



Toronto and Region Conservation Authority

Regional Watershed Alliance Agenda

#2/19

May 22, 2019

6:30 P.M.

HEAD OFFICE, 101 EXCHANGE AVENUE, VAUGHAN

Members

Chair: Jennifer McKelvie

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5. PRESENTATIONS
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Chandra Sharma, Director, Community Engagement and Outreach

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Section I – Items for the Action of the Regional Watershed Alliance

TO: Chair and Members of Regional Watershed Alliance
Meeting #2/19, Wednesday, May 22, 2019

FROM: Victoria Kramkowski, Government and Community Relations Specialist,
Community Engagement and Outreach

RE: Regional Watershed Alliance Youth Council Workplan Priorities

KEY ISSUE

To update and seek Regional Watershed Alliance (RWA) approval of Youth Council workplan priorities.

RECOMMENDATION

THAT the presentation by Youth Council regarding workplan priorities be received for Regional Watershed Alliance input and approval;

AND FURTHER THAT Shannon S. Holness, Community Benefits Organizer and youth representative of Toronto Community Benefits Network, be welcomed to join the Regional Watershed Alliance Youth Council Working Group as a collaborator.

BACKGROUND

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

The Youth Council is comprised of community youth champions, existing youth group representatives and new recruits. The Youth Council reports directly to the Regional Watershed Alliance. The mission, mandate and goals, along with the Terms of Reference for the Youth Council, have been developed by TRCA staff and the RWA in consultation with relevant stakeholders. At Regional Watershed Alliance Meeting #1/2017, held on November 15th, 2017, Resolution #R002/17 was approved, in part, as follows:

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

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THEREFORE LET IT BE RESOLVED THAT the following members of the Alliance work with staff to lead the establishment of Youth Council including development of terms of reference:

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

At RWA meeting #2/17 held on February 21st 2018, the framework for the Youth Council was approved (RES. #010/17). The framework described four objectives for the Youth Council:

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

Two tiers of Youth Council membership are described: general and executive membership. The general membership is open to all youth in TRCA's jurisdiction. General members are invited to participate in Youth Council meetings and events, but their participation is voluntary. Executive members are an application-based position; youth are invited to submit their resumes along with a completed application. The RWA Youth Council Working Group then selects 10 members who will serve a one-year term. Executive members are responsible for the development of priorities, communication with the general membership, organizing meetings, and the development of a work plan.

Members of the executive were selected by the Regional Watershed Alliance Youth Council Steering Committee in October 2018. The executive members were provided the approved framework and agreed on a Terms of Reference. Both the framework and Terms of Reference have been adapted to create workplans to meet council objectives and goals.

RATIONALE

The Youth Council Executive has developed a workplan that addresses all four Youth Council objectives set forth in the framework.

To build capacity among youth and build/strengthen the youth network (objectives a and b), the Youth Council will network with other youth council, NGOs, and organizations. Opportunities for volunteering or for youth engagement have been shared with the wider general membership through quarterly newsletters (the April edition included links to external opportunities such as Youth Challenge International Climate Action Catalyst).

To investigate "Youth Perspectives" (objective c), the Executive Council has surveyed the general membership, as well as members of the public. Respondents were asked to indicate issues they feel are most important and have the greatest impact on their daily lives. Some preliminary results from this survey are summarized in the attached presentation. The Executive Council will use this information to inform engagement opportunities (objective d) throughout the year. Climate change was consistently the most reported topic. Some geographical differences in priorities identified by respondents were noted: "wildlife and habitat conservation" was more

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frequently reported by respondents outside of the City of Toronto, and respondents from Toronto indicated “Access to Greenspace” as an important issue more frequently than those from outside of the city. This data will help to better inform the development of engagement opportunities, which will include newsletters, online engagement tools, small localized events, and a large culmination event at the end of their one-year term.

In addition to the April Newsletter and the survey to both members and the broader public, the Youth Council held an Earth Day Clean-up event in The Meadoway on April 28th, 2019, submitted an abstract to the Latonnell Conservation Symposium, and initiated discussion with Swim Drink Fish and Ryerson Urban Water regarding co-hosting movie nights over the summer of 2019.

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 5 – Foster sustainable citizenship

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

Staff is engaged in community engagement, consultation, outreach and education work as part of their ongoing roles. No additional funding is proposed to support this engagement work.

Youth Council Executive members are encouraged to raise funding for specific activities.

DETAILS OF WORK TO BE DONE

1. Build capacity among youth and build/strengthen youth network by continued establishment and maintenance of relationships with other NGO's/Youth Councils.
2. Continue analysis of youth perspectives to inform workplan priorities.
3. Create fun opportunities and experiences for youth, specifically the creation of a larger-scale culminative event in Fall 2019 aligned, if possible, with TRCA activities such as world River Day activities and /or Humber Heritage 20th Anniversary Event.

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Date: May 3, 2019

Section I – Items for the Action of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance
Meeting #2/19, Wednesday, May 22, 2019

FROM: Chandra Sharma, Director, Community Engagement and Outreach

RE: **WORLD RIVERS DAY ACTIVITIES**

KEY ISSUE

To seek Regional Watershed Alliance (RWA) input on proposed TRCA World River's Day outreach and engagement campaign focused at raising awareness and communicating TRCA's accomplishments related to watershed management.

RECOMMENDATION

WHEREAS World Rivers Day is a celebration of the world's waterways and is observed by over 60 countries;

AND WHEREAS TRCA's jurisdiction spans nine rivers and watersheds across the region and contains a population of over 3.5 million people;

AND WHEREAS TRCA has undertaken multiple initiatives over its history to improve the health of the watersheds within its jurisdiction and to connect the public with these rivers and creeks, and in 2019 TRCA is engaged in a year-long celebration to recognize the 20th anniversary of the Humber River's Heritage Designation;

THEREFORE let it be proposed that a TRCA outreach and engagement campaign for World Rivers Day 2019 be received for Regional Watershed Alliance members' input;

THAT the final plan for proposed World River Day activities be shared with members of the RWA and based on any input received be finalized and presented to the TRCA Board of Directors;

AND FURTHER THAT Regional Watershed Alliance members consider ways in which they can support TRCA's World Rivers Day campaign through their organizations and networks and through the TRCF Look After Where You Live Program.

BACKGROUND AND RATIONALE

On September 22nd, 2019, people from over 60 countries around the world will celebrate World Rivers Day, an international event with the goal of creating greater awareness around caring for our water resources and celebrating the many values of our waterways. World Rivers Day originated in British Columbia, where BC Rivers Day has been celebrated since 1980. The first World Rivers Day event was held in 2005 as a part of the UN Water For Life Decade (2005-2015) and the event has been growing steadily each year. Other World Rivers Day events from past years include a family-friendly river celebration event at Burnaby Village Museum in

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Burnaby BC, a volunteer clean-up of the River Freshney in Grimsby, England, and a "March for the River" in Dhaka, Bangladesh.

This year is the 15th annual World Rivers Day and an ideal opportunity for TRCA and the Regional Watershed Alliance to join the celebration. For many years TRCA has delivered a variety of events across its jurisdiction. Events have included workshops and a speaking series, conservation area events and large-scale signature watershed and waterfront events that help TRCA increase its presence in watershed communities, raise support, and help implement TRCA strategic priorities and objectives. TRCA events also provide an excellent opportunity to engage communities and build awareness and appreciation for the watersheds in our jurisdiction.

This year also marks the twentieth anniversary of the Humber River's designation as a Heritage River by the Canadian Heritage Rivers System. As a result, TRCA is developing a year-long celebration plan for this anniversary, with the signature event, Humber by Canoe, being one component of it. This is one example of an opportunity to combine this significant feature's celebration into World Rivers Day activities.

In addition to watershed and waterfront events, TRCA has also conducted decades of work improving the health of its watersheds and the waterfront. These include monitoring and restoring the rivers and creeks in its jurisdiction, building trails, steering major projects through to completion, and developing education and engagement initiatives for residents, businesses, schools, municipalities and other audiences, all of which are achievements worthy of celebration. Furthermore, through visits to conservation areas, recreation or other forms of participation in TRCA initiatives, residents and visitors have been given an opportunity to learn about and experience the rivers and creeks within TRCA's jurisdiction.

PRELIMINARY DETAILS

Staff are proposing to develop an outreach and engagement campaign to celebrate the 15th annual World Rivers Day, with a focus on highlighting the stories of our nine rivers and creeks. World Rivers Day also presents an opportunity to:

- a) commemorate the work that TRCA has done, and continues to do, to improve the health of our watersheds and waterfront, as well as the connection that residents, visitors and other audiences have with them;
- b) promote major accomplishments highlighted in TRCA 2018 Annual Report to be published in 2019;
- c) create opportunities for individual and corporate donations towards TRCA watershed protection and enhancement activities.

Activities:

In addition to leveraging existing TRCA events listed below, staff are proposing an online campaign leveraging TRCA's Your Say page (<https://yoursay.ca/>), a social media campaign, a series of news articles and/or other approaches to solicit and share stories about TRCA's nine rivers and creeks. Some key activities may include:

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1. Compile existing content on TRCA rivers and creeks and craft key messages. Ensure the Humber River continues to be profiled as a Canadian Heritage River;
2. Solicit local stories from the public about their rivers and creeks via the TRCA engagement platform Yoursay.ca
3. Develop a series of blog, newsletters, social media postings and other stories;
4. Use the TRCA 2018 annual report to craft short river accomplishment messages;
5. Promote stories and key messages via TRCA and partner channels and existing events throughout TRCA's jurisdiction;
6. Enhance watersheds/waterfront newsletters with special river content;
7. Utilize the World River Day social media network to promote TRCA nationally and internationally;
8. Work with the Toronto Region Conservation Foundation to plan targeted outreach for fundraising.

Promotions through existing events:

As TRCA already has multiple community, watershed and waterfront events planned, including celebrations connected to the 20th anniversary of the Humber River's designation as a Canadian Heritage River, staff is seeking opportunities to align these festivities with World Rivers Day. TRCA's scheduled 2019 signature watershed and waterfront events can be reviewed in the agenda for the February 13, 2019 meeting (#1/19) of the Regional Watershed Alliance (See "8.2 2019 TRCA Planned Events that Celebrate Our Watersheds and Waterfront").

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 5 – Foster sustainable citizenship

Strategy 6 – Tell the story of the Toronto region

FINANCIAL DETAILS

It is anticipated that TRCA's 2019 World Rivers Day campaign will utilize previously funded events, online resources and staff time so that no new funding will be required.

DETAILS OF WORK TO BE DONE

Pending any input received by RWA members to TRCA's proposed World Rivers Day campaign activities, staff will work on a plan in consultation with Toronto and Region Conservation Foundation on their Look After Where You Live Program. Also, staff will report to TRCA Board of Directors on World Rivers Day campaign while sharing the final plan with Regional Watershed Alliance.

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Date: May 13, 2019

Section I – Items for the Action of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance
Meeting #2/19, Wednesday, May 22, 2019

FROM: Victoria Kramkowski, Government and Community Relations Specialist,
Community Engagement and Outreach

**RE: REGIONAL WATERSHED ALLIANCE WORKING GROUPS PROGRESS
UPDATE**

KEY ISSUE

To provide an update on the progress of the Regional Watershed Alliance Working Groups, including achievements to date, current actions and future priorities.

RECOMMENDATION

THAT the work plan progress and priorities of the Regional Watershed Alliance Working Groups, as appended, be received;

AND FURTHER THAT the RWA endorse the five working groups and their draft 2019 workplans outlined in their report subject to any input received at the meeting.

BACKGROUND

The Working Groups of the Regional Watershed Alliance (RWA) play a key role in advancing the mandate of both the RWA and the Toronto and Region Conservation Authority (TRCA). Through the Working Groups, RWA members can also voice their interest in, and undertake, activities that align with TRCA goals, as well as those of the partner organizations that members represent. As subcommittees of the RWA, Working Groups are composed of RWA members but can also invite local community representatives or experts to participate as needed. It is intended that the Working Groups be focused on particular projects or issues including more geographically focused specific sites or areas. All Working Groups report back to the RWA on the activities being undertaken.

In order to identify RWA member interests and develop cohesive Working Groups, a consultation process was conducted at the RWA meetings on November 17, 2017 (#1/17) and February 21, 2018 (#2/17) during which members discussed interests, priorities and potential projects. These potential areas of work were then consolidated by staff into several themes that aligned with the collective interest of RWA members, as well as TRCA Leadership Strategies in TRCA's Strategic Plan *Building the Living City*. These consolidated and aligned areas of interest, along with subsequent discussions and identified opportunities, served as the basis for the creation of five Working Groups:

- 1) Greenspace and Ecosystem Services
- 2) Integrated Planning and Civic Engagement

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- 3) Flood and Extreme Weather Outreach (Please note that this Working Group has been consolidated with the Integrated Planning and Civic Engagement Working Group. See below for further details)
- 4) Watershed Engagement
- 5) Youth Council

Potential collective priorities and actions were identified for Working Groups and discussed at the May 23, 2018 RWA meeting (#1/18), as well as in subsequent conversations. It should be noted that as projects progress and new opportunities or issues arise, it is expected that the priorities of Working Groups will similarly evolve. For example, due to an alignment of interests and the desires of Working Group members, the Integrated Planning and Civic Engagement Working Group and the Flood and Extreme Weather Outreach Working Group have agreed to merge into a single Working Group, retaining the name Integrated Planning and Civic Engagement. Selected workplan priorities for each group are provided in attachment1.

Greenspace and Ecosystem Services Working Group (GESWG)

The GESWG seeks to increase the public's understanding of, and influence, the perceived monetary and intrinsic value of nature and greenspace, both regionally and locally. This includes increasing accessibility to nature, encouraging greening on private property and improving the quality of greenspace in TRCA's jurisdiction.

Integrated Planning and Civic Engagement Working Group (IPCEWG) (formerly the Integrated Planning and Civic Engagement Working Group and the Flood and Extreme Weather Outreach Working Group)

The IPCEWG seeks to improve the integration of environmental protection and community well-being in land use planning, design, growth management decisions and consideration of future climate change impacts, including increasing the preparedness and protection of communities from existing and future flooding and extreme weather events. This includes leveraging member networks to help the public navigate the planning system, maximizing opportunities for public consultation and engagement, and bringing together various stakeholders to achieve a common understanding of integrated planning.

Watershed Engagement Working Group

The Watershed Engagement Working Group seeks to support the engagement and outreach to stakeholders around key watershed themes through the design and development of an annual Watershed Forum event. The goals for the Working Group within the context of the Watershed Forum include providing new information on sustainability challenges and opportunities, sharing ideas with community groups, creating networking opportunities and positioning the RWA as a strong voice of civic leadership. Given that 2019 marks the 20th anniversary of the Humber River being designated a Canadian Heritage River, this year the Watershed Engagement Working Group will focus on carrying out these goals within the context of the celebrations surrounding this anniversary.

Youth Council

The Youth Council is comprised of members aged 16 to 24 who either reside, or attend school, within TRCA's jurisdiction. Youth can participate as either general members, or as executive members who are selected through an application process for a term of one year. The goal of

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the Youth Council is to engage, empower and inspire youth, to strengthen a youth network across the Toronto region, and to provide a means for the voices of youth to be heard in the development of plans, projects and programs. There is a Regional Watershed Alliance steering committee for the Youth Council. This group developed the Youth Council Program Framework and provides mentorship, as needed, for Youth Council members. They also act as a liaison between the Youth Council and the Regional Watershed Alliance.

RATIONALE

The RWA Working Groups have established work plans, which are currently being carrying out. Depending on priorities, various Working Groups are at different stages of work on associated action items. Working Groups have also identified future priorities that will be taken on. For example, it is expected that the Integrated Planning and Civic Engagement Working Group will play a role in TRCA's Watershed Planning and Reporting Platform, once the project has progressed to a phase when RWA involvement would be useful and meaningful. As mentioned above, it should also be acknowledged that the priorities and projects taken on by the Working Groups will evolve, deepen or broaden as new opportunities or issues present themselves. As a result, the workplans below (Appendix 1) can be viewed of snapshots of the work being undertaken and planned by the RWA Working Groups for the remainder of 2019 and into 2020.

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 5 – Foster sustainable citizenship

Strategy 7 – Build partnerships and new business models

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

Items outlined in the Working Group work plans are part of TRCA work that is already funded. No additional funding is proposed at this time to support this work.

DETAILS OF WORK TO BE DONE

RW Working Groups will carry out the items identified in the attached work plans and will identify further areas requiring attention, as needed.

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Date: May 7, 2019

Attachments: 1

Attachment 1: **Regional Watershed Alliance Working Group Work Plans**

ATTACHMENT 1 – Regional Watershed Alliance Working Group Work Plans

GREENSPACE AND ECOSYSTEM SERVICES WORKING GROUP	
ACTION AND TASKS	STATUS
Objective #1: Support trail development and access	
Review and provide comments on TRCA Trail Strategy	Completed
Involve members in updates and finalization of draft Trail Strategy <ul style="list-style-type: none"> • Provide feedback on updated drafts • Participate in, market or host future workshops 	In Progress
Objective #2: Claireville Reactivation Process	
Work with staff to develop the Claireville Conservation Area Action Plan <ul style="list-style-type: none"> • Receive updates on draft Claireville Action Plan and provide comment and direction • Identify communities and potential partners that could offer programming and/or audiences 	In Progress Winter – Fall 2019
Objective #3: Advocate for greenspace and healthy ecosystems	
Promote the findings of the ravine ecosystem valuation study <ul style="list-style-type: none"> • Review and comment on messaging, marketing and engagement approaches to share findings from the study • Circulate findings and messaging from the study through member networks 	Pending further review and circulation of study
Promote community engagement and knowledge of natural history and ecosystem function through promotion of events <ul style="list-style-type: none"> • Identify and cultivate events that are, or could be, led by members, associated networks and organizations, and other complementary organizations 	Pending
Future Priorities	
Encourage community involvement <ul style="list-style-type: none"> • Recruit corporate groups to take part in and sponsor community-based restoration (CBR) events • Recruit groups to take part in public CBR events • Recruit and lead groups for citizen science initiatives 	
Encourage greening on private property <ul style="list-style-type: none"> • Promote outcomes and initiatives identified through gap analysis of TRCA and partner work already underway • Develop strategies to promote greening in areas of greatest need • Promote existing TRCA and partner programs 	
Promote value of greenspace for public health and wellbeing (Ecohealth) <ul style="list-style-type: none"> • Utilize data compiled by TRCA and other organizations to promote links between greenspace and human health 	

INTEGRATED PLANNING AND CIVIC ENGAGEMENT WORKING GROUP	
ACTIONS	STATUS
Objective #1: Work with TRCA staff to identify and fulfill opportunities for messaging and tools that emphasizes the links between environment, planning and communities	
Work with SNAP to identify opportunities to develop complementary or joint outreach tools or initiatives	Ongoing
Objective #2: Increase the preparedness and protection of communities from existing and future flooding and extreme weather events	
Review/edit/comment on flood related outreach materials developed by TRCA Flood Risk Management team. <ul style="list-style-type: none"> • Provide input on Flood Risk Assessment mapping, information and approaches for public outreach • Work with Flood Risk Management Team and other TRCA staff to identify opportunities to develop complementary or joint outreach tools 	Ongoing Workshop to be held May 2019 Additional materials to be reviewed Fall 2019
Promote finalized outreach materials across existing networks <ul style="list-style-type: none"> • Promote the Floods Happen brochure • Promote TRCA Flood Messages through social media (@TRCA_Flood) • Promote subscription to TRCA Flood Messages • Promote further materials from Flood Risk Assessment process 	Ongoing
Future Priorities	
Involvement in development, review of and sharing TRCA's Watershed Planning and Reporting Platform	
Develop a component of the 2020 Watershed Forum based on the priority themes and issues of the IPCEWG (e.g. a roundtable event, panel, workshop)	

WATERSHED ENGAGEMENT WORKING GROUP	
ACTION AND TASKS	STATUS
Objective #1: Celebrate accomplishments of TRCA, partners and community from past 20 years	
Provide input to the Humber 20 th Anniversary as a Canadian Heritage River Celebration Plan <ul style="list-style-type: none"> • Prepare Draft Celebration Plan 	Complete
Identify collaboration opportunities for RWA, TRCA, Indigenous communities, and other partners to implement the Humber 20 th Anniversary Celebration Plan (i.e., events, programming, etc.) <ul style="list-style-type: none"> • Prepare a list of potential events and programs 	Complete
Objective #2: Raise awareness around the natural, cultural and recreational values which merit the Humber's designation as a CHRS	
Provide input to Humber Launch Event <ul style="list-style-type: none"> • Prepare Draft Program by and Invitation list 	Complete Launch event held on April 14
Provide input to Humber by Canoe Program and identify opportunities for programming Support at Humber by Canoe Event. <ul style="list-style-type: none"> • Prepare draft program and invitation list • Members to identify potential ways they can be involved at Humber by Canoe 	In Progress
Provide input to Mobile Museum design <ul style="list-style-type: none"> • Members to provide relevant content/information to staff 	Complete
Develop key messaging around the Humber River's 20 th Anniversary <ul style="list-style-type: none"> • Prepare a media backgrounder 	Complete
Develop a media outreach plan <ul style="list-style-type: none"> • Prepare a list of potential media outlets and networks to help promote the Humber's 20th Anniversary 	To be started
Your Say Humber River stories <ul style="list-style-type: none"> • Members to submit their Humber River stories to Your Say Platform 	In Progress
Objective #3: Launch legacy projects and new opportunities for future/continued recognition of Humber as a Canadian Heritage River	
Provide input to Humber Discovery Garden design workshop <ul style="list-style-type: none"> • Circulate draft workshop program to members for their input 	To be started
Identify potential opportunities for collaborative fundraising for Legacy Projects such as Humber Public Art Project and Vaughan Heritage Tourism Trail <ul style="list-style-type: none"> • Prepare a list of potential fundraising opportunities for Legacy Projects and package for fundraising purposes. 	To be started
Toronto Shared Path Signage <ul style="list-style-type: none"> • Convene project partners to determine an appropriate plan to repair/replace Shared Path signage 	In Progress
Future Priorities	
Develop theme for 2020 Watershed Forum	
Coordinate involvement of TRCA staff and RWA Working Groups in 2020 Watershed Forum	

YOUTH COUNCIL	
ACTION	STATUS
Objective #1: Build capacity among youth and build/strengthen youth network	
Establish relationships with other NGOs/Youth Councils <ul style="list-style-type: none"> Share opportunities with the YC network Identify synergies with potential partner organizations 	Ongoing
Create social media presence <ul style="list-style-type: none"> Use hashtag #TRCAYouth in lieu of social media accounts 	Ongoing
Create Web Content <ul style="list-style-type: none"> Your Say website TRCA landing site 	Ongoing
Create three newsletters <ul style="list-style-type: none"> e-blasts to go out in April, July, September 	Ongoing
Objective #2: Identify youth perspectives related to environmental issues	
Develop a map of key issues by locations <ul style="list-style-type: none"> Google map of primary interests of members based on postal code 	Complete
Develop survey for wider public to better understand youth priorities across jurisdiction <ul style="list-style-type: none"> Develop survey, push survey through network and TRCA social media, analyze data 	Survey Has Been Developed Remaining Items In Progress
Present at Latornell Symposium <ul style="list-style-type: none"> Create Abstract and presentation 	In Progress
Objective #3: Create fun opportunities and experiences for youth	
Earth Day event <ul style="list-style-type: none"> Clean up in the Meadoway 	Complete
Create big year end event <ul style="list-style-type: none"> TBD 	To be started
Future Priorities	
Organize a component of the 2020 Watershed Forum: Collaborate with Community Benefits Network to look into and share opportunities for youth involvement towards environmental outcomes	

Section III – Items for the Information of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance
Meeting #2/19, Wednesday, May 22, 2019

FROM: Nancy Gaffney, Government and Community Relations Specialist, Community Engagement and Outreach

RE: **UPDATE ON LAKE ONTARIO WATER LEVELS**

KEY ISSUE

To brief the Regional Watershed Alliance (RWA) on TRCA role and response to rising water levels of Lake Ontario.

RECOMMENDATION

WHEREAS members of the Regional Watershed Alliance have a potential interest in the rising water levels of Lake Ontario;

WHEREAS the TRCA regularly reports on and issues warnings related to Lake Ontario water levels;

THEREFORE LET IT BE PROPOSED THAT the Regional Watershed Alliance be informed of TRCA's role and response to the Lake Ontario water level situation through this report and an accompanying presentation by staff.

BACKGROUND

Lake Ontario water levels are influenced by several factors, including (unregulated) inflow from Lake Erie, (uncontrolled) runoff from watersheds that drain into Lake Ontario, and the outflow from the lake, which is controlled at Moses-Saunders Dam by the International Lake Ontario-St. Lawrence River Board (ILOSRLB) under the International Joint Commission. Regulation of Lake Ontario outflows does not ensure full control of Lake Ontario levels or river levels downstream. Regulation of Lake Ontario outflows is influenced by flows in the Ottawa River in order to balance upstream risks (along Lake Ontario Shoreline) and downstream flood risks (below the confluence of the Ottawa River and the St. Lawrence River). Ottawa River flows and drainage into Lake Ontario will influence the water level response in Lake Ontario. As a result of the continued high inflows from Lake Erie, decreased outflows, and additional runoff into Lake Ontario from surrounding watersheds, there has been a significant and rapid rise in Lake Ontario water levels over in late April and into May. The expectation is that water levels will continue to rise into late May/early June.

As outlined in the Toronto and Region Conservation Authority Flood Contingency Plan, TRCA issues Shoreline Hazard Warnings specific to the Toronto Region when either of the following criteria are met for Toronto:

1. Static water level equal to or greater than 75.50 m

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2. Static water level equal to or greater than 75.10 m AND projected (offshore) wave heights of 2.0m or greater.

These values were determined based on impacts to infrastructure and property during the 2017 event and were evaluated through the Toronto Islands Flood Risk Assessment study. Naturally expected impacts to beaches (ie: shortened beaches, dynamic beach effects) may occur at lower lake/wave levels. However, the above thresholds are based on impacts to infrastructure and property, which were first observed at a sustained static level of 75.60m at Toronto Islands in 2017.

CURRENT SITUATION

Lake Ontario water levels began rising in April as the snow melt and rain supplied increased waterflow in the basin.

The lake levels and wave uprush have caused erosion and impairment of public infrastructure and private property along Lake Ontario Shoreline and Toronto Island Park.

The International Joint Commission (IJC) manage control on water levels in Lake Ontario and the St. Lawrence and follow the prescribed Plan 2014 to balance upstream and downstream risks. As of May 12, 2019 flows to the St. Lawrence seaway from lake Ontario have been increased to 7300 m³/s to decrease the rate of rise in Lake Ontario.

As of May 12, 2019 water levels in Lake Ontario have reached 75.64masl which is 17cm below levels in 2017, however are 62cm above average.

On April 30, 2019 TRCA issued the Shoreline Hazard Warning, which remains in effect.

It is anticipated that Lake Ontario Water levels will crest at the end of May and will begin its gradual decline in June. It is anticipated that lake levels will resume to normal seasonal levels by September.

RATIONALE

TRCA receives communications from the International Lake Ontario - St. Lawrence River Board (ILOS RB, established by the IJC) regarding water levels. Regarding any potential flooding in our jurisdiction from riverine or shoreline, TRCA is an advisory agency.

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

DETAILS OF WORK TO BE DONE

E-mail updates to municipal partners and stakeholders, with a list of links to information and forecasts from the ILOS RB and Environment Canada have been circulated and communication with partners is ongoing. Additional steps completed and ongoing by TRCA include:

- Restoration and Infrastructure (R&I) is monitoring and tracking shoreline damage;
- R&I is working to protect TRCA and municipal partner assets;

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- R&I has already been engaged by partners municipalities to assist with response operations. R&I staff are prepared to undertake response and mitigation activities on behalf of our municipal partners, at their commission (cost-recovery);
- Government and Community Engagement and Marketing have prepared and provided public and strategic partner messaging, including Councilors, MP's and MPP's (in shoreline areas);
- Media coverage for this event has been substantial in the last week, approximately 15 interviews in total completed by the Planning Chief/Liaison Officer and have included radio, TV and print; and
- Flood Risk Management and Marketing are monitoring social media.

Report prepared by: Nancy Gaffney, extension 5313

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Date: May 13, 2019

Section I – Items for the Information of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance
Meeting #2/19, Wednesday, May 22, 2019

FROM: Laurie Nelson, Director, Policy Planning

RE: **TRCA COMMENTS TO ENVIRONMENTAL REGISTRY OF ONTARIO
Modernizing conservation authority operations – Conservation Authorities
Act (ERO #013-5018); Focusing conservation authority development
permits on the protection of people and property (ERO #013-4992)**

KEY ISSUE

To brief the Regional Watershed Alliance on Toronto and Region Conservation Authority's (TRCA) response to the Government of Ontario's proposed amendments to the Conservation Authorities Act, 2017 and 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 the proposed amendments to the Conservation Authorities Act, 2017 (ERO #013-5018), as well as a proposal for a regulation that outlines how conservation authorities permit development and other activities for impacts to natural hazards and public safety (ERO #013-4992), for public comment on the Environmental Registry of Ontario (ERO);

THEREFORE, LET IT BE RESOLVED THAT the Regional Watershed Alliance be advised of Toronto and Region Conservation Authority's responses to these ERO postings through this report.

AND THAT staff circulate TRCA comments on Bill 108 once they are submitted to the Province.

BACKGROUND

Conservation Authorities Act (ERO #013-5018)

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 did not include the proposed written amendments to the Act or its associated regulations.

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

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- (as prescribed under the Lake Simcoe Protection Act);
- Increase transparency in how conservation authorities levy municipalities for mandatory 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.

Conservation Authority Development Permits (ERO #013-4992)

On April 5, 2019, the Ministry of Natural Resources and Forestry (MNR) also 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. The Province's 46-day commenting period for this ERO posting ends May 21, 2019. The ERO posting did not include a proposed written regulation.

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.

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;

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- 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 unproclaimed sections of the *Conservation Authorities Act* associated with conservation authority permitting decisions and regulatory enforcement.

RATIONALE

At Meeting #04/19, on April 26, 2019, the Board of Directors received a staff report and draft comment letter on each of the above ERO postings ([available here, see pages 64-99](#)). TRCA formally submitted comments to the ERO on May 8, 2019, (refer to Attachments 1 and 2).

On May 2, 2019, the Province introduced [Bill 108](#) entitled the "[More Homes, More Choice Act](#)", as part of its Housing Supply Action Plan. [Schedule 2](#) of this omnibus bill contains proposed wording of the amendments to the *Conservation Authorities Act* along with changes to several other Acts that are relevant to TRCA's mandate. As such, TRCA staff are reviewing this new information and will provide additional comments to the Province by separate cover.

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 9 – Measure performance

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

There are no costs associated with this report

DETAILS OF WORK TO BE DONE

Staff will continue to circulate the Regional Watershed Alliance on TRCA comments on provincial legislative, regulatory or policy changes.

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Report prepared by Victoria Kramkowski, extension 5707

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Date: May 10, 2019

Attachments: 2

Attachment 1: TRCA Response to Proposed CA Act Amendments

Attachment 2: TRCA Response to Proposed Development Permit Regulation

Attachment 1: TRCA Response to Proposed CA Act Amendments



May 8, 2019

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

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". Please note that the following comments, as approved by Resolution #A62/19 on April 26 by the Board of Directors, were prepared in advance of the release of the detailed wording changes identified in Schedule 2 of Bill 108, on May 2, 2019. We may provide additional comments by separate letter.

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 consider any 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.(Pl), MCIP, RPP
Chief Executive Officer

Attachment 2: TRCA Response to Proposed Regulation



May 8, 2019

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

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 on a watershed basis, 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 (at the time of writing and Board endorsement), 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, timing or duration 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, (the Guideline) 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 the 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 development industry and the MNRF in the development of the Guideline for the effective protection and management of these features. A module of the Ontario Stream Assessment Protocol is applied in the evaluation section of the Guideline, and TRCA has worked with provincial staff 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 the current definition of watercourse from the *Conservation Authorities Act* be maintained, but should the Province update the definition, TRCA recommends that it 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