



Toronto and Region **Conservation** Authority

Board of Directors Meeting Revised Agenda

#4/19

April 26, 2019

9:30 A.M.

HEAD OFFICE, 101 EXCHANGE AVENUE, VAUGHAN

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1. **ACKNOWLEDGEMENT OF INDIGENOUS TERRITORY**
2. **MINUTES OF MEETING #3/19, HELD ON MARCH 29, 2019**
[Meeting Minutes Link](#)
3. **BUSINESS ARISING FROM THE MINUTES**
4. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
5. **DELEGATIONS**
 - 5.1 **DR. JESSICA HOPKINS, MEDICAL OFFICER OF HEALTH, REGION OF PEEL - PUBLIC HEALTH**
Smoke-Free Partnerships with Conservation Areas
6. **PRESENTATIONS**
 - 6.1 **TODD ERNST, CO-CHAIR, PARTNERS IN PROJECT GREEN**
Presentation pertaining to Agenda Item 8.2.
7. **CORRESPONDENCE**

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8.9 TRCA DRAFT COMMENTS TO ENVIRONMENTAL REGISTRY OF ONTARIO (ERO) FOCUSING CONSERVATION AUTHORITY DEVELOPMENT PERMITS ON THE PROTECTION OF PEOPLE AND PROPERTY (ERO #013-4992)

85

Toronto and Region Conservation Authority (TRCA) draft comments on the Government of Ontario's proposed amendments to the Conservation Authorities Act, 2017, and associated proposed implementing framework and regulations.

8.10 TRCA DRAFT COMMENTS TO ENVIRONMENTAL REGISTRY OF ONTARIO (ERO) PROPOSED AMENDMENTS TO GENERAL REGULATION 334 UNDER THE ENVIRONMENTAL ASSESSMENT ACT TO SUPPORT THE EFFICIENT DISPOSAL OF GOVERNMENT PROPERTY (ERO #013-4845)

100

Toronto and Region Conservation Authority (TRCA) draft comments on the Government of Ontario's proposed amendments to General Regulation 334 under the Environmental Assessment Act to exempt the disposal or severance of government-owned property from the requirements of the Public Work Class Environmental Assessment process.

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

10. MATERIAL FROM EXECUTIVE COMMITTEE MEETING

- Meeting #3/19, held on April 5, 2019 - [Meeting Minutes Link](#)

10.1 REQUEST FOR QUOTATION FOR SUPPLY AND DELIVERY OF VARIOUS AGGREGATES AT LAKEVIEW WATERFRONT CONNECTION PROJECT

Award of Request for Quotation (RFQ) No. 10009905 for The Supply and Delivery of 8500 Tonnes of 2 – 5 Tonne Stackable Armourstone and RFQ No.10009906 for The Supply and Delivery of 8000 Tonnes of 3 – 5 Tonne Non-Stackable Armourstone. (Exec Minutes p.5/70)

10.2 GREENLANDS ACQUISITION PROJECT FOR 2016-2020

Flood Plain and Conservation Component, Rouge River Watershed, Regional Municipality of York (CFN 35353). (Exec Minutes p.9/70)

10.3 2019 APPROVED MUNICIPAL APPORTIONMENTS

To receive endorsement from the Executive Committee on requested approval from the Board of Directors on the final 2019 municipal apportionments as approved by Toronto and Region Conservation Authority's (TRCA) partner municipalities' Councils to fulfill notice obligations under the Conservation Authorities Act. (Exec Minutes p.12/70)

10.4 PROCUREMENT SUMMARY

Receipt of the 2018 summary of procurements approved by the Chief Executive Officer or Designate, Executive Committee, or the Board of Directors. (Exec Minutes p.15/70)

10.5 VENDOR OF RECORD ARRANGEMENT FOR SUPPLY AND DELIVERY OF VARIOUS EROSION AND SEDIMENT CONTROL MATERIALS

Award of Request for Proposal (RFP) No. 10020448 for a Vendor of Record (VOR) arrangement for supply of various erosion and sediment control materials from May 1, 2019 to April 30, 2020. (Exec Minutes p.18/70)

10.6 FUNDING AND GRANTS PROGRAM – 2018 YEAR IN REVIEW

To provide information on the Funding and Grants program for the 2018 fiscal year, and to provide a status update on major TRCA and partner Disaster Mitigation and Adaptation Fund (DMAF) applications in 2019. (Exec Minutes p.21/70)

11. NEW BUSINESS

NEXT MEETING OF THE BOARD OF DIRECTORS #5/19, TO BE HELD ON MAY 24, 2019 AT 9:30 A.M. AT HEAD OFFICE, 101 EXCHANGE AVENUE, VAUGHAN

John MacKenzie, Chief Executive Officer

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Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/19, Friday, April 26, 2019

FROM: Derek Edwards, Director, Parks and Culture

RE: **SMOKING POLICY UPDATES - PROGRESS REPORT**

KEY ISSUE

Progress update regarding proposed revisions to Toronto and Region Conservation Authority's Smoking Policy beyond compliance with the recently updated Smoke Free Ontario Act (2017)

RECOMMENDATION

WHEREAS Toronto and Region Conservation Authority (TRCA) public use lands and facilities are situated across multiple municipal jurisdictions, are subject to several management agreements, and include lease and partnership agreements with various stakeholders;

AND WHEREAS TRCA's Smoking Policy ("the Policy") must consider the complexities of all applicable by-laws, existing partnership agreements, and all users and stakeholders;

THEREFORE, LET IT RESOLVED THAT the progress report regarding updates to TRCA's Smoking Policy (herein Policy) be received;

AND THAT staff report back prior to spring of 2020 with an updated Smoking Policy.

BACKGROUND

TRCA's area of jurisdiction comprises of 2,506 square kilometers (619,000 acres) of land, including management of the following public use lands and facilities across six (6) upper-tier and 15 lower-tier municipalities, and nine (9) watersheds:

- Albion Hills Conservation Area (CA) and Campground;
- Albion Hills Field Centre;
- Altona Forest;
- Bathurst Glen Golf Course;
- Black Creek Pioneer Village;
- Bolton Camp;
- Bolton Resource Management Tract;
- Boyd CA;
- Bruce's Mill CA;
- Claireville CA;
- Claremont Nature Centre;
- East Duffins Headwaters;
- Glen Haffy CA;
- Glen Rouge Campground;
- Heart Lake CA;
- Indian Line Campground;

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- Kortright Centre for Conservation (KCC);
- Lake St. George Field Centre;
- Nashville Conservation Reserve;
- Oak Ridges Corridor Park;
- Palgrave Forest and Wildlife Area;
- Petticoat Creek CA;
- Tommy Thompson Park; and
- Trail Systems (approx. 600 km)

As a provider of both indoor and outdoor education, recreation, and cultural activities to the public, the purpose of TRCA's Smoking Policy is to protect the public and conform to legislative requirements.

TRCA's Current Smoking Policy & Facility Practices

The current Smoking Policy was approved at Authority Meeting #3/04, held on March 26, 2004 as per Resolution #A85/04. The Policy was further revised by the CEO on March 19, 2015 in order to become compliant with the Smoke Free Ontario Act. On October 17, 2018, TRCA's CEO also updated the staff Code of Conduct to address cannabis in the workplace following the passing of Bill C-45, the Cannabis Act (Federal Act).

The Policy mandates compliance with the Smoke Free Ontario Act and bans all smoking at the following locations:

- All indoor TRCA facilities, buildings, enclosures, vehicles and motorized equipment;
- Anywhere food is being prepared;
- Within nine (9) metres from an entrance or exit door to any building;
- Directly in front or under a window of a building;
- Black Creek Pioneer Village except for in designated smoking areas;
- Within twenty (20) metres of children's playgrounds and fields allocated for athletic use; and
- Inside fenced off aquatic facilities (splash pads, pools, and surrounding family spaces)

The aforementioned bans ensure:

- Healthier recreational environment that promote physical activity, encourage personal development, and minimize exposure to tobacco and secondhand smoke;
- Less tobacco uses among child and adult visitors to park and recreational facilities;
- Cleaner facilities; and
- Fresh air, free from secondhand smoke and vapour

Proposed Updates

Updates to the Policy will consider municipal smoking by-laws, recommendations from applicable health units and boards of education. Additional considerations must also take into account locations where smoking is banned, TRCA's on-site partners, management agreements, the health and safety of all staff, special events, financial implications, and the available enforcement and education resources within the TRCA.

The feasibility of extending smoking bans across all public use lands with the exception of designated smoking areas and campsites will also be explored. TRCA has been working and consulting with Ontario Conservation Authorities (Essex Region, Upper Thames, Kettle Creek, Hamilton, and Halton) that have developed and are in the process of implementing smoke-free policies that limit smoking to designated spaces within conservation areas, staff areas, and

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camping sites. Overall, visitor response has been positive, with little need for enforcement when adequate resources are invested in public education.

DETAILS OF WORK TO BE DONE

TRCA will upgrade all existing signs to clearly ban the use of lighted tobacco, lighted cannabis and electronic cigarettes (i.e. vaping products) with the most recent provincial signs for smoke and vape free spaces in the spring and summer of 2019.

Over the 2019-2020 operating seasons, TRCA will be taking the following steps to inform changes to the existing Policy:

- Review of by-laws and policies of TRCA's partner municipalities and school boards to ensure that updates to the Policy address our partners' regulations;
- Consult with applicable health units and school boards regarding proposed updates;
- Explore the feasibility of only permitting smoking at designated smoking areas and campsites across all TRCA public use facilities and properties;
- Consult with TRCA's on-site business partners such as Tree Top Trekking, byPeterandPauls.com, special event organizers, etc. regarding proposed updates to the Policy;
- Consult with stakeholders currently leasing lands from TRCA;
- Review TRCA's existing land management agreements, for land managed by TRCA on behalf of a third party (i.e. Glen Rouge Campground, Oak Ridges Corridor Park) prior to implementing the proposed amendments; and
- Conduct stakeholder surveys over the span of a full operating season

Upon completion of the aforementioned steps, TRCA staff plan to bring the updated Smoking Policy to the Board for approval in the spring of 2020 or earlier, if ready.

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Date: April 15, 2019

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/19, Friday, April 26, 2019

FROM: Chandra Sharma, Director, Community Engagement and Outreach

RE: **PARTNERS IN PROJECT GREEN UPDATE**
Approval of Refreshed Strategy 2019-2023, Partners in Project Green Executive Management Committee Terms of Reference and membership

KEY ISSUE

To seek TRCA Board of Directors approval of *Partners in Project Green's Refreshed Strategy 2019-2023*, Partners in Project Green Executive Management Committee Terms of Reference and membership.

RECOMMENDATION

THAT the Partners in Project Green program update presented by Co-Chair Todd Ernst, Director, Aviation Infrastructure, Energy & Environment, Greater Toronto Airport Authority be received;

THAT the *Partners in Project Green Strategic Refresh 2019-2023* and *Executive Management Committee Terms of Reference 2019-2023*, as appended, be approved;

THAT the appointment of members to Partners in Project Green Executive Management Committee as outlined in the staff report, be approved;

AND FURTHER THAT the TRCA Board of Directors Administrative By-law (appendix 6, page 62) be updated with approved Partners in *Project Green Executive Management Committee 2019-2023 Terms of Reference*.

BACKGROUND

Partners in Project Green: A Pearson Eco-Business Zone was launched in 2008 by the Toronto and Region Conservation Authority (TRCA) and the Greater Toronto Airports Authority (GTAA), with support from the Regional Municipalities of Peel and York, the City of Toronto and from the nearby business community to transform the employment lands surrounding Toronto Pearson, and located within TRCA's Etobicoke-Mimico Creeks Watershed into an internationally recognized community of eco-friendly businesses.

For more than two decades, GTAA has maintained a strong partnership with TRCA to protect and enhance the Etobicoke-Mimico creeks, including implementing state-of-the-art stormwater management practices and completing habitat restoration activities.

The creation of Partners in Project Green (PPG) stemmed from an eco-business model recommendation identified in a 2006 joint TRCA and GTAA report that provided restoration strategies for the natural and aquatic systems surrounding Toronto Pearson.

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In 2008, the TRCA Board of Directors (then called the TRCA Authority) approved the implementation of Partners in Project Green: A Pearson Eco-Business Zone and the draft Terms of Reference for the Steering Committee, which included that the Steering Committee be a subcommittee of the TRCA Board of Directors.

At the TRCA Authority Meeting #6/08, held on July 25, 2008, Resolution #A184/08 was approved, in part, as follows:

“WHEREAS “Meeting the Challenge of Climate Change: TRCA Action Plan for the Living City” identifies the establishment of North America’s largest eco-business zone as a major climate change mitigation initiative;

WHEREAS Toronto and Region Conservation Authority (TRCA) is committed to taking immediate action to support communities and partners in dealing with the climate change issue;

THEREFORE LET IT BE RESOLVED THAT the key priorities contained in the draft Partners in Project Green Strategy, being eco-efficiency, resource re-utilization, renewable energy and green business development, be approved, in principle;

THAT the attached draft Terms of Reference for the Partners in Project Green Steering Committee be approved and staff be authorized to establish the Steering Committee to begin the implementation of key priorities;

...

AND FURTHER THAT the partners and supporters be formally recognized at the official project launch in early October, 2008 at the Toronto Pearson International Airport.”

Since its inception a decade ago, PPG has been guided by its 2008 strategy and its 2013 updated strategy. Since the 2013 Strategic Update, PPG has supported 2,500 partnership projects, which have diverted nearly 20,000 tonnes of waste from landfill, conserved 1.8 billion litres of water, and prevented 121,000 tonnes of carbon emissions.

After the successful implementation of the *Partners in Project Green: Strategy Update 2013*, the current PPG Executive Management Committee (EMC) agreed that a 5-year strategic refresh was required in order to improve the effectiveness of PPG programming and ensure that its objectives remain aligned with the evolving needs of its stakeholders to maximize PPG membership participation and value.

On the topic of program and governance strategic enhancements, PPG EMC at meeting #4/17 put forward the following motion:

“THAT upon completion of the 2016-2017 Executive Management Committee Term on Dec 31, 2017, the Executive Management Committee and all associated Performance Committees shall be renewed for one year to oversee strategic enhancements to Partners in Project Green.”

“THAT Staff report on proposed strategic enhancements at the next meeting of the Executive Committee;

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AND FURTHER THAT membership and terms of reference of the Executive Management Committee and Performance Committees be reviewed and revised as appropriate, based on strategic enhancements”

RATIONALE

Building on the success of Partners in Project Green’s (PPG) foundational strategy in 2008, *Partners in Project Green: Strategy*, and the *2013 Strategic Update*, this 2019-2023 PPG strategic refresh is designed to direct us over the next five years. With guidance from PPG’s executive management committee, participation from program staff, and input from our members, this strategic refresh allows for continuous improvement, increased flexibility and accountability, and broader membership engagement. It provides closer alignment with the Greater Toronto Airports Authority’s (GTAA) and partner municipalities’ (Regional Municipalities of Peel, York and Durham and the City of Toronto) goals and strategies, and with Toronto and Region Conservation Authority’s (TRCA) 2013-2022 Updated Strategic Plan – *Building The Living City*.

HIGHLIGHTS OF STRATEGIC REFRESH 2019-2023

- Adjusting our vision: it has been updated to reflect current language, evolution of membership and the identification of TRCA’s jurisdiction (e.g. expanded to employment lands across TRCA’s watersheds within the municipalities of Peel, York and Durham and the City of Toronto to align with Toronto Pearson’s employment zone)
- Aligning more closely with strategies and desired outcomes of TRCA’s 5-year update to its 2013-2022 Strategic Plan –*Building The Living City*, municipal plans and GTAA strategies
- Greater emphasis on conducting relevant research to support municipalities and the business community including research to support urban planning and development opportunities that unlock further growth, adoption of sustainability measures and green infrastructure on employment lands
- Increasing focus on sustainability impact and performance: there has been a move by members to target-setting and reporting to support closer alignment with regulatory reporting and aspirational international goals (e.g. provincial and federal reporting and United Nations’ sustainable development goals)
- Increasing flexibility in programming and increasing value proposition for members:
 - Maintain performance areas (e.g. water stewardship, waste management, energy performance, and communications and engagement), however adopt a “systems” approach to sustainability problem solving where feasible (e.g. energy-water and waste-water nexuses, and low carbon energy and transportation systems) and capture co-benefits such as air quality and social equity issues
 - Expand programming within these performance areas (e.g. low carbon transportation and increased mobility options within the energy performance area) to respond to member requests, changing policy, economic development and growth, and collective implementation opportunities
 - Deeper level of engagement through events, workshops, and expanded consortiums and working group and cluster models

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- Accelerating innovation through collaboration, engaging different stakeholders, and expanding business models (e.g. working with environmental, health and social not-for-profit organizations, businesses, and boards of trade)
- Improving fiscal sustainability by continuously diversifying funding sources and looking at new business models

HIGHLIGHTS OF REVISED TERMS OF REFERENCE (2019-2023)

Staff undertook an internal review of the 2016-2018 Terms of Reference including the roles and responsibilities of the Executive Management Committee (EMC) and Performance Committees. The goals of modifying governance structures are to empower contributors to apply diverse skill sets more effectively (focus on governance versus implementation), be more accountable to achieving program results, and derive greater value from participation. Recommendations were identified and have been incorporated into the new terms of reference (attached) and as an overview include:

- I. Maintain EMC leadership. As a subcommittee of the TRCA Board, EMC will continue to deliver on its key roles, especially in the areas of providing leadership and communication; reviewing/approving strategy & programs; reviewing/approving budget; and, monitoring overall priorities and performance of PPG. Opportunities for improvement include a review of KPIs for alignment with TRCA's 5-year update to *Building The Living City*, the TRCA 2013-2022 Strategic Plan and relevancy to members.
- II. Continue the Communications & Engagement Performance Committee and expand the mandate to ensure membership is reflective of PPG performance areas to increase collaboration. The Terms of Reference of this Committee to be established by the EMC.
- III. Establish sector specific Cluster and Working Group models as required to reflect interest from Partners in Project Green members. These models would be time bound, have flexible structures and allow for a wide range of participants from the PPG community, including from EMC. With a specific focus and/or collective impact project, the models ensure that the right person is present. As a public-private partnership, priority should be given to maintaining strong representation from business leaders and municipal governments while allowing flexibility in committee representation. The aim would be to maintain legacy partners while bringing in new voices on a regular basis.
- IV. Expand consortium models (e.g. waste, water, small-medium enterprises, transportation systems) to deeper member engagement and improve the financial health of PPG.

These changes will accomplish the following:

- Maintain leadership within PPG's executive management committee, while increasing the level of engagement and participation amongst the membership in expanded consortium and working group and cluster models
- Clearly define leadership and governance roles and responsibilities from program implementation roles and responsibilities

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- Offer flexibility within performance areas and more readily respond to changing governments, policies, and topics relevant to the business community
 - Reduce staff administration, both in terms of time and cost savings, to allow greater focus on programming within performance areas for members
-

2019 - 2023 PARTNERS IN PROJECT GREEN EXECUTIVE MANAGEMENT COMMITTEE MEMBERS

The following appointments have been confirmed for the 2019 - 2023 Partners in Project Green Executive Management Committee:

GTAA (1)

Todd Ernst, Director, Aviation Infrastructure, Energy & Environment (co-chair)

TRCA (1)

John Mackenzie, Chief Executive Officer

Business Leaders (8)

John Coyne, Vice President, General Counsel Unilever Canada (co-chair)

Michelle Brown, VP, Property Management Real Estate Services, Bentall Kennedy

Brad Chittick, President, Hydrogen Business Council

Erica Brabon, Director, Energy & Sustainability, Black and McDonald

Scott Pegg, Vice President, Infrastructure Advisory, Ernst & Young LLP

Maxx Kochar, Chief Business Officer, Silver Dart Group

Tim Faveri, VP Sustainability & Shared Value, Maple Leaf Foods

Teresa Schoonings, Bimbo Canada (Canada Bread), Senior Director, GR & Sustainability

Municipal Leaders (4)

Chris Fonesca, Peel Regional Councillor, City of Mississauga, Ward 3

Paul Vicente, Peel Regional Councillor, City of Brampton, Wards 1 & 5

Jim Karygiannis, City of Toronto Councillor, Ward 22

Jack Heath, Regional Councillor, City of Markham, Ward 5

Advisory Members (up to 5 optional seats, non-voting)

Learie Miller, Region of Peel

Doug Whillans, City of Brampton Councillor, Wards 2 & 6

Scott Hendershot, Program Lead – Sustainability, Pratt & Whitney Canada Corp

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 1 – Green the Toronto region's economy

Strategy 10 – Accelerate innovation

Strategy 12 – Facilitate a region-wide approach to sustainability

Strategy 7 – Build partnerships and new business models

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FINANCIAL DETAILS

This program is supported through a diverse mix of funding including municipal special levies, GTAA, business sponsorships, grants and fee-for service. PPG's average annual budget is ~ \$1,100,000. PPG's co-management model with the business community (executive level participation, financial and in-kind contributions) along with municipal staff and politicians has had an exceptional track record of securing in-kind support and self-generating revenues from both the public and private sectors. Approximately 40-45% % of PPG's annual revenue is linked to municipal support with the remaining coming from the private and public sector (sponsorships, grants and fee-for-service contracts).

DETAILS OF WORK TO BE DONE

- Communicate the Partners in Project Green: Strategic Refresh 2019-2023 to its members.
- Launch the implementation of strategic priorities and assess priorities against proposed budget.
- Host the first meeting of the Executive Management Committee (2019-2023) in May 2019.

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3/8/2019

Attachments: 2

Attachment 1: 2019-2023 Terms of Reference: Partners in Project Green Executive Management Committee.

Attachment 2: Partners in Project Green: Strategic Refresh 2019-2023



2019-2023 Terms of Reference: *Partners in Project Green Executive Management Committee*

1. Background

Partners in Project Green: A Pearson Eco-Business Zone was launched in 2008 by the Toronto and Region Conservation Authority (TRCA) and the Greater Toronto Airports Authority (GTAA), with support from the regional municipalities of Peel and York, City of Toronto, and from the business community to create North America's largest eco-business zone focused on driving environmental action and economic prosperity.

Developed to achieve watershed protection and aquatic ecosystem health within industrial, commercial and institutional (IC&I) lands, a major land use in TRCA's urbanized watersheds, Partners in Project Green was intended to facilitate the engagement of partner municipalities and important IC&I stakeholders, acting as a catalyst to mobilize business communities within employment areas. Municipalities and businesses were not only encouraged to implement environmental projects in their own facilities but also to set community targets, overcome common challenges, and take on collective initiatives in the public and private realm at varying scales.

In 2008, the TRCA Board of Directors (then called the TRCA Authority) approved the implementation of Partners in Project Green: A Pearson Eco-Business Zone and the draft Terms of Reference for the Steering Committee, which included that the Steering Committee be a subcommittee of the TCRA Board of Director.

At the TRCA Authority Meeting #6/08, held on July 25, 2008, Resolution #A184/08 was approved, in part, as follows:

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...

AND FURTHER THAT the partners and supporters be formally recognized at the official project launch in early October, 2008 at the Toronto Pearson International Airport.”

Since 2008, Partners in Project Green (PPG) has engaged hundreds of businesses around the Pearson Airport – one of Canada’s largest employment hubs with the second highest concentrations of jobs in the Greater Toronto and Hamilton Area – and across TRCA’s partner municipalities’ employment lands.

The PPG Executive Management Committee was established in response to a recommendation in the approved *Partners in Project Green: Strategy* in 2008 and later updated in 2013. The previous governance committees have been effective in driving meaningful actions and innovation throughout the Pearson Eco-Business Zone and beyond. The governance structure as outlined in these Terms of Reference and *Partners in Project Green: Strategy Refresh 2019-2023* allows for continuous improvement, flexibility, increased membership engagement and effective committee management.

2. Vision

The vision of Partners in Project Green is to transform the Pearson Eco-Business Zone into an internationally recognized community of leaders advancing environmental action and economic prosperity across the Greater Toronto Area.

3. Executive Management Committee

3.1 Mandate

Reporting to the TRCA Board of Directors, the Executive Management Committee (EMC) is established as a subcommittee to the TRCA Board of Directors with the purpose of:

- assisting businesses in the Pearson Eco-Business Zone and beyond to help improve their environmental performance while at the same time as improving costs;
- retaining and attracting clean and more environmentally friendly investments in the Pearson Eco-Business Zone and beyond; and,
- acting as a catalyst for new ideas, innovation, excellence and improvement in the employment lands, with a focus on reducing environmental impacts, encompassed by the Pearson Eco-Business Zone and beyond.

3.2 Roles & Responsibilities

Specifically, the Executive Management Committee will be primarily responsible for:

- providing leadership and communication among Partners in Project Green members and supporters;
- acting as an ambassador for Partners in Project Green;
- reviewing and approving the Partners in Project Green strategy and programs as required;

- reviewing and approving the Partners in Project Green budget;
- monitoring overall Partners in Project Green priorities and performance;
- publishing an annual report; providing legal, governance and issue-resolution guidance relating to Partners in Project Green activities; and,
- reporting to the TRCA Board of Directors on budget and program performance and new strategic direction of PPG.

Secondary responsibilities shall include:

- facilitating access to strategic partners and advisors;
- where appropriate, serving as a resource and contact for media and government relations inquiries;
- appointing Chairs to any Subcommittees; and
- facilitating, initiating and directing resources to Subcommittees.

3.3 Structure

Supported by the Partners in Project Green Secretariat (Section 6), the PPG Executive Management Committee will have a Chair and Vice-Chair (or two Co-Chairs at the discretion of the Committee), and will be comprised of fourteen (14) Voting and as many as five (5) Advisory Members.

3.3.1 PPG Executive Management Committee Voting Members

The Executive Management Committee will consist of fourteen (14) Voting Members including the Chair and Vice-Chair, senior-level representatives of the founding agencies (TRCA, GTAA, regional municipalities of Peel and York and the City of Toronto), strategic partners, members of the business community and a number of government representatives as follows:

- **GTAA** (one (1) voting representative and is Chair or Co-Chair of the Executive Management Committee)
 - One voting member will be selected from the executive leadership team at the GTAA.
- **Business Community Leaders** (Maximum of eight (8) voting representatives)
 - Seven members drawn from representatives of the Pearson Eco-Business Zone business community.
- **TRCA** (one (1) voting representative)
 - Chief Executive Officer or the Director of Community Engagement and Outreach.
- **Municipality Leaders** (Four (4) voting representatives)

- Two representatives (Councillor or Designate) from the Region of Peel and one each from the municipalities financially supporting PPG programming (City of Toronto and the Regional Municipality of York).

3.3.2 **Executive Management Committee Advisory Members** (Maximum of five (5) non-voting representatives)

In addition to Voting Members, Advisory Members can be invited to join the Executive Management Committee and support its activities.

- **Federal, Provincial and/or Municipal Governments**

- Member of Provincial Parliament, Member of Parliament, local municipal representative, and/or senior staff representatives from all levels of government may be invited to participate.

- **Business Community**

- Sector-based expert advisors may be drawn from the Pearson Eco-Business Zone, representatives of the business community, and/or industry associations.

3.4 **Appointment Process**

Membership on the PPG Executive Management Committee will be drawn from organizations with connections to the Pearson Eco-Business Zone based on the following criteria:

- *Involvement with Partners in Project Green* – the organization must be a formal member of Partners in Project Green; and,
- *Sector* – whether the organization represents a critical sector within the Pearson Eco-Business Zone; or
- *Organizational leadership on sustainability* – whether the organization has shown sustainability leadership; or
- *Location* – whether the organization is operating and/or has a connection to the Pearson Eco-Business Zone.

PPG Executive Management Committee members will be appointed for a two-year, renewable term by the TRCA Board of Directors.

Municipalities and other levels of governments will be formally requested to make appointments and all proposed voting appointments will be presented to the TRCA Board of Directors for formal approval. The PPG Executive Management Committee may invite up to five Advisory Members at their discretion.

The Co-chair or Vice-Chair will be elected by the members of the PPG Executive Management Committee when the position becomes vacant.

Delegation of Committee roles & responsibilities shall not be encouraged, and managed by exception.

3.5 Chair and Vice-Chair

The Executive Management Committee Chair and Vice-Chair (or Co-Chairs) will provide leadership in building a shared vision and community commitment for moving forward with a blueprint for action. The Chair will have the following additional responsibilities:

- being the primary spokesperson for Partners in Project Green at public and official functions;
- presiding over Executive Management Committee meetings, setting the agenda and generally ensuring the effectiveness of meetings;
- recruiting Subcommittee members and sector-specific cluster, working group or consortium members; and
- facilitating progress on Partners in Project Green initiatives in collaboration with sector-specific cluster, working group or consortium chairs.

In the absence of the Chair, the Vice-Chair will perform the above functions.

3.6 Meetings

The Executive Management Committee will meet at least four (4) times per year, roughly every three (3) months. Meetings are anticipated to be approximately two (2) hours in length – at the discretion of the Executive Management Committee – and an agenda will be distributed in advance of meetings.

Members commit to attending scheduled Executive Management Committee meetings.

It is anticipated that members will commit at least four (4) days per year to prepare for and attend Executive Management Committee meetings. The Chair will have the discretion to call additional conference call meetings, if required.

3.7 Reporting

The PPG Executive Management Committee is responsible for reporting to the TRCA Board of Directors on PPG budget and program performance and new strategic direction of PPG.

The PPG Executive Management Committee is a subcommittee of the TRCA Board of Directors and will update the TRCA Board of Directors on the status of Partners in Project Green initiatives at least once a year or more, and provide updates to municipal councils and the GTAA board as requested.

3.8 Quorum & Governance

A quorum will consist of voting members in numbers greater than or equal to one-third of the total number of voting members on the Executive Management Committee, including at least one of the Chair/Vice-Chair or Co-Chairs.

Consensus-based decision making will be the preferred procedure. Formal decisions will be based on a simple majority vote. In the event of a tie, the presiding Chair/Vice-Chair or Co-Chair of the meeting will cast the deciding vote.

TRCA Code of Conduct and the 2019 Procurement Policy will be adhered to.

4. Subcommittees

4.1 Mandate

Subcommittees may be established by the Executive Management Committee. Subcommittees will be task-oriented and formed based on PPG Executive Management Committee priorities to:

- Contribute to the realization of the Partners in Project Green vision and Executive Management Committee mandate;
- Provide strategic guidance on PPG activities as a whole;
- Contribute to the successful development and implementation of new and existing Partners in Project Green programs and initiatives;

The Subcommittee Chair and Vice-Chair will be each from the business community and/or municipal representatives taken from the PPG Executive Management Committee.

Roles and responsibilities of Subcommittees will be determined by the PPG Executive Management Committee.

5. Sector-specific Clusters, Working Groups and Consortiums

5.1 Mandate

Sector-specific Clusters, Working Groups and Consortiums are formed by PPG staff to respond to strategic direction from the Executive Management Committee, Partners in Project Green members and/or to support the Partners in Project Green performance areas (e.g. energy, water, waste). These Sector-Specific Clusters, Working Groups and Consortiums would be time bound, have flexible structures and allow for a wide range of participants from the PPG community. The roles and responsibilities of these groups would be developed by staff and are designed to:

- provide value and engagement opportunities for our broader membership;
- advance the objectives of our performance areas related to reducing impacts on the natural environment;
- identify potential new performance areas; and

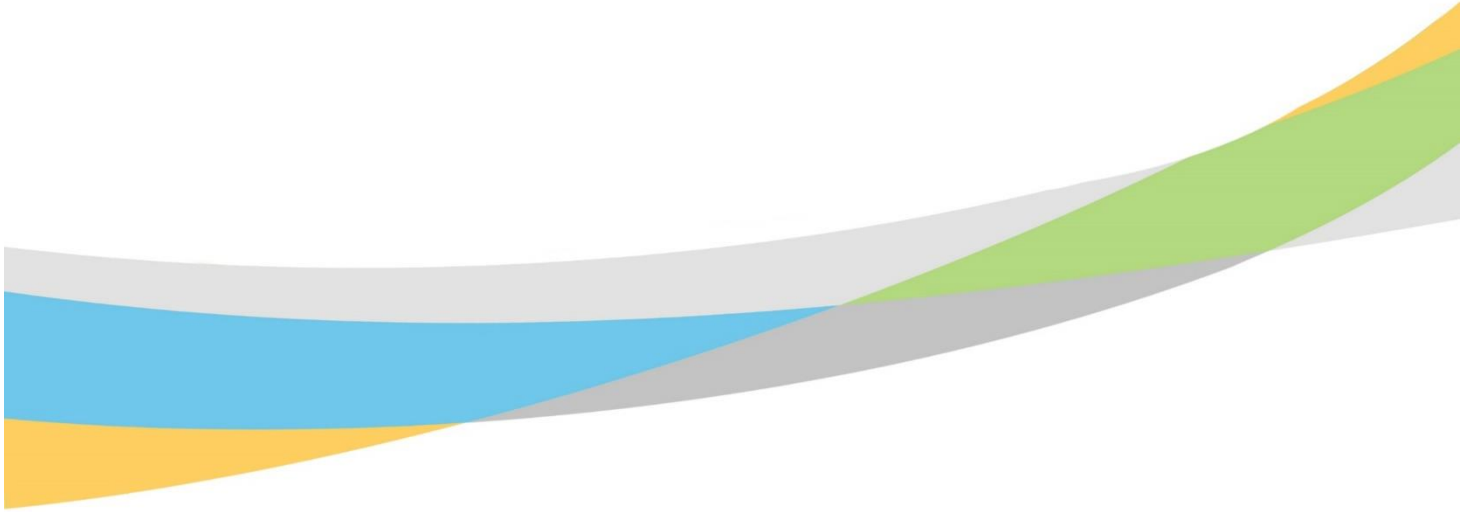
- result in collective action that advance new technologies or project implementation that lead to improvements to the natural environment.

6. PPG Secretariat

The PPG Executive Management Committee, Subcommittees and their Chairs, and Sector-specific Clusters, Working Groups and Consortiums will be supported by a secretariat led by TRCA staff. The PPG Secretariat will provide facilitation, project and program development and implementation, research and policy analysis, administrative and recruitment support, financial program stability and communications.

7. Funding

PPG Executive Management Committee and Subcommittee members will contribute their expertise as in-kind services. Compensation for transportation will be provided for attendance at meetings according to TRCA policy where these are not covered by their agency or other source. Core funding for Partners in Project Green will come from both public and private sector organizations, with specific funding for programs and projects being sought from a variety of funding sources. Grants from senior levels of government will be pursued by PPG Secretariat through the TRCA Grant Centre. Volunteers to support program delivery may also be pursued through TRCA's Volunteer Policy.



Partners in Project Green: Strategy Refresh 2019-2023

Prepared by Dianne Zimmerman

April, 2019

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INTRODUCTION

Building on the success of Partners in Project Green's (PPG) foundational strategy in 2008, *Partners in Project Green: Strategy*, and the *2013 Strategic Update*, this 2019-2023 PPG strategic refresh is designed to direct us over the next five years. With guidance from PPG's executive management committee (EMC), participation from program staff, and input from our members, this strategic refresh allows for continuous improvement, increased flexibility and accountability, and broader membership engagement. It provides closer alignment with the Greater Toronto Airports Authority's (GTAA) and partner municipalities' (Regional Municipalities of Peel, York and Durham and the City of Toronto) goals and strategies, and with Toronto and Region Conservation Authority's (TRCA) 2013-2022 Updated Strategic Plan – *Building The Living City*.

HISTORY OF PARTNERS IN PROJECT GREEN

Partners in Project Green: A Pearson Eco-Business Zone was launched in 2008 by TRCA and the GTAA, with support from the regional municipalities of Peel and York, the City of Toronto, and the nearby business community to create North America's largest eco-business zone focused on driving environmental action and economic prosperity.

Developed to achieve watershed protection and aquatic ecosystem health within industrial, commercial and institutional (IC&I) lands, a major land use in TRCA's urbanized watersheds, PPG was intended to facilitate the engagement of partner municipalities and important IC&I stakeholders, acting as a catalyst to mobilize business communities within employment areas. Municipalities and businesses were not only encouraged to implement environmental projects in their own facilities, but to also set community targets, overcome common challenges, and take on collective initiatives in the public and private realms at varying scales to help achieve watershed target objectives in the Etobicoke & Mimico Creek watershed plans.

Since 2008, PPG has engaged hundreds of businesses around Toronto Pearson, one of Canada's largest employment hubs with the second-highest concentration of jobs in the Greater Toronto and Hamilton Areas, and across TRCA's partner municipalities' facilities and employment lands. Since the 2013 Strategic Update, PPG has supported 2,500 projects, which have diverted nearly 20,000 tonnes of waste from landfill, conserved 1.8 billion litres of water, and prevented the creation of 121,000 tonnes of carbon emissions.

As part of the development of this strategic refresh, PPG considered policies, issues and trends in the Greater Toronto Area (GTA) as well as opportunities to support municipal, provincial and federal priorities.

HIGHLIGHTS OF STRATEGIC REFRESH 2019-2023

Leveraging our past experience, managing our watershed planning targets and the evolving nature of our membership and their corporate sustainability goals, we have made moderate, yet important, changes to this strategy. Highlights of the strategic refresh include:

- Adjusting our vision: it has been updated to reflect current language, evolution of membership and the identification of TRCA's jurisdiction (e.g. expanded to employment lands across TRCA's watersheds within the municipalities of Peel, York and Durham and the City of Toronto to align with Toronto Pearson's employment zone)
- Aligning more closely with strategies and desired outcomes of TRCA's 5-year update to its 2013-2022 Strategic Plan – *Building The Living City*, municipal plans and GTAA strategies
- Putting greater emphasis on conducting relevant research to support municipalities and the business community including research to support urban planning and development opportunities that unlock further growth, adoption of sustainability measures and green infrastructure on employment lands

- Increasing focus on sustainability impact and performance: there has been a move by members to target-setting and reporting to support closer alignment with regulatory reporting and aspirational international goals (e.g. provincial and federal reporting and United Nations' sustainable development goals)
- Increasing flexibility in programming and increasing value proposition for members:
 - Maintain performance areas (e.g. water stewardship, waste management, energy performance, and communications and engagement), however adopt a "systems" approach to sustainability problem solving where feasible (e.g. energy-water and waste-water nexuses, and low carbon energy and transportation systems) and capture co-benefits such as air quality and social equity issues
 - Expand programming within these performance areas (e.g. low carbon transportation and increased mobility options within the energy performance area, and single use plastics within the waste performance area) to respond to member requests, changing policy, economic development and growth, and collective implementation opportunities
 - Deeper level of engagement through events, workshops, and expanded consortium and working group and cluster models
- Accelerating innovation through collaboration, engaging different stakeholders, and expanding business models (e.g. working with environmental, health and social not-for-profit organizations, businesses, and boards of trade)
- Improving fiscal sustainability by continuously diversifying funding sources and looking at new business models

BACKGROUND RESEARCH

To inform the development of PPG's strategic refresh 2019-2023, staff conducted a series of surveys, assessments and interviews with members and stakeholders over the course of 2018 including:

- Interviews with PPG's EMC and performance area committee members
- Membership surveys of current and past PPG members
- Review of TRCA's 5-year update to 2013-2022 Strategic Plan – *Building The Living City*, municipal strategic plans and GTAA's strategic goals and priority actions
- Assessment of PPG governance committees and terms of reference with the support and input from the PPG's EMC, GTAA and TRCA staff input via focused charrettes and working sessions

VISION

The vision of Partners in Project Green is to transform the Pearson Eco-Business Zone across the Greater Toronto Area into an internationally-recognized community of leaders advancing environmental action and economic prosperity.

ALIGNMENT WITH TRCA STRATEGY

Several key factors have been taken into consideration while developing the PPG strategic refresh to ensure that it not only meets the goals of PPG and the broad, long-term goals of our stakeholders, but also fulfils the mandate of TRCA. The opportunity to further align PPG's strategic refresh with TRCA's strategy, presented itself during the development of TRCA's 5-year Update to 2013-2022 Strategic Plan – *Building The Living City* which was published in 2019.

As such, we have identified PPG-specific initiatives, activities and projected accomplishments, along with our performance areas that support nine out of 12 TRCA strategies in Appendix A.

The projected accomplishments of PPG and its members will be measured through a variety of performance metrics. Additional refinement of these metrics and/or additional metrics will be approved by the PPG EMC. The introduction of member reporting will also help to benchmark, track and report on relevant outcomes. PPG's initial metrics¹ will include:

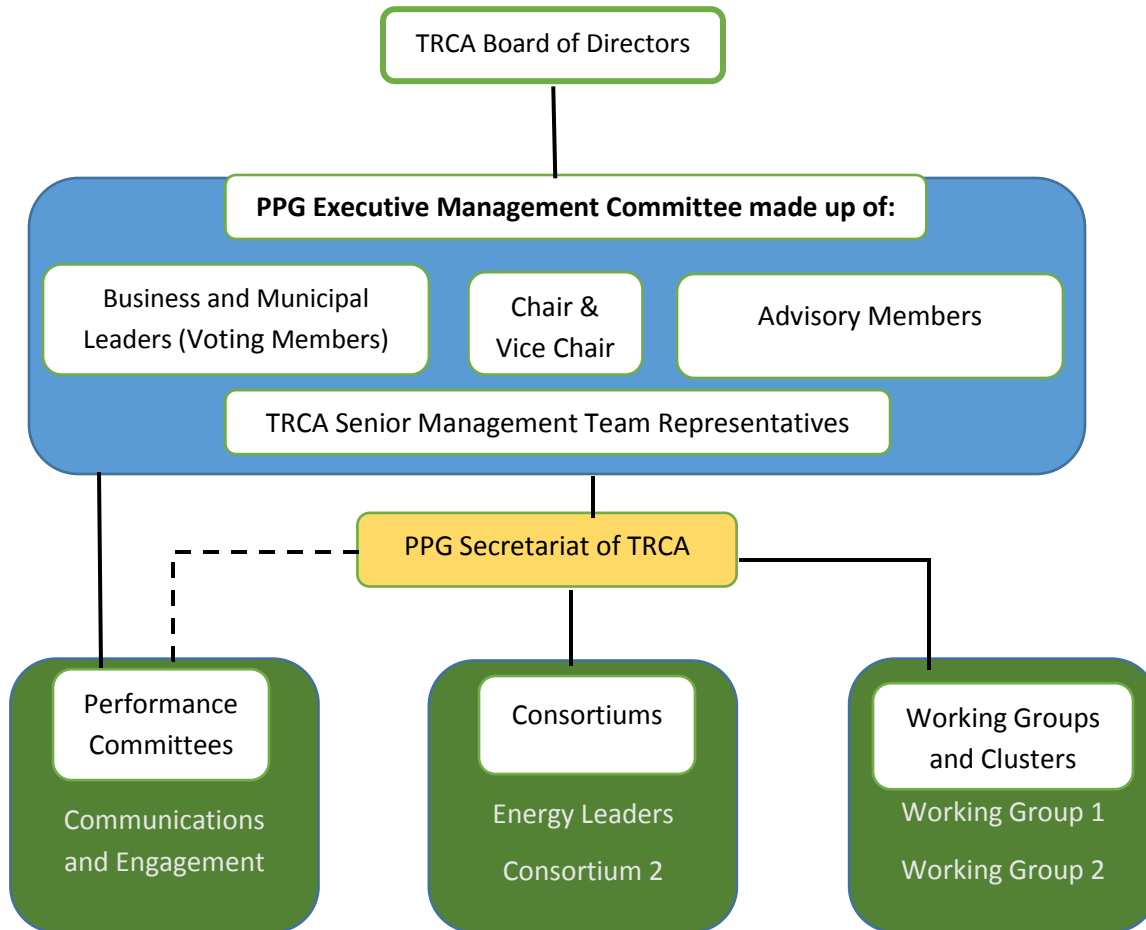
- # tonnes of material avoided from landfill
- # tonnes CO₂e reduced
- # litres of water reduced
- # of organizations reached
- # of individuals reached
- # of projects implemented
- # of members
- % of self-generated revenue

GOVERNANCE AND PROGRAM DELIVERY STRUCTURE

Implementing the vision and activities detailed in this strategic refresh are made possible through amendments to performance area program delivery and management structures. The goals of modifying these structures are to empower contributors to apply diverse skill sets more effectively (governance versus implementation), be more accountable to achieving performance results, and derive greater value from participation. These modifications are designed to:

- Maintain leadership within PPG's EMC, while increasing the level of engagement and participation amongst the membership in expanded consortium and working group and cluster models
- Clearly define leadership and governance roles and responsibilities from program implementation roles and responsibilities
- Offer flexibility within performance areas and more readily respond to changing governments, policies, and topics relevant to the business community
- Reduce staff administration, both in terms of time and cost savings, to allow greater focus on programming within performance areas for members

¹ Data is collected and verified in a variety of ways. Information is collected by PPG staff or provided to PPG staff by member organizations.



Governance: PPG Executive Management Committee (EMC)

As a subcommittee of the TRCA Board of Directors, the PPG EMC continues to deliver on its key roles, especially in the areas of providing leadership and communication; reviewing and approving strategy, programs, and budgets; and, monitoring overall priorities and performance of PPG. The PPG EMC's mandate is to:

- Assist businesses in the Pearson Eco-Business Zone and beyond to improve their financial and environmental performance
- Retain and attract green investment in the Pearson Eco-Business Zone and beyond
- Act as a catalyst for new ideas, innovation, excellence, and improvement in the employment lands encompassed by the Pearson Eco-Business Zone and beyond

The PPG EMC will consist of 14 voting members including the chair and vice-chair (or co-chairs), senior-level representatives from GTAA, TRCA and of TRCA's municipal partners (e.g. regional municipalities of Peel, York and Durham, and the City of Toronto), strategic partners, members of the business community and a number of government representatives. The PPG will also have up to five advisory members.

Additional details about the roles and responsibilities of the PPG EMC are outlined in the 2019-2023 Executive Management Committee Terms of Reference.

Communications and Engagement Performance Committee

The communications and engagement performance committee continues to report to the EMC and has both municipal and senior level business representation. Membership on this committee includes select members of the EMC and is reflective of PPG performance areas for increased collaboration and representation.

Working Groups and Clusters

Working groups and clusters are managed by the PPG Secretariat at the staff level and they are designed to support existing PPG performance areas (e.g. water stewardship, waste management, energy performance). Additional working groups and clusters may be formed based on membership interest for collective impact projects, emerging issues, and to develop new capacity for advancing sustainability innovation. They are time bound, have flexible structures, and allow for a wide range of participants from the PPG community, including EMC. With a specific focus, whether it's a sustainability topic or a collective impact project, the working group and cluster model ensures that the right stakeholders are present. As a public-private partnership, priority is given to maintaining strong representation from business leaders and municipal governments, while allowing flexibility in broader committee representation. The aim is to maintain legacy partners, while bringing in new voices on a regular basis.

Consortiums

PPG's consortium model provides a forum where members, tasked with achieving similar sustainability goals within their respective organizations, can convene to share knowledge and learn from industry experts. Convening amongst peers allows the group to source solutions to common challenges, share resources, learn from the experiences of others and gain recognition. Providing the service of a convener to the IC&I community deepens TRCA's engagement with members and improves the financial health of PPG.

MEMBERSHIP VALUE PROPOSITION

PPG constantly strives to ensure member organizations see value in their involvement in programming and events. Whether it's through profiling the work and achievements of members through case studies, planning events centered around topical environmental issues, or organizing programming in line with sustainability-related priorities of the PPG community, membership value will continue to evolve over the next five years. A revised membership fee structure will be rolled out in 2020 which will clarify the benefits and value provided to members and simplify the fee structure.

To determine the elements of membership that are most important to PPG members, a survey was created and distributed via direct email at our events and in our monthly newsletter.

Member Feedback

PPG provides value to members in a number of different ways, most notably through networking opportunities with industry peers. Networking is facilitated in the form of committee membership, consortiums, collaborative groups, and networking events throughout the year.

Other important elements that members indicated add value included creating environmental leadership opportunities, being recognized within the Pearson Eco-Business Zone, knowledge sharing with industry peers, and having access to sustainability experts and professional development.

Members also identified areas where we can enhance value such as the creation of case studies highlighting success stories and environmental initiatives of members, lunch and learn activities, thought-leadership opportunities, how-to-guides, webinars and training sessions.

With sustainable business practices becoming a priority for many businesses, areas of interest have become more diverse. Over the last decade, PPG has focused on four primary performance areas: communications and engagement, energy, waste, and water. Member feedback shows that our pre-existing performance areas remain relevant to members while there is interest in expanding in to other areas (e.g. buildings, clean technology, and transportation) as shown in Figure 1.

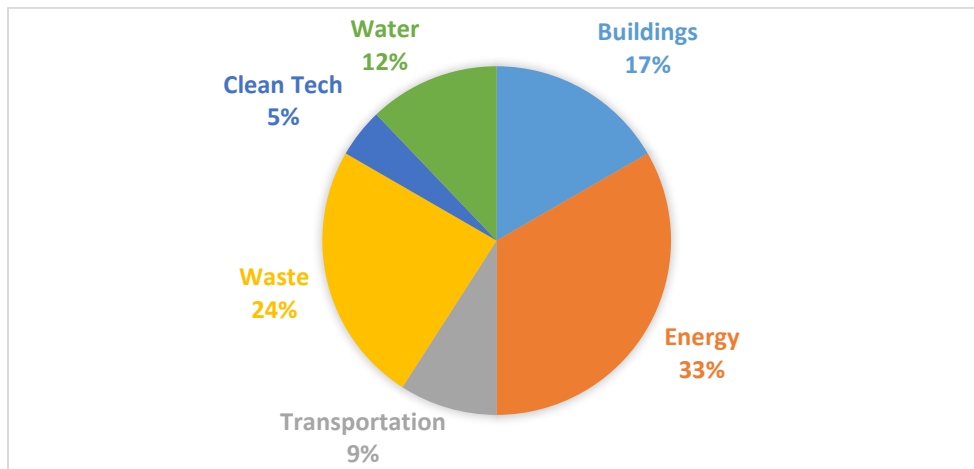


Figure 1. Performance Areas members would like PPG to be involved with

NEW STRATEGIC REFRESH AND PERFORMANCE AREAS

As our research has shown PPG's current performance areas strongly resonate with our members. With that mind, we see opportunities to improve the effectiveness of our strategic approaches within our performance areas. This allows us to respond to changing policies and legislation, emerging sustainability issues, economic development and collective implementation opportunities.

The new strategic refresh, as depicted in Figure 2, outlines the program and focus area delivery model and identify how we support our members: growing the partnership, collective impact and reporting, and improving alignment and embedding sustainability. More specifically, we:

- Engage new stakeholders, expand services, and identify specific topic areas included within the performance areas
- Take a systems approach (e.g. energy-water, waste-water and energy-buildings-transportation) to problem solving, capture the co-benefits of collective impact projects, and report on progress
- Improve alignment with our members and embed sustainability into projects and decision-making

Within each of our performance areas we will support our members through:

- Networking
- Peer-to-peer learning and case studies
- Innovation
- Performance tracking
- Recognizing performance and best practices
- Brokering collective and individual impact projects

The following strategic performance areas will be maintained and expanded upon, where appropriate:

- I. Energy performance and low carbon transportation
- II. Waste management
- III. Water stewardship
- IV. Communications and engagement

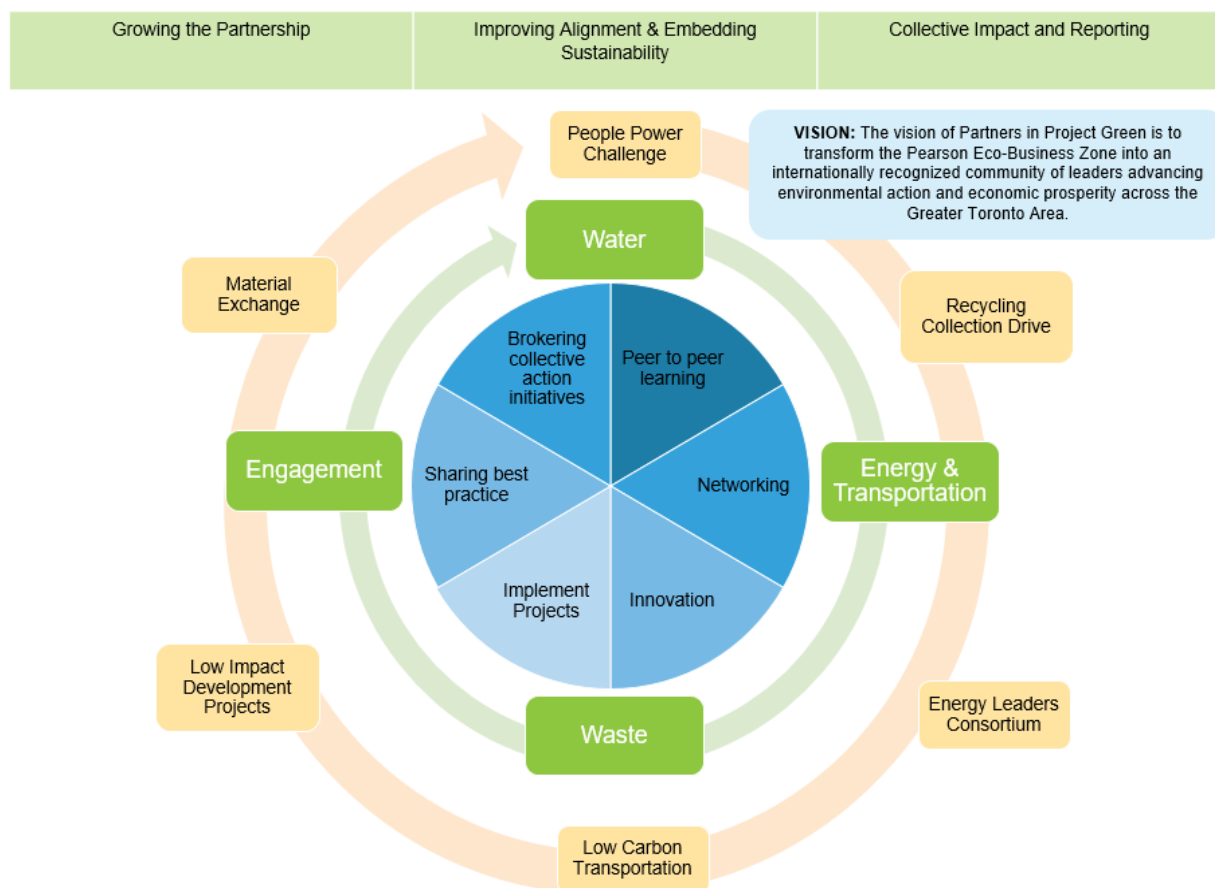


Figure 2. PPG's Strategic Refresh – program and focus area delivery model

ENERGY PERFORMANCE AND LOW CARBON TRANSPORTATION

The energy performance area is renamed energy performance and low carbon transportation. This change better reflects the priorities of our municipal and business partners to create low carbon and resilient communities by taking action to address climate change. Greenhouse gas emissions from transportation, industry and buildings represent the three largest-contributing sectors in Ontario. As municipalities and businesses prepare for increasing populations and employment growth, the ability to improve energy efficiency in buildings and industrial processes, convert to low carbon electricity and develop reliable energy systems within the IC&I sector is crucial. In addition, the ability to promote low carbon transportation systems to move people and goods will help drive economic benefits while reducing greenhouse gases and improving air quality. Helping our community transition to more reliable, cost-effective and emissions-free energy and transportation systems strengthens our municipalities and allows employers to more effectively contribute to our local economies.

Energy performance and low carbon transportation builds on past work by focusing on programming that convenes peers and provides one-on-one support for member municipalities and businesses. The performance area focusses on two key strategic approaches:

- Provides guidance and tools to embed energy management in the fabric of member organizations
- Identifies and targets systems-level approaches that accelerate sustainability projects through identification of co-benefits across traditionally isolated groups in energy, buildings, and transportation

In order to deliver on these strategic approaches, we will work in the following areas:

Energy Efficiency

Expanding strong relationships with industrial, commercial and small-medium enterprises, PPG will design new energy programs to help businesses overcome hurdles faced when implementing energy efficiency projects (e.g. tailored energy programs for small-medium sized enterprises). One of the ways companies can improve energy efficiency is by implementing new information technology (IT) systems that can collect, aggregate and report data to help identify opportunities for efficiencies.

Expand Low Carbon Transportation Strategies and Collective Impact Projects

Goods-movement and human transportation systems are enmeshed across all modern industries and the lives of (GTA) residents. Electrification of vehicles, increased ability to generate renewable natural gas from municipal waste, and the introduction of autonomous and aerial vehicles are revolutionary new technologies that will change our regional transportation networks. These technologies, as well as large-scale transit projects such as Toronto Pearson mobility hub and GO station expansions in employment zones which present new opportunities to our members, as well as new challenges for infrastructure planning. This is especially true as it relates to major transit station areas and density targets within the growth plan for the Greater Golden Horseshoe.

Following the success of our collective impact project model for [electric vehicle infrastructure](#), PPG works with municipalities and businesses to develop strategies and implement pilot projects that support zero or low carbon transportation options for moving both people and goods (e.g. expanding mobility hubs, last mile solutions, improved urban deliveries, increased active transportation and carpooling options for commuting, self-driving pilots, etc.).

Supporting Innovation in Regional Energy Mapping, Smart Grid and Renewables

As the economy moves further into the era of “the electrification of everything”, the complexity of interactions between industry and the grid will increase, requiring careful management of both electricity supply and demand. PPG is uniquely positioned to support local government and utilities in implementing innovative technologies and management strategies that contribute to a more reliable, cost-effective and cleaner electricity grid, while also working with industry to implement new technologies to ease stress on the electrical system.

WASTE MANAGEMENT

Diverting waste through reduction, reuse and recycling within the IC&I sector can help lower costs for businesses and support local communities. The impacts of waste materials on the natural environment (such as the prevalence of plastic in our watersheds) and human health are becoming better understood. A systematic approach to waste management is needed to address these issues. The performance area focusses on two key strategic approaches:

- Avoidance of waste disposal into the natural environment, such as landfills or watersheds
- Support for the reduction and recovery of resource materials

In order to deliver on these efforts, PPG may focus on specific resource materials (e.g. carpets, furniture, organics, plastics, single-use and takeaway items, and textiles) and we will work in the following areas:

Ontario End-Markets:

Utilizing the knowledge gained from the materials exchange program which facilitated the exchange of materials between businesses and not-for-profit organizations, we will enable the development of Ontario end-markets by supporting local solution providers to capture materials for reuse, repurposing and recycling. This includes introducing waste generators to local end-markets, and giving solution providers access to waste generators through events, programs and member introductions.

Zero Waste Strategies:

Through one-on-one member support, PPG will develop circular economy and long-term waste management strategies that rethink and redesign how waste is generated and diverted. This process will engage management, employees, and supply chain vendors to improve waste management practices.

PPG will also develop a consortium comprised of industry and municipal leaders to share best practices on a variety of waste diversion challenges and solutions. The group will identify new and upcoming waste diversion trends, meet with innovative solution providers, share information and resources on new approaches to diverting material, participate in tours that profile new solutions, set group targets to capture more material, and consult on waste-related topics.

Municipal and Corporate Engagement through Restoration Events:

Events will include tree plantings to support canopy cover and green infrastructure, and community cleanups to divert waste from watersheds. These events will restore the natural environment, inspire employees to improve their waste management practices, and increase organizational commitments on waste diversion.

IC&I Collection Programs:

Building on the success of Recycling Collection Drive where participating organizations and employees collect and recycle textiles, we will explore new programming that brings municipalities and businesses together to increase the capture of post-consumer waste using IC&I collection programs. This will reduce the burden on municipal collection programs and make waste collection more accessible to the public, enabling businesses to support residents, consumers, and the municipalities in which they operate. This can include both temporary campaigns and permanent takeback programs.

WATER STEWARDSHIP

The water stewardship performance area is designed to promote best practices in water management, improve on-site flood resiliency to adapt to, and mitigate the effects of climate change, build collaborative stewardship models, adopt innovative water technologies, and create sustainable business communities within the IC&I sector. This performance area directly aligns with TRCA's mandate to ensure the conservation, restoration and responsible management of Ontario's water. The program facilitates the direct interaction between the business community and sustainability-focused government programs and initiatives to achieve effective implementation and replicable project examples in our jurisdiction. The performance area will focus on three key strategic approaches:

- Improved on-site stormwater management
- Reduced process water footprint
- Reduced wastewater discharge contaminant volumes

Water stewardship will maintain its focus and enhance its capabilities within the following areas:

Low Impact Development and Green Infrastructure:

- Implementation of on-site stormwater management opportunities including efforts on PPG member sites to reduce volume runoff, improve runoff quality, and mitigate extreme, weather-related flood risk for regional, private stakeholders
- PPG will develop a cluster group of interested businesses to support the implementation of on-site, low-impact development technologies that align with GTA municipalities stormwater programs and regulations.

Water Efficiency Projects:

- Facilitation of on-site process water and wastewater footprint reduction opportunities (e.g. implementation of innovative systems or operational best practices) in direct partnership with municipal conservation programs to conserve freshwater resources and improve sanitary discharge quality and volumes
- PPG will develop a working group or cluster to influence water-energy nexus, utility-based implementation projects that reduce operational footprints, improve process efficiency, utilize innovative technologies or best practices, and reduce the production of greenhouse gases at a scalable level to achieve regional offset goals.

COMMUNICATIONS AND ENGAGEMENT

Communications and engagement for PPG offers unique ways in which member companies, their employees, and other companies can become involved with PPG. Traditionally, this has been accomplished through engagement in specific activities including:

- **Events:** Every year, PPG hosts a variety of events ranging from our spring and fall networking workshops and conferences, to corporate and family tree planting, paddling tours, and site-specific facility tours.
- **Sharing best practices:** Throughout our various communications outlets, PPG develops and shares case studies of our members. We also identify speaking opportunities for our members at regional and national conferences.
- **People Power Challenge:** Each year employee teams from different companies compete in a series of challenges for prizes and bragging rights. Challenges involve promoting awareness of environmental issues amongst the participants' staff, customers and stakeholders, actions to improve the environment such as tree-planting or litter clean-up events, and workplace challenges to integrate sustainability initiatives into the business year-round.

While maintaining the important role that these engagement activities serve, the role of communications and engagement will evolve over the next five years to emphasize the support provided to our members engaged throughout all of our performance areas.

Specifically, there are several areas which communications and engagement will support PPG:

Enhancing Value for Members:

Beginning in 2020, PPG will update the terms, benefits, and pricing of membership based on the input of staff, members, and other stakeholders. This update will aim to clarify benefits provided to members, while providing a financial model that will sustain a range of activities for PPG throughout the year.

Facilitating Dialogue Amongst Stakeholders:

Sustainability is not something that can be achieved by an individual or a single company. Incorporating sustainability best practices, in terms of construction, operations and decommissioning, into the design and programming of employment sites and major projects will remain a focus area for us. In addition, we will bring together diverse stakeholders for constructive discussion, leading towards action through our conferences and other events.

Recognizing Achievements, Replicating Success:

Starting with the *Collective Impact* book project in 2019, which celebrates the first 10 years of PPG's history, there will be renewed efforts to support and identify successful sustainability projects of our members and community. We will share these successes with our membership in a compelling way, combined with additional tools and resources to promote replication and scaling up of projects by others.

MEASURING PROGRESS

PPG believes that reporting on sustainability metrics and target-setting is essential in providing leadership in sustainability. Currently, PPG tracks some metrics on our programs, however to further benchmark where we are today and how we can support our members in the future, we need to work with our members to track, monitor and take action on key performance indicators, if they are not already being measured. Sustainability reporting can take a variety of forms and can be modeled to meet regulations and/or a number of national and internationally-recognized standards. A consistent reporting protocol, internal to the organization, is important in securing cross-departmental support and accountability to ensure the success and cost-effectiveness of sustainability initiatives. External reporting is valuable in influencing business peers and raising the bar on sustainability.

For these reasons, PPG will work with corporate and municipal members to develop organizational key performance indicators, set targets and develop reporting protocols. Where targets and reporting protocols already exist, PPG will work with members to help achieve targets.

While there is flexibility on what sustainability metrics are tracked and reported on, PPG requests that members commit to the following outcomes:

In 2020:

- Identify key performance indicators or sustainability metrics for their organization (e.g. environment, economic and/or social indicators)
- Put in place a monitoring, reporting, verification and benchmarking (MRV+B) protocol for key performance indicators or sustainability metrics

In 2021:

- Establish municipal or corporate sustainability goals and/or targets that can be measured using provincial, national or international standards (e.g. [Paris Agreement](#), [UN SDGs](#), [Energy Star](#), [ISO 50001](#), [Global Reporting Initiative](#), [Climate Disclosure Project](#), [Science-Based Targets](#), [Climate-Related Financial Disclosures](#))

In 2022:

- Publicly disclose progress including:

- Releasing an annual report stating progress to meeting sustainability targets
 - Providing PPG with a public communications release on annual progress
 - Providing PPG with a public communications release on an initiative (i.e. a case study) demonstrating leadership in achieving sustainability goals
- Where appropriate, provide metrics at a facility level within the Pearson Eco-Business Zone and/or TRCA's region

PPG will support members in achieving the above through:

- one-on-one advising
- connecting members to available third-party educational materials and training sessions
- developing and providing workshops on reporting and goal setting
- providing access to reporting tools
- assisting them to meet regulations (e.g. energy and water reporting & benchmarking program).

FISCAL SUSTAINABILITY

PPG will continue to ensure fiscal stability and sustainability by diversifying funding sources and looking at new business models.

PPG's co-management model with the business community (executive level participation with financial, and in-kind contributions), municipal staff (financial and in-kind contributions), and elected officials has had an exceptional track record of securing self-generating revenues from both the public and private sectors. Between 40-45% of PPG's annual revenue is linked to municipal support, with the balance coming from the private, provincial and federal sectors which includes sponsorships, grants and fee-for-service contracts.

Additional opportunities exist to pursue other levels of government and new business models that include working with industry, boards of trade and environmental, health and social not-for-profit organizations with mandates aligned with that of PPG.

A target portfolio should achieve greater balance and funding stability. PPG will strive to achieve the following balanced portfolio of revenue:

- 40% Municipal funding
- 40% Business (memberships) and other self-generated funding (e.g. event fees, sponsorships, fee-for-service and other business models)
- 20% Other government funding (grants and contributions)

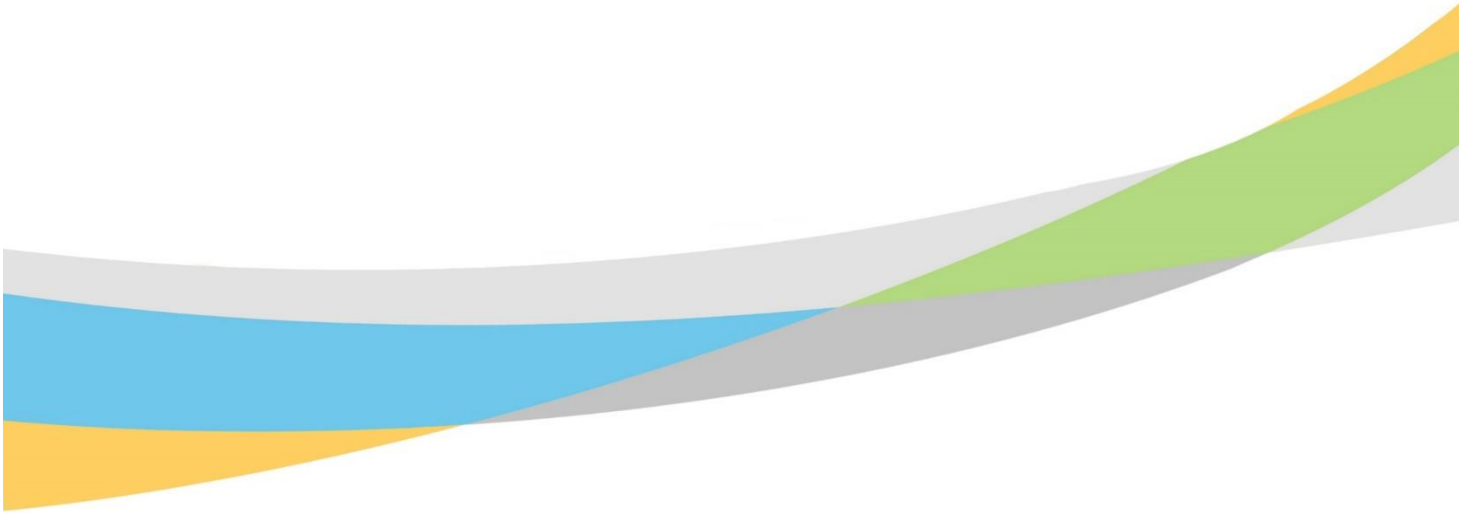
Appendix A: PPG's Alignment with TRCA and Projected Accomplishments

TRCA Strategies ²	Partners in Project Green Projected Accomplishments	Performance Metrics	Partners in Project Green Key Performance Areas
Strategy 1: <i>Green the Toronto Region's Economy</i>	Further assist businesses in the Pearson Eco-Business Zone to improve their financial and environmental performance by integrating more sustainable technologies and projects Continue commitment to the Pearson Eco-Business Zone while expanding efforts in other employment lands across TRCA's jurisdiction Retain and attract green investment in the employment lands of the GTA watersheds within the Pearson Eco-Business Zone and beyond	# of projects implemented # tonnes of material kept out of landfill # tonnes of CO ₂ e reduced # litres of water reduced # of organizations reached	All performance areas: water stewardship, waste management, energy performance, and communications and engagement
Strategy 2: <i>Manage our Regional Water Resources for Current and Future Generations</i>	Support low-impact development projects with municipalities and businesses to improve stormwater management as a part of broader climate resilience and green infrastructure priorities Identify opportunities to reduce process and wastewater footprint to maximize environmental benefits and minimize costs incurred through water clusters and water-specific network events	# litres of water reduced # litres of water avoided in new developments # of organizations reached	water stewardship, waste management, and communications and engagement
Strategy 5: <i>Foster Sustainable Citizenship</i>	Host the annual People Power Challenge employee engagement program with participating members and non-members Host community restoration events such as clean-ups and tree planting with member organizations and their families and friends near employment lands Member attendance at various PPG and member organized events including networking events and facility tours	# of organizations reached # of individuals reached (as defined by # of employees in participating organizations) # tonnes of material kept out of landfill from waste clean-ups	All performance areas

² Only those TRCA strategies that PPG support are listed here. For a complete list of all TRCA strategies, see <https://trca.ca/about/governance-reports/strategic-plan/>

	TRCA staff participation in stakeholder engagement consultations, external committees and at conferences and events		
Strategy 6: Tell the Story of the Toronto Region	Engage with stakeholders by ensuring business, government and community participation at PPG events and have PPG staff representatives participate in consultations, committees, conferences, and events	# of organizations reached # of individuals reached	communications and engagement
	Communicate environmental progress and ongoing opportunities identified through the PPG website , newsletters, case studies, reports, internal committees, working groups, clusters, consortiums, TRCA social media, and through special communications projects such as a 10 year anniversary book		
Strategy 7: Build Partnerships and New Business Models	Advance new business models to ensure efficient program delivery and financial sustainability including working with industry, boards of trade, municipal economic development officers, and environmental, health and social not-for-profit organizations with mandates that align that of PPG	% of self-generated revenue # of organizations reached # of members	All performance areas
	Expand PPG's consortium model to include businesses within sectors facing similar sustainability issues		
	Continue to improve fiscal sustainability by continuously diversifying funding sources and looking at new funding opportunities		
Strategy 8: Gather and Share the Best Sustainability Knowledge	Continue to deliver and host knowledge-sharing events, committees, working groups, clusters, consortiums and events of new technologies, ideas, and innovative applications	# of individuals reached # of organizations reached % of self-generated revenue	All performance areas
Strategy 9: Measure Performance	Work with businesses to establish sustainability targets, metrics, and goals to track performance and report externally	# tonnes of material kept out of landfill # tonnes of CO ₂ e reduced	All performance areas

	Refine performance indicators for PPG and report the collective impact of projects across the Pearson Eco-Business Zone	# litres of water reduced	
Strategy 10:	Provide guidance and motivation for businesses to pilot and adopt new technologies to improve their environmental performance	# of projects implemented	All performance areas
Accelerate Innovation	Continue to deliver and host knowledge-sharing events, committees, working groups, clusters, consortiums, and events of new technologies, ideas, and innovative applications	# tonnes of material kept out of landfill # tonnes of CO ₂ e reduced # litres of water reduced # of organizations reached # of individuals reached	
Strategy 12:	Continue commitment to the Pearson Eco-Business Zone while expanding efforts in other employment lands across Toronto's Region	# of projects implemented	All performance areas
Facilitate a Region-Wide Approach to Sustainability	Collaborate with neighbouring municipalities and conservation authorities to encourage the adoption of the PPG model to drive sustainability performance	# tonnes of material kept out of landfill # tonnes of CO ₂ e reduced # litres of water reduced # of organizations reached # of individuals reached	
	Continue to explore project ideas that can be implemented by members in PPG's collective impact project model and expand programming to meet the evolving needs of our partners		



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Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/19, Friday, April 26, 2019

FROM: Derek Edwards, Director, Parks and Culture

RE: **BLACK CREEK HISTORIC BREWERY**
Request for approval to undertake a competitive process to operate the brewery

KEY ISSUE

Report on received proposal from byPeterandPauls.com for the ownership or license to operate the Black Creek Historic Brewery and request for approval to undertake a competitive process to operate the brewery.

RECOMMENDATION

WHEREAS Toronto and Region Conservation Authority (TRCA) has been in an external partnership for the operation of Black Creek Historic Brewery (BCHB) since 2009, the most recent partnership with All or Nothing Brewhouse ending on December 31, 2018;

AND WHEREAS TRCA received an unsolicited proposal from byPeterandPauls.com, the current exclusive Food Service vendor at Black Creek Pioneer Village (BCPV) and Kortright Centre for Conservation (KCC) for the ownership and operation of the Black Creek Historic Brewery;

AND WHEREAS TRCA staff have been exploring the feasibility of transfer of ownership of BCHB operations versus granting an exclusive license to BCHB;

THEREFORE, LET IT BE RESOLVED THAT staff be authorized to prepare a Request for Proposal for exclusive license to operate the BCHB, subject to terms and conditions satisfactory to staff and TRCA's solicitor;

AND THAT staff be directed to undertake a competitive process and report to the Board with the results.

BACKGROUND

In 2008, TRCA was approached by Trafalgar Ales and Meads regarding their interest in operating a brewery at Black Creek Pioneer Village. At Executive Committee Meeting #10/08, held on December 12, 2008, Resolution #B168/08 was approved to establish and operate BCHB. The brewery was established to help generate revenue by attracting a more diverse clientele to Black Creek Pioneer Village. The brewery was also a means of connecting visitors to the historical production and consumption of ale in Southern Ontario.

Subsequently, on April 29, 2009, TRCA and Pioneer Brewery Ltd (PBL) signed an agreement to jointly operate BCHB from June 10, 2009 to December 31, 2015 through its subcontractor Trafalgar Ales and Meads. The contract was renewed for an additional three (3) years from January 1, 2016 to December 31, 2018 following approval by Resolution #265/15 at Authority Meeting #12/15, held on January 29, 2016.

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The contract included the operations of an on-site brewery for demonstration purposes, and production of beer to be sold on-site, as well as the operation of an off-site commercial brewery to produce beer to be sold at the LCBO, the Beer Store and retail outlets, for which TRCA received royalty payments. TRCA subcontracted the services of an on-site brew master from PBL to conduct on site brewing duties, with costs being offset through on-site beer sales and tastings.

In June of 2016, Trafalgar Ales and Meads and Pioneer Breweries Ltd. was sold to All or Nothing Brewhouse. The terms of the contract between All or Nothing Brewhouse and TRCA remained unchanged for the balance of the term until December 31, 2018. TRCA decided not to renew the contract with All or Nothing Brewhouse as the parties could not come to mutually acceptable financial and operating terms and conditions.

TRCA remains in ownership of the BCHB name, branding and all beer recipes related to BCHB. To continue operations, a partner is required to own all licenses required to brew commercially (including CRA Business Number, Excise Duty License, etc.) and be responsible for all expenditures incurred in the brewing, packaging, distribution and marketing.

On Site Brewery

BCHB became an integrated feature of BCPV, providing an experiential educational opportunity for visitors on an annual basis. Visitors interacted with BCPV's historical interpreters and took part in interactive education programs to explore the history of beer, brewing and society in 19th century South Central Ontario. Visitors could also taste and purchase specialty ales made onsite that mimic popular historic brews.

LCBO Sales

BCHB launched its first beer in the LCBO in November 2010. In 2018, there were two permanent listings (Rifleman's Rations, Canadian Frontier) and one seasonal listing (Pioneer Pumpkin Ale), in more than 100 LCBO stores. The beer was also available in approximately 10 Beer Stores in Toronto and the GTA and approximately 40 Grocery Stores (Including Loblaws, Sobeys and Metro) in Ontario.

RATIONALE

At Executive Committee Meeting #11/17, held on January 12, 2018, Resolution #B125/17 was approved as follows:

"THAT the Chief Executive Officer and Chair of the Authority be authorized to award Contract #10004550 for Food Service and Public Events at Black Creek Pioneer Village and Kortright Centre for Conservation, subject to terms and conditions satisfactory to Toronto and Region Conservation Authority (TRCA) staff and solicitor;

THAT authorized TRCA officials be directed to take such action as is necessary to complete negotiations with the preferred proponent in line with the parameters outlined in the staff report;

AND FURTHER THAT staff report back as required after award of the contract."

Following the aforementioned resolution, TRCA engaged in contract negotiations with byPeterandPauls.com. A mutually acceptable agreement was executed on August 15, 2018.

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The partnership between TRCA and byPeterandPaul.com brings business and audience growth potential for both parties, strengthens brand recognition, and provides value added services and experiences for users and partner groups.

In March 2019, TRCA received an unsolicited letter of intent from byPeterandPauls.com proposing to take over the ownership of the names, branding and recipes of BCHB. In exchange, byPeterandPauls.com would provide TRCA with a percentage of the revenue of all gross sales in the form of royalties and assume the responsibility for all related expenditures including: the commercial brewing and licenses, sale of the beer, distribution, marketing, packaging, the sale of branded merchandise, tasting demonstration, and the continued facilitation of limited onsite demonstration brewery.

In their unsolicited letter of intent, byPeterandPauls.com stated their commitment to:

- Continuing guided demonstration/ tastings on site and absorbing all costs of providing this service
- Maintaining the beer styles and ensuring authenticity, while enhancing and refreshing the branding
- Media engagements and increased brand awareness
- Increased distribution and sales
- Producing and selling merchandise that features and reinforces the branding and creates further awareness about the beer and brewery
- Continuing to receive TRCA approval on all branding and recipe updates

TRCA is interested in determining whether further market interest exists to promote the Black Creek brand, provide for an interactive and immersive village, experience and make BCPV more marketable to a wider audience.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 6 – Tell the Story of the Toronto Region

An on-site demonstration of historic brewing methods, as well as the use of historic beer recipes, tells the story of the region's rich history in ways that can be experienced through taste.

Strategy 7 – Build partnerships and new business models

This partnership will attract new user markets to Black Creek Pioneer Village, contributing to further growth within the Tourism and Recreation Service Area.

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Date: April 15, 2019

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/19, Friday, April 26, 2019

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **REQUEST TO NEGOTIATE AND ENTER INTO A SERVICE AGREEMENT WITH THE CITY OF TORONTO TO CONSTRUCT THE ASHBRIDGES BAY TREATMENT PLANT LANDFORM AND FOR APPROVAL TO OBTAIN A LETTER OF CREDIT TO MEET DEPARTMENT OF FISHERIES AND OCEANS REQUIREMENTS**

KEY ISSUE

Approval from the Board of Directors to negotiate and enter into a service agreement with the City of Toronto to construct the Ashbridges Bay Treatment Plant Landform and to obtain a letter of credit to be provided to the Department of Fisheries and Oceans as per the Fisheries Act Authorization required under s.35(2)(b) of the Act.

RECOMMENDATION

WHEREAS Toronto and Region Conservation Authority (TRCA), in partnership with the City of Toronto, undertook a Conservation Ontario Class Environmental Assessment to address erosion and sediment issues at Ashbridges Bay and Coatsworth Cut which was approved in February 2015;

WHEREAS TRCA in partnership with the City of Toronto completed detailed design in 2018 for the Ashbridges Bay Treatment Plant Landform based on the concept approved through the Class Environmental Assessment process;

WHEREAS Toronto Water received approval from City Council on April 16, 17 and 18, 2019 to negotiate, enter into, and execute an agreement with TRCA to construct the Ashbridges Bay Treatment Plant Landform;

WHEREAS the Department of Fisheries and Oceans requires TRCA to obtain authorization for the in-water works and to construct offsetting habitat as part of the Fisheries Act Authorization required under s.35(2)(b);

WHEREAS the Department of Fisheries and Oceans requires that a letter of credit be issued to them for the cost to implement the habitat offsetting plan;

WHEREAS the cost estimate TRCA has calculated for the habitat offsetting plan is approximately \$2 million;

THEREFORE LET IT BE RESOLVED THAT staff be authorized to negotiate, enter into and execute one or more service agreements with the City of Toronto (Toronto Water) to construct the Ashbridges Bay Treatment Plant Landform;

AND FURTHER THAT TRCA staff be authorized to obtain a letter of credit to be provided to the Department of Fisheries and Oceans for the habitat offsetting plan which is estimated

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to cost approximately \$21,000 annually;

AND FURTHER THAT an update on the status of the Ashbridges Bay Treatment Plant Landform project be brought forward to the Board of Directors as part of any additional reporting associated with procurements and the anticipated request from the City for land transfers.

BACKGROUND

On May 2, 2012, TRCA was notified of the Toronto Council decision on April 10 and 11, 2012 to direct Toronto Water to enter into a joint initiative with TRCA to lead an Environmental Assessment Study that considers a landform south of the Ashbridge's Bay Wastewater Treatment Plant, to provide for the construction of the Coatsworth Cut stormwater treatment wetland and combined sewer overflow high-rate treatment facility, and that integrates these projects with other projects planned for the area.

At Authority Meeting #5/12, held on June 22, 2012, RES.#A96/12 provided staff direction to lead the Environmental Assessment Study, in collaboration with Toronto Water, Parks, Forestry and Recreation, Toronto Waterfront Secretariat, and Toronto Waterfront Revitalization Corporation. TRCA then proceeded to undertake a Conservation Ontario Class Environmental Assessment (Class EA) to support the advancement of the project, resulting in the study entitled "Ashbridges Bay Erosion and Sediment Control Project – Conservation Ontario Class EA". This Class EA study identified a preferred alternative that consists of erosion and sediment control structures that integrate with the lakefill area required for the City's planned facilities and provides a long-term solution to address the sedimentation issue with the Coatsworth Cut navigation channel which TRCA currently maintains through a \$250,000 per year dredging program.

In June 2014, Toronto City Council authorized the finalization of the Environmental Study Report for the Class EA and authorized Toronto Water to undertake the detailed design of the Ashbridges Bay Treatment Plant Landform Project as a joint initiative to be led by TRCA. In 2017, TRCA coordinated the detailed design for the Ashbridges Bay Treatment Plant Landform, incorporating the approved design concepts as outlined in the City of Toronto's Coatsworth Cut and Don River and Central Waterfront EAs and TRCA's Ashbridges Bay Erosion and Sediment Control EA. The detailed design process was completed in 2018 and a permit application was submitted to Transport Canada, Department of Fisheries and Oceans (DFO) and Ports Toronto permit reviews and authorizations are currently in progress.

The final design of the Ashbridges Bay Treatment Plant Landform Project (Attachment 1) consists of approximately 27 ha of new land (lakefill) and is composed three distinct elements:

- a 16.4 ha land base protected by an armourstone headland-cobble beach system and a rip rap revetment;
- a 710 m long central breakwater, constructed from the west side of Coatsworth Cut; and
- a smaller 100 m long east breakwater, constructed from the southernmost headland of Ashbridges Bay Park.

Integration of aquatic habitat was also a key element of the design to align with TRCA's aquatic habitat enhancement priorities on the waterfront and to also meet DFO regulatory requirements. The construction of the project results in the loss of approximately 20 ha of open coast aquatic habitat within Lake Ontario, and as such, DFO requires construction of offsetting habitat as part of the Fisheries Act Authorization required under s.35(2)(b) of the Act. Options for offsetting aquatic habitat include: establishing offsite productive aquatic habitat before lakefilling or creating a negative impact, and establishing on-site productive aquatic habitat during construction.

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The project will incorporate several measures to improve on-site local fish habitat including:

- four submerged rock shoals within the headland-beach system;
- submerged rock piles, anchored log tangles and tree wads in the cobble beaches;
- a shoreline naturalization area near the opening of Coatsworth Cut along the central breakwater, and gravel fill along the inner bend of the central breakwater;
- a vertical sunken tree field at the inner bend of the central breakwater; and
- submerged rock berms along the east breakwater.

An irrevocable Letter of Credit is required by DFO with every Fisheries Act Authorization application (i.e. otherwise referred to as a DFO permit) under s.35(2)(b) of the Act to cover the costs of implementing the aquatic habitat restoration work should it not be completed by the proponent as required. The exceptions to this requirement only apply if the applicant is Her Majesty in right of Canada, Her Majesty in right of a province or the government of a territory. The City of Toronto and TRCA do not qualify as provincial government organizations. While TRCA, Credit Valley Conservation Authority, and Conservation Ontario have asked to qualify for this exception DFO has advised that there are no substitutes for a Letter of Credit (e.g. letter of commitment, cash etc.). TRCA has estimated the cost of the offsetting aquatic habitat compensation work at approximately \$2 million. This value will be confirmed by DFO through the authorization process.

RATIONALE

The Ashbridges Bay Treatment Plant Landform Project achieves the following:

- a land base for the City of Toronto's High Rate Treatment Plant as identified in the Coatsworth Cut and Don River and Central Waterfront EAs;
- erosion control and long-term shoreline protection for City of Toronto facilities;
- diversion of sediment from the navigation channel at Coatsworth Cut, eliminating the need to dredge the channel for several decades;
- public access along portions of the waterfront; and
- enhancement of fish habitat along the shoreline and newly created embayments.

On April 16, 17 and 18, 2019 City Council authorized the General Manager, Toronto Water to proceed with the construction of the Ashbridges Bay Treatment Plant Landform Project in accordance with the detailed design completed by TRCA in 2018. In addition to this, the General Manager, Toronto Water, was authorized to negotiate, enter into and execute one or more agreements as may be necessary with TRCA for the construction of the project on an actual direct construction cost recovery basis plus a reasonable administrative fee not to exceed five percent of the project cost.

In addition to this authorization to the General Manager, Toronto Water, City Council also authorized the City's Chief Financial Officer and Treasurer, in consultation with the City Solicitor and the General Manager, Toronto Water, to issue on behalf of the City and to sign all documentation related thereto, security in a form acceptable to DFO including a Letter of Credit if so required, in the amount required by DFO to cover the aquatic habitat compensation work up to a maximum of \$3 million, on such terms and conditions as are satisfactory to them, as may be necessary to obtain the permit approvals required for the project.

The City of Toronto and TRCA's desire is to commence work for this project on July 1, 2019 to align with restricted activity fisheries timing windows. In-water works will be conducted during the period of July 1 to March 31 to protect fish during critical life processes. The timing and need for fill

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material to construct the project overlaps with the generation of surplus fill materials from three other Toronto Water projects near the project site: The Don River and Central Waterfront (Phase 1) Tunnel, the Ashbridges Bay Treatment Plant Outfall Tunnel, and the Ashbridges Bay Treatment Plant Integrated Pumping Station.

Transfer of fill material generated by these projects will offset costs otherwise incurred to dispose of the excess material off-site. Transfer of up to 1.2 million cubic metres of fill material from the three above-noted Toronto Water projects to the site can generate up to \$21M of savings to those projects (compared to the cost of hauling the fill material to landfill for disposal). The construction sequencing plan was developed to maximize this opportunity by aligning the construction schedule of the three other projects with the construction schedule of the new landform, and there is little room for schedule slippage. Construction must begin in July 2019, with the Cell 1 berm and east breakwater completed by March 31, 2020. Delaying the project will result in the loss of the 2019 in-water construction window, in addition to \$3.3M of lost savings and 171,000 cubic metres of fill material redirected to an alternate site.

This report is recommending that TRCA enter into agreements to implement and construct the project which requires TRCA to negotiate, enter into and execute a service agreement with the City of Toronto. As well, to meet a July 1, 2019 construction start, TRCA has undertaken the necessary planning work for the required DFO authorization and habitat offsetting plan. The submission of the authorization and securing of a letter of credit for the value of the construction of the off-setting habitat must be completed in the first week of May 2019 for the project to remain on schedule as per the review timelines specified by DFO.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 7 – Build partnerships and new business models

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

The estimated project cost for construction of the Ashbridges Bay Treatment Plant Landform Project is \$96.0 million net of all applicable taxes (\$97.7 million net of HST recoveries). TRCA will work with the City of Toronto to further refine the implementation budget prior to signing a service agreement to undertake the work.

The value of the letter of credit for DFO is being estimated at \$21,000 annually. This reflects a 1.05% rate on the estimated \$2 million for the construction of the habitat offsetting plan. Funds to support the letter of credit will be recovered through the service agreement with the City of Toronto and tracked under account code 183-02.

DETAILS OF WORK TO BE DONE

Upon approval from the Board of Directors, TRCA will continue to work with Toronto Water to negotiate the completion and execution of the service agreement for implementation of the project. The final authorization package for DFO will also be submitted the first week of May 2019.

Additional procurement reports associated with construction and materials will be brought forward to the Executive and/or Board of Directors as per project sequencing. It is also anticipated that a report pertaining to property transfers will be brought forward at later stages of the project. The City of Toronto has indicated that they will request the conveyance of a portion of the water lot

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owned by TRCA upon which the landform is to be built. This conveyance of land would be subject to the reservation of an easement in favour of TRCA in, under, over or through those portions of the landform necessary for access to and maintenance of any erosion control structures associated with the project. Further details will be presented to the Board of Directors for their consideration after further discussions with the City of Toronto.

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Date: April 15, 2019

Attachments: 1

Attachment 1: Site Map

[illegible]

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/19, Friday, April 26, 2019

FROM: Lolita Holden, Associate Director, Human Resources

RE: **BENEFITS OVERVIEW AND PLAN ADMINISTRATION TRANSITION -
CHALLENGES AND OPPORTUNITIES**

KEY ISSUE

Toronto and Region Conservation Authority (TRCA) staff interest in pursuing a procurement for a broker/consultant for group benefits.

RECOMMENDATION

WHEREAS TRCA participates in a group benefits plan led by Conservation Ontario;

AND WHEREAS TRCA believes that a modernized benefits plan would improve service, reduce costs and enhance employee experiences;

THEREFORE LET IT BE RESOLVED THAT staff be authorized to issue a Request for Proposals for a benefits Broker/Consultant and report back to the Board.

BACKGROUND

TRCA has worked in partnership with Conservation Ontario and Buffett Taylor (third party administrator) for several years. In 2017, Conservation Ontario issued a request for proposals (RFP) for benefit carriers, to reduce costs under the premise that a group benefits plan would assist with the cost savings for all Conservation Authorities. Buffet Taylor was awarded as the third-party administrator with benefits provided by SunLife Financial at the outcome of this process and has been providing services to TRCA since this time.

TRCA staff have experienced some specific challenges with our current benefits provider and note that there is little in the way of value-added services being provided by Buffet Taylor. In fact, the current arrangement resulted in time lags and delays for matters such as employee onboarding. While Buffet Taylor plays a larger administrative role for smaller conservation authorities with limited or no human resources capacity this is not the case at TRCA.

TRCA staff reviewed the existing group benefits from Sun Life Financial and identified a need to go to market outside of the umbrella group to determine if any insurers could improve upon service, administration and reduce the cost of the plan. On a no-cost, complimentary basis, Baynes & White, an external broker, prepared and directed specifications to the following insurers: Desjardins, Green Shield, Industrial Alliance and Great-West Life. The results of the review reflected that annual savings of approximately \$110,000 were possible. In a new model, the plan administration would be self-administered by TRCA staff, which would greatly enhance the employee onboarding experience by eliminating delays in enrolling employees onto the benefits plan, which currently takes over five weeks on average.

Based on a review of the agreement between Conservation Ontario and Buffett Taylor, Conservation Ontario is entitled to terminate the contract without liability, cost or penalty at any time, without cause, by giving 60 days written notice. The arrangement between Conservation

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Ontario and member Conservation Authorities permits participating members to cancel their coverage with 90 days advance written notice, stating the reasons for the proposed cancellation. The Agreement further states that it is not mandatory that TRCA participate in the Conservation Ontario's umbrella group.

RATIONALE

The following are the potential benefits from a transition to a new service provider subject to the outcome of responses from an RFP:

- 1) The current plan administration is inefficient and an onerous process. It requires continual manual monitoring and intervention. A direct insurer relationship would be more efficient, financially secure, and benefit employees and TRCA Human Resources staff.
- 2) The commission and third party administration fees are high relative to the service provided. With reduced commissions and the preferred rates through the insurer, savings of approximately \$110,000 per year could be realized.
- 3) The additional cost of the third-party administration services, which is 1.1% of total premium (approximately \$32,500 per year) would be eliminated. TRCA does not require a third-party administrator as the organization has internal resources in HR that can complete these tasks on a timely basis.
- 4) Direct payment of monthly premiums to the successful benefit carrier eliminates the third-party handling of TRCA's insurer premium.
- 5) Improved employee onboarding experience through real-time enrollments, terminations and changes, delivered through the provider's online administration system.
- 6) Improved disability claims management with an insurer who will collaborate with TRCA's Human Resources staff to enhance the employee experience.
- 7) The potential to freeze fee increases pertaining to Life Insurance, Long Term Disability rates and for health and dental expenses.
- 8) TRCA's current plan design does not meet the diverse needs of our employees. Savings realized by moving to another benefit carrier may be used to improve the current plan.

Impact to other Conservation Authorities should TRCA transition to a new insurer

In discussions with Conservation Ontario, they have indicated their concerns with TRCA leaving the group. If TRCA exited the Conservation Ontario group, it is expected that there would be a financial impact to the other conservation authorities. However, the financial impacts of TRCA's departure have not been quantified. If TRCA departed, at that time, the change in demographics and claims history would be subject to the insurer's underwriting and pricing factors for the remaining group.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 11 – Invest in our staff

DETAILS OF WORK TO BE DONE

Upon approval by the Board, staff will move forward with a RFP for a broker/consultant. This process of seeking responses through an RFP would provide an opportunity for an updated plan design and savings for TRCA. TRCA staff will inform Conservation Ontario of our planned approach after we report back to the Board on the results of the responses to the RFP.

Report prepared by: Lolita Holden, Associate Director, Human Resources

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Date: April 12, 2019

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/19, April 26, 2019

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **PARKS CANADA SERVICE LEVEL/FUNDING AGREEMENTS**
CFN 46156

KEY ISSUE

Toronto and Region Conservation Authority (TRCA) request for Board of Directors approval to enter into updated interim service level/funding agreements and a longer term Master Service Agreement with Parks Canada for Rouge National Urban Park relating to restoration, trails, land management, and management and operation of the Glen Rouge Campground. (CFN 46156)

RECOMMENDATION

THAT TRCA staff be directed to enter into a Master Service Level/funding agreements with Parks Canada for the following purposes:

- (a) restoration of the lands within the Rouge National Urban Park;**
- (b) design and construction of trails, land management and maintenance for lands within the Rouge National Urban Park;**
- (c) ongoing management and operation of the Glen Rouge campground after transfer of the lands to Parks Canada;**

AND FURTHER THAT authorized TRCA officials be directed to take whatever action may be required to implement the agreements, including the obtaining of necessary approvals and execution of any documents.

BACKGROUND

At the Authority Meeting #3/13, held on April 26, 2013, Resolution #A56/13 was adopted as follows:

THAT Toronto and Region Conservation Authority (TRCA) enter into an interim management agreement with Parks Canada for the management of TRCA lands within the proposed Rouge National Urban Park;

AND FURTHER THAT the authorized TRCA officials be directed to take whatever action may be required to implement the licence agreement, including the obtaining of necessary approvals and the signing and execution of any documents.

Since 2013, TRCA has managed the existing Rouge Park in a manner consistent with the objectives and mandated responsibilities of Parks Canada. TRCA has collaborated with Parks Canada to ensure integrated delivery in its decision-making process for protection, education and visitor experience for the Rouge National Urban Park (RNUP). Parks Canada has provided funding through the 2013 interim management agreement for restoration works and asset management.

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Parks Canada has indicated that the interim management agreement model no longer works to provide funding for TRCA to undertake works on their behalf. Upon transfer of TRCA lands to Parks Canada, Parks Canada intends to seek Treasury Board Approval in 2019 for a Master Service Agreement with TRCA which is intended to encompass the holistic delivery of ongoing conservation, educational and community services. The Master Service Agreement will also include delivery of programs and operation and management of certain functions within the RNUP.

This Master Service Level Agreement will be similar to the type of Master Service Level Agreement TRCA has with the City of Toronto Parks and Forestry Division but tailored specifically to the needs of Parks Canada related to RNUP.

Treasury Board Approval is a lengthy process and may not occur until later in 2019 as there is lead time required to prepare the Treasury Board submission after lands are conveyed from TRCA to Parks Canada. While we work towards a longer term Master Service Level Agreement, Parks Canada is proposing a series of updated interim service level/funding agreements so that TRCA can continue to provide services to Parks Canada to benefit the public. These interim agreements will be for the delivery of the following services:

1. Restoration planning and implementation;
2. Trails, land management and maintenance; and
3. Ongoing management and operation of the Glen Rouge Campground.

Restoration, Trails and Land Management Agreements

Parks Canada has been developing its own conservation and restoration approach for the RNUP, as part of its strategic management for the park. TRCA has continued to work collaboratively with Parks Canada to identify conservation needs and restoration project opportunities.

Parks Canada is still in internal discussions to determine its ultimate approval process and the type of specific agreement to be utilized for restoration planning and implementation agreement(s) and trails, land management and maintenance agreement(s). TRCA has provided to Parks Canada a detailed scope of work, budgets and work plans for 2019 restoration projects and trails and land management projects.

TRCA is continuing to meet with Parks Canada to discuss the final scope of these programs and to finalize these work plans as part of the interim agreements and future Master Service Level Agreement.

Glen Rouge Campground

TRCA and the City of Toronto are the owners of lands occupied by the Glen Rouge Campground, which comprises approximately 8.7 hectares north of Highway 2 located on the banks of the Rouge River in RNUP. TRCA's lands are under management agreement with the City of Toronto.

The Glen Rouge campground consists of a total of 125 sites; 87 serviced sites, 27 un-serviced sites and 11 designated specifically for cyclists and backpackers. Support facilities include a gatehouse, fully equipped washroom facility with change rooms and showers, laundry facilities, storage garage and trailer pump-out station.

Item 8.6.

From 1981, the City of Toronto operated the Glen Rouge Campground from approximately mid-May to mid-October, seven days a week and 24 hours per day, including holidays. The City of Toronto approached TRCA in 2010 to pursue the possibility of entering into a License Agreement with TRCA to contract out the operation of the campground to TRCA.

At the Authority Meeting #3/11, held on March 25, 2011, Resolution #A59/11 was adopted as follows:

WHEREAS Toronto and Region Conservation Authority (TRCA) has received a proposal from the City of Toronto for operation of the Glen Rouge Campground and to enter into a long term Licence Agreement for the aforementioned services;

THEREFORE LET IT BE RESOLVED THAT TRCA enter into a Licence Agreement with the City of Toronto for the operation of Glen Rouge Campground;

THAT the Licence Agreement with the City of Toronto be subject to the following terms and conditions:

- i. the term of the Agreement will be 10 years with an option in favour of TRCA for a 10 year renewal;*
- ii. the Commencement Date for the Licence shall be May 1, 2011;*
- iii. the Licence Fee shall be a nominal amount of two dollars (\$2.00) for the duration of the Term;*
- iv. TRCA shall be responsible for the staffing and payment of all taxes and costs associated with operations of the Glen Rouge Campground;*
- v. any other terms and conditions deemed appropriate by TRCA staff and solicitor;*

AND FURTHER THAT authorized TRCA officials be directed to take whatever action may be required to implement the Licence Agreement, including the obtaining of necessary approvals and the signing and execution of any documents.

With the imminent transfer of a majority of TRCA owned lands including Glen Rouge Campground within the RNUP to Parks Canada, Parks Canada has requested that TRCA continue to manage and operate the Glen Rouge Campground. Parks Canada has agreed to provide additional support from their Parks Wardens to assist with management of the campground. The interim and proposed future Service Level Agreements will recognize the requested additional support for Parks Canada Park Wardens. The operation of the campground will be revenue neutral to TRCA.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 3 – Rethink greenspace to maximize its value

Strategy 7 – Build partnerships and new business models

Strategy 12 – Facilitate a region-wide approach to sustainability

Item 8.6.

FINANCIAL DETAILS

Parks Canada will be responsible for all costs associated with the execution of these agreements.

The management and operation of the Glen Rouge campground by TRCA will be revenue neutral with generated revenues funding operating expenses.

Report prepared by: Nadia Wells, extension 5859, Mike Fenning, extension 5223;

Emails: nwells@trca.on.ca; mfenning@trca.on.ca

For Information contact: Nadia Wells, extension 5859, Mike Fenning, extension 5223;

Emails: nwells@trca.on.ca; mfenning@trca.on.ca

Date: April 15, 2019

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/19, Friday, April 26, 2019

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **PROPOSED APPROACH FOR LOCUST HILL SCHOOL HOUSE AND CEDARENA AS PART OF TRANSFER OF LANDS TO PARKS CANADA FOR THE ROUGE NATIONAL URBAN PARK**

KEY ISSUE

Results of discussions between Toronto and Region Conservation Authority (TRCA), Parks Canada and the City of Markham relating to the Locust Hill School House and Cedarena properties.

RECOMMENDATION

THAT staff be directed to enter into discussions with Parks Canada and the City of Markham regarding the transfer of the Locust Hill School House property including an additional area for parking, of less than 1 hectare in size, to the City of Markham as part of the TRCA transfer of lands to Parks Canada for the Rouge National Urban Park (RNUP) and report back;

THAT staff be directed to convey the Cedarena property to Parks Canada for the Rouge National Urban Park (RNUP) subject to Parks Canada agreeing to enter into a Memorandum of Understanding with the City of Markham, Parks Canada and the Cedar Grove Community Club regarding future access and operations of the Cedarena outdoor skating rink and community club, located in the Hamlet of Cedar Grove.

BACKGROUND

The majority of the 2,226 hectares (5,600 acres) of land are scheduled to be conveyed to Parks Canada next month. Certain properties have been subject to additional more nuanced discussions between the City of Markham, TRCA and Parks Canada due to stakeholder and TRCA Board of Directors interests.

At Authority Meeting #11/13, held on January 31, 2014, Resolution #A239/13 as amended by Resolution #A240/13 approved the conveyance of 2,266 hectares (5,600 acres) of land to Parks Canada for the Rouge National Urban Park (RNUP). The Resolution included the following recommendation:

e) Locust Hill School House and Cedarena properties shall be subject to further discussions between TRCA, Parks Canada and the City of Markham prior to being conveyed;

Locust Hill School House

The Locust Hill School House located at 8949 Reesor Road, Markham, was built in 1864 and was originally a single storey building that served the community of Belford and neighbouring farmsteads. The school is a significant example of Classical Revival Style architecture.

Item 8.7.

Some character defining elements of the building include:

- formal, symmetrical architecture with a centre door and symmetrical windows;
- full height exterior masonry brick walls;
- full height arched windows which were infilled during the 1960's renovation;
- quoined detailed brick corners in contrasting colours;
- rusticated masonry foundation;
- medium peaked timber framed gable roof;
- arched full height windows;
- coloured architectural coursings over arched windows;
- coloured architectural coursings at the corners of the building; and
- pediment painted wood roof eaves and cornice.

TRCA acquired the school from the Province of Ontario in 2004. At the time of acquisition, the building was unusable.

In 2012, TRCA retained Barry Bryan Associates (BBA) engineering firm to undertake a structural assessment of the school house. Based on this assessment, work on the roof of the building was completed. In 2015, TRCA retained BBA to undertake a stabilization and remedial repair assessment of the building in order to carry out future construction work. The assessment identified failed structural components of the overall structure including some deficient exterior masonry brick that compromised the exterior walls. Based on a review of the assessment in consultation with the City of Markham and Parks Canada a preferred option was chosen to shore the building and perform selective demolition. The selective demolition included the removal of the recent additions made to the original building, such as the chimney, vestibule and masonry infilling of the original windows and doors, together with the removal of all interior finishes that were severely damaged. Additional work included mechanical and electrical repairs to restore climate control to decelerate further degradation of the building. The restoration work was funded by the City of Markham, Parks Canada and TRCA.

City of Markham staff have indicated an interest in acquiring and operating the school. The original school property is small and with the tree cover doesn't provide enough area for parking for large groups, therefore the City of Markham staff are requesting an additional area at the rear of the property be added for parking. TRCA at this time is seeking to transfer all of its holdings surrounding the Locust Hill School House with the understanding that the school house and proposed parking lot will be conveyed to the City after future discussions between TRCA and City of Markham.

Cedarena

Cedarena located at 7373 Reesor Road, Markham was established in 1927 and has been run by volunteers until the 2015/2016 season. Cedarena was originally operated by rink creator Arthur Lapp until his death in 1941. Operation of the facility was then taken over by the Cedar Grove Community Club. Cedarena stopped operating in the 2015/2016 season due to lack of volunteer support and degrading equipment and has remained closed since.

Both Parks Canada and City of Markham staff support the conveyance of Cedarena to Parks Canada subject a Memorandum of Understanding being established between the City of Markham, Parks Canada, and the Cedar Grove Community Club. The main purpose of the MOU is to form a working group, made up of a minimum of one representative from each party, to develop the vision, establish roles for each party, explore funding opportunities and develop operating and management models for the facility for the future.

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Generally, the working group will:

- develop terms of reference for the project for approval of the parties;
- develop a business plan, funding model, life cycle management plan and appropriate governance structure for the facility, including the rehabilitation of the current buildings and infrastructure.

The MOU will be in effect until May 31, 2022, at which time it may be extended by mutual agreement.

Attachments 1 and 2 provide a sketch and orthophoto illustrating the general location of both properties. Attachments 3 and 4 provide a sketch and orthophoto illustrating the detailed location of Locust Hill Schoolhouse. Attachments 5 and 6 provide a sketch and orthophoto illustrating detailed location of Cedarena.

Extensive discussions have occurred between the City, TRCA and Parks Canada and all three parties seem satisfied with the proposed approach for these specific sites. TRCA is actively working to ensure the majority of the 2,266 hectares of RNUP properties are conveyed to Parks Canada by May of 2019.

RATIONALE

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

No additional costs will be incurred by TRCA in connection with this resolution.

Report prepared by: Mike Fenning, extension 5223

Emails: mfenning@trca.on.ca

For Information contact: Mike Fenning, extension 5223

Emails: mfenning@trca.on.ca

Date: April 15, 2019

Attachments: 6

Attachment 1: Sites sketch

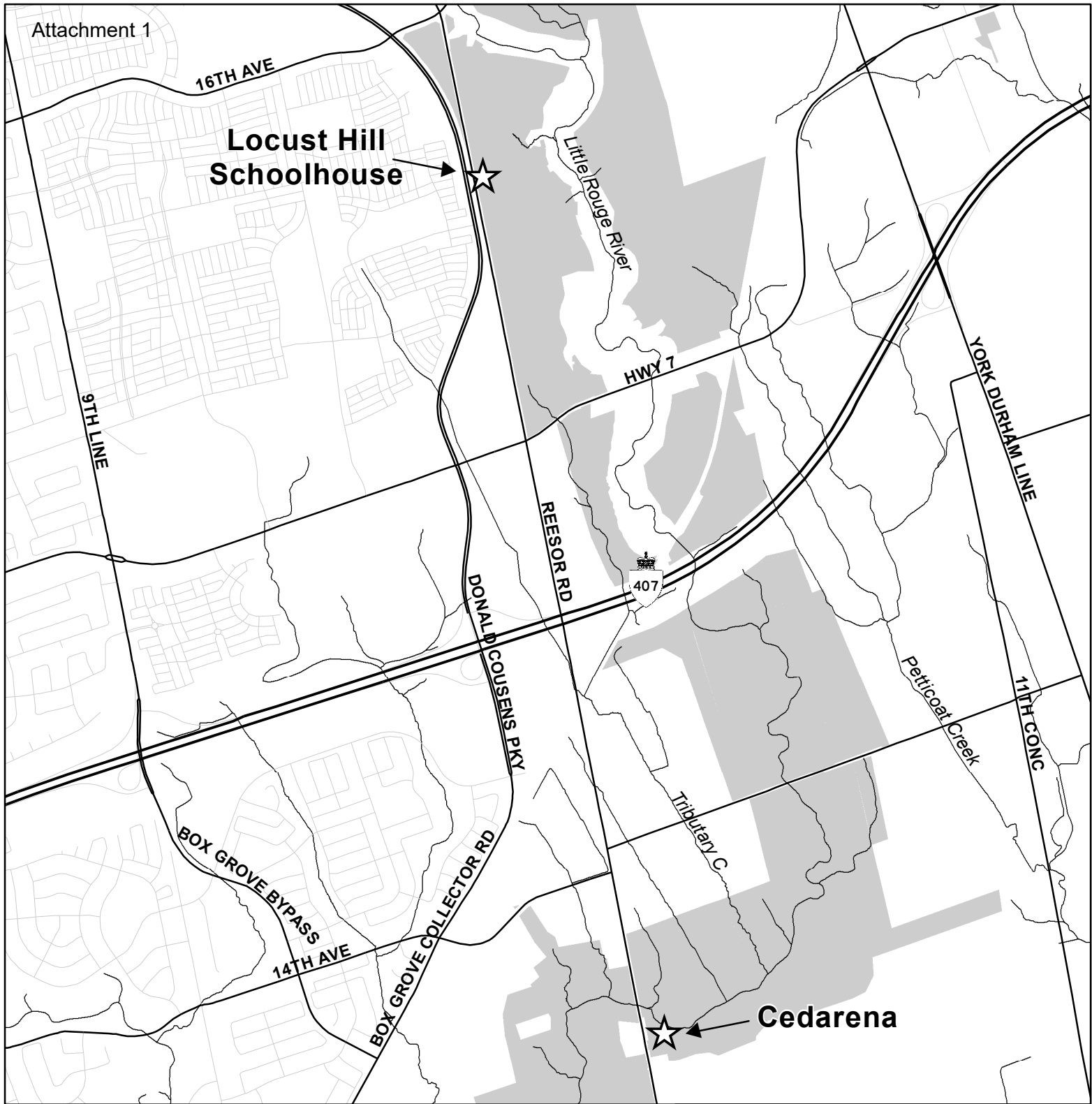
Attachment 2: Sites orthophoto

Attachment 3: Locust Hill Schoolhouse detailed sketch





Attachment 4: Locust Hill Schoolhouse detailed orthophoto

Attachment 5: Cedarena detailed sketch

Attachment 6: Cedarena detailed orthophoto



Legend

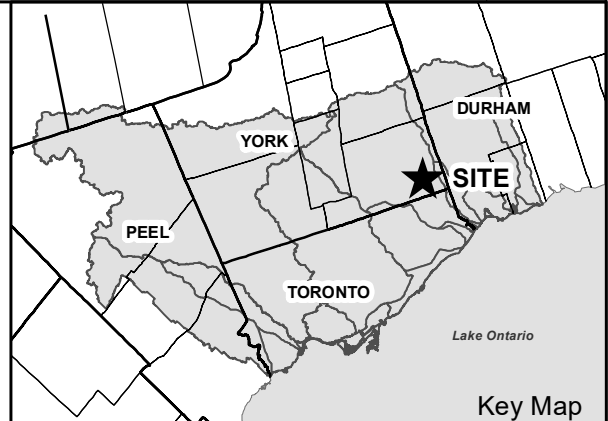
-  Subject Properties
-  Watercourses
-  TRCA Property
-  Parcel Assessment



Toronto and Region
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Authority



0 250 500 1,000
Meters



Key Map



Legend



Subject Properties



Watercourses



TRCA Property



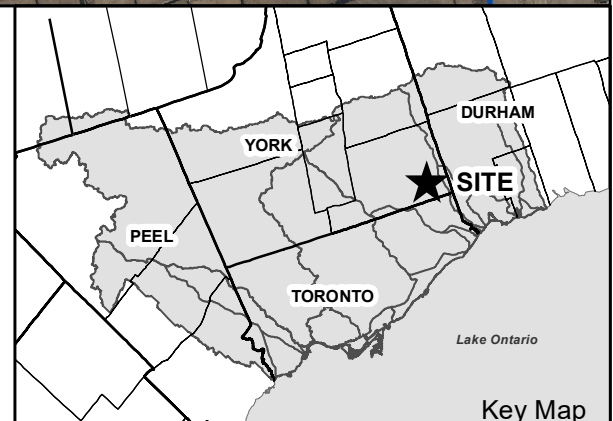
Parcel Assessment

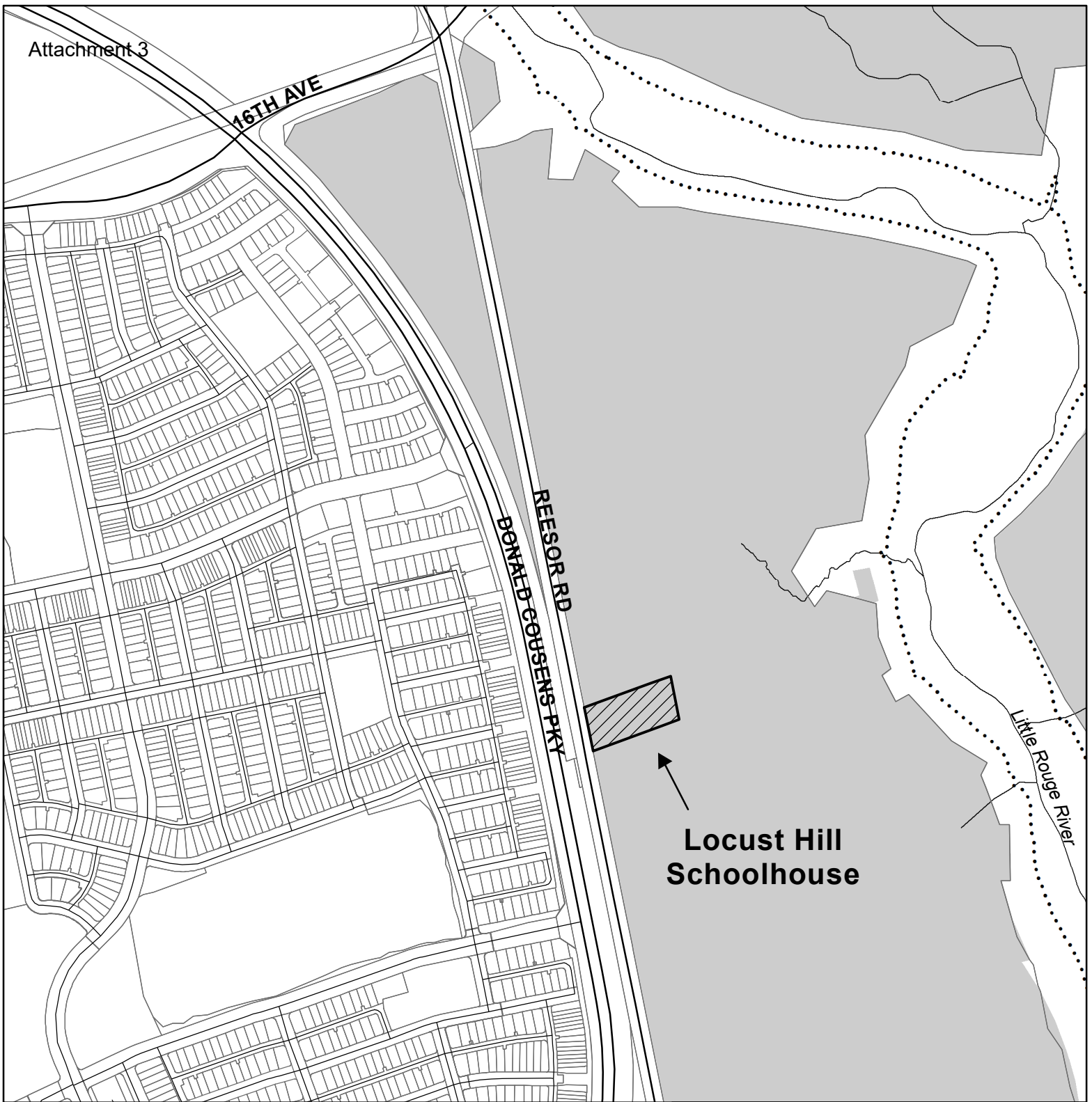


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





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Legend

-  Subject Property
-  Watercourses
-  Floodline
-  TRCA Property
-  Parcel Assessment

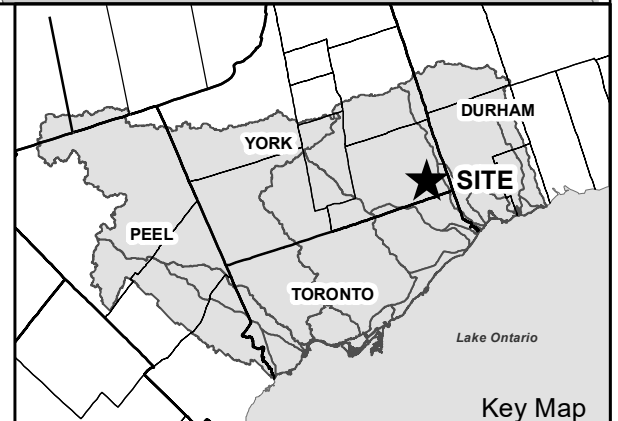


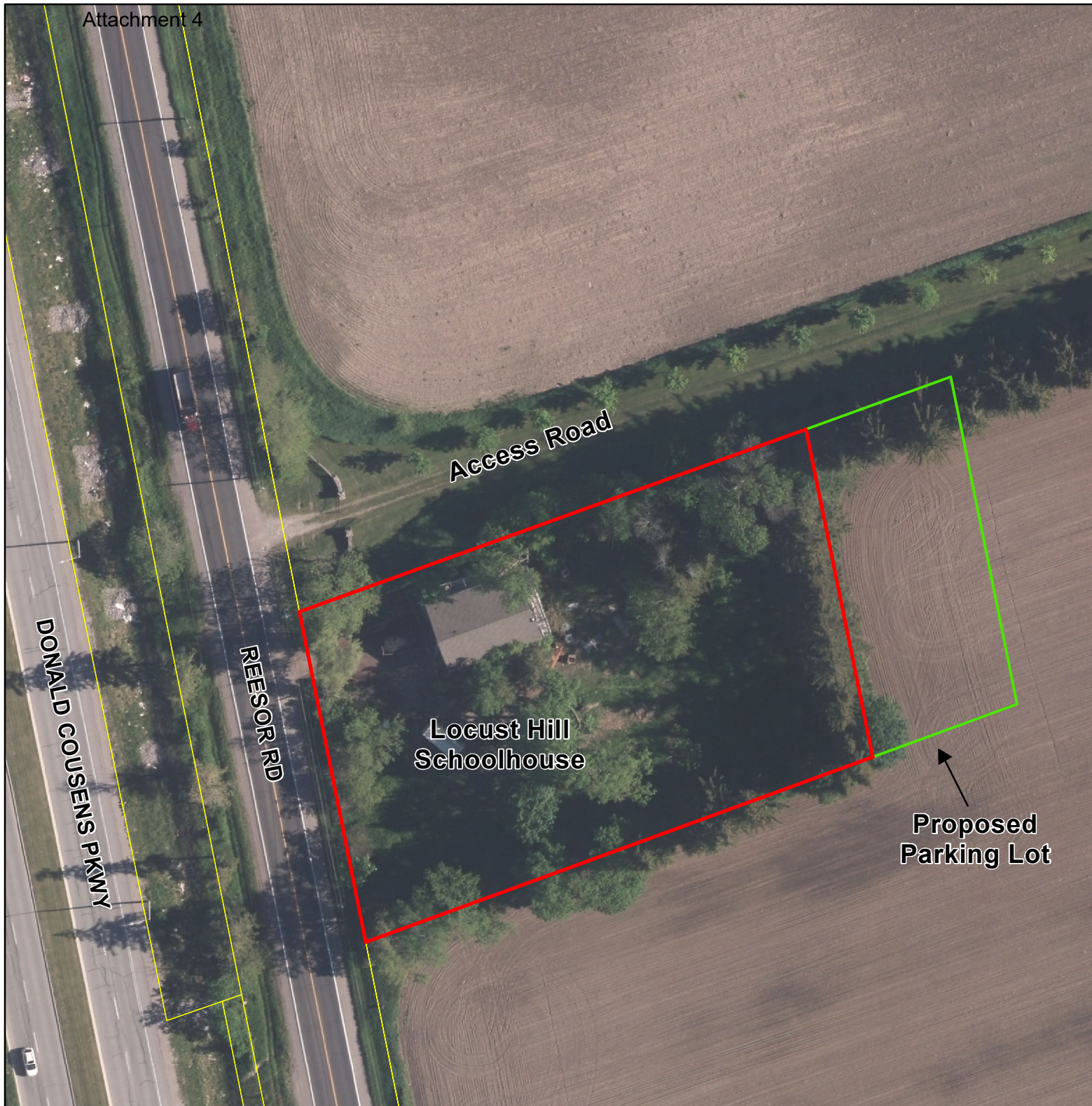
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60





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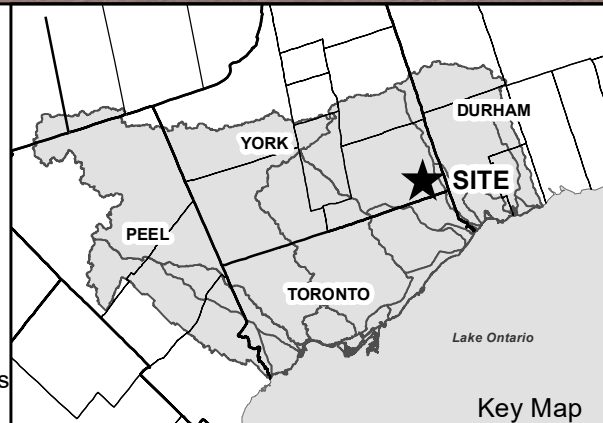
- Locust Hill Schoolhouse
- Proposed Parking Lot
- Parcel Assessment
- Watercourses



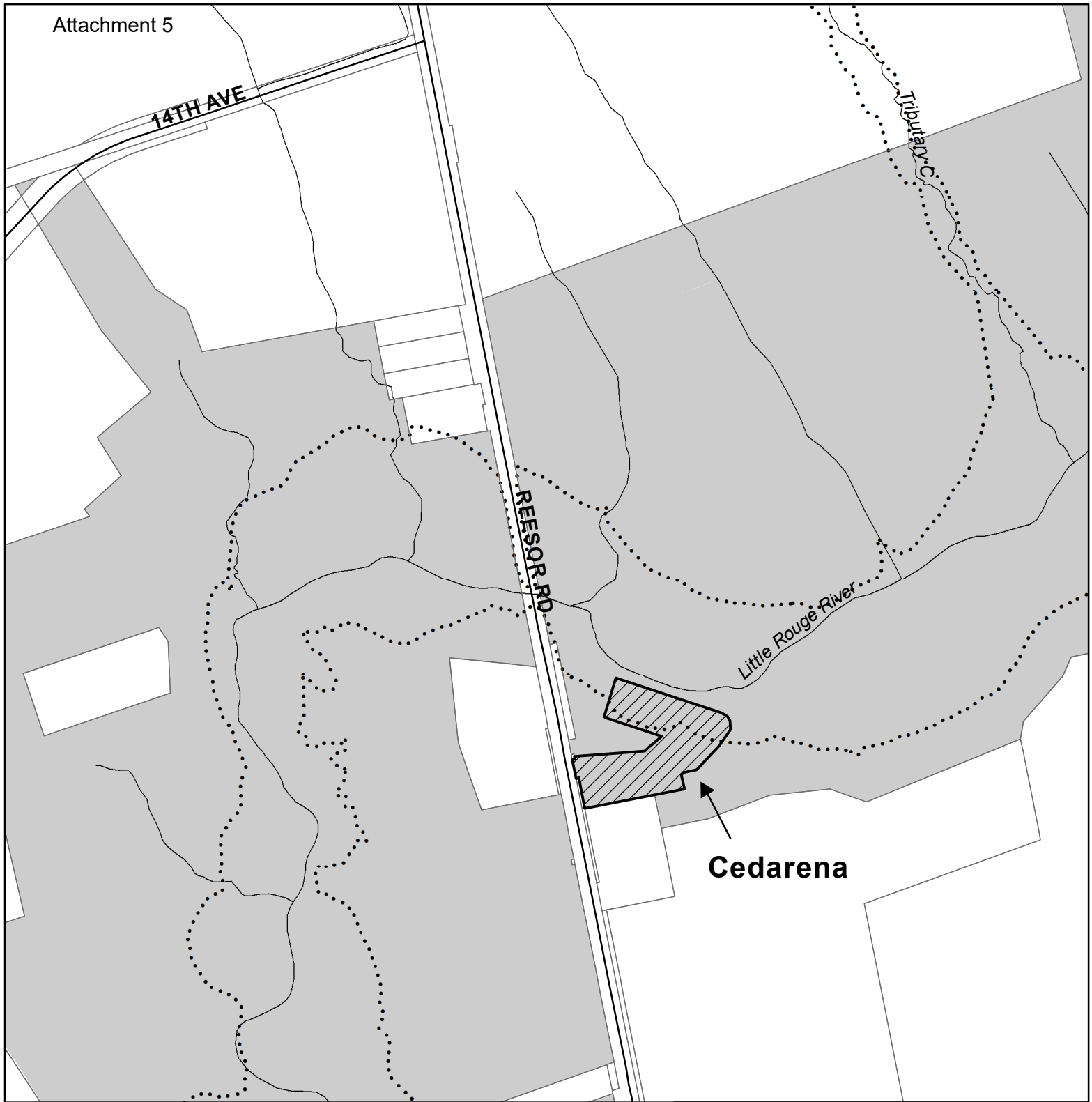
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Key Map

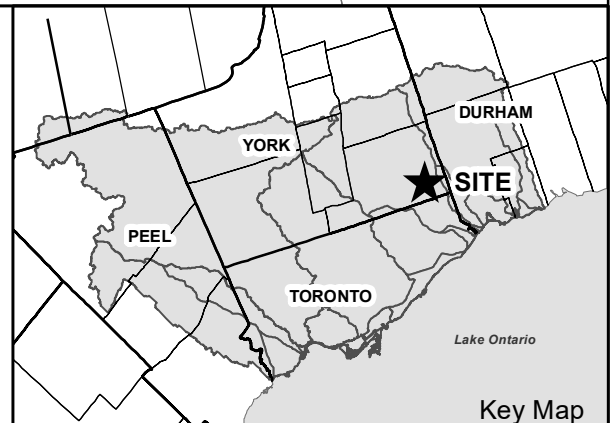


Legend

-  Subject Property
-  Watercourses
-  Floodline
-  TRCA Property
-  Parcel Assessment



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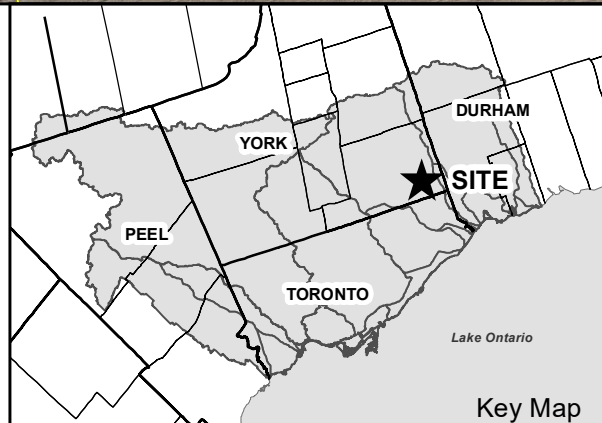
- Subject Property
- Watercourses
- Parcel Assessment



Toronto and Region
Conservation
Authority



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Key Map

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #04/19, Friday, April 26, 2019

FROM: John MacKenzie, Chief Executive Officer

RE: **TRCA DRAFT COMMENTS TO ENVIRONMENTAL REGISTRY OF ONTARIO (ERO)**
Modernizing conservation authority operations - Conservation Authorities Act (ERO #013-5018)

KEY ISSUE

Toronto and Region Conservation Authority (TRCA) draft comments on the Government of Ontario's proposed amendments to the Conservation Authorities Act, 2017.

RECOMMENDATION

WHEREAS the Province of Ontario has posted the proposed amendments to the Conservation Authorities Act, 2017, for public comment on the Environmental Registry of Ontario (ERO);

AND WHEREAS the ERO imposes a May 20, 2019 deadline for submission of comments to the Province;

THEREFORE LET IT BE RESOLVED THAT the Toronto and Region Conservation Authority (TRCA) staff report and draft comments on the Ontario government's proposed amendments to the Conservation Authorities Act, 2017, be received and that any comments from the Board of Directors be considered in informing TRCA's final ERO submission;

AND FURTHER THAT municipal partners and Conservation Ontario be so advised.

BACKGROUND

On April 5, 2019, the Ministry of the Environment, Conservation and Parks (MECP) released a [proposed amendment to the Conservation Authorities Act](#), 2017, on the Environmental Registry of Ontario (ERO), due May 20, 2019. This request for comments is further to a comprehensive review of the legislation undertaken by the Province between 2015 and 2017. The ERO posting does not include the proposed written amendments to the Act or its associated regulations.

Conservation Ontario is coordinating a response on behalf of all 36 conservation authorities (CAs), in addition to the submissions made by individual CAs. The Province has stated that the proposed amendments to the *Conservation Authorities Act* (CA Act) are to help CAs focus and deliver on their core mandate and to improve governance. If passed, the amendments would:

- Clearly define the core mandatory programs and services provided by conservation authorities to be, natural hazard protection and management, conservation and management of conservation authority lands, drinking water source protection (as prescribed under the Clean Water Act), and protection of the Lake Simcoe watershed (as prescribed under the Lake Simcoe Protection Act);
- Increase transparency in how conservation authorities levy municipalities for mandatory

Item 8.8.

and non-mandatory programs and services. Update the Conservation Authorities Act, an Act introduced in 1946, to conform with modern transparency standards by ensuring that municipalities and conservation authorities review levies for non-core programs after a certain period of time (e.g., 4 to 8 years);

- Establish a transition period (e.g. 18 to 24 months) and process for conservation authorities and municipalities to enter into agreements for the delivery of non-mandatory programs and services and meet these transparency standards;
- Enable the Minister to appoint an investigator to investigate or undertake an audit and report on a conservation authority; and
- Clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority, similar to not-for profit organizations.

The Province is also proposing to proclaim un-proclaimed provisions of the Conservation Authorities Act related to:

- Fees for programs and services;
- Transparency and accountability;
- Approval of projects with provincial grants;
- Recovery of capital costs and operating expenses from municipalities (municipal levies);
- Regulation of areas over which conservation authorities have jurisdiction (e.g., development permitting);
- Enforcement and offences; and
- Additional regulations.

Draft comments on the related, yet separate, [proposed amendments to the Conservation Authorities Act regulation](#) are being presented to the Board in a separate staff report.

At meeting #3/19 of the Executive Committee, held on April 5, 2019, Resolution #B33/19 was approved as follows:

THAT the Chair be authorized to call a special meeting of the Executive Committee to discuss TRCA's recommendations to the proposed amendments to the Conservation Authorities Act and associated regulations;

THAT an immediate request be made to the Province of Ontario for an extension to the commenting period from 45 days to 60 days;

AND FURTHER THAT staff provide a report at the special Executive Committee meeting, if called, that includes a government relations and communications strategy.

Further to the above, at a special meeting of the Executive Committee, held on April 12, 2019, Resolution #B35/19 was approved as follows:

WHEREAS the Province has posted on the Environmental Registry of Ontario two proposals for modernizing conservation authority operations and focusing conservation authority development permits on the protection of people and property;

LET IT THEREFORE BE RESOLVED THAT this presentation be received for information;

Item 8.8.

AND FURTHER THAT the comments received from the Executive Committee be considered to inform the staff report to the Board of Directors on April 26, 2019.

Further to the above direction, TRCA staff has reviewed the proposed amendments and drafted comments based on staff's day-to-day work in support of our municipal partners.

RATIONALE

TRCA provides technical support to its municipal partners in implementing the natural heritage, natural hazard and water resource policies of municipal and provincial plans. In working with approval authorities, along with private and public proponents, TRCA supports comprehensive planning to ensure that development and infrastructure are adequately set back and protected from natural hazards and environmentally sensitive areas. TRCA achieves these goals in the following capacities, by acting as:

- A public commenting body under the Planning Act and Environmental Assessment Act;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement (PPS);
- A regulatory authority under section 28 of the Conservation Authorities Act;
- A service provider;
- A resource management agency; and
- A landowner, being second only to the Province in area of land ownership in TRCA jurisdiction.

TRCA also collaborates with provincial and municipal partners to seek opportunities for remediation and restoration to reduce risk and increase resiliency, where comprehensive redevelopment/community revitalization is proposed that includes areas of historical residential development within the flood hazard. Additionally, the recently released Made-in-Ontario Environment Plan (2018) states the province will "...work in collaboration with municipalities and stakeholders to ensure that conservation authorities focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards, and conserving natural resources."

The current Conservation Authorities Act was amended in 2017 to include an updated defined purpose and object, which are as follows:

- **Purpose, s. 0.1:** The purpose of this Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario.
- **Objects, s. 20(1):** The objects of an authority are to provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.

A new section 21.1(1) of the Act, entitled Programs and Services, was added in 2017, which sets out three categories of programs and services that a CA is required or permitted to provide within its area of jurisdiction:

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Programs and services

21.1 (1): The following are the programs and services that an authority is required or permitted to provide within its area of jurisdiction:

1. Mandatory programs and services that are required by regulation.
2. Municipal programs and services that the authority agrees to provide on behalf of municipalities situated in whole or in part within its area of jurisdiction under a memorandum of understanding referred to in subsection (3).
3. Such other programs and services as the authority may determine are advisable to further its objects.

Mandatory programs and services

(2) Programs and services referred to in paragraph 1 of subsection (1) shall be provided in accordance with such standards and requirements as may be set out in the regulations.

A further area of change for the Conservation Authorities Act in 2017 was to have an administrative by-law (a requirement for all CAs). TRCA passed its administrative by-law September 28, 2018.

Many of the amendments to the Act in 2017 were enabling only and will come into effect through future regulations, either under the Minister's approval or through Provincial Cabinet.

Areas of the 2017 review where TRCA requested amendments that were not incorporated into the updated legislation included certain enforcement provisions, where TRCA recommended that Section 30 be amended to include an order to comply, a stop work order be appealed directly to the Minister, clarification regarding "after the fact" permits, and further that any new or updated regulations include a definition of an officer for enforcement purposes. Additionally, TRCA also requested an immunity provision for risk management purposes, as the potential liability associated with CA flood and erosion control infrastructure, funding challenges for maintenance and upgrades, and the increased exposure associated with climate change led TRCA to recommend that a clause be added to the Act with respect to flood and erosion control liability, to protect CAs operating in good faith from prosecution. The immunity provision was also not incorporated into the updated legislation.

TRCA staff's draft comments are contained within Attachment 1 to this report. Accompanying the draft comments are TRCA draft recommendations, which are consolidated below.

TRCA recommends that:

1. The current purpose and objects in the *Conservation Authorities Act* remain broad and unchanged, to facilitate continued innovation and adaptation for local watershed-based solutions to current and emerging issues;
2. The role of CAs in the land use planning and environmental protection process, as linked to legislation including the *Planning Act*, *Environmental Assessment Act*, and the CA Act in supporting the implementation of provincial and municipal priorities, be recognized as a core mandatory program and service;

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3. The Province leverage the expertise of CAs in natural resource management, where capacity exists, for additional opportunities for efficiencies in public review processes to enable more timely reviews and approvals;
4. The core mandatory programs of CAs be consistent with the purpose of the Act and the *Made-in-Ontario Environment Plan* to include reference to the management and conservation of natural resources;
5. The identification of the management of conservation authority lands as a core mandatory function is important to include in the CA Act. Non-core functions such as restoration, recreation, education and community engagement functions of CAs on CA owned lands should be acknowledged as necessary to support these core activities in the amended Act and implementing regulations;
6. As school boards are enabled to enter into agreements with conservation authorities for the provision of lands, programs or services related to natural science or out-of-classroom experiences under Section 197.7 of the *Education Act*, the *Conservation Authorities Act* should be amended to explicitly acknowledge and permit the important role that CAs play in providing greenspace, scientific knowledge and experiences for Ontario students by including reference to natural science and outdoor education in the Act;
7. The Province maintain their financial and technical support for the Drinking Water Source Protection Program and that the identification of this program as a core mandatory program include continued financial support from the Ministry of Environment, Conservation and Parks for the role of Conservation Authorities, as prescribed under the Clean Water Act;
8. Consistent with the CA Act, the ability to manage local environmental issues on a watershed basis, be maintained for all conservation authorities;
9. The key role that many CAs play in the protection and restoration of the Great Lakes be identified and acknowledged as one of their core mandatory programs and services;
10. Increased transparency in how conservation authorities levy municipalities for mandatory programs and services be supported;
11. The review of non-mandatory programs occur every four years, coinciding with the second year of our partner municipality councils' four-year terms;
12. Further guidance from the Ministry regarding the apportionment of levy be addressed within the update to the Act, to address cost constraints of our municipal partners while ensuring equity and timely resolution of disagreements;

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- 13. The Province update the Act with general principles for transparency in levy funding, such as requiring cost recovery pricing for mandatory programs, based on transparent, full cost accounting and consultation with stakeholders, and require that all non-mandatory programs charge cost plus pricing to ensure they pay for their portion of a CA's administration functions;**
- 14. Entering into agreements for the delivery of non-core programs and services be mandatory practice, and proposes that the transition period for entering into these agreements be extended to December 2022, to coincide with the existing term end of municipal councils;**
- 15. The Province or any partner municipality be allowed to request an audit of special purpose financial information limited strictly to how their funds have been spent, at their cost, and that overall financial accountability remain as a fiduciary responsibility of the CA's Board of Directors;**
- 16. TRCA supports the amendment to clarify that the duty of conservation authority board members is to act in the best interest of the CA;**
- 17. The Province examine the size of CAs' Board of Directors in the context of this review and any consider amendments to the CA Act regarding the maximum number of board members that may be appointed to a conservation authority by partner municipalities;**
- 18. Flexibility be provided to CAs in respect of the charging of fees for diverse programs and services and that the CA Act be updated with general principles to be followed such as requiring cost plus pricing for associated fees, based on transparent, full cost accounting and consultation with stakeholders;**
- 19. A clause of indemnification or statutory immunity for the good faith operation of essential flood and erosion control infrastructure and programming be added to the CA Act; and**
- 20. Enhanced provisions for enforcement and compliance be added to the CA Act, including stop work orders, orders to comply, clarification for "after the fact" permits and a definition of an "officer" for enforcement purposes.**

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 8 – Gather and share the best sustainability knowledge

Strategy 12 – Facilitate a region-wide approach to sustainability

Item 8.8.

FINANCIAL DETAILS

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

DETAILS OF WORK TO BE DONE

Upon endorsement by the Board of Directors, and recognizing any input received on the staff comments, the attached draft comment letter will be updated and submitted as TRCA's official comments to the ERO. Staff will continue to brief the Board on other legislative changes that result from this circulation.

Report prepared by: Daniel Brent, extension 5774; David Burnett, extension 5361

Emails: daniel.brent@trca.on.ca; david.burnett@trca.on.ca

For Information contact: Michael Tolensky, extension 5965; Laurie Nelson, extension 5281

Emails: michael.tolensky@trca.on.ca; laurie.nelson@trca.on.ca

Date: April 25, 2019

Attachments: 1 – TRCA Draft Comments (ERO #013-5018)

April 26, 2019

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

DRAFT FOR REVIEW AND COMMENTS

Ministry of the Environment, Conservation and Parks
Great Lakes and Inland Waters Branch
40 St. Clair Avenue West, Floor 10
Toronto, ON M4V 1M2

**Re: Response to Request for Comments
Modernizing Conservation Authority Operations
Conservation Authorities Act (ERO #013-5018)**

Thank you for the opportunity to comment on the posting on the Environmental Registry of Ontario (ERO) by the Ministry of the Environment, Conservation and Parks (MECP), of the proposal to amend the *Conservation Authorities Act*. We understand the government is undertaking a review of the Act to consider how conservation authorities can modernize and improve delivery of their core programs and services, as outlined in the "Made-in-Ontario Environment Plan".

As the ERO posting states, extreme weather events increasingly threaten our homes, businesses and infrastructure, and conservation authorities play a key frontline role in helping prepare for the cost and impact of climate change in their communities. We are encouraged that the posting references the important role that conservation authorities (CAs) fulfill in Ontario's land use planning and environmental protection process for natural hazard management, source water protection and conserving natural resources. Toronto and Region Conservation Authority (TRCA) is pleased that the Province continues to recognize the critical role that CAs play in dealing with the impacts of climate change as it relates to protecting public health and safety and the environment.

Further, TRCA supports the Province's intent to improve consistency among CAs, Board governance of CAs, and increase transparency in CA funding through partner municipal levy for mandatory and non-mandatory programs and services. TRCA has already been working towards achieving these objectives.

TRCA is further pleased that the Province is proposing to proclaim many of the un-proclaimed provisions that were enabled through the amendments to the *Conservation Authorities Act* in 2017. As the Province develops its suite of regulatory and policy proposals to support the proposed amendments and proclamation of un-proclaimed provisions of the Act, TRCA looks forward to being involved in the consultation process.

As you are aware, TRCA has an ongoing interest in the proposed amendments to the *Conservation Authorities Act* (CA Act) given our roles as:

- A regulator under Section 28 of the CA Act;
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*;
- A delegated commenting body to represent the Provincial interest in natural hazards;

- A service provider to our municipal partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region.

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

Our response to the proposal encompasses seven general themes to modernize CA operations and governance, as follows:

1. Defining core mandatory programs and services;
2. Transparency in levy for mandatory and non-mandatory programs and services;
3. Transition period for CA-municipal agreements' transparency;
4. Minister appointed investigator for audits;
5. Duty of CA Board members;
6. Proclaiming un-proclaimed provisions of the 2017 CA Act; and
7. Additional proposed amendments.

The posting does not include the proposed written amendments to the CA Act or associated regulations.

With TRCA's roles, responsibilities and experience in mind, we offer the following responses to the proposed amendments.

PROPOSED CHANGE #1

Defining core mandatory programs and services

The Province proposes to amend the CA Act to clearly define the core mandatory programs and services provided by conservation authorities to be:

- Natural hazard protection and management;
- Conservation and management of conservation authority lands;
- Drinking water source protection (as prescribed under the Clean Water Act); and
- Protection of the Lake Simcoe watershed (as prescribed under the Lake Simcoe Protection Act).

TRCA RESPONSE

For the purpose of providing a comprehensive response to this first proposed change, TRCA's response is divided into seven sections, each with specific recommendations regarding potential ways to further improve the Act.

A. Critical role of CAs in a growing and intensifying city-region and the Greater Golden Horseshoe (GGH)

It is necessary to continue to recognize the importance of operational flexibility in the CA Act and the importance of a watershed-based governance model that has enabled innovation in developing practical solutions to current and emerging issues (e.g., flood management, drinking water and Great Lakes water quality, climate change, rapid urbanization/growth). The role of CAs has evolved over time to become critical on-the-ground implementers for a number of provincial and municipal goals and objectives related to natural resource management and protection of the natural environment. In the

GGH, TRCA has played a critical role in addressing climate change risks and the impacts of rapid growth and urbanization within its area of jurisdiction and beyond through partnerships with other CAs and municipalities. This work to address climate change and mitigate the environmental impacts of planned growth supports the Province's and municipalities' efforts to address pressing environmental issues such as Lake Ontario water quality, flood and erosion hazard management, stormwater management, natural heritage systems planning and source water protection.

The posting and the *Made-In-Ontario Environment Plan* affirm the important role of CAs in the land use planning and environmental protection process. TRCA agrees given that CAs provide significant support to both the Province and municipalities in the implementation of the Provincial Policy Statement (PPS) and the Provincial Plans in our jurisdiction (i.e. Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Growth Plan, Niagara Escarpment Plan, Central Pickering Development Plan and Parkway Belt West Plan). Accordingly, CA core roles are linked to other legislation such as the *Planning Act* and the *Environmental Assessment Act*, where we provide one-window review of natural hazard issues related to development applications and relevant sections of implementation of the PPS. CAs work through the planning process with both private and public proponents to facilitate sustainable development and infrastructure that is adequately set back from, and/or protected from, natural hazards and/or from environmentally sensitive areas. TRCA exercises all of its roles and responsibilities, (commenting body, regulator, resource management agency, service provider to municipalities and other agencies (e.g. Metrolinx), and landowner), in accordance with the Province's "*Policies and Procedures for Conservation Authority Plan Review and Permitting Activities*" (2010). Furthermore, in participating in Conservation Ontario's CA working group for all CAs to improve client service and accountability, increase speed of approvals, and reduce the notion of "red tape", staff recently reported to TRCA Board of Directors on our own ongoing streamlining efforts for reducing regulatory burden and meeting provincial priorities ([available here](#), pages 42 to 49). Through this work, we have identified additional opportunities for efficiencies in public agency review processes listed below. TRCA suggests further leveraging of CA expertise in natural resource management for facilitating timely reviews and approvals for development and infrastructure, where such CA capacity exists (e.g., within the GGH context). In recent submissions to the Province, the following recommendations to enable more timely reviews and approval were made by TRCA:

- Streamline provincial approvals by having CAs with expertise and capacity play a larger role in undertaking wetland evaluations and approvals, and staking of provincially wetlands;
- CAs could expand their role in wildlife management by administering fisheries timing windows and wildlife collection permits;
- CAs could play a role in the application of the *Endangered Species Act*, which could include habitat delineation, permit negotiation and issuance, timing window applications and Overall Benefit Permit planning and implementation. Through experience, science and monitoring expertise, CAs could assist in the development of a recovery strategy; and
- Transfer the review of Environmental Compliance Approvals along with associated resources for stormwater management under the *Ontario Water Resources Act* to CAs that have the expertise in place and that have completed watershed plans with set stormwater management targets to ensure provincial interests are protected.

CAs add value to the growth planning process by bringing a regional perspective to cross boundary/watershed issues and across legislative review and approval processes (high level/strategic through to detailed design for both development and infrastructure). Where comprehensive redevelopment/community revitalization is proposed that includes areas of historical residential development within the flood hazard,

CAs also work with our provincial and municipal partners to seek opportunities for remediation and restoration to reduce risk and increase resiliency. In this way, increased housing supply is facilitated while risk is reduced and provincial and municipal policies for growth and development, public safety and environmental protection are upheld. Accordingly, it is important to recognize in the Act the important and diverse roles conservation authorities play as local implementation agents helping to achieve a number of provincial and municipal objectives.

For example, TRCA's Erosion Risk Management Program focuses on the identification and remediation of shoreline and valley land erosion hazards throughout TRCA's jurisdiction and encourages proactive prevention, protection and management of erosion issues on private and public property. Under the governing planning process being the Class Environmental Assessment for Remedial Flood and Erosion Control Projects (2013) or Class EA under the CA Act where TRCA is the proponent, and the Municipal Class Environmental Assessment (MCEA) where the municipality is the proponent, sometimes with TRCA as a co-proponent, TRCA works with our municipal partners to protect public safety, essential infrastructure, recreational trails and treasured greenspace. TRCA is currently working with Conservation Ontario to streamline TRCA's Class EA to mirror the MCEA where appropriate, including the development of Schedules that prescribe the type and extent of consultation and reporting required based on the scope, cost and other factors that vary widely between projects.

We recommend that the Province maintain the broad mandate of conservation authorities, as currently stated in the CA Act. The objects and powers of CAs in the Act are written broadly and as such, allow CAs to conduct activities in response to local natural resource management needs and challenges, even as these have changed, evolved and intensified since the Act was created. We anticipate that the needs and challenges will continue to change over time, so the objects and powers should remain broad to continue to facilitate adaptation to emerging issues.

TRCA recommends that:

- **The current purpose and objects in the *Conservation Authorities Act* remain broad and unchanged, to facilitate continued innovation and adaptation for local watershed-based solutions to current and emerging issues;**
- **The role of CAs in the land use planning and environmental protection process, as linked to legislation including the *Planning Act*, *Environmental Assessment Act*, and the *CA Act* in supporting the implementation of provincial and municipal priorities, be recognized as a core mandatory program and service; and**
- **The Province leverage the expertise of CAs in natural resource management, where capacity exists, for additional opportunities for efficiencies in public review processes to enable more timely reviews and approvals.**

B. Natural Hazards Protection and Management

Conservation Authorities undertake watershed-based programs to protect people and property from flooding and other natural hazards, and TRCA recognizes hazard management as a provincially mandated program. TRCA watersheds contain numerous Special Policy Areas (SPA) and flood vulnerable areas (FVA) where lives and property can be at risk from flooding and erosion hazards. Well-developed flood forecasting and warning systems are vital to the safety and security of watershed communities. Continued operation and funding of the Federal-Provincial hydrometric network is critical for delivering the core functions of hazard management.

Additionally, several dams, reservoirs and other flood control structures are in place that watershed communities rely on for protection during flood emergencies. CAs assist their municipal partners to develop and put in place emergency response plans and water management plans to jointly prepare for climate change. Having these plans in place assists the Province in achieving outcomes in the *Made-in-Ontario Environment Plan* by being prepared for climate change and keeping people safe.

Regulations to limit new development in floodplains and other natural hazard areas are an important part of reducing longer term risk of flooding and other natural hazards. Many municipalities depend on conservation authorities to provide technical information to support development of municipal emergency preparedness plans. Many other TRCA programs support and enhance the natural hazard program. Tree planting, restoring natural areas and conservation services programs are examples of conservation authority activities that improve the landscape and make the watershed more resilient to the variations in precipitation patterns resulting from climate change. As such, natural hazards and natural heritage are intrinsically linked, and best addressed in a holistic manner through integrated watershed planning. Further, the integration of natural hazard, natural heritage and other watershed-based programs provides optimum cost savings and efficiencies.

It is of great concern to TRCA that these watershed and natural resource functions have been left out of the proposal to define a CA's core mandatory programs. The government's recent *Made-in-Ontario Environment Plan* references the importance of conservation in combatting climate change:

"... we know that climate change poses a serious threat to Ontario's natural areas and that conservation of these areas can play an important role in mitigating and adapting to climate change."

The Plan goes on to describe the CA role in conserving natural resources as follows:

"Work in collaboration with municipalities and stakeholders to ensure that conservation authorities focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards and conserving natural resources".

Additionally, the *Conservation Authorities Act* purpose, as added to the Act in 2017, is not referenced, and reads:

“The purpose of this Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario”.

TRCA recommends that:

- **The core mandatory programs of CAs be consistent with the purpose of the Act and the *Made-in-Ontario Environment Plan* to include reference to the management and conservation of natural resources.**

C. Management of Conservation Authority Lands

TRCA agrees that this is a core mandatory program of CAs.

TRCA owns and manages approximately 18,000 hectares of land in its nine watersheds and along the Lake Ontario shoreline. We also operate numerous conservation areas where user fees are collected to help cover operating costs. In addition to fee-supported conservation areas for public uses such as recreation and education, many parcels of land were purchased for hazard mitigation or environmental protection. With population growth in the watershed, there is additional pressure on these lands. User conflicts and public safety issues arise, and resources are required to prepare and implement management plans for these lands. As noted in the *Made-in-Ontario Environment Plan*, True environmentalism begins with a sense of civic responsibility that we foster through meaningful action close to home”.

The lands owned, operated and managed by conservation authorities provide opportunities for natural-science and outdoor-based education programs and community engagement opportunities that help foster this sense of civic responsibility. These lands and programs are inter-linked and are important tools within a CA’s suite of programs that help deliver on the important mandate of protecting, restoring and enhancing local watersheds and keeping communities safe from natural hazards, such as flooding, erosion and climate change.

Outdoor education programs and services across Ontario are delivered by a range of providers including school boards, CAs and other not-for-profits. Under the *Education Act* (Section 197.7), conservation authorities and school boards are enabled to enter into agreements for the provision of lands, programs or services related to natural science or out-of-classroom experiences. This provision was intended to leverage the local environmental science knowledge and greenspace systems of CAs in providing outdoor experiential learning opportunities to students and school boards that were locally-based, partnership-driven and supported the mandate of CAs. Further, the value of public agencies, such as school boards and conservation authorities, working collaboratively to leverage local greenspace and education centres maximizes the use of public assets and taxpayer funding.

Lands owned and managed by CAs serve an important public function for a diverse array of uses. The identification of the management of CAs lands as a core mandatory function is supported and the review should recognize the restoration, recreation, education and community engagement functions of CAs as supporting core mandatory programs and services related to CA land management.

TRCA recommends that:

- **The identification of the management of conservation authority lands as a core mandatory function is important to include in the CA Act. Non-core functions such as restoration, recreation, education and community engagement functions of CAs on CA owned lands should be acknowledged as necessary to support these core activities in the amended Act and implementing regulations; and**
- **As school boards are enabled to enter into agreements with conservation authorities for the provision of lands, programs or services related to natural science or out-of-classroom experiences under Section 197.7 of the *Education Act*, the *Conservation Authorities Act* should be amended to explicitly acknowledge and permit the important role that CAs play in providing greenspace, scientific knowledge and experiences for Ontario students by including reference to natural science and outdoor education in the Act.**

D. Drinking Water Source Protection (as prescribed under the Clean Water Act)

TRCA supports the Drinking Water Source Protection Program as a core mandatory function of CAs. This legislated role includes:

- Establish and administer the Source Protection Committee (SPC) for local decision making (in our case, this is the Toronto and Region Source Protection Authority, or TRSPA);
- Assist the SPC in their powers and duties to be carried out under the Clean Water Act, 2006;
- Provide scientific, technical and administrative support and resources to the CTC SPC;
- Comply with an obligation to implement a significant threat policy or designated Great Lakes policy;
- Prepare annual progress reports for each source protection plan, submit to the SPC first and then to the Director, MECP;
- Propose and prepare updates to source protection plan and undertake necessary consultations leading to a submission to the MECP;
- Issue a Notice to municipal residential drinking water system owners, upon receipt and review of necessary technical work, to support source protection planning for new or changing systems.

In addition to the legislated requirements under the *Clean Water Act, 2006*, Toronto and Region Source Protection Authority (TRSPA) provides advice and program support to municipalities, the Province, and other stakeholders to resolve issues with policy implementation. Further, TRSPA staff are integral to the integration of source protection into local decisions in vulnerable areas identified in the CTC Source Protection Plan.

TRCA recommends that:

- **The Province maintain their financial and technical support for the Drinking Water Source Protection Program and that the identification of this program as a core mandatory program include continued financial support from the Ministry of Environment, Conservation and Parks for the role of Conservation Authorities, as prescribed under the Clean Water Act.**

E. Protection of the Lake Simcoe Watershed

This does not directly apply to TRCA, although we do support the importance of this as a core mandatory program for the Lake Simcoe Region Conservation Authority.

F. Watershed Focus

We note that the watershed focus of all CAs is not mentioned as a core role. This is a unique and important attribute of managing natural resources, as well as contributing to natural hazard and flood risk management. TRCA undertakes watershed-based programs that provide a wide range of benefits to watershed residents. Conservation Authority programs and services protect water, provide natural spaces and build resilience to extreme weather and flooding events. Investments in watershed based programs can help avoid future costs around challenges such as flood damages, business disruptions and public health issues. Residents of all watersheds rely on clean and sustainable drinking water, breathable air, green spaces and healthy rivers and streams for recreation, healthy soils, forests and wetlands that provide habitat for wildlife, as well as public health and many other benefits. Being in nature restores people and helps them to stay active and healthy. The *Conservation Authorities Act* established in 1946 was predicated on responding to local issues on a watershed basis. This role of CAs in undertaking programs on a watershed scale should be considered in developing amendments to the Act.

TRCA recommends that:

- **Consistent with the CA Act, the ability to manage local environmental issues on a watershed basis, be maintained for all conservation authorities.**

G. Protection and Restoration of the Great Lakes

Additionally, the proposed amendments to the CA Act do not reflect the role that many CAs play in the protection and restoration of the Great Lakes. The *Made-in-Ontario Environment Plan* includes a commitment to review and update Ontario's Great Lakes Strategy to continue to protect fish, parks, beaches, coastal wetlands and water by reducing plastic litter, excess algae and contaminants along our shorelines, and reducing salt entering waterways to protect our aquatic ecosystems. Since signing the eighth Canada Ontario Agreement (COA) in 2014, Ontario has directly invested \$15.3 million per year in Great Lakes programs. TRCA and other CAs have been long standing partners, helping the Province achieve its stated COA objectives. TRCA helps the Province monitor water quality and fish communities in Lake Ontario and its tributaries. Further, TRCA has been providing administration, coordination and professional services for the Toronto Remedial Action Plan Area for over 20 years. This work has resulted in some significant improvements in Great Lakes water quality over time, due to efforts by governments and other partners. Given the many increasing pressures facing Ontario's Great Lakes, such as population growth, rapid urban development, aging infrastructure and invasive species, it is important that the Province formally recognize long standing CA contributions that help the Province achieve its stated Great Lakes objectives.

TRCA recommends that:

- **The key role that many CAs play in the protection and restoration of the Great Lakes be identified and acknowledged as one of their core mandatory programs and services.**

PROPOSED CHANGE #2

Transparency in levy for mandatory and non-mandatory programs and services

- Increase transparency in how CAs levy municipalities for mandatory and non-mandatory programs and services.

- Update the *Conservation Authorities Act* to conform to modern transparency standards by ensuring that municipalities and CAs review levies for non-core programs after a certain period of time (e.g., 4 to 8 years).

TRCA RESPONSE

TRCA supports transparency in the levy to municipalities for mandatory services and programs through annual detailed budget submissions to municipalities. Over time, levies have evolved to cover non-core programs and services that could be covered by Memorandums of Understanding (MOUs) and/or Service Level Agreements (SLAs), but because of the transparency of TRCA's levy process, have never been raised as a concern by our partner municipalities. Upon ratification of changes to the Act, TRCA will work with our partner municipalities to develop these agreements and re-assess our levy requirements.

With that being said, TRCA has never levied a partner municipality without their approval of the dollar amount. Consistency with the administrative levy has become a distinct challenge, as our four central funding partners (Durham, Peel, Toronto and York) provide different annual funding envelopes to TRCA, leading to challenges with apportionment of expenses utilizing an equitable methodology. TRCA would like the Ministry's guidance on this matter to be addressed within the Act update, as we empathize with the cost constraints facing our municipal partners, but at that same time, want to ensure that potential inequity issues are resolved in a timely and sensible manner.

Regarding the review of levies, TRCA encourages changes to the CA Act only permitting a CA to levy for core programs and services. All additional funding provided should be governed by agreements, which should be reviewed a minimum of every four years, coinciding with the second year of our partner municipality councils' four-year terms. The current term of council ends on December 31, 2022, but by that time, the budget for the 2023 fiscal year is substantially complete and as such, the first year of council doesn't allow time for comprehensive review. Mandating a broad municipal review of CAs' projects and programs is a welcome change and TRCA wants to ensure that sufficient time is permitted to complete the undertaking.

Additionally, core programs require administrative/supporting functions and funds to deliver programs efficiently and effectively. To achieve transparency and accountability in the funding of core CA programs and services requires that the cost of support corporate services such as Finance, Records Management, Human Resources, IT/GIS (information technology/geographic information systems), artifact preservation and other functions, be included in the full cost accounting of providing all services and programs. The province should consider updating the Act in this regard with general principles, such as requiring cost recovery pricing for core programs, based on transparent, full cost accounting and consultation with stakeholders, and require that all non-core programs be responsible for paying their portion of a CA's administration functions.

TRCA recommends that:

- **Increased transparency in how conservation authorities levy municipalities for mandatory programs and services be supported;**
- **The review of non-mandatory programs occur every four years, coinciding with the second year of our partner municipality councils' four-year terms;**

- Further guidance from the Ministry regarding the apportionment of levy be addressed within the update to the Act, to address cost constraints of our municipal partners while ensuring equity and timely resolution of disagreements; and
- The Province update the Act with general principles for transparency in levy funding, such as requiring cost recovery pricing for mandatory programs, based on transparent, full cost accounting and consultation with stakeholders, and require that all non-mandatory programs charge cost plus pricing to ensure they pay for their portion of a CA's administration functions.

PROPOSED CHANGE #3

Transition period for CA-municipal agreements' transparency

Establish a transition period and process for CAs and municipalities to enter into agreements for the delivery of non-mandatory programs and services and meet these transparency standards.

TRCA RESPONSE

TRCA currently has a range of MOUs/SLAs with upper and lower tier municipalities and is supportive of this initiative. TRCA believes that MOUs/SLAs should be established for all non-core programs and services. However, due to the anticipated timelines needed for ratifying agreements, TRCA suggests that the transition period be extended to December 2022, to coincide with the existing term end of municipal councils.

TRCA recommends that:

- Entering into agreements for the delivery of non-core programs and services be mandatory practice, and proposes that the transition period for entering into these agreements be extended to December 2022, to coincide with the existing term end of municipal councils.

PROPOSED CHANGE #4

Minister appointed investigator for audits

Enable the Minister to appoint an investigator to investigate or undertake an audit and report on a conservation authority.

TRCA RESPONSE

Transparency to our funders and stakeholders is of utmost importance to TRCA. We accomplish this through financial accountability clauses in MOUs/SLAs, in addition to our annual financial statement audit. We propose adding wording to the Act allowing either the Province or a CAs' partner municipalities to, at their own cost, request a third party audit of special purpose financial information, limited to the funding provided by the requesting organization. To do otherwise, could potentially lead to "fishing expeditions", increasing red tape and costs to CAs. This solution, which places onus on all parties, provides the required level of assurance that funds are being expended in accordance with agreements/expectations.

Further, this approach would allow our Board of Directors to retain their right to request additional audits/investigations by third parties as they deem necessary, in accordance with their fiduciary duties to the organization, which have been clarified through the subsequent proposed change to the Act. This

proposed solution would provide piece of mind to our partners, while respecting the vital role that our Board of Directors plays in governing our not-for-profit organization. Further to this point, if any stakeholder would like the opportunity to request that a CA undergo another type of investigation, they are able to attend a Board meeting and explain their motivation and have the Board vote on the requirement for such an examination in a transparent manner.

TRCA recommends that:

- **The Province or any partner municipality be allowed to request an audit of special purpose financial information limited strictly to how their funds have been spent, at their cost, and that overall financial accountability remain as a fiduciary responsibility of the CA's Board of Directors.**

PROPOSED CHANGE #5

Duty of CA Board member

Clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority, similar to not-for profit organizations.

TRCA RESPONSE

TRCA supports the clarification on the role of Board members to act in the best interests of the Conservation Authority. In fact, TRCA's Administrative By-law already clarifies that Board members shall act in the best interest of the CA, rather than their own municipality.

TRCA further encourages the Province to consider proposing additional amendments to applicable sections within the Act regarding the size of CAs' Boards of Directors. The size of TRCA's Board has notionally grown to 32 members in accordance with the existing legislation, however, has been held via Board direction to 28 members, which remains considerable for a not-for-profit organization. The size will continue to grow in our jurisdiction due to planned growth. We recommend that Board size that is enabled by legislation to be over 32 members be examined in the context of this review. TRCA staff also recognize the outcome of ongoing governance reviews being undertaken by the Province may also influence Board size and composition.

TRCA recommends that:

- **TRCA supports the amendment to clarify that the duty of conservation authority board members is to act in the best interest of the CA; and**
- **The Province examine the size of CAs' Board of Directors in the context of this review and any consider amendments to the CA Act regarding the maximum number of board members that may be appointed to a conservation authority by partner municipalities.**

PROPOSED CHANGE #6

Proclaiming un-proclaimed provisions of the 2017 CA Act

- Fees for programs and services
- Transparency and accountability

- Approval of projects with provincial grants
- Recovery of capital costs and operating expenses from municipalities (municipal levies)
- Regulation of areas over which conservation authorities have jurisdiction (e.g., development permitting)
- Enforcement and offences
- Additional regulations

TRCA RESPONSE

Regarding the proposal to proclaim un-claimed provisions of the Act, TRCA is supportive, but notes the following:

Fees for programs and services

No draft version of the proposed list of classes of programs and services in respect of which an authority may charge a fee has been provided for comment. A primary issue is that all CAs offer different offerings and even when they provide similar offerings, prices range depending on their geographic location, cost of providing the services and other factors. Due to higher operating costs in certain jurisdictions, it would be difficult or inadvisable to provide a consistent price listing. TRCA offers a variety of diverse programming, including initiatives at our Parks and Educational facilities and engagement initiatives throughout our jurisdiction. A provincially mandated fee structure could have a substantial impact on TRCA's financial sustainability and create red tape for operating activities. TRCA operates unique facilities which charge a wide variety of fees, such as Black Creek Pioneer Village and Bathurst Glen Golf Course (operated on behalf of the Province). In order to generate revenue to support core operations, TRCA has approximately 40 different lines of business charging for everything from film permits, to program/event fees, to initiatives in which third parties charge users and pay TRCA fees (i.e. weddings and events, escape rooms, high ropes courses, etc.). Rather than narrowly dictating what a CA can charge for specific initiatives, TRCA proposes that the Province should consider updating the Act in this regard with general principles, such as requiring cost plus pricing for associated fees, based on transparent, full cost accounting and consultation with stakeholders. As one of the largest landholders and property managers in the Greater Toronto Area, TRCA provides a substantial share of the open space systems needed to service redeveloping and intensifying communities. However, unlike municipalities, CAs do not have access to development charges to fund the expansion or strengthening of this infrastructure. Current funding mechanisms are not sufficient to support the public service demands resulting from the amount of growth that is occurring in TRCA's watersheds. Funding is needed not only for operations but land securement and asset management, including long term land care.

TRCA recommends that:

- **Flexibility be provided to CAs in respect of the charging of fees for diverse programs and services and that the CA Act be updated with general principles to be followed such as requiring cost plus pricing for associated fees, based on transparent, full cost accounting and consultation with stakeholders.**

PROPOSED CHANGE #7

Additional Amendments:

Risk Management/Indemnification Clause

Although it is not included in the Ministry's proposal, TRCA would like to request additional wording be added to the Act regarding risk management.

TRCA has become aware of the Province's [proposed](#) modernization of the Crown liability framework through the introduced Crown Liability and Proceedings Act (CLPA) in Bill 100. It is staff's understanding that these updates aim to reduce time and money spent by both courts and ultimately the taxpayer from frivolous claims against the Province.

While it is understood that CAs are not Crown Agencies, and that the language within CLPA will not affect the CAs' operations, we do note that, in a similar way to the Crown, the programs and services offered by the CAs are also exposed to frivolous litigation. Ultimately, the cost of this exposure is also borne by the taxpayer.

We further note that a similar source of litigation, formerly aimed at Ontario municipalities as a result of storm sewer operations, was recognized by the Ontario Legislature as an unreasonable public burden. This public burden led to changes to the *Municipal Act*, s.449, effectively granting statutory immunity for certain classes of action against municipalities for their operations. Similarly, and in some cases, broader provisions have also been legislated in other Canadian jurisdictions, such as wording in s.95 of *The Water Security Agency Act*.

In the context of this strong legislative precedent in multiple Canadian jurisdictions and the potential public liability associated with CAs' programs and services, particularly in the areas of flood risk and erosion risk management, some form of statutory immunity for the good faith operation of these essential services, programs and infrastructure is warranted.

Particularly in the face of increased liability exposures associated with climate change, some form of statutory immunity for the good faith operation of this essential infrastructure and programming is warranted. TRCA would request that a clause to this effect be added to the Act.

TRCA recommends that:

- **A clause of indemnification or statutory immunity for the good faith operation of essential flood and erosion control infrastructure, and programming be added to the CA Act.**

Enforcement and Offences

TRCA supports proclaiming un-proclaimed sections of the Act for better deterrents to non-compliance with section 28 regulations. During the 2017 CA Act review and amendments, TRCA was pleased to see substantial amendments were made to the Act to enhance enforcement mechanisms, i.e., the ability to stop work, the ability to enter privately-owned land (for the purpose of ensuring compliance with permit approvals and conditions and with reasonable grounds to believe an offence has occurred), and the significantly higher (offence) penalties than those currently identified in the Act. TRCA had also recommended that Section 30 be amended to include:

- An order to comply;

- A stop work order be appealed directly to the Minister;
- Clarification regarding “after the fact” permits;
- And further, that any new or updated regulations include a definition of an officer for enforcement purposes.

TRCA would like to reiterate these comments and ask the Province to reconsider these matters.

With respect to stop work orders, TRCA recommended that an accompanying “order to comply” be added to the Act to facilitate immediate, albeit interim, mitigation at the expense of the party engaged in the offending activity. Moreover, it was noted that individuals who receive a stop work order have the ability to appeal to the authority, and if not satisfied, to the Minister of Natural Resources and Forestry. TRCA had no objection to an appeal to the Minister. However, it was suggested that an appeal to the Authority may result in the “apprehension of bias” should the individual make application to apply for a permit for the offending works, which could not meet the tests of the Regulation and would be subject to a hearing before the Authority. This scenario raised a further issue of “permits after the fact”. TRCA pointed out previously that guidance on how authorities approach these scenarios be clarified in the Act, so as to avoid the potential for duplicative processes under the Act and through the courts. Finally, TRCA had recommended that the definition of an officer be included in any new or updated regulation under section 28, as well as section 29 regulations governing lands and property owned by a CA.

The immediate need for improved deterrents to non-compliance is acute in TRCA’s highly urbanized watersheds given current development and population pressures, increasing risks to health and safety and property damage from illegal activities, trespass, dumping and extreme weather events.

TRCA recommends that:

- **Enhanced provisions for enforcement and compliance be added to the CA Act, including stop work orders, orders to comply, clarification for “after the fact” permits and a definition of an “officer” for enforcement purposes.**

Thank you once again for the opportunity to provide comments on this important initiative. TRCA would be pleased to discuss these and other opportunities for modernizing conservation authority operations and governance through amendments to the CA Act. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at your earliest convenience.

Sincerely,

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

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #04/19, Friday, April 26, 2019

FROM: John MacKenzie, Chief Executive Officer

RE: **TRCA DRAFT COMMENTS TO ENVIRONMENTAL REGISTRY OF ONTARIO (ERO)**
Focusing conservation authority development permits on the protection of people and property (ERO #013-4992)

KEY ISSUE

Toronto and Region Conservation Authority (TRCA) draft comments on the Government of Ontario's proposal for a regulation that outlines how conservation authorities permit development and other activities for impacts to natural hazards and public safety.

RECOMMENDATION

WHEREAS the Province of Ontario has posted for public comment on the Environmental Registry of Ontario (ERO) a proposal for a regulation that outlines how conservation authorities permit development and other activities for impacts to natural hazards and public safety;

AND WHEREAS the ERO imposes a May 21, 2019 deadline for submission of comments to the Province;

THEREFORE LET IT BE RESOLVED THAT the Toronto and Region Conservation Authority (TRCA) staff report and draft comments on the government's proposal be received, and that any comments from the Board of Directors be considered in informing TRCA's final ERO submission;

AND FURTHER THAT municipal partners and Conservation Ontario be so advised.

BACKGROUND

On April 5, 2019, the Ministry of Natural Resources and Forestry (MNRF) released for public comment on the Environmental Registry of Ontario (ERO), [a proposal](#) for a regulation that outlines how conservation authorities permit development and other activities for impacts to natural hazards and public safety. Conservation Ontario is coordinating a response on behalf of all 36 conservation authorities, in addition to the submissions made by individual conservation authorities. The Province's 46-day commenting period for this ERO posting ends May 21, 2019.

The government's proposal is to create a regulation to replace the current Ontario Regulation 97/04 that governs the content of individual conservation authority regulations pursuant to section 28 of the *Conservation Authorities Act*. The government's intention is to further define the ability of a conservation authority (CA) to regulate prohibited development and other activities for impacts to the control of flooding and other natural hazards. The existing 36 individual conservation authority-approved regulations would be consolidated and harmonized into a single Minister of Natural Resources and Forestry-approved regulation. The Province has stated this measure will help to ensure consistency in requirements across all CAs, while still allowing for local flexibility based on differences in risks posed by flooding and other natural hazards.

Item 8.9.

For the purposes of this regulation the Ministry is also proposing to:

- Update definitions for key regulatory terms to better align with other provincial policy, including: “wetland”, “watercourse” and “pollution”;
- Defining undefined terms including: “interference” and “conservation of land” as consistent with the natural hazard management intent of the regulation;
- Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed;
- Exempt low-risk development activities from requiring a permit including certain alterations and repairs to existing municipal drains subject to the *Drainage Act* provided they are undertaken in accordance with the *Drainage Act* and *Conservation Authorities Act* Protocol;
- Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies;
- Require conservation authorities to develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions;
- Require conservation authorities to notify the public of changes to mapped regulated areas such as floodplains or wetland boundaries; and
- Require conservation authorities to establish, monitor and report on service delivery standards including requirements and timelines for determination of complete applications and timelines for permit decisions.

Once the Regulation is established, the Province is also proposing to bring into force un-proclaimed sections of the *Conservation Authorities Act* associated with conservation authority permitting decisions and regulatory enforcement.

At meeting #3/19 of the Executive Committee, held on April 5, 2019, Resolution #B33/19 was approved as follows:

THAT the Chair be authorized to call a special meeting of the Executive Committee to discuss TRCA’s recommendations to the proposed amendments to the Conservation Authorities Act and associated regulations;

THAT an immediate request be made to the Province of Ontario for an extension to the commenting period from 45 days to 60 days;

AND FURTHER THAT staff provide a report at the special Executive Committee meeting, if called, that includes a government relations and communications strategy.

Further to the above, at a special meeting of the Executive Committee, held on April 12, 2019, Resolution #B35/19 was approved as follows:

WHEREAS the Province has posted on the Environmental Registry of Ontario two proposals for modernizing conservation authority operations and focusing conservation authority development permits on the protection of people and property;

LET IT THEREFORE BE RESOLVED THAT this presentation be received for information;

AND FURTHER THAT the comments received from the Executive Committee be considered to inform the staff report to the Board of Directors on April 26, 2019.

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Further to the above direction, TRCA staff have reviewed the proposed amendments and drafted comments based on staff's day-to-day work in support of our municipal partners and as part of our mandated roles for the Province. Draft comments on "Modernizing conservation authority operations" ERO posting ([amendments to the Conservation Authorities Act](#)) are being presented to the Board in a separate staff report.

RATIONALE

TRCA has an ongoing interest in the proposed regulation given our roles as a resource management agency, a regulator under Section 28 of the *Conservation Authorities Act*, and a public commenting body under the *Planning Act* and the *Environmental Assessment Act*.

TRCA's Ontario Regulation 166/06, "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation," was approved by the Minister of Natural Resources and Forestry in 2006 in conformity with the current content regulation, Ontario 97/04. Where applications for new development and/or servicing fall within TRCA regulated areas, TRCA works with both private and public proponents to facilitate sustainable development and infrastructure that is adequately set back and protected from natural hazards and/or from environmentally sensitive areas.

In addition, TRCA works routinely with provincial agencies (e.g., Metrolinx), utilities (e.g., Enbridge), and other public infrastructure providers, which may be exempt from TRCA's section 28 Regulation, to achieve shared objectives for sustainable infrastructure planning that supports growth, redevelopment and intensification.

TRCA's "The Living City Policies" (2014) directs staff participating in the review of applications under the *Planning Act* and the *Environmental Assessment Act*, to ensure that the applicant and municipal planning authority are aware of TRCA permitting requirements under the Regulation, where applicable; and further, our staff assist in the coordination of these applications to avoid ambiguity, conflict and unnecessary delay or duplication in the process.

In the last six years, TRCA issued on average, just over 1,000 development permits annually for applications that met the tests of the regulation. Hearings on appeal of applications recommended for refusal have been infrequent as TRCA makes every effort to work with applicants and municipalities to facilitate proposals within regulated areas that achieve compliance with TRCA regulatory policies. Much of this collaboration and negotiation is achieved at the earlier stages of the planning process so that TRCA assists municipalities and proponents in meeting provincial and municipal growth planning and environmental objectives from approval in principle through to detailed design.

TRCA supports the provincial government's efforts to improve efficiencies and consistency for regulating development and to streamline development approvals, as evidenced by TRCA's ongoing streamlining initiatives for our roles in the development and infrastructure planning processes as well as the regulatory permitting process.

In participating in Conservation Ontario's CA working group to improve client service and accountability, increase speed of approvals, and reduce the notion of "red tape", staff recently [reported \(pages 42-49\)](#) to TRCA Board of Directors on our own ongoing streamlining efforts for reducing regulatory burden and meeting provincial priorities. In addition, over the last year, TRCA has undertaken a comprehensive, jurisdiction-wide update to our regulation mapping, in which we have consulted extensively with municipal partners, the public and stakeholders such as the

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Building and Land Development Industry. These initiatives have helped inform our response to the government's ERO posting on CA permitting regulations.

At this time, the ERO posting does not contain proposed wording for new or amended legislation or regulations. We are communicating to the government that TRCA is looking forward to seeing the details of the proposed regulation in a future consultation process and would be pleased to provide further input at that stage.

TRCA staff's draft comments are contained within Attachment 1 to this report. Accompanying the draft comments are TRCA draft recommendations, which are consolidated below:

1. **TRCA supports the consolidation and harmonization of the existing 36 individual CA regulations into one regulation, but maintains that each CA should retain the ability to establish individual, Board-approved policies that reflect local conditions.**
2. **TRCA would support replacing the definition of a wetland in the *Conservation Authorities Act* with the Provincial Policy Statement definition.**
3. **TRCA recommends that an updated definition of watercourse in the *Conservation Authorities Act* include terminology from field-tested guidance and associated implementation guidance documents. Updating the definition of "watercourse" to be more descriptive and direct, and/or to harmonize terms with provincial policy, are initiatives that TRCA supports, subject to review of the pending definition from the Province.**
4. **TRCA recommends that the current definition of pollution be maintained but that its occurrence be tied to the enforcement and compliance provisions within the CA Act and associated regulations.**
5. **TRCA supports the establishment of definitions for undefined terms to address not only the role of CAs have in protecting life and property from natural hazards, but also in protecting natural features and their functions (e.g. wetlands, valleylands) to ensure resilience on the landscape to the effects of climate and land use change. The regulation and/or its definitions should recognize the inextricable link between natural hazard management and natural resources management (natural heritage and water resources).**
6. **TRCA recommends that the definition of "Interference" reflect the existing guidance from Conservation Ontario.**
7. **TRCA recommends that the definition for the conservation of land be consistent with the 1994 MLC decision, or at minimum, that it recognize the relationship between landforms, features and functions in order to protect, manage and restore natural resources within watersheds.**
8. **TRCA recommends a risk-based approach in which reduced regulatory restrictions between the 30 and 120-metre area of interference around a wetland be limited to built-up urban areas, to minor rural and agricultural activities, or where the hydrologic connection has either already been severed, or wetland water balance has already been addressed through review, approval and construction processes.**

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9. TRCA supports enabling legislation for a low-risk approach to permitting, subject to review of details in the forthcoming regulation.
10. TRCA supports the provincially-proposed requirements for conservation authority transparency and consultation, as they are consistent with TRCA's core values and current practices.
11. TRCA supports enhanced provisions for enforcement of CAs' permitting function through bringing into force un-proclaimed sections of the CA Act but would welcome further enhancements to deter infractions, including:
 - i. Orders to comply
 - ii. stop work order appeals only to the Minister
 - iii. clarification for "after the fact" permits
 - iv. definition of an officer for enforcement purposes.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 8 – Gather and share the best sustainability knowledge

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

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

DETAILS OF WORK TO BE DONE

Upon endorsement of the draft comments by the Board of Directors, and recognizing any input received from Board members, Attachment 1 will be updated and submitted as TRCA's official comments to the ERO. Staff will continue to brief the Board on any provincial legislative, regulatory or policy changes that result from this circulation.

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Date: April 25, 2019

Attachments: 1 – TRCA Draft Comments (ERO#013-4992)

April 26, 2019

BY E-MAIL ONLY (alex.mcleod@ontario.ca)

DRAFT FOR REVIEW AND COMMENT

Mr. Alex McLeod
Natural Resources Conservation Policy Branch
300 Water Street
Peterborough, ON
K9J 8M5

Dear Mr. McLeod:

Re: Focusing conservation authority development permits on the protection of people and property (ERO #013-4992)

Thank you for the opportunity to comment on the Ministry of Natural Resources and Forestry's proposal to regulate how conservation authorities permit development and other activities for impacts to natural hazards and public safety. We understand that the intention of the proposed regulation is to make rules for development in hazardous areas more consistent to support faster, more predictable and less costly approvals.

The Toronto and Region Conservation Authority (TRCA) protects people, property and infrastructure from natural hazards through management of the natural environment, given our roles and responsibilities as outlined in the MNRF Policies and Procedures Manual for conservation authorities:

- A regulator under Section 28 of the *Conservation Authorities Act*;
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*;
- A body with delegated authority in plan review to represent the provincial interest for natural hazards;
- A resource management agency operating on a local watershed basis;
- One of the largest landowners in the Toronto region; and
- A source protection authority under the *Clean Water Act*.

These roles are consistent with the description of conservation authorities' roles in the Made-in-Ontario Environment Plan, which states under the heading of "Support Conservation and Environmental Planning" to:

Work in collaboration with municipalities and stakeholders to ensure that conservation authorities focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards, and conserving natural resources. (p.48, MECP)

In carrying out our roles, TRCA supports provincial and municipal partners in implementing the natural hazard, natural heritage and water resource policies of the Provincial Policy Statement, which align with TRCA policies for implementing our s.28 regulation under the *Conservation Authorities Act*. TRCA's Ontario Regulation 166/06 was approved by the Minister of Natural Resources and Forestry in 2006 in conformity with the current content regulation, Ontario 97/04. Where applications for new development

and/or servicing fall within TRCA regulated areas, TRCA works with both private and public proponents to facilitate sustainable development and infrastructure that is adequately set back and protected from natural hazards and/or from environmentally sensitive areas.

In addition, TRCA works routinely with provincial agencies, (e.g., Metrolinx) utilities (e.g., Enbridge) and other public infrastructure providers, which may be exempt from TRCA's Regulation, to achieve shared objectives for sustainable infrastructure planning that supports growth, redevelopment and intensification.

TRCA's "The Living City Policies" (2014) directs staff participating in the review of applications under the *Planning Act* and the *Environmental Assessment Act*, to ensure that the applicant and municipal planning authority are aware of TRCA permitting requirements under the Regulation, where applicable; and further, our staff assist in the coordination of these applications to avoid ambiguity, conflict and unnecessary delay or duplication in the process.

TRCA Jurisdiction

TRCA's is an active jurisdiction with a high proportion of historic development and infrastructure networks located within flood and erosion prone areas. A number of municipalities in our jurisdiction are undertaking comprehensive redevelopment/community revitalization initiatives and many are proposed in areas with existing risks. In these instances, TRCA works with provincial and municipal partners to reduce risk and increase resiliency through the planning, environmental assessment and permitting review processes by seeking opportunities for remediation and restoration. In the last six years, TRCA issued on average, just over 1,000 development permits annually for applications that met the tests of the regulation. Hearings on appeal of applications recommended for refusal have been infrequent as TRCA makes every effort to work with applicants and municipalities to facilitate proposals within regulated areas that achieve compliance with TRCA regulatory policies. Much of this collaboration and negotiation is achieved at the earlier stages of the planning process so that TRCA assists municipalities and proponents in meeting provincial and municipal growth planning and environmental objectives from approval in principle through to detailed design.

TRCA supports the provincial government's efforts to improve efficiencies and consistency for regulating development and to streamline development approvals, as evidenced by TRCA's ongoing streamlining initiatives for our roles in the development and infrastructure planning processes as well as the regulatory permitting process. Ultimately, the advisory and regulatory responsibilities of conservation authorities in the development process are not about slowing or preventing development and all its attendant economic benefits. Rather, they are about good environmental planning in which the municipality, the conservation authority and the development industry take a comprehensive, creative and collaborative approach early in the process. TRCA finds that when these efforts are made early and done well, it leads to innovative urban designs that result in shorter review times and cost reductions in the short and long term for all stakeholders. This approach of upfront work, including all required studies to support timely approvals, also helps to avoid the delay and uncertainty associated with appeals to the Local Planning Appeal Tribunal and the Mining and Lands Tribunal.

In participating in Conservation Ontario's CA working group to improve client service and accountability, increase speed of approvals, and reduce the notion of "red tape", staff recently [reported \(pages 42-49\)](#) to TRCA Board of Directors on our own ongoing streamlining efforts for reducing regulatory burden and meeting provincial priorities. In addition, over the last year, TRCA has undertaken a comprehensive, jurisdiction-wide update to our regulation mapping, in which we have consulted extensively with municipal partners, the public and stakeholders such as the Building and Land Development Industry.

These initiatives have helped inform our response to the government's ERO posting on CA permitting regulations.

One Section 28 Regulation (Consolidation of 36 CA Regulations)

We understand that the Ministry is proposing to create a regulation to replace Ontario 97/04 that would further define the ability of a conservation authority to regulate prohibited development and other activities for impacts to the control of flooding and other natural hazards. We further understand the government's intent is to consolidate and harmonize the existing 36 individual section 28 conservation authority regulations into one Minister of Natural Resources and Forestry regulation. This update is meant to ensure consistent requirements across all conservation authorities while still allowing for local flexibility for differences in risks posed by flooding and other natural hazards.

TRCA supports the consolidation and harmonization of the existing 36 individual CA regulations into one regulation. Nonetheless, each CA must have the ability to establish individual, Board-approved policies that reflect local conditions.

At this time, the ERO posting does not contain proposed wording for new or amended legislation or regulations. We look forward to seeing the details of the proposed regulation in a future consultation process and would be pleased to provide further input at that stage.

As outlined in the current ERO posting, for the purposes of this regulation the Ministry is proposing a series of actions for defining, re-defining and updating terms and processes used in the implementation of the regulation. TRCA staff have reviewed the proposed actions in consultation with the TRCA Board of Directors, and with neighbouring conservation authorities and Conservation Ontario.

For the government's consideration, TRCA offers the following comments to each of the proposed actions in the ERO posting.

Update definitions for key regulatory terms to better align with other provincial policy

TRCA supports the Province's desire for consistency and harmonization of terms and definitions within provincial policy and regulations. These efforts should result in providing greater certainty to landowners affected by the regulation and enhanced alignment of provincial, municipal and conservation authority implementation approaches affecting development and infrastructure planning. Nonetheless, some of the current definitions of terms, although broad, have stood up well in tribunal hearings and in court. In TRCA's experience, there is a fine balance to be sought between avoiding too broad of a definition, which risks inconsistent interpretation, and too narrow, which hinders adaptability to local contexts. Ultimately, it is important for definitions to be easy to understand and to be defensible in hearing and appeal scenarios. Supporting implementation guidance documents are also a helpful tool in this regard, as described through examples in our comments below.

Wetlands

TRCA recognizes that the definition of a wetland in the *Conservation Authorities Act* (CA Act) is slightly different than the definition of a wetland in the Provincial Policy Statement (PPS).

"Wetland" as defined in the PPS and Provincial Plans contains many of the critical elements of the *Conservation Authorities Act* definition, including:

- lands that are seasonally or permanently covered by shallow water or where the water table is close to or at the surface;
- the presence of hydric soils;
- the dominance of hydrophytic vegetation; and

- exclusion of lands that are used for agricultural purposes and no longer exhibit these characteristics.

Where the definitions diverge is with respect to hydrologic connectivity: unlike the PPS definition, the CA Act's definition stipulates direct contribution to the hydrologic function of a watershed through a connection with a surface watercourse. This distinction has been problematic from an implementation perspective. The PPS uses the definition from the Ontario Wetland Evaluation System, which is used to identify and evaluate wetlands. In the interest of consistency and streamlining, and given that the PPS definition is founded in the technical evaluation document for wetlands, we would support revising the CA Act definition to match the PPS definition.

Therefore, TRCA would support replacing the definition of a wetland in the *Conservation Authorities Act* with the PPS definition.

Watercourses

Watercourse is not a term that is used in the PPS or the Provincial Plans, although these documents use a number of related terms, e.g., permanent and intermittent streams, fish habitat, etc. The Greenbelt Plan defines intermittent streams as: "stream-related watercourses that contain water or are dry at times of the year that are more or less predictable, generally flowing during wet seasons of the year but not the entire year, and where the water table is above the stream bottom during parts of the year."

In addition, the definition of "fish habitat" in the PPS and Provincial Plans is taken from the federal *Fisheries Act* and does not specify a type of water feature but rather refers to "spawning grounds and other areas...on which fish depend directly or indirectly..."

We also note that the PPS includes a definition of "river, stream and small inland lake systems" that is, "all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event." It could be argued that this definition would include ephemeral streams, which is not defined in other provincial policy.

Finally, the use of the term "meander belt" occurs in the Oak Ridges Moraine Conservation Plan and is defined as "the land across which a stream may shift its channel from time to time."

The terms used within the definitions noted above, such as "stream", "watercourses" and "channel" are themselves undefined within the PPS and the Provincial Plans. For the term "watercourse" users of provincial policy can also reference section 28(5) of the CA Act, which defines watercourse as: "an identifiable depression in the ground in which a flow of water regularly or continuously occurs." TRCA recognizes that this is a broad definition that could capture many features on the landscape and does not provide guidance as to the source of the "flow of water". But while the current definition is broad, through the planning and/or permit application review processes, features within TRCA's regulation mapping are ground-truthed to confirm the applicability of the regulation (to determine whether a permit will be required).

While a clear definition is important, the establishment of technical guidance documents to support updated definitions would also be helpful in enabling consistent interpretation and to assist in future legal matters that may challenge definitions. For example, TRCA has a technical guidance tool widely used by CAs in the Greater Golden Horseshoe, to assist in identification and evaluation of non-continuously flowing watercourses in a standardized way: the "Evaluation, Classification, and Management of Headwater Drainage Features Guideline, 2014, can be applied to any drainage feature, a groundwater seepage area or spring, a connected headwater wetland, or a perennially flowing stream. Identifying and evaluating features through this Guideline points to management

recommendations for the feature's location and function on the landscape. Use of the Guideline could also enhance certainty for proponents interpreting the provincial definitions. TRCA has partnered with a number of stakeholders including the MNRF in the development of the HDF Guideline for the effective protection and management of these features. The Guideline was added as a module of the Ontario Stream Assessment Protocol and TRCA worked with the previous MOECC and MMAH to explore the possibility of recognizing the Guideline as the standard approach for assessment across Ontario.

It is TRCA's experience that policies and regulations are most effectively implemented when they use well-defined terms (descriptive, informed by science/field work, but concise) augmented by clear implementation guidance tools.

TRCA recommends that an updated definition of watercourse in the *Conservation Authorities Act* include terminology from field-tested guidance and associated implementation guidance documents. Updating the definition of "watercourse" to be more descriptive and direct, and/or to harmonize terms with provincial policy, are initiatives that TRCA supports, subject to review of the pending definition from the Province.

Pollution

The current CA Act definition of pollution is: "any deleterious physical substance or other contaminant that has the potential to be generated by development." There is no definition, nor substantive reference to pollution in the PPS or in Provincial Plans, so it is unclear how this term will be defined to align with provincial land use planning policy. We acknowledge that pollution is referenced in the *Ontario Water Resources Act*; however, the only mention of pollution in the Provincial Plans is under the definition of "low impact development" as it relates to mitigating stormwater pollution. The use of the term pollution in the Ontario Water Resources Act (OWRA) differs slightly from the current CA Act in that the OWRA specifies recourse for the Ministry upon the occurrence of pollution. S.29 (3) of the OWRA states:

Where any person is discharging or causing or permitting the discharge of any material of any kind into or in or near any waters that, in the opinion of the Minister, may impair the quality of the water in such waters, the Minister may apply without notice to the Superior Court of Justice for an order prohibiting such discharge...

The CA Act contains no such provision for enforcement and compliance. In TRCA's experience, major spills of sediment generated construction represent the most common form of pollution impacting watercourses. These spills typically occur at construction sites after large rain storms where erosion and sediment controls are either absent, inadequate, or poorly maintained. These suspended solids threaten water quality, temperature, increase erosion, and can impact fish habitat.

Notwithstanding the above noted omission for enforcement, the existing definition of pollution provides CAs with a broad range of discretion in controlling the release of harmful substances that may be associated with a development activity. The current definition allows CAs to regulate pollution of surface waters or soils and general ecosystem concerns within the watershed. Moreover, where a violation concerning pollution arising from human use of environmentally sensitive areas has been raised, the definition has been used to successfully defend decisions by a CA to regulate pollution.

Therefore, TRCA recommends that the current CA Act definition of pollution be maintained but that its occurrence be tied to the enforcement and compliance provisions within the CA Act and associated regulations.

Defining undefined terms as consistent with the natural hazard management intent of the regulation

TRCA supports consistency of terms and definitions within regulations for better alignment of provincial, municipal and conservation authority implementation approaches. While we acknowledge the ERO posting's assertion that the regulation's intent is with respect to natural hazard management, the regulation also fulfills the provincial interest of maintaining natural features such as valleylands and wetlands on the landscape. Any definitions of regulatory terms should recognize the relationship between natural hazards, the water resource system and the natural heritage system (The natural system policies of the Greenbelt Plan confirm the inter-dependency of landforms and ecological and hydrological functions:

"The Natural System policies protect areas of natural heritage, hydrologic and/or landform features, which are often functionally inter-related and which collectively provide essential ecosystem services, including water storage and filtration, cleaner air, habitat, support for pollinators, carbon storage and resilience to climate change." (s. 3.2.1)

And as further noted in the "Made-in-Ontario Environment Plan":

"The Greenbelt consists of over two million acres of land in the GGH including farmland, forests wetlands and watersheds. It includes the Oak Ridges Moraine and the Niagara Escarpment, and provides resilience to extreme weather events by protecting its natural systems and features." (p. 48)

Maintaining natural features and functions has several benefits, including increasing resilience on the landscape and tempering the negative effects of climate change.

Finally, the stated purpose of the Act (s.0.1) and the objects on a conservation authority as stated in section 20 of the Act, also indicate the overarching mandate for CAs as natural resource managers. The section 28 regulation is a key mechanism for implementing this mandate.

TRCA supports the establishment of definitions for undefined terms to address not only the role of CAs have in protecting life and property from natural hazards, but also in protecting natural features and their functions (e.g. wetlands, valleylands) to ensure resilience on the landscape to the effects of climate and land use change. The regulation and/or its definitions should recognize the inextricable link between natural hazard management and natural resources management (natural heritage and water resources).

Interference

Under the Act, conservation authorities regulate the "straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or the changing or interfering in any way with a wetland." In order to apply the regulation in TRCA watersheds, TRCA's policy document, The Living City Policies, adopts the following Conservation Ontario interpretation of "interference" from its 2008 guidance document prepared to support CAs implementing the regulation: "any anthropogenic act or instance which hinders, disrupts, degrades or impedes in any way the natural features or hydrologic and ecologic functions of a wetland or watercourse."

TRCA recommends that the definition of "Interference" reflect the existing guidance from Conservation Ontario.

Conservation of land

While not defined in the *Conservation Authorities Act*, TRCA's application of the "conservation of land" test as described in The Living City Policies (and previous to that in TRCA's Valley and Stream Corridor Management Program) is premised on the need to recognize the relationship between landforms, features and functions in order to protect, manage and restore natural resources within the watershed. TRCA has effectively administered our section 28 regulation for close to 50 years to protect public health and safety and has successfully upheld and defended the regulation before the Mining and Lands Commissioner (now the Mining and Lands Tribunal) and the Ontario courts. With respect to the conservation of land test, both the MLC and the courts have accepted a broad interpretation of the meaning of conservation of land to include, "all aspects of the physical environment, be it terrestrial, aquatic, biological, botanic or air and the relationship between them" (611428 Ontario Limited vs. Metropolitan Toronto and Region Conservation Authority, CA 007-92, February 11, 1994 p. 38). Conservation Ontario has considered this and other MLC decisions to provide its own interpretation: "the protection, management or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and ecological functions and hydrological functions within the watershed" (Conservation Ontario, 2008).

The above mentioned interpretations reflect the importance of assessing impacts to the conservation of land for both form and function of natural features, at both the local and regional scales of the watershed. It is important to note that the natural heritage system provides ecological and hydrological functions related to the conservation of land as well as the other regulation tests of the control of flooding, erosion, dynamic beaches and pollution. Within TRCA watersheds, development impacts on the five tests are considered both incrementally and cumulatively in order to manage the risk to life and property, and to maintain, restore and enhance the ecological and hydrological functions of the natural systems contributing to the conservation of land.

TRCA recommends that the definition for the conservation of land be consistent with the 1994 MLC decision, or at minimum, that it recognize the relationship between landforms, features and functions in order to protect, manage and restore natural resources within watersheds.

This is consistent with the mandate of CAs as outlined in the Act, in the Made-in-Ontario Environment Plan, and the regulated features and areas that CAs are required to conserve under their regulation (e.g., river valleys (valley corridors) are regulated not just for their flood plain but from stable top of bank to a similar point on the opposite side, plus an allowance on either side).

Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed

TRCA's Ontario Regulation 166/06 states that, "no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are: other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands on the Oak Ridges Moraine, and within 30 metres of all other wetlands."

The ERO posting's reference to a severed hydrological connection needs to be made more clear in order to direct implementation and compliance. TRCA supports streamlining permitting processes by reducing regulatory restrictions within the 30 to 120m of a wetland contingent upon the restriction being applicable to built-up urban areas (e.g., within the Built Boundary of the Growth Plan) where the hydrologic connection has either already been severed, or wetland water balance has already been addressed through review, approval and construction processes.

Through our current comprehensive regulation mapping update, TRCA is consulting with stakeholders to streamline review processes and reduce regulatory restrictions for the area between 30 and 120 metres of a wetland in built urban areas where there are no other natural hazards (e.g., flood plain). Nonetheless, TRCA maintains that the 120 metre area of interference is warranted for designated greenfield areas in order to assess a development proposal's potential impact on the hydrological function of a wetland within its catchment (e.g., large-scale redevelopment, major infrastructure, major fill placement). This approach is similar to the 120 metre area of study in the "adjacent lands" to a natural heritage feature or area as prescribed within the PPS and accompanying Natural Heritage Reference Manual (MNRF, 2010). Notwithstanding this approach for proposed urban development and infrastructure in greenfield areas, through our regulation mapping update consultation process, TRCA staff have identified the need for streamlining procedures for rural and agricultural related development activities within the 30 to 120 metres.

TRCA recommends a risk-based approach in which reduced regulatory restrictions between the 30 and 120-metre area of interference around a wetland be limited to built-up urban areas, to minor rural and agricultural activities, or where the hydrologic connection has either already been severed, or wetland water balance has already been addressed through review, approval and construction processes.

Exempt low-risk development activities from requiring a permit, including:

- **certain alterations and repairs to existing municipal drains subject to the Drainage Act provided they are undertaken in accordance with the Drainage Act and Conservation Authorities Act Protocol**
- **Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies**

TRCA has Board-approved measures in place reflecting a risk management approach in which expedited permit review and approval is based on the scale of proposed activities and the absence of hazards or other significant components of the natural system, e.g., minor works applications, staff-delegated approvals, routine infrastructure works permits, etc. Further, there are activities that should not be considered low risk such as large scale development, redevelopment, and fill placement. While we would support such an approach in order to facilitate streamlining, we would welcome further discussions with the Province in order to be clear on the criteria that would constitute "low risk" activities for appropriate implementation and compliance.

TRCA is also supportive of including in this approach the low risk activities outlined in the current Protocol for implementation coordination between the *Drainage Act* and *Conservation Authorities Act*.

TRCA supports enabling legislation for a low-risk approach to permitting, subject to review of details in the forthcoming regulation.

Require conservation authorities to:

- **develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions**
- **notify the public of changes to mapped regulated areas such as floodplains or wetland boundaries**
- **establish, monitor and report on service delivery standards including requirements and timelines for determination of complete applications and timelines for permit decisions**

In accordance with its core values concerning collaboration and accountability, TRCA is making ongoing efforts related to all of the above proposed requirements to increase efficiencies, expedite planning and permit reviews, and enhance customer service. These efforts include:

- TRCA Board-approved permitting policies have been in place since 1994 (Valley and Stream Corridor Management Program) and subsequent to that, The Living City Policies (2014);
- consultation with municipalities, the public and stakeholders (e.g., BILD, agricultural community, ENGOs, etc.), consisting of distribution through the TRCA website, newspapers, public open houses, stakeholder meetings and workshops on:
 - regulated area mapping jurisdiction-wide update
 - planning and permitting policy documents, and
 - supporting technical guidance documents;
- hosting and leading municipal and industry training sessions and workshops;
- regular file “triage” and consultation meetings among municipal staff and TRCA plan and permit review staff;
- development of complete application checklists for both planning and permitting;
- establishing expedited permit issuance protocols, including staff delegated permit approvals, routine infrastructure works and emergency works permits
- regular reviews of TRCA fee schedules and service delivery for planning and permitting in consultation with municipalities and the building industry.

TRCA supports the provincially-proposed requirements for conservation authority transparency and consultation, as they are consistent with TRCA’s core values and current practices.

Once the regulation is established, the Province is also proposing to bring into force un-proclaimed sections of the CA Act associated with CA permitting decisions and regulatory enforcement

TRCA supports proclaiming un-proclaimed sections of the Act for to deter non-compliance with section 28 regulations. During the 2017 CA Act review and amendments, TRCA was pleased to see substantial amendments were made to the Act to enhance enforcement mechanisms, i.e., the ability to stop work, the ability to enter privately-owned land (for the purposes of ensuring compliance with permit approvals and conditions and with reasonable grounds to believe an offence has occurred), and the ability to charge significantly higher (offence) penalties than those currently identified within the Act. TRCA had also recommended that Section 30 be amended to include an order to comply; a stop work order be appealed directly to the Minister; clarification regarding “after the fact” permits (i.e., permission for works undertaken in a regulated area without the benefit of a CA permit); and further, that any new or updated regulations include a definition of an officer.

TRCA would like to reiterate these comments and ask the Province to reconsider these matters.

With respect to stop work orders, TRCA recommended that an accompanying “order to comply” be added to the Act to facilitate immediate, albeit interim, mitigation at the expense of the party engaged in the offending activity. Moreover, it was noted that individuals who receive a stop work order have the ability to appeal to the authority, and if not satisfied, to the Minister of Natural Resources and Forestry. TRCA had no objection to an appeal to the Minister. However, it was suggested that an appeal to the Authority may result in the “apprehension of bias” should the individual make application to apply for a permit for the offending works that could not meet the tests of the Regulation and would be subject to a hearing before the Authority. In such cases, this raised a further issue of “permits after the fact”, which TRCA pointed out previously by recommending how authorities should approach these

scenarios (i.e., applications for “after the fact” permits that cannot meet the tests of the Regulation) be clarified in the Act, so as to avoid the potential for duplicative processes under the Act and through the courts. Finally, TRCA had recommended that the definition of an officer be included in any new or updated regulation under section 28, as well as section 29 regulations governing lands and property owned by a conservation authority.

The immediate need for improved deterrents to non-compliance is acute in TRCA’s highly urbanized watersheds given current development pressures, increasing risks to health and safety and property damage from dumping, illegal activities and extreme weather events.

TRCA supports enhanced provisions for enforcement of CAs’ permitting function through bringing into force un-proclaimed sections of the CA Act but would welcome further enhancement to deter infractions, including:

- **orders to comply**
- **stop work order appeals only to the Minister**
- **clarification for “after the fact” permits**
- **definition of an officer for enforcement purposes.**

Thank you again for the opportunity to review this posting. TRCA looks forward to providing feedback on the release of the proposed regulations and amendments to the Act. We trust these comments are of assistance and we would be pleased to meet with Ministry staff at their convenience to discuss any of the above.

Sincerely,

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

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/19, Friday, April 26, 2019

FROM: John MacKenzie, Chief Executive Officer

RE: **TRCA DRAFT COMMENTS TO ENVIRONMENTAL REGISTRY OF ONTARIO (ERO) PROPOSED AMENDMENTS TO GENERAL REGULATION 334 UNDER THE ENVIRONMENTAL ASSESSMENT ACT TO SUPPORT THE EFFICIENT DISPOSAL OF GOVERNMENT PROPERTY (ERO #013-4845)**

KEY ISSUE

Toronto and Region Conservation Authority (TRCA) draft comments on the Government of Ontario's proposed amendments to General Regulation 334 under the *Environmental Assessment Act* to exempt the disposal or severance of government-owned property from the requirements of the Public Work Class Environmental Assessment process.

RECOMMENDATION

WHEREAS the Province of Ontario has posted the proposed amendments to Regulation 334 under the Environmental Assessment Act, for public comment on the Environmental Registry of Ontario (ERO);

AND WHEREAS the ERO imposes a May 2, 2019 deadline for submission of comments to the Province;

THEREFORE LET IT BE RESOLVED THAT the Toronto and Region Conservation Authority (TRCA) staff report and draft comments on the Ontario government's proposed amendments to General Regulation 334 under the *Environmental Assessment Act*, be received and that any comments from the Board of Directors be considered in informing TRCA's final ERO submission;

AND FURTHER THAT Infrastructure Ontario, municipal partners and Conservation Ontario be so advised.

BACKGROUND

On March 18, 2019, the Ministry of Government and Consumer Services (MGCS) released a proposed amendment to General Regulation 334 under the *Environmental Assessment Act*, on the Environmental Registry of Ontario (ERO), due May 2, 2019. The [ERO posting](#) does not include the proposed written amendments to the Regulation. This request for comments is further to the Province's direction to reduce regulatory burden and red tape, and introduce streamlining measures by eliminating duplication of tasks, in this case regarding the disposition or severance of government property. "Disposition" refers to the sale or lease of all or part of a property, or the granting of an easement, resulting in a change of ownership or the granting of an interest in the property from one party to another. "Severance" refers to the division of a property into more than one lot. The government's intention is also to be consistent with the exemption of government land severances from typical notification and approval requirements under the *Planning Act*, which is nullified in part due to the current requirements for consultation related to land disposition contained within the 334 Regulation.

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A class environmental assessment sets out the process for a “class” or group of activities under the *Environmental Assessment Act*. The current process outlines requirements surrounding contacting other agencies and seeking a request from, or the consent of, the local municipality before disposing of or severing property for sale to a third party. If the proposed changes to General Regulation 334 are approved, the Public Work Class Environmental Assessment would no longer apply to dispositions or severances of government property, and the future owner of the property or long term lease that has been subject to the disposition would be responsible for meeting any related environmental obligations. The Province through MGCS would propose changes to update the Public Work Class Environmental Assessment to reflect these changes.

RATIONALE

TRCA has an ongoing interest in the amendments proposed, given our roles as a resource management agency, a regulator under Section 28 of the *Conservation Authorities Act*, a public commenting body under the *Planning Act* and the *Environmental Assessment Act*, and as a landowner. TRCA has many years of experience working through this regulation and its precursors on major government initiatives including Seaton Land Exchange, Rouge Park transfers and numerous provincial dispositions. TRCA has the following draft recommendations to inform the ERO. TRCA's full draft comments supporting these recommendations are detailed in Attachment 1:

- **The Class EA process currently provides the only opportunity to identify site constraints, and to properly study and conduct due diligence on lands that should be conveyed to a public body, such as a CA or municipality, before provincial lands are posted for sale to private buyers. This process of conducting up front due diligence increases certainty for the prospective purchaser of the land and the CA or public body that may be the recipient of the lands at the end of the disposition and planning process. TRCA has had countless experiences where upfront due diligence by the province to fulfill the Class EA requirements has led to more timely and informed decisions (Seaton, Rouge Park, East Markham including Box Grove etc.).**
- **Municipalities and CAs should be notified of a proposed severance and/or disposition by the Province, so the CA and municipality can identify constraints early in the planning process, speed up the development approvals process and ensure certainty to prospective purchasers as they prepare plans and undertake development pro formas. While it may not be necessary to continue to use the current Class EA process for these purposes, there should continue to be a process for ensuring the appropriate due diligence (e.g. archaeological, environmental site assessments, land surveys, etc.) is completed prior to the disposition of public lands. Furthermore, the current Class EA process for land disposition builds in an Indigenous Consultation component and it is unclear how such requirements of the Crown will be met with these changes if public lands are being conveyed to other entities.**
- **There should continue to be a process where the natural hazard and provincially significant natural heritage system portion of lands to be sold are retained in some form of public ownership, whether provincial, CA, or municipal. There may certain situations where land sales or severances may be exempt from this**

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process, such as when a *Planning Act* approval or an *Environmental Assessment Act* approval has already taken place. TRCA would be amenable to participating in further discussions, which may involve Infrastructure Ontario (IO), Conservation Ontario, TRCA, and other CAs with IO-managed lands in their jurisdiction, as such a process would provide certainty for IO and all involved in ongoing asset management.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 3 – Rethink greenspace to maximize its value

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

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

DETAILS OF WORK TO BE DONE

Upon endorsement by the Board of Directors, and recognizing any input received on the staff comments, the attached draft comment letter will be updated and submitted as TRCA's official comments to the ERO. Staff will continue to brief the Board on other legislative changes that result from this circulation.

Report prepared by: Daniel Brent, extension 5774; Mary-Ann Burns, extension 5763

Emails: daniel.brent@trca.on.ca; mary-ann.burns@trca.on.ca

For Information contact: Mary-Ann Burns, extension 5763

Emails: laurie.nelson@trca.on.ca

Date: April 22, 2019

Attachments: 1

April 25, 2019

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

Corporate Coordination Help Desk
483 University Ave.
Toronto, ON M7A 1N3

Dear Sir/Madam:

**Re: Response to Request for Comments
Proposed Amendments to General Regulation 334 Under the Environmental Assessment
Act to Support the Efficient Disposal of Government Property
(ERO #013-4845)**

Thank you for the opportunity to comment on the Ministry of Government and Consumer Services (MGCS) circulation proposal for amending Regulation 334 to exempt disposition or severance of property from the *Environmental Assessment Act* requirements, and to reflect these changes in the Public Work Class Environmental Assessment. Toronto and Region Conservation Authority (TRCA) has an ongoing interest in this process given our experience and roles as:

- A regulator under Section 28 of the *Conservation Authorities Act*;
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*;
- A resource management agency operating on a local watershed basis;
- A body with delegated authority in plan review to represent the provincial interest for natural hazards;
- One of the largest landowners (18,000 hectares) in the Toronto Region; and
- A source protection authority (SPA) under the *Clean Water Act*.

It is our understanding that if the proposed amendments to Regulation 334 are approved, then environmental assessments would not be required for any future dispositions or severances of government property being carried out by or on behalf of the Minister of Government and Consumer Services. "Disposition" refers to the sale or lease of all or part of a property, or the granting of an easement, resulting in a change of ownership or the granting of an interest in the property from one party to another. "Severance" refers to the division of a property into more than one lot. We understand that following a disposition or severance any changes in use proposed for a property would be the responsibility of the new land owner. That landowner would be responsible for meeting any related planning and regulatory obligations including meeting the Provincial Policy Statement, official plans, and conservation authority regulations. If approved, the proposed amendments would become effective, at the earliest, on the date of approval, or at the latest, on July 1, 2019.

TRCA has reviewed the proposed legislative changes, and offers the following comments.

TRCA staff engage closely with Infrastructure Ontario staff and potential land purchasers in their due diligence process for the sale of provincially-owned land. This process is triggered through the *Environmental Assessment Act*. Through that process we assist with identifying natural hazards and provincially significant natural heritage systems on the lands, either through a quick clearance process or a more detailed evaluation. The purpose of this is to ensure that natural hazards and provincially significant natural heritage systems on those lands remain in public control to ensure public safety and for the benefit of future generations.

Transferring this due diligence process on to the buyer of the land, in our experience, results in a much longer and challenging development approval process in later stages, as the new landowner may or may not be aware up front of their legal obligations through the *Planning Act* and *Conservation Authorities Act*. By removing the process of screening a specific site with TRCA or municipal staff, Infrastructure Ontario (IO) may also be unaware of the natural hazard and natural heritage constraints on its lands contemplated for sale and ultimately for development, and the sale of the land may be at cross purposes with other provincial objectives. The Class EA process currently provides the only opportunity to identify site constraints, and to properly study and conduct due diligence on lands that should be conveyed to a public body, such as a CA or municipality, before provincial lands are posted for sale to private buyers. We also note that the current process includes consultation with Indigenous communities and greater clarity is required on how such requirements of the Crown will be met with these proposed changes.

The currently public process of conducting up front due diligence increases certainty for the prospective private purchaser of the land and/or the conservation authority or public body that may be the recipient of the lands at the end of the disposition and planning approval process. TRCA has had countless experiences where due diligence has led to more timely and informed decisions (Seaton, Rouge Park, east Markham, etc.).

TRCA recommends that municipalities and CAs should be notified of a proposed severance and/or disposition by the Province, so the CA and municipality can continue to identify constraints early in the planning process, speed up the development approvals process and ensure certainty to prospective purchasers as they prepare plans and development pro formas. While it may not be necessary to continue to use the current Class EA process for these purposes, there should continue to be a process for ensuring the appropriate due diligence (e.g. archaeological, environmental site assessments, land surveys, etc.) is completed prior to the disposition of public lands.

TRCA further recommends that there continue to be a process where the natural hazard and provincially significant natural heritage system portion of lands to be sold are retained in some form of public ownership, whether provincial, CA, or municipal. There may certain situations where certain land sales or severances may be exempt from this process, such as when a *Planning Act* approval or an *Environmental Assessment Act* approval has already taken place. TRCA would be amenable to participating in further discussions, which may involve IO, Conservation Ontario, TRCA, and other CAs with IO-managed lands, as such a process would provide certainty for IO and all involved in ongoing asset management.

Thank you once again for the opportunity to provide comments on this important initiative. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.661.6290 or at john.mackenzie@trca.on.ca or Laurie Nelson, Interim Director, Policy Planning at 416.661.6600 ext. 5281 or at laurie.nelson@trca.on.ca.

Sincerely,

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

BY E-MAIL

cc:

TRCA:

Laurie Nelson, Interim Director, Policy Planning
Beth Williston, Associate Director, Infrastructure Planning and Permits
Mike Fenning, Associate Director, Property and Risk Management
Steve Heuchert, Associate Director, Development Planning and Permits