
Tourism and Recreation	Events and Festivals	Indoor and outdoor accessible community event spaces for a variety of public events and festivals, delivered by TRCA or by public or private partners.	N/A	3 – 100%	\$325,450	0.51%	0%	0%	99.49%

*Both Category % and Cost columns are based on funding and services delivered in 2022

Final TRCA Programs and Services Inventory (January 2024)

Service Area	Program /Service	Description	Category 1 Reference O. Reg. 686/21	Category* (% distribution considers all activities)	Cost* (2022)	Municipal	Fed/Prov	Non-gov	Self-gen
Planning and Development Review	Policy Development and Review	Review of federal, provincial and municipal legislation; development of watershed-based science and integrated watershed resource management to inform policies and procedures for carrying out the duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Conservation Authorities Act and any regulations made under those Parts., including issuance and administration of permits, and enforcement and compliance.	Section 1 Section 6 Section 7 Section 8	1 – 100%	\$1,251,700	100%	0%	0%	0%
Planning and Development Review	Development Planning and Regulation Permitting	Review and comment on the risks related to natural hazards on proposals and applications made under the Planning Act and other prescribed acts, and carrying out the duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts., including issuance and administration of permits.	Section 1 Section 6 Section 7 Subsection 7(1) Subsection 7(2) Section 8	1 – 100%	\$7,851,280	0%	0%	0%	100%
Planning and Development Review	Environmental Assessment Planning and Permitting	Review and comment on the risks related to natural hazards on proposals and applications made under the Environmental Assessment Act, and other prescribed acts, and administration of permit applications made under the Conservation Authorities Act, as well as conducting environmental assessments on behalf of municipal and agency partners.	Section 1 Section 6 Subsection 6(1) Subsection 6(2)3 Section 8	1 – 100%	\$5,201,320	34.62%	21.76%	2.66%	43.62%

*Both Category % and Cost columns are based on funding and services delivered in 2022

Final TRCA Programs and Services Inventory (January 2024)

Service Area	Program /Service	Description	Category 1 Reference O. Reg. 686/21	Category* (% distribution considers all activities)	Cost* (2022)	Municipal	Fed/Prov	Non-gov	Self-gen
Education and Outreach	School Programs	Environmental education programs that complement provincial curriculum outcomes and objectives, including programs tailored for classroom, community, and TRCA field trip locations.	N/A	2 – 50% 3 – 50%	\$10,262,798	55.67%	0.69%	1.37%	43.64%
Education and Outreach	Family and Community Programs	Programming at various TRCA lands and facilities on matters related to environmental education and TRCA’s mandate.	N/A	3 – 100%	\$3,531,179	13.52%	68.48%	1.34%	18.00%
Education and Outreach	Newcomer Services	Integration and support services for new Canadians to settle socially, culturally, academically and economically into the Toronto region, including through in-class environmental educational programs at their English language learning center, cultural and faith events and outdoor education experiences.	N/A	2 – 50% 3 – 50%	\$1,225,327	14.69%	82.76%	0%	2.55%
Sustainable Communities	Community Engagement	Projects to engage residents, government, private sector and NGOs with the objective of achieving healthy ecosystems, community well-being and regional sustainability.	N/A	2 – 100%	\$3,151,548	97.68%	3.04%	8.07%	0%
Sustainable Communities	Living City Transition Program	Sustainability and resilience development programs and services including the Climate Consortium, Partners in Project Green, Sustainable Technology Evaluation Program, Rural Clean Water programs.	N/A	2 – 100%	\$5,475,312	88.84%	4.38%	8.57%	6.78%

*Both Category % and Cost columns are based on funding and services delivered in 2022

Attachment 2: Municipal MOU Status Progress Table (February 23, 2024)

Municipality	Initial Meeting or Discussions Held	Draft MOU Shared	Detailed Discussions Undertaken	Advanced MOU Development	MOU Approval and Execution
Adjala-Tosorontio	X	X	X	X	X
Mono	X	X	X	X	X
City of Toronto	X	X	X	X	X
Durham Region	X	X	X	X	X
Peel Region	X	X	X	X	X
York Region	X	X	X	X	X
Ajax	X	X	X	X	X
Pickering	X	X	X	X	X
Uxbridge	X	X	X	X	X
Brampton	X	X	X	X	X
Caledon	X	X	X	X	***
Mississauga	X	X	X	X	***
King	X	X	X	X	X
Markham	X	X	X	X	X
Richmond Hill	X	X	X	X	X
Vaughan	X	X	X	X	***
Stouffville	X	X	X	X	X

Provincial and Municipal Agencies

Create TO	X	X	X	X	X
Toronto Botanical Gardens	X	X	X	X	X
Infrastructure Ontario	X	X	X	X	
Metrolinx	X	X	X	X	X*
Hydro One	X	X	X	X	X

*A Service Level Agreement is in place with Metrolinx

*** No update at time of distribution