



Toronto and Region Conservation Authority

Regional Watershed Alliance Agenda

#2/20

May 20, 2020

6:30 P.M.

The meeting will be conducted via a video conference
Members of the public may view the livestream at the following link:

<https://video.isilive.ca/trca/live.html>

Pages

1. WELCOME AND INTRODUCTIONS
2. ACKNOWLEDGEMENT OF INDIGENOUS TERRITORY
3. APPROVAL OF MINUTES OF MEETING #1/20, HELD ON MARCH 4, 2020
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4. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
5. CORRESPONDENCE
6. ITEMS FOR ALLIANCE ACTION

6.1 EARLY INPUT ON TRCA'S WATERSHED REPORTING WEB APPLICATION

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Report and presentation by Laura Del Giudice, Senior Manager, Watershed Planning and Reporting, Toronto and Region Conservation Authority

TRCA is in the process of developing a web application to more easily and comprehensively communicate the environmental conditions of its watersheds and waterfront. Staff wish to seek early input from the Regional Watershed Alliance on the content and configuration of this application to inform the final application design.

7. ITEMS FOR ALLIANCE INFORMATION

7.1 SUMMARY OF 2020 TRCA POLICY CONSULTATION SUBMISSIONS AND RECENT PROVINCIAL POLICY INITIATIVES

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Report and presentation by Laurie Nelson, Director, Policy Planning, Toronto and Region Conservation Authority

Summary of Toronto and Region Conservation Authority (TRCA) policy consultation submissions on federal and provincial initiatives to date in 2020, and a summary of other recent policy initiatives relevant to TRCA interests, for the information of the Regional Watershed Alliance.

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Report by Victoria Kramkowski, Government and Community Relations Specialist, Peel-York Watersheds, Government and Community Relations, Toronto and Region Conservation Authority

Key aspects of TRCA's operational response to the COVID-19 pandemic to date.

8. NEW BUSINESS AND GOOD NEWS STORIES

9. ADJOURNMENT

NEXT MEETING OF THE REGIONAL WATERSHED ALLIANCE #3/20, TO BE HELD ON SEPTEMBER 16, 2020 AT 6:30 P.M. AT HEAD OFFICE, 101 EXCHANGE AVENUE, VAUGHAN

Victoria Kramkowski, Government and Community Relations Specialist, Peel-York Watersheds, Government and Community Relations

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Items for the Action of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance Meeting #2/20, Wednesday, May 20, 2020

FROM: Laura Del Giudice, Senior Manager, Watershed Planning and Reporting

RE: **EARLY INPUT ON TRCA'S WATERSHED REPORTING WEB APPLICATION**

KEY ISSUE

TRCA is in the process of developing a web application to more easily and comprehensively communicate the environmental conditions of its watersheds and waterfront. Staff wish to seek early input from the Regional Watershed Alliance on the content and configuration of this application to inform the final application design.

RECOMMENDATION

WHEREAS TRCA issues the Living City Report Card and Conservation Ontario version of Watershed Report Cards every 5 years to report on watershed and environmental conditions in the Toronto region to its partners and to the members of the public;

AND WHEREAS TRCA collects a variety of monitoring data every year and, in some cases, issues technical reports on the findings of these data;

AND WHEREAS TRCA has been requested to provide more frequent and less technical watershed conditions reporting by its Board of Directors and partner municipalities;

AND WHEREAS TRCA will be rolling out its next generation of watershed plans program for which reporting against successful watershed plan implementation will need to be tracked and reported on;

AND WHEREAS TRCA has been developing a watershed reporting web application to more easily convey watershed and environmental conditions on an ongoing basis;

THEREFORE, LET IT BE RESOLVED THAT Regional Watershed Alliance members provide early comments on the draft content and configuration of the web application to optimize uptake with key audiences and that any comments received by the Regional Watershed Alliance be considered by staff as part of web application design.

BACKGROUND

TRCA has a long history in watershed and environmental reporting. Most recently, TRCA launched its latest version of the Living City Report Card in 2016, and the Conservation Ontario Watershed Report Cards were most recently released in March of 2018. The next iteration of the Living City Report Card is scheduled to launch in 2021 and the next round of Watershed Report Cards is scheduled for release in 2023. These report cards have proven to be a successful means of simplifying technical information to communicate key watershed conditions and findings to watershed residents, municipalities, and agencies.

In addition, at Authority Meeting #5/17, held on June 23, 2017, Resolution #RES.#A127/17 was approved as follows:

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THAT a report on the state of each one of the nine watersheds and the waterfront in the TRCA jurisdiction be presented by staff on a regular basis;

AND FURTHER THAT the scope, content and communication format of these reports, as well as potential alignment with the mandate of the proposed Regional Watershed Alliance (RWA), be developed by staff in consultation with a select group of Authority members interested in this initiative.

Further, through ongoing discussions with our municipal partners as part of TRCA's review of its Watershed Planning & Reporting program, more timely and non-technical reporting on watershed conditions is desired by TRCA's partners.

Finally, given the above and considering the Province's desire for conservation authorities to focus on its core program areas, TRCA is proposing to launch a watershed reporting application on the web as the modern approach for the next iteration of the Living City Report Card. The web application will:

- enable continuous updates to watershed and waterfront condition reporting. TRCA is proposing that information be updated as frequently as annually (or as data become available).
- enable tracking of progress against watershed plan implementation. Provincial policies now require municipalities to undertake watershed planning to inform land use and infrastructure decision-making, and this web application will facilitate reporting on progress made.
- be interactive to allow certain data to be viewed at various scales, such as at the watershed, regional municipality, or area municipality scale, thereby providing valuable information to TRCA municipal partners and to the public.
- be curated to orient users to a broad array of TRCA monitoring program data and findings and to contextual information. Content will be AODA compliant and written in plain language for broad accessibility.

RATIONALE

The draft web application is structured with the following scope that is focused on core conservation authority program areas (Table 1). *[NB: Please note that this content is still in draft form and is subject to change based on feedback yet to be received from technical staff and other partners.]*

The intent for this web application is that it will evolve over time to include more up-to-date, comprehensive information relevant to TRCA core program areas, and to build in additional capabilities as they become available.

Table 1: Draft structure of web application

Theme	Sub-theme
Landing Page	How to use the application
Land Use	Stormwater Management Low Impact Development Implementation
Climate Change	Future Average Temperatures Future Average Precipitation Future Extreme Weather
Natural Hazards	Flooding in Rivers

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	Lake Ontario Flooding Riverine Erosion Lake Ontario Shoreline Erosion
Water Resource System	Fish Communities in Streams Benthic Communities in Streams Fish Communities in Lake Ontario Groundwater Levels
Natural Heritage System	Natural Cover Urban Forest Forest Biodiversity Wetland Biodiversity Meadow Biodiversity
Water Quality	Surface Water Quality in Streams Groundwater Quality Lake Ontario Nearshore Water Quality

TRCA staff will conduct a demonstration of the web application for RWA members during the May meeting to walk through the structure, draft content, configuration, and capabilities. This is an early opportunity for RWA members to provide input into the development of the web application to ensure that relevant content is presented in a way that can be easily consumed by users. Main audience members include TRCA board members, municipal partners, and the public, but secondarily would include industry consultants, other agencies, and other more technical users.

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 9 – Measure performance

FINANCIAL DETAILS

Funds to support the development of the watershed reporting web application are from 416-40.

DETAILS OF WORK TO BE DONE

TRCA staff will take early input from RWA members and integrate this into the development of the web application. This will include input on the sub-themes displayed, the level of detail provided, and how the information is displayed. The tentative launch date for the web application is Earth Day 2021 (April 22) and will be positioned as the modernized version of the Living City Report Card.

If desired by RWA members, TRCA staff would be pleased to demonstrate a more finalized version of the web application prior to the launch date once the early input from RWA members has been incorporated.

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Date: April 3, 2020

Attachments: 0

Items for the Information of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance Meeting #2/20, Wednesday, May 20, 2020

FROM: Laurie Nelson, Director, Policy Planning

RE: **SUMMARY OF 2020 TRCA POLICY CONSULTATION SUBMISSIONS AND RECENT PROVINCIAL POLICY INITIATIVES**

KEY ISSUE

Summary of Toronto and Region Conservation Authority (TRCA) policy consultation submissions on federal and provincial initiatives to date in 2020, and a summary of other recent policy initiatives relevant to TRCA interests, for the information of the Regional Watershed Alliance.

RECOMMENDATION

WHEREAS to date in 2020, the Province of Ontario has posted several legislative, regulatory and policy initiatives on the Environmental Registry of Ontario (ERO) relevant to Toronto and Region Conservation Authority's (TRCA) interests;

WHEREAS the federal government requests comments on federal policy initiatives and technical guidance documents relevant to TRCA interests from time to time;

WHEREAS TRCA staff have submitted several letter responses to provincial and federal governments' requests and are in the process of responding to other government proposals not yet due;

AND WHEREAS other various provincial initiatives relevant to TRCA interests have recently been introduced;

IT IS RECOMMENDED THAT TRCA staff report on a summary of completed TRCA policy submissions and TRCA work-in-progress submissions, and other provincial policy initiatives to date in 2020, be received.

BACKGROUND

Since January 1, 2020, the Province of Ontario released for consultation a number of legislative, policy, and regulatory proposals of interest to TRCA, the majority of which were posted on the Environmental Registry of Ontario (ERO). The policy team within the TRCA Policy Planning division are primarily responsible for leading internal reviews of government proposals on a range of matters relevant to TRCA interests. Examples of these proposals in 2020 have been the Ministry of Environment, Conservation and Parks' online Conservation Authorities Survey and Environmental Registry of Ontario (ERO) postings on such topics as priority transit projects and invasive species.

The TRCA review process typically involves circulating the government's posted materials to staff with experience in the subject matter, facilitating interdivisional dialogue, coordinating comments with Conservation Ontario and other conservation authorities (CAs) where applicable, conducting additional research and analysis as needed, and drafting a response letter that synthesizes staff comments and recommendations. Staff may also attend any

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available training, webinars or consultation sessions to learn more about the proposal and have preliminary questions addressed by provincial staff. All TRCA provincial policy submissions, regardless of whether they are reported to the Board of Directors, are vetted through senior staff and signed by the Chief Executive Officer prior to submittal to ensure alignment with corporate strategic priorities and objectives.

By engaging staff from different divisions within the organization, TRCA's responses integrate the expertise and multi-disciplinary perspectives of TRCA's teams. Staff reviewing and providing comments range from development and infrastructure planning and permitting, ecology, water resources engineering, and hydrogeology, to watershed planning, research and knowledge management, climate change, ecological restoration and others, depending on the scope of the proposal. Submissions are informed by the successes and challenges staff experience in their day-to-day work with municipalities, proponents and other stakeholders, and emphasize shared provincial, municipal and TRCA objectives and priorities.

RATIONALE

The outcomes of provincial government initiatives can have implications on TRCA's day-to-day work in multiple roles as a resource management agency, a regulator, a public commenting body with delegated authority to represent the provincial interest for natural hazards, and landowner, in a region experiencing significant growth and associated land use and environmental challenges. Therefore, it is important for TRCA to provide input on government proposals in order to encourage federal and provincial initiatives to align with and support TRCA objectives and interests.

The policy work to respond to consultations is also important for strengthening relationships and coordination between TRCA and provincial and municipal partners. Provincial government proposals are commonly based on the themes of streamlining and finding efficiencies to stimulate and expedite business activities such as major plans and projects. It is vital for TRCA to highlight its expertise, experience and shared provincial and municipal objectives and issues, to demonstrate TRCA's valuable role in achieving efficiencies and effectiveness that support environmentally responsible and sustainable community building.

Staff at the Ministry of Environment, Conservation and Parks, Ministry of Natural Resources and Forestry, Ministry of Municipal Affairs and Housing and other provincial agencies sometimes reach out to TRCA for information and advice, in recognition of TRCA's expertise in watershed science and depth of on-the-ground experience in development and infrastructure planning and detailed design. For example, TRCA staff led a tour of flood vulnerable areas and successfully completed and in-process flood remediation projects in TRCA's jurisdiction, provided a comprehensive presentation on flood risk management and the roles of CAs, and submitted a letter of recommendations to inform the report by Ontario's Special Advisor on Flooding.

Summary of Responses

Due to the volume and limited timeline of consultations established through the ERO process, only TRCA submissions on major initiatives (e.g. amendments to CA Act, Provincial Planning Act and Plans) are reported to the Board of Directors or Executive Committee prior to, or coincident with, submission to the respective ministry. In Table 1 below is a list of provincial policy consultations for which TRCA completed and submitted responses between January 1, 2020 to date, with links to the proposals.

Recognizing that Regional Watershed Alliance members may have an interest in TRCA's submissions, all completed 2020 TRCA letter responses from Table 1 are contained in the

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attachments to this report.

Table 1, 2020 TRCA Policy Consultation Submissions to the ERO Completed to Date

Proposal Name	Proposal Summary	Submission Date
1. Amendment to the Record of Site Condition (Brownfields) Regulation related to the Requirement to Sample Ground Water (ERO #019-0987) Link: https://ero.ontario.ca/notice/019-0987	The Ministry of the Environment, Conservation and Parks (MECP) is proposing changes to O. Reg. 153/04 that would provide flexibility for a qualified person (a licensed professional engineer or geoscientist) to exercise professional judgement regarding the need for groundwater testing where there is no soil and under key conditions.	January 13, 2020 Refer to Attachment 1
2. Proposal to amend Ontario Regulation 454/96 (Construction) to provide alternative regulatory approval requirements for repairs to existing low hazard wetland dams (ERO #019-1060) Link: https://ero.ontario.ca/notice/019-1060	The Ministry of Natural Resources and Forestry (MNRF) is proposing an amendment to provide an alternative, optional rules-in-regulation approach to dam owners, to repair existing low hazard wetland dams without obtaining approval under Section 16 of the <i>Lakes and Rivers Improvement Act</i> , if they meet the requirements in the regulation.	January 17, 2020 Refer to Attachment 2
3. Drainage Act Discussion Paper (ERO #019-1187) Link: https://ero.ontario.ca/notice/019-1187	The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) is proposing changes to the <i>Drainage Act</i> that would reduce burden, streamline approvals and address stakeholder concerns while maintaining environmental standards.	February 18, 2020 Refer to Attachment 3
4. Proposed regulations for how the Environmental Assessment process will apply to four priority transit projects in the Greater Toronto and Hamilton Area (ERO #019-0614) Link: https://ero.ontario.ca/notice/019-0614	MECP is proposing regulations to modify the existing environmental assessment process for four priority transit projects in the Greater Toronto and Hamilton Area. The regulations will help get transit constructed quickly, economically and transparently while maintaining environmental oversight.	March 19, 2020 Refer to Attachment 4
5. Proposed regulation made under Ontario Regulation 332/12 (Building Code) made under the Building Code Act, 1992 (ERO #109-1332) Link: https://ero.ontario.ca/notice/019-1332	The Ministry of Municipal Affairs and Housing (MMAH) is proposing to amend the applicable law provisions of Ontario Regulation 332/12, (Building Code). in relation to building permits located on or near the designated transit corridor land as identified in an Order in Council to be brought forward by the Minister of Transportation under the <i>Building Transit Faster Act, 2020</i> (if passed).	April 3, 2020 Refer to Attachment 5

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6. Seeking information on invasive species and carriers under the Ontario Invasive Species Act, 2015 (ERO #019-1162) Link: https://ero.ontario.ca/notice/019-1162	MNRF is seeking information on 13 species and one carrier for possible regulation under the <i>Invasive Species Act</i> . The information collected in response to this proposal will help support the Ministry in determining whether to develop a future regulation.	April 14, 2020 Refer to Attachment 6
7. Developing Prevention and Response Plans for European water chestnut and water soldier under the Invasive Species Act, 2015 (ERO #109-1163) Link: https://ero.ontario.ca/notice/019-1163	MNRF is proposing Prevention and Response Plans for European water chestnut and water soldier which are prohibited invasive species under Ontario's <i>Invasive Species Act</i> . The Prevention and Response Plans will support monitoring, controlling, and eradication of these invasive plants.	April 14, 2020 Refer to Attachment 7

In Table 2 below is a list of provincial policy consultations for which TRCA staff are in the process of developing responses as their due dates are in the latter part of April or in May 2020; the list also contains links to the proposals.

Table 2, 2020 TRCA Policy Consultation Submissions Pending to the ERO

ERO Posting	Proposal summary	Due date
1. Proposed regulatory matters pertaining to community benefits authority under the Planning Act, the Development Charges Act, and the Building Code Act (ERO #109-1406) Link: https://ero.ontario.ca/notice/019-1406	MMAH proposes Regulatory Matters Pertaining to Community Benefits Authority Under the <i>Planning Act</i> , the <i>Development Charges Act</i> , and the <i>Building Code Act</i>	April 20, 2020
2. Early Access to Land for Environmental Studies on Transmission Projects (ERO #019-1371) Link: https://ero.ontario.ca/notice/019-1371	The Ministry of Energy, Northern Development and Mines is proposing to give the Ontario Energy Board the authority to grant, under specific circumstances, earlier access to land to electricity transmission project proponents for the purpose of conducting preliminary environmental studies prior to applying for Leave to Construct.	April 30, 2020 (Preliminary comments in separate report to the Board, April 24, 2020)
3. Proposal to identify and protect a corridor of land for future electricity infrastructure in the Greater Toronto Area (ERO #019-1503)	The Ministry of Energy, Northern Development and Mines seeks to identify and preserve a corridor of land in the Northwest Greater Toronto Area (GTA) for future electricity transmission infrastructure so we can support growth in Halton, Peel and York regions.	May 7, 2020 (Preliminary comments in separate report to the Board, April 24, 2020)

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Link: https://ero.ontario.ca/notice/019-1503	We are seeking feedback on a proposed narrowed study area, as well as input on the guiding principles we will consider in conducting the study.	
4. Proposed amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act (ERO #019-1303) Link: https://ero.ontario.ca/notice/019-1303	The Ministry of Natural Resources and Forestry proposes changes to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act.	May 15, 2020
5. New Statement of Environmental Values for Ministry of Infrastructure (ERO #019-1536) Link: https://ero.ontario.ca/notice/019-1536	The Ministry of Infrastructure is proposing a new Statement of Environmental Values in order to reflect the changes in its structure and mandate, as well as to acknowledge the priority of addressing climate change.	May 25, 2020

Other Policy Submissions and Updates

Also provided for the information of the Regional Watershed Alliance, are the following summaries of recent non-ERO provincial policy initiatives and other policy consultations related to TRCA interests within early 2020.

Ontario Conservation Authorities Survey

Following the provincial multi-stakeholder consultation as [reported](#) to the Executive Committee and Board, on February 14, 2020, the Ministry of Environment, Conservation and Parks issued an [on-line survey](#) to the public (survey closed March 13, 2020) that solicited input on:

- which programs and services should be mandatory within the following:
 - managing natural hazards,
 - conservation and management of CA-owned/controlled lands
 - drinking water source protection
- the conservation authority model as it relates to:
 - transparency
 - permitting
 - oversight
 - CA board composition, and
 - key partnerships and collaborations.

TRCA's response to the survey was informed by previously Board endorsed TRCA submissions and recommended that the Province:

- include watershed planning and the management and conservation of natural resources within the scope of the regulations for mandatory programs and services:
 - managing natural hazards,

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- conservation and management of CA-owned/controlled lands, and
 - drinking water source protection.
- ensure that the programs and services of the CAs maintain their watershed focus and allow for the flexibility of including programs and services important to local circumstances
- add a clause of indemnification or statutory immunity to the CA Act for the good faith operation of essential flood and erosion control infrastructure and programming
- proclaim un-proclaimed sections of the CA Act associated with better deterrents to non-compliance with section 28 permitting regulations
- update the section 29 provisions for enforcement and compliance on authority owned or controlled lands to be consistent with the protections afforded under the *Provincial Parks and Conservation Reserves Act*.
- increase provincial funding to support authorities and cooperation between all levels of government to maximize opportunities presented by federal funding programs
- leverage the role of CAs in the land use planning and environmental protection process (*Planning Act, Environmental Assessment Act, CA Act, Clean Water Act*) and expertise of CAs in natural resource management to support implementation of provincial and municipal priorities
- base fees for programs and services on the principle of full cost recovery, including direct/indirect costs, rather than prescribe in regulations; furthermore, CAs be permitted to increase fees subject to a transparent process with stakeholders and approval by the Board of Directors, allowing fees for programs and services to keep pace with inflation, cost of living and ensure financial sustainability
- provide at least 18 months of transition timing to allow for the development of Memorandums of Understanding and that aligns with budget timelines
- include experts from conservation authorities, staff of the Ministries of Natural Resources and Forestry, Environment Conservation and Parks as well as Municipal Affairs and Housing, and municipalities when developing the draft regulations

The Province has reported on the survey website that over 2,200 comments were submitted and that a summary of the online results will be posted on the website in the coming months. It should also be noted that several municipalities within TRCA's jurisdiction, (and across the Province), passed Council resolutions of support for the valuable work of conservation authorities for submission to the Province. The timing of next steps and any amendments to the Act or release of the regulations remains unknown at this time, but the Ministry has advised that it will keep Conservation Ontario apprised.

Provincial Policy Statement 2020

The [Provincial Policy Statement](#) (PPS 2020) was released on February 28, 2020 and comes into effect on May 1, 2020, replacing the PPS 2014. TRCA previously [reported](#) to the Board and submitted comments to the Province on the proposed version of the PPS in 2019.

TRCA is generally supportive of several amendments made in the PPS 2020, including a statement in Section 3.0 Protecting Public Health and Safety that directly supports the role of CAs in mitigating natural hazard risks, including risks associated with climate change impacts, and supports collaborative work among CAs, the Province, and planning authorities in achieving this goal. The PPS is more action-oriented with the phrase "shall prepare for the impacts of a changing climate" added to various policies throughout the PPS. TRCA appreciates the recognition in policy that evaluating and preparing for the impacts of a changing climate to water resource systems is best done at a watershed level.

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Further provincial guidance to support policy implementation was identified in TRCA's previous comments and remains applicable. This includes how preparation for the impacts of a changing climate will be implemented through planning and development and what climate projections should be used as a standard across the province. Similarly, TRCA supports policies that have been strengthened to require Indigenous consultation and engagement but further direction on the execution of this process is required.

Section 3.1.1 in Natural Hazards has been amended to reference provincial guidance to direct development in the context of natural hazards and states that the guidance will be "amended from time to time." There is an urgent need to have the technical guidance updated to reflect current technology and approaches, particularly within the urban context, so as not to be a barrier for innovative solutions.

The final PPS, 2020 excluded policies that appeared in the proposed version of the PPS. The ability for municipalities to "manage" wetlands that are not provincially significant and a proposal to "fast track" certain applications were removed. TRCA previously advocated for the further refinement and definition of the wetlands-related policy, and for the definition of applications that are considered priority for "fast tracking" as well as the process for achieving this fast tracking. On a positive note, the policy permitting aggregate extraction in natural heritage features was removed.

PPS Part IV states that a key provincial interest is the wise use and management of the Province's natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources. However, the PPS, 2020 removed direction in PPS, 2014 that intensification and redevelopment shall be directed in accordance with the policies in Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. As well, PPS, 2020 removed direction that a planning authority shall apply the policies of Section 2 and Section 3 in determining the most appropriate direction for expansions to the boundaries of settlement areas or the identification of a settlement area. While these statements have been deleted from the PPS 2020 and it would be preferred that they remain, within TRCA's jurisdiction, the policies of Section 2 and Section 3 of the PPS remain applicable to any adjustments or expansions to the boundaries of settlement areas under the more specific provisions of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

Other TRCA recommendations that were not addressed in PPS:

- recognition in policy or Preamble of the need for complete applications that demonstrate consistency with the PPS in order to achieve the Province's goal to streamline and fast-track priority applications to increase the housing supply (Note: this would have also addressed the reduced application review times under the *Planning Act* and appeals to the LPAT);
- to not weaken various existing policies through wording changes from "shall" to "should";
- to maintain the current policy wording that "Planning for stormwater management shall not increase risks to human health and safety and property damage" instead of "mitigate the risks"; and
- minor wording edits in various policies to strengthen protection and enhancement of the natural heritage system and the water resources system, and to protect life and property from natural hazards.

Ontario's Flooding Strategy

On March 9, 2020, the Province released [“Protecting People and Property: Ontario's Flooding Strategy”](#). The Strategy renews the Province's commitment to protecting people and property by strengthening preparedness for flooding. To help achieve this goal, the Strategy outlines steps to be taken by Ontario over the next several years and actions designed to address and build upon the [recommendations identified by Ontario's Special Advisor on Flooding](#).

The Strategy outlines five priority areas, supported by a set of actions and activities, which complement TRCA's existing flood risk reduction activities, namely:

1. Understand Flood Risks
2. Strengthen Governance of Flood Risks
3. Enhance Flood Preparedness
4. Enhance Flood Response and Recovery
5. Invest in Flood Risk Reduction

Also noted in the Strategy: “The Province is committed to working with municipalities, the federal government, homeowners, conservation authorities, industry and Indigenous communities to advance the actions contained within this Strategy.” TRCA staff will be attending a webinar presentation by the Ministry of Natural Resources and Forestry on April 23, 2020 that will provide an overview of the Strategy and potential next steps being considered. TRCA looks forward to contributing our experience and expertise to assist the Ministry in achieving the goals and objectives outlined in the Strategy.

Federal consultation – Canada's Changing Climate

On March 30, 2020, TRCA submitted comments to Natural Resource Canada (NRCan) on the Ontario chapter draft report of the Regional Perspectives volume in [Canada in a Changing Climate: Advancing our Knowledge for Action](#). This report is part of a national scale assessment being coordinated by NRCan to examine how Canada's climate is changing, the impacts of these changes, and how we are adapting to reduce climate change risks. The Ontario chapter seeks to enhance understanding of climate change impacts in the Ontario context, document adaptation progress across the province, and increase awareness of the relevance of climate change and the need for timely action.

TRCA's review effort was led by the Research and Knowledge Management team. Comments and recommendations advocated for:

- Greater recognition of watershed planning as a key tool for evaluating and preparing for the impacts of climate, in alignment with Ontario's Provincial Policy Statement;
- Expansion of local and regional examples of climate change adaptation to highlight the leadership demonstrated by conservation authorities, municipalities, and other regional/local organizations across Ontario;
- Increased integration of urban forest planning and management, including the opportunity to include green infrastructure in municipal asset management plans;
- Greater emphasis on the need for provincial technical guidance to support implementation of provincial policies for how to prepare for the impacts of a changing climate. This includes guidance on how to account for and integrate climate change into flood plain mapping and development and infrastructure planning and design, and
- Highlighting the need to address climate change adaptation in the urban context where already stressed natural systems are under mounting pressure from redevelopment and intensification. It should be emphasized that these scenarios require innovative solutions for stormwater retrofit, natural hazard mitigation and remediation, as well as ecological restoration to achieve greater resilience.

Bill 189 – Amendments to Planning Act and Development Charges Act

On April 14, 2020, the Ontario Government passed Bill 189, the [Coronavirus \(COVID-19\) Support and Protection Act](#), which amended a number of Acts including the *Planning Act* and *Development Charges Act* resulting in the following:

- *Planning Act* amendments that came into force on April 14, 2020, authorize the Minister of Municipal Affairs and Housing to create regulations in connection with a declared emergency to govern specified timelines associated with land use planning matters.
- Ontario Regulation 149/20 under the *Planning Act*, which came into force on April 15, 2020. Prior to the release of the regulation, the Ministry of Municipal Affairs and Housing advised municipalities that the intent is to allow for suspension of specified timelines associated with land use planning matters that could be applied retroactively to the date that an emergency was declared.
- It should be noted that municipalities and planning boards can still make decisions on land use planning matters during the period of suspended timelines, through virtual channels, pursuant to the *Municipal Emergency Act*, 2020, which permits members of a municipal council or local board to participate electronically in a meeting and be counted in determining whether a quorum of members is present.
- A new section 9.2 of the *Development Charges Act*, 1997, would allow any development charge by-laws that were set to expire on or after March 17, 2020 to remain in force until six months after the termination of the emergency, in an effort to give municipalities time to replace them.
- Interim-control by-laws that were in effect on March 17, 2020 and were not repealed before April 15, 2020, and would expire before the emergency terminates, are deemed to remain in effect for a specified period after the emergency. Interim control by-laws in effect on March 17, 2020 that would not expire before the emergency terminates are deemed to remain in effect after they would otherwise expire for a specified period.

TRCA's office has been closed to the public due to the COVID situation, our Infrastructure and Development Planning and Permit staff and Technical Review staff continue to operate remotely to maintain business continuity and service delivery to support municipalities, stakeholders and the public. Staff are available by telephone and email for clients and able to assist with electronic planning and permit submissions. Staff also participate in conference call and/or virtual meeting with municipalities, agencies, development industry and consultants.

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

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

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

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

Strategy 8 – Gather and share the best sustainability knowledge

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

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

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funding is proposed to support the policy analysis work associated with the preparation of these comments.

DETAILS OF WORK TO BE DONE

TRCA staff will continue to monitor the Environmental Registry of Ontario and the Province of Ontario News' Website to ensure TRCA is aware of, and where appropriate participates and comments on, legislative, regulatory, policy and guidance initiatives affecting TRCA interests. In particular, staff are waiting for the Province to launch consultation on the draft regulations under the amended *Conservation Authorities Act* and potentially further amendments to the Act.

Staff will keep the Regional Watershed Alliance informed of TRCA submissions at regular intervals and will monitor the outcomes of future decision notices, and report on the implications of legislative, regulatory and policy initiatives as appropriate. Staff will also update TRCA policies and procedures as required and facilitate training to reflect legislative and policy changes affecting TRCA.

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Date: April 24, 2020

Attachments: 7

Attachment 1: TRCA Submission to ERO#019-0987

Attachment 2: TRCA Submission to ERO#019-1060

Attachment 3: TRCA Submission to ERO#019-1187

Attachment 4: TRCA Submission to ERO#019-0614

Attachment 5: TRCA Submission to ERO#019-1332

Attachment 6: TRCA Submission to ERO#019-1162

Attachment 7: TRCA Submission to ERO#019-1163

January 13, 2020

BY E-MAIL ONLY (sanjay.coelho@ontario.ca)

Mr. Sanjay Coelho
Environmental Policy Branch
40 St Clair Avenue West, Floor 10
Toronto, ON M4V1M2

Dear Mr. Coelho:

Re: Amendment to the Record of Site Condition (Brownfields) Regulation (ERO #019-0987)

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' Environmental Registry (ERO) posting on the proposed regulatory changes to the requirements for groundwater sampling for brownfield development.

The Toronto and Region Conservation Authority (TRCA) undertakes a dual role with respect to the movement and use of excess soil within its watershed-based jurisdiction: as a regulator of site grading and the placement, dumping or removal of any material, originating on the site or elsewhere; and as a proponent of construction projects on TRCA-owned lands.

TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* and the MNRF Procedural Manual chapter on CA policies and procedures. TRCA is:

- A public commenting body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement;
- A regulatory authority under section 28 of the *Conservation Authorities Act*;
- A service provider to municipal partners and other public agencies;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

TRCA is also the lead Source Protection Authority for the CTC Source Protection Region, which encompasses the Credit Valley, Toronto and Region, and Central Lake Ontario Source Protection Authorities. Under the Clean Water Act, 2006, TRCA has a key role in the protection of the sources of drinking water for an estimated 3.4 million Ontario residents. This work includes the development of the CTC Source Protection Plan (the Plan) as well as supporting our municipal partners with technical and policy planning advice with respect to implementation of the Plan.

Brownfield redevelopment represents an opportunity to optimize the use of existing drinking water systems as well as to mitigate the impacts of past land uses that may pose a risk to municipal drinking water systems. However, the process must ensure that redevelopment does not inadvertently impact the quality or quantity of municipal drinking water supplies.

TRCA has provided detailed comments to the ERO previously on several proposals for the provincial Excess Soil Management Policy Framework and Brownfield regulation informed by TRCA's experience in development and infrastructure review and the management of "large scale fill" or "excess soil" for projects in our nine urban and urbanizing watersheds and Lake Ontario shoreline (e.g. Tommy Thompson Park-Toronto, Lakeview Waterfront Connection Project - Mississauga).

Proposed Regulatory Amendment

We understand the government's current proposal would provide flexibility for a Qualified Person to exercise professional judgement regarding the need for groundwater testing where excavation has removed the soil down to bedrock and under key conditions.

General Comments

TRCA staff have reviewed the proposal as described in the ERO posting and generally support the spirit of the initiative to streamline redevelopment processes to encourage urban revitalization and environmental remediation. We understand that the proposed amendment exempts properties from groundwater sampling that are municipally serviced, more than 30 metres from a water body, are not an "enhanced investigation property" under O.Reg 153/04, and are not part of a "risk assessment". We further understand that properties that are "serviced by a municipal drinking water system" constitutes those with a drinking water source that is Lake-based or from a municipal well. Therefore, staff presume that a property could meet all the criteria for exemption but still be in proximity to a municipal well (i.e. wellhead protection area). In the absence of groundwater testing, it is possible that the bedrock groundwater system has become unknowingly contaminated, which may place the municipal water system at risk.

Of lesser risk, but still of note, is that a municipally serviced property (either Lake- or municipal well-based) may still be in proximity to a private well serving other properties not municipally serviced, for which a sampling exemption poses a risk for that private water source.

TRCA Recommendation: That the proposed regulatory amendment includes the following additional criteria in the determination of exemption from groundwater sampling:

1. Confirmation that the subject property is not located within a Wellhead Protection Area A or B (WHPA-A or WHPA-B) as prescribed in Source Protection Plans under the *Clean Water Act*;
2. Confirmation that the property is not located within 100 metres of a private well used as a potable water source.

We trust these comments are clear and of assistance. Thank you once again for the opportunity to comment on the regulatory amendment for brownfield development. Should you have any questions or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,



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

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Moranne McDonnell, Director, Restoration and Infrastructure
Don Ford, Senior Manager, Hydrogeology and Source Water Protection
Jennifer Stephens, Manager, Source Water Protection

February 3, 2020

BY E-MAIL ONLY (stacey.vojtek@ontario.ca)

Stacey Vojtek
Crown Forests and Lands Policy Branch - Crown Lands Section
300 Water street
5th Floor, North tower
Peterborough, ON
K9J 3C7

Dear Ms. Vojtek:

Re: Proposal to Amend O. Reg 454/96 (Construction) under the Lakes and Rivers Improvement Act (ERO #019-1060)

Thank you for the opportunity to comment on the Ministry of Natural Resources and Forestry's Environmental Registry of Ontario (ERO) posting on the proposal to amend Ontario Regulation 454/96 (Construction), to provide alternative regulatory approval requirements for repairs to existing low hazard wetland dams under the *Lakes and Rivers Improvement Act* (LRIA).

The Toronto and Region Conservation Authority (TRCA) undertakes a dual role with respect to works affecting wetlands, lakes, and rivers within its watershed-based jurisdiction: as a regulator of wetlands, shorelines and watercourse alterations within regulated areas, and as a conservation land manager and proponent for construction and remediation projects, largely on TRCA-owned land.

TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* and the MNR Procedural Manual chapter on CA policies and procedures, and the Class Environmental Assessment for Remedial Flood and Erosion Control Projects. TRCA's roles are:

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

Proposed Regulatory Amendment

We understand the government's current proposal would amend Ontario Regulation 454/96 (Construction). If passed, this amendment would provide: "an alternative, optional rules in regulation approach" to wetland dam owners, to repair existing low hazard wetland dams without obtaining approval under Section 16 of the LRIA; these rules would only apply if dam owners meet the

requirements in the regulation. The proposal states that alterations, improvements and repairs to low hazard wetland dams are a low risk activity and do not need to be subject to the same requirements as larger, more complex dams that may have more significant public safety, dam safety or environmental interests. This risk based, streamlined process has been developed and supported through evidence collected by the Ministry over the past six years through a pilot project.

General Comments

TRCA is supportive of a risk based approach to streamlining approvals and that an amendment to Ontario Regulation 454/96 is being considered to exempt low risk works in order to expedite repairs to existing wetland dams.

Detailed Comments

While TRCA staff occasionally make repairs to wetland dams, the decommissioning of low risk dams for ecological restoration and conservation purposes is a more common undertaking. In TRCA's jurisdiction, there are many remnant structures in watercourses that no longer serve a function and should be removed in order to re-establish a more natural function to the watercourse. Enabling a proactive approach to decommissioning low risk dams is critical to improving stability and function within watercourses and is consistent with the objectives of the LRIA. Unfortunately, due to the length and cost of permitting processes, remnant structures are often left in the watercourse and are not maintained. Over time, they negatively impact channel stability, and overall natural system function. As well, they frequently lead to increases in stream temperature, negatively impacting habitat for fish and wildlife.

In light of the above, TRCA is requesting the current proposed amendment for alternative optional rules be expanded to include the removal of low risk dams for improved ecologic health, morphological and hydrologic function. Alternative, optional rules for removal of low risk dams within the LRIA regulation would not undermine requirements for sound hydrologic engineering and fluvial geomorphic design principles, given that legislation governing in-water works would remain applicable, such as the federal *Fisheries Act*, the *Endangered Species Act*, and the *Conservation Authorities Act*. In addition, including a requirement to publicly post the project plan, risk assessment report and mitigation measures would facilitate transparency and tracking of these projects. Benefits of this approach would include:

- Reducing permit backlog;
- Streamlining by allowing more time for MNRF to review higher-risk projects; and
- Promoting the completion of restoration and mitigation works in an efficient and cost-effective manner.

Further, the definition of "wetland dam" could benefit from being clearer and more concise. In this regard, the Province could consider using the 1999 Ontario Dam Safety Guidelines definition of dam as the criteria for defining what structures can be exempt from Section 16 approval. TRCA staff suggest that all dams that meet the criteria below could be exempt, contingent on the alteration or repair meeting LRIA Technical Bulletin requirements:

- dams with height less than 3.0 metres above the original stream bed;
- dams with height less than 2.0 metres above the original stream bed and a reservoir surface area of 2.0 hectares or less;
- the dam must have a low hazard potential classification, as determined by a licensed engineering practitioner;
- any alterations, improvements and repairs must not change the hazard potential classification of the dam.

This would create clear screening criteria for determining what constitutes a wetland dam and lead to a number of other benefits, such as:

- Encouraging dam owners to undertake repairs;
- Reducing regulatory burden and costs to dam owners;
- Decreasing the amount of time required to alter, improve and repair dams;
- Reducing Ministry workload.

TRCA Recommendations:

- 1) That the proposed regulatory amendment be expanded to apply to the decommissioning of low risk dams for ecological restoration and conservation purposes.
- 2) That projects meeting the proposed expanded amendment criteria be publicly posted to ensure transparency, accountability and tracking.
- 3) That the proposed regulatory amendment include a clear definition of what constitutes a “wetland dam”.
- 4) Additional criteria be included for exemption consisting of the specifications listed above for sizing and hazard classification.

We trust these comments and recommendations are clear and of assistance. Thank you once again for the opportunity to comment on the regulatory amendment for repairs to existing low hazard wetland dams. Should you have any questions or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,



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

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Moranne McDonnell, Director, Restoration and Infrastructure

February 19, 2020

BY E-MAIL ONLY (sara.peckford@ontario.ca)

Sara Peckford
Ministry of Agriculture, Food and Rural Affairs
Food Safety and Environmental Policy Branch
1 Stone Road West
Ontario Government Building, 2nd floor, Southwest
Guelph, ON
N1G 4Y2

Dear Ms. Peckford:

Re: Drainage Act Discussion Paper (ERO #019-1187)

Thank you for the opportunity to comment on the Ministry of Agriculture, Food and Rural Affairs' Environmental Registry (ERO) posting on the Drainage Act Discussion Paper.

The Toronto and Region Conservation Authority (TRCA) conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* and the MNRF Procedural Manual chapter on CA policies and procedures as:

- A public commenting body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement;
- A regulatory authority under section 28 of the *Conservation Authorities Act*;
- A service provider to municipal partners and other public agencies;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. As stewards of the land, the agricultural community is a key partner in achieving the long-term health of our watersheds.

Drainage Act and Conservation Authorities Act Protocol

The purpose of the *Drainage Act* is to establish a process for creating mutual agreement drains and petition drains (also called municipal drains). The ERO Drainage Act Discussion Paper focuses on petition drains, not mutual agreement drains. Petition drains are created when landowners petition area municipalities for design and construction of drainage works, with the associated costs assessed to landowners benefitting from the drainage works. These municipal drains are generally constructed to improve agricultural drainage.

The process to install a new municipal drain, or to alter or expand an existing municipal drain, may trigger the need for a conservation authority permit under section 28 of the *Conservation Authorities*

Act (CA Act). Additionally, maintenance and repair of existing municipal drains is the legal responsibility of municipalities and may also require a CA Act s.28 permit.

In order to resolve legal liability issues for municipalities and conservation authorities arising from municipal drain provisions in the *Drainage Act* and the *Conservation Authorities Act*, the inter-agency *Drainage Act & Section 28 Regulations Team* (DART) was formed in 2008. The DART produced the “*Drainage Act and Conservation Authorities Act Protocol*” (the DART Protocol) and joint Drain Maintenance or Repair Notification Form (the Form), which may be used to apply for permissions from conservation authorities, the Ministry of Natural Resources and Forestry, and Fisheries and Oceans Canada for municipal drain maintenance and repair. The DART Protocol and Form do not address permissions for new drains and improvements to existing drains. Use of the Form simplifies the application process for proponents by using a single form for all permissions. The Form must be submitted to each of the agencies from which permissions are required.

Regarding CA Act s.28 permissions, the DART Protocol includes a set of Standard Compliance Requirements for regular repair and maintenance activities that, if followed, serve as the written permission to proceed with work under the CA Act. Implementation of the DART Protocol has improved regulatory certainty, reduced burden and streamlined CA Act s.28 permitting requirements for routine maintenance and repair of existing municipal drains. This is to the benefit of landowners that depend on municipal drains and the municipalities liable for the drainage works, while still meeting the requirements of CA regulations.

Government Proposal

We understand the government plans to propose changes to the *Drainage Act* that would reduce burden, streamline approvals and address stakeholder concerns while maintaining environmental standards. The *Drainage Act Discussion Paper* describes the proposed changes as intending to:

- provide the minister with legislative authority to develop and sign off on technical protocols such as the *Drainage Act and Conservation Authorities Act Protocol*
- create a new streamlined *Drainage Act* process for minor improvements
- enable a simplified process to update the engineer’s report to account for changes to the design made during construction

General Comments

TRCA staff have reviewed the proposal as described in the Discussion Paper and support the initiative to streamline review processes to facilitate drainage critical for agricultural productivity and the production of food.

TRCA Responses to Discussion Paper Questions

Consultation Question 1:

Beyond the DART Protocol, what additional protocols could be established to help streamline approvals?

TRCA is supportive of new protocols consistent with the DART Protocol approach to appropriately streamline review processes for agricultural drainage works while meeting the requirements of s.28 CA regulations. Therefore, any new streamlining measures should maintain requirements for appropriate technical analyses for all drainage works that are not like-for-like replacement projects to ensure natural features and hazards are protected and adverse upstream or downstream impacts do not occur. For example, a Qualified Professional should prepare a hydraulic analysis for culvert

extensions that form part of the approved drain infrastructure. Hydraulic analyses should be required for other proposals to change channel geometry and similar projects that may affect the flood plain.

Consultation Question 2:

What projects should be included in the definition of minor improvements? What else would you like a minor process to achieve?

The parameters and associated thresholds within the new processes for minor works should define which drainage work types, size and scale constitute minor improvements. The discussion paper mentions developing protocols to streamline approvals for “low risk activities.” As with the term “minor improvement,” the term “low risk activities” should be defined and CAs could assist given our efforts through the DART – see the definition of minor projects as articulated in the current DART Protocol. We note that the 2017 Fisheries and Oceans Canada publication, “Guidance for Maintaining and Repairing Municipal Drains in Ontario” may provide additional guidance.

Consultation Question 3:

Do you have any specific concerns with any of the items discussed in the paper?

Regarding section 3. Simplifying Administrative Processes, TRCA is supportive of a simplified process to update the engineer's report to account for any changes made during construction. This could be a practical measure and an improvement in the process. TRCA suggests that any design changes from the permitted/approved design should be in conformance with any conditions of the initially permitted design.

Consultation Question 4:

Do you have any additional suggestions to reduce burden or contribute to additional opportunities for your business?

In order to assist applicants, technical guidance should clearly articulate what is required in technical reports to support a project. For instance, for an environmental appraisal (section 6 of the *Drainage Act*), the method to weigh and evaluate criteria in the appraisal through a sustainability lens (examining the economic, environmental and social aspects of proposed drainage works) should be outlined. This additional guidance would enhance certainty for all stakeholders and contribute to efficient and effective review processes.

In TRCA's experience, there are situations where watercourses that form part of municipal drains are re-naturalized and become surrounded by urban development through ongoing planning processes. Currently, municipal drains in urban settings that are not abandoned through *Drainage Act* processes (sections 19 and 84) involve assessing individual urban dwellings' drain maintenance costs (taxes to maintain drains), even though these drains are no longer necessary for agricultural purposes. Amendments to the *Drainage Act*, or development of new protocols, might consider outlining terms for what happens to a municipal drain when urban development occurs, and the drain is no longer necessary for agricultural purposes.

Drain abandonment that occurs upon urban development may present opportunities for ecological restoration of watercourses and avoiding future drain maintenance activities that no longer benefit surrounding land uses.

TRCA Recommendations

In order to achieve a streamlined process to support agricultural operations and continue to ensure the protection of people and property from natural hazards and the conservation of natural resources, TRCA recommends that:

- 1) The introduction of new streamlining measures or any proposed changes to the *Drainage Act* maintain the requirement for a permit where applicable, in accordance with section 28 of the *Conservation Authorities Act* and the DART Protocol;
- 2) The parameters and thresholds defining minor improvements and low risk activities, where they affect CA regulated activities, are developed in consultation with CAs.
- 3) Technical guidance for study requirements be made available to applicants to enhance certainty for project proponents.
- 4) Should the proposed amendments to the Act or new streamlining measures address drain abandonment, the protection and restoration of any remaining natural features be considered in consultation with conservation authorities as applicable.

Thank you once again for the opportunity to provide comments on the Drainage Act Discussion Paper. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,



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

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Moranne McDonnell, Director, Restoration and Infrastructure

March 19, 2020

BY E-MAIL ONLY (ken.cunningham@ontario.ca)

Ken Cunningham
Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5

Dear Mr. Cunningham:

Re: Proposed regulations for how the Environmental Assessment process will apply to four priority transit projects in the Greater Toronto and Hamilton Area (ERO #019-0614)

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' Environmental Registry (ERO) posting on the proposed regulations for how the Environmental Assessment process will apply to four priority transit projects in the Greater Toronto and Hamilton Area.

Toronto and Region Conservation Authority (TRCA) is a key participant in the environmental assessment (EA) process within its watershed-based jurisdiction, both as a reviewer of EAs and as a proponent of undertakings under the *Environmental Assessment Act*. TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CAs) under the *Conservation Authorities Act* and the MNR Procedural Manual chapter on CA policies and procedures. TRCA's roles are:

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

In these roles, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

Government Proposal

We understand the government's current proposal would modify the existing environmental assessment process for four priority transit projects in the Greater Toronto and Hamilton Area. It will modify the existing Transit Project Assessment Process (TPAP), as set out under Ontario Regulation 231/08 for Transit Projects and Metrolinx Undertakings, to better suit a public-private partnership (P3) project delivery model, while ensuring appropriate consultation occurs, and that the protection of the

environment remains a priority. Specifically, the proposal is to enact a new regulation pertaining specifically to the Ontario Line Project, and to amend O. Reg. 231/08 Section 15.

The existing TPAP is a scoped environmental assessment process for certain classes of transit projects specified in Schedule 1 of O. Reg. 231/08. These project classes are exempt from the more rigorous class environmental assessment process required by Part II.1 of the *Ontario Environmental Assessment Act*. We understand that the current government proposal is for a further scoped EA process, as compared with the TPAP, for the four priority transit projects, and furthermore that substantial components of the process will be completed within the coming months so construction may begin before the end of 2020.

General Comments

TRCA staff have reviewed the proposal and generally support streamlining the delivery of priority public transit projects while maintaining environmental oversight. TRCA works regularly with its provincial and municipal partners on public infrastructure projects while avoiding duplication and delay. At the same time, we recognize the importance of a robust assessment of environmental, social and economic considerations and public consultation processes, appropriately scoped for project scale and location.

Proposed Ontario Line Regulation

Issues resolution

TRCA supports that objections to the proposed projects are addressed through an issues resolution process that Metrolinx manages. It has been our experience working on other Metrolinx projects, that when Metrolinx maintains full control of their project from a project management perspective, a timelier review and commenting process is facilitated.

Early Works

The Provincial Policy Statement (2020) states the objective to direct development away from areas of natural and human-made hazards, which protects public health and safety, and minimizes cost, risk and social disruption. Through this lens, TRCA has a long-standing relationship with Metrolinx working on major facilities to ensure they are planned and developed to avoid and or minimize impacts from the provincial interest on natural hazards, specifically flood risks.

TRCA emphasizes that natural hazards associated with flooding and erosion must be accounted for during the EA phase in order to properly manage their associated risk to infrastructure investments and the public users of transit projects. The proposed early works process may not account for this, which is of concern to TRCA due to the Ontario Line's location within the lower Don River flood plain and in an area particularly affected by the fluctuating Lake Ontario levels. Considerable financial resources are currently being channeled towards addressing flood risk to over 290 hectares of downtown Toronto and the Port Lands. The studies, monitoring and information arising from the Port Lands Flood Protection initiative should be considered, maintained and incorporated into the planning and development of the Ontario Line. It will be critical that Metrolinx engages with key stakeholders of the Port Lands Flood Protection Initiative to identify and avoid these flood risks as well as develop mitigation measures. TRCA is recommending that the responsibility and accountability for planning, design and implementation of mitigation measures remain with Metrolinx and not be assigned to contractors.

Climate Change Considerations

The impacts of a changing climate should also be accounted for during the project's design phase in order to inform risk management measures. For the Ontario Line, as an example, this may include utilizing updated TRCA or other models to account for changing climate and including additional freeboard for planned infrastructure in flood prone areas to accommodate for rising Lake Ontario water levels. It is imperative that technical studies, including evaluating and planning for the mitigation of such risk using current methodologies, be completed by Metrolinx prior to the detailed design phase. These studies may take time to complete, and as such may cause conflict in the approval of some of the proposed early works, namely bridge structures and any other structures such as stations proposed in flood plain areas.

Accordingly, TRCA staff are concerned with the scope of the proposed "early works" definition of project components that will be allowed to proceed to construction before the completion of the draft Environmental Impact Assessment Report. Early works typically include activities such as land assembly, preloading and utility relocations. This contrasts with the currently proposed major structural realignment activities included as "early works" such as station construction, bridge replacements and expansions and rail corridor expansion. TRCA cautions that as currently proposed the broad definition of early works may result in major alignment challenges with unforeseen impacts to public safety related to flooding and erosion impacts, as well as negative impacts to natural systems that may include natural heritage features of provincial interest.

Another concern is existing riverine flood protection infrastructure that has been constructed to protect life and property, impacts to which must be avoided through the design of the Ontario Line. In addition, the groundwater conditions are a significant environmental factor along stretches of the proposed Ontario Line corridor, much of which is proposed to be tunneled. Developing mitigation strategies for groundwater impacts should be considered in the early works initiatives so as not to impact the overall project schedule. TRCA notes that groundwater conditions may affect the project's construction feasibility, and that groundwater issues are typically identified through the existing Environmental Assessment process.

Preliminary activities should also consider land assembly/acquisition in the early works phase if the entirety of lands within the project area are not owned by the Province. TRCA recognizes that TRCA-owned lands may be required for project completion in certain locations and would appreciate being involved early in the process as these negotiations can be lengthy.

Soil Considerations

TRCA has several planned erosion and hazard management infrastructure projects along the Toronto Waterfront that could be potential sites for the placement of soils. TRCA would appreciate continued engagement on potential soil management strategies as these projects evolve.

Draft Early Works Report

As proposed under Section 8(2).7, the Draft Early Works Report must include measures to mitigate the negative environmental impacts of the preferred alternative. This methodology is problematic as mitigation measures are proposed prior to assessment and evaluation of the impacts that the preferred method of carrying out the early works and other methods might have on the environment (and Metrolinx's criteria for assessment and evaluation of those impacts). Those steps occur as part of the Environmental Impact Assessment Report, however, if the early works as stated in the draft document can proceed prior to the Environmental Impact Assessment Report there could be

unforeseen issues in the future that result in project delays. TRCA would recommend that selection of the preferred alternative, including in the case of early works, include an evaluation of potential impacts and mitigation to confirm feasibility and that the proposed regulation be revised to account for an amendment process.

Preferred alternative determination

The Draft Environmental Conditions Report speaks to mitigating the environmental impact of the preferred alternative in draft regulation Section 4(3).7, suggesting the preferred alternative is determined based on minimal environmental information prior to completion of the Environmental Impact Assessment Report. This approach is problematic, as mitigation occurs prior to assessment and evaluation of the impacts that the preferred method of carrying out the works and other methods might have on the environment (and Metrolinx's criteria for assessment and evaluation of those impacts). Those steps occur as part of the Environmental Impact Assessment Report that follows the Environmental Conditions Report. TRCA would prefer that the selection of the preferred alternative include an evaluation of potential impacts and mitigation to confirm feasibility.

Assessment and reporting requirements

TRCA notes that the proposed regulation lacks a clear definition of "Environment" (draft regulation Section 1), and which studies are to be included in an Environmental Conditions Report (Section 4(3)), Environmental Impact Assessment Report (Sections 15(1) and 18(1)), and Early Works Report (Sections 8(2) and 11(1)). For example, stormwater, groundwater, natural hazards including flooding and erosion, natural heritage, terrestrial and aquatic habitat studies must be specified for the report. TRCA recommends these studies be clearly defined to ensure the proper information is assessed, mitigated and conveyed in the Environmental Conditions Report, Environmental Impact Assessment Report and Early Works Report.

From TRCA's perspective, it is imperative that issues associated with transit construction in proximity to the Waterfront Toronto Port Lands and in particular the associated flood protection features in this area, which constitute technically complex areas prone to significant flooding, are addressed and confirmed through the preliminary Environmental Conditions Report. Satisfying complex technical concerns in this regard is paramount to ensuring the constructability of the project which will in turn reduce risk and save time during construction.

Given the inherent impacts on the natural heritage system associated with transit projects, ecosystem compensation should be addressed in the various project studies. Where impact assessment and mitigation measures are required, ecosystem compensation should also be included as a necessary consideration. This requirement to consider ecosystem compensation earlier in the project will streamline the approach to finalizing required compensation at later planning stages. TRCA recommends that ecosystem compensation should be included in the draft regulation within Sections 8(2).7, 15(2).7 and 21(1).4 of the proposed regulation.

Species at risk

TRCA supports that Metrolinx may apply for and obtain authorization to proceed with measures to accommodate any species at risk or provincial heritage properties in advance of completing the process outlined in the regulation, subject to any consultation or other requirements associated with those processes. In TRCA's experience, issues related to species at risk are raised at the detailed

design stage and can delay approvals, whereas this delay could be avoided if the issues are addressed earlier in the process. TRCA also recommends that the regulation include a protocol or agreement whereby Metrolinx can address issues requiring federal species at risk approvals, as well as approvals from Fisheries and Oceans Canada regarding harmful alteration or disruption, or destruction of fish habitat under the purview of the *Fisheries Act* in order to avoid review delays at the detailed design stage.

Project changes

Regarding how project changes are dealt with in the draft regulation, Section 21(2) states that the procedure in subsection (1) for addressing a change does not apply if the change is required to comply with another Act, a regulation made under another Act, or an order, permit, or approval or other instrument issued under another Act. However, there is no procedure outlined for changes required to comply with these elements (i.e., how changes required to comply with a permit issued under another Act will be incorporated into the project's assessment and approval process). TRCA suggests outlining how a change required to comply with another Act will be addressed and the protocol for circulating proposed changes in order that other agencies, such as conservation authorities remain informed.

Proposed Changes to O. Reg. 231/08

As noted in our comments on the proposed Ontario Line Regulation, given the inherent impacts on the natural heritage system associated with transit projects, ecosystem compensation should be addressed in the various project studies. Where impact assessment and mitigation measures are required, ecosystem compensation should also be included. It is our experience that the inclusion of ecosystem compensation considerations earlier in the planning process will streamline the approach to compensation at later planning stages. TRCA recommends that ecosystem compensation in accordance with Metrolinx's standard should be included in Sections 15(1).3 and (15).4 of O. Reg. 231/08, in the addendum to the environmental project report.

TRCA Recommendations

In order to achieve a streamlined priority transit project development process in a timely manner and continue to ensure the protection of people and property from natural hazards and the conservation of natural resources, TRCA recommends:

- 1) The proposed project assessment timeline ensures projects can demonstrate that they will avoid increasing risk of natural hazards (flood and erosion risks) to infrastructure or public health and safety through the completion of appropriate technical studies that inform detailed design.
- 2) The environmental studies required are clearly defined within the regulation to ensure the proper information is assessed, mitigated and conveyed in the Environmental Conditions Report, Environmental Impact Assessment Report and Early Works Report.
- 3) A protocol be developed for harmonizing federal approvals and any other required provincial approvals early in the process to avoid delays prior to detailed design. The Aquatic Habitat Toronto model involving DFO, MNRF, TRCA and other government agencies may be helpful to consider in this regard.

- 4) The scope of early works be limited to typical low risk activities such as land assembly, staging, stockpiling, in lower risk areas of the project.
- 5) Should the proposed scope of early works remain as proposed, that a 30% detailed design be required and reviewed by the government agency review team for the project to confirm potential impacts, feasibility and mitigation measures prior to the approval of the early works.
- 6) We recommend that consideration of sustainability strategies such as the placement or use of soil in nearby projects in support of nearby conservation authority flood and erosion control projects be considered to reduce GHG emissions be a requirement.

Thank you once again for the opportunity to provide comments on the proposed regulations for how the Environmental Assessment process will apply to four priority transit projects in the Greater Toronto and Hamilton Area. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our comments, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,



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

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Moranne McDonnell, Director, Restoration and Infrastructure
Beth Williston, Associate Director, Infrastructure Planning and Permits

April 3, 2020

BY ONLINE SUBMITTAL ONLY

Building and Development Branch
Ministry of Municipal Affairs and Housing
777 Bay Street, 2nd Floor
Toronto, Ontario M5G 2E5

**Re: Proposed regulation made under Ontario Regulation 332/12 (Building Code)
made under the Building Code Act, 1992 (ERO #019-1332)**

Thank you for the opportunity to comment on the Ministry of Municipal Affairs and Housing's Environmental Registry (ERO) posting on the proposed amendment to Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*. The posting provides notice that the government is proposing to amend the applicable law provisions of Ontario Regulation 332/12, the Building Code.

The Toronto and Region Conservation Authority (TRCA) conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* and the MNRF Procedural Manual chapter on CA policies and procedures for plan review and permitting activities, as follows:

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

In these roles, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

TRCA has an interest in the above noted proposal given that conservation authorities' development regulations under section 28 of the *Conservation Authorities Act* are among the statutes and regulations listed as applicable law under the Building Code, Ontario Regulation 332/12. In addition, conservation authorities are prescribed commenting agencies under the *Planning Act* and *Environmental Assessment Act*, whereby TRCA comments on both development and infrastructure planning and projects traversing TRCA regulated areas. Currently, TRCA is working closely with Metrolinx to provide technical advice on the four priority transit projects referenced in the ERO posting. Accordingly, TRCA also commented on the related ERO posting #019-0614 for a proposed expedited environmental assessment process for the four priority transit projects. A copy of our submission to the Ministry of Environment, Conservation and Parks, dated March 19, 2020 has been enclosed for your reference.

Government Proposal Background

The “New Subway Transit Plan for the GTHA” contains commitments for four priority transit projects: the Ontario Line, Scarborough Subway Extension, Yonge North Subway Extension, and the Eglinton Crosstown West Extension.

In February 2020, the government introduced Bill 171, the proposed “Building Transit Faster Act”, which, if passed, would allow the Lieutenant Governor in Council to designate land as “transit corridor land”. This designation would require development proponents to obtain a corridor development permit for development and construction activities on or near transit corridor land that may also require coordination with subway construction.

In anticipation of Bill 171 becoming law, the Ministry of Municipal Affairs and Housing (MMAH) is proposing to amend the “applicable law” provisions in Ontario Regulation 332/12 (the Building Code) made under the *Building Code Act*, 1992.

Government Proposal

TRCA understands that the current ERO posting is requesting comments on the Ministry of Municipal Affairs’ proposal to amend the Building Code to add to the existing list of “applicable law” needed to be upheld prior to issuance of a municipal building permit. The proposed amendment would require that corridor development permits for new development on or near the transit corridor land are received from the Ministry of Transportation (MTO) prior to a chief building official issuing a municipal building permit.

TRCA General Comments

TRCA supports the government’s approach to focusing development and intensification close to transit and for coordinating development and infrastructure planning. We caution, however, that the intensification of development and infrastructure in these corridors should not come at the expense of other provincial interests, such as public safety from managing natural hazards and achieving more resilient communities by protecting natural heritage systems. As stated in the Provincial Policy Statement (2020), Ontario’s long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario’s residents from natural or human-made hazards.

Currently, the Building Code regulation (O. Reg. 332/12) defines “applicable law” to include conservation authorities’ regulations made under section 28 of the *Conservation Authorities Act*. TRCA’s section 28 regulation, along with its commenting roles under the *Planning Act* and Environmental Assessment processes, are crucial for assisting municipal and provincial partners in meeting shared objectives for reducing natural hazard risks and conserving natural resources. Accordingly, the different provincial interests represented in the list of applicable law should have equal weight in development and infrastructure planning.

To this end, TRCA’s role is to ensure development and infrastructure avoid risks posed by natural hazards, mitigates and remediates risk where they must locate within hazards, and that natural resources are conserved to enhance resilience to the impacts of urbanization and climate change. In TRCA’s and municipal partners’ experience, planning for redevelopment and urban revitalization in the complex landscapes of the four priority transit corridors requires innovative solutions for stormwater retrofit, natural hazard mitigation and remediation, as well as ecological restoration to achieve greater resilience, (e.g. Port Lands Flood Protection Initiative and the Ontario Line project per attached letter). These opportunities tend to be greater at the early stages of the development and infrastructure planning processes and when the two processes are coordinated. An example in

TRCA's jurisdiction of where such upfront work and early coordination for redevelopment, transit building, flood remediation and urban revitalization have furthered provincial, municipal and TRCA objectives, is Vaughan Metropolitan Centre within the Black Creek sub-watershed adjacent to the top of the University subway line.

TRCA Recommendations

In order to ensure the protection of people and property from natural hazards and the conservation of natural resources, TRCA recommends that:

- 1) The MTO process to designate transit corridor land be coordinated with MMAH, municipalities and conservation authorities where applicable in the early stages of the planning and/or environmental assessment process in order to avoid increasing the risk of natural hazards (flood and erosion risks) to infrastructure, development or public health and safety.
- 2) Conservation authorities' regulations made under Section 28 of the *Conservation Authorities Act* continue to be "applicable law" under O. Reg. 332/12 (Building Code).

Thank you once again for the opportunity to provide comments on the proposed amendments to Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,



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

Encl. TRCA Submission to ERO #019-0614, March 19, 2020

BY E-MAIL

cc:

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

April 14, 2020

BY E-MAIL ONLY (invasive.species@ontario.ca)

Biodiversity Coordinator
Ministry of Natural Resources and Forestry
300 Water Street,
5th Floor, North Tower
Peterborough, Ontario K9J 3C7

Attention: Mr. Jeremy Downe
Invasive Species Policy Advisor
Biodiversity Section

Re: Seeking information on invasive species and carriers under the Ontario Invasive Species Act, 2015 (ERO #019-1162)

Thank you for the opportunity to comment on the Ministry of Natural Resources and Forestry's (MNRF) Environmental Registry (ERO) posting, "Seeking information on invasive species and carriers under the Ontario Invasive Species Act, 2015."

The Toronto and Region Conservation Authority's (TRCA) is actively involved in invasive species management strategy and implementation within our jurisdiction, in order to conserve natural resources. TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* and the MNRF Procedural Manual chapter on CA policies and procedures for plan review and permitting activities, as follows:

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

In these roles, and as stated in the *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. TRCA's municipal partners rely on TRCA's assistance for implementing the natural heritage policies of the Provincial Policy Statement by protecting and restoring natural heritage resources through our mandate under the *Conservation Authorities Act*. We understand that under the *Invasive Species Act*, 2015, decisions to recommend species for regulation are based on the risk that a species poses to Ontario's natural environment and socio-economic well-being. The Act directs that these risks be identified through species-specific ecological risk assessments, the experiences of other jurisdictions, and public consultation.

Government Proposal

We understand the government's proposal seeks information on the ecological, social and economic impacts and benefits of thirteen species and one carrier. The information collected will support the completion of ecological risk assessments and inform the possible future development of a regulatory proposal under the *Act*. These investigations are part of a government effort to review actions taken in nearby jurisdictions, to improve regulatory consistency among jurisdictions in the Great Lakes Basin. The species currently under review are:

- Marbled crayfish (*Procambarus virginalis*)
- Tench (*Tinca tinca*)
- New Zealand mud snail (*Potamopyrgus antipodarum*)
- European frogbit (*Hydrocharis morsus-ranae*)
- Yellow floating heart (*Nymphoides peltata*)
- Prussian carp (*Carassius gibelio*)
- Red swamp crayfish (*Procambarus clarkii*)
- Fanwort (*Cabomba caroliniana*)
- Bohemian knotweed (*Reynoutria x bohemica*)
- Giant knotweed (*Reynoutria sachalinensis*)
- Himalayan knotweed (*Koenigia polystachya*)
- Mountain pine beetle (*Dendroctonus ponderosae*)
- Wild pigs (*Sus scrofa*)

The government is also reviewing the potential benefits of regulating the movement of watercraft over land as a carrier, meaning something capable of facilitating the movement of an invasive species from one place to another, to determine if current education initiatives focused on Clean, Drain, Dry principles and practices should be made mandatory through regulation.

General Comments

TRCA staff have reviewed the proposal and generally supports the government's proposal to examine the thirteen species and one carrier for regulation under the *Invasive Species Act*.

In TRCA's jurisdiction, invasive species management is an important consideration for ecological and socio-economic reasons. Much of TRCA's jurisdiction contains highly altered landscapes and urban areas with a high prevalence of invasive flora and fauna. TRCA and its partner municipalities have repeatedly expressed a strong commitment to healthy terrestrial and aquatic ecosystems that provide numerous ecosystem functions and services, which are critical for human health and well-being.

TRCA's *The Living City Policies, 2014* (LCP) highlights TRCA's mission to work with our partners to ensure that The Living City is built on a natural foundation of healthy rivers and shorelines, greenspace and biodiversity, and sustainable communities. It acknowledges that the loss of native plants and animals and the proliferation of invasive species are increasingly a threat to local ecosystem function and that both land use and climate changes are expected to exacerbate these issues. Accordingly, the LCP, used to guide staff review of proposed works either under the *Planning Act*, *Environmental Assessment Act* or permits under TRCA's regulation under the *Conservation Authorities Act*, contains policies to recommend a natural approach to the landscaping adjacent to natural heritage systems with native, non-invasive and locally appropriate species.

Further, an action in TRCA's ten-year *Strategic Plan* (2013-2022) is to enhance our regional watershed monitoring network so that we can identify new threats like invasive species and regularly evaluate the effectiveness of our efforts to protect, manage, and restore greenspace. A priority of TRCA's five-year update to the *Strategic Plan* is to share TRCA's research, data and leading science to inform provincial initiatives such as this ERO posting.

TRCA has actively managed invasive species in its jurisdiction for many years to protect and enhance ecological features and functions, to protect human health, and to engage and educate the public. Included in these initiatives are: monitoring, controlling, and treating invasive species, restoring invasive species-dominated habitat on TRCA owned properties, and promoting general public awareness. Some examples of this work include:

- community-based garlic mustard and burdock management projects,
- Asian long-horned beetle surveillance work,
- buckthorn, dog-strangling vine and *Phragmites* management at select sites,
- emerald ash borer hazard tree management, and
- participating in the development of the Ontario Invasive Plant Council's "Grow Me Instead" booklets.

Responses to Questions for Public Consultation

With TRCA's roles and experience in mind, we offer the following responses to the ERO posting's Questions for Public Consultation.

1. *Do you agree/disagree that we should review the identified species and carrier for regulation under the Invasive Species Act, 2015?*

TRCA is supportive of the completion of ecological risk assessments and potential regulation of the thirteen identified species and one invasive species carrier. Further, it is TRCA's experience that proactive assessment and management of invasive species is required to avoid ecological, economic and societal impacts of these species, particularly in the face of a changing climate. Aggressive action to monitor and control invasive species in the near term can mitigate long-term impacts.

During this review process, strong consideration should be given to the geographical distribution of species and carriers that will be selected for assessment. Invasive species of concern may be different in terms of their impact and current pervasiveness depending on geography and dominant land use. For example, most dominantly urban regions have specific invasive species (e.g., Norway maple (*Acer platanoides*), garlic mustard (*Alliaria petiolate*), common buckthorn (*Rhamnus cathartica*)) and pathways/carriers that are much more problematic in these regions as compared to the other parts of the province. Despite their relatively limited established ranges, these species may have significant implications on provincial goals and objectives, and it is therefore critical that additional species be reviewed for potential regulation. Partnering with local and regional municipalities along with conservation authorities will provide this information and guidance.

TRCA staff are active in the field across our nearly 3,500 km² jurisdiction. Staff observations and experience have informed the identification of multiple non-native plants as existing or emerging threats in our jurisdiction. For example, a few years ago *Miscanthus* sp. was typically observed growing in ditches near residential areas where it had been planted as a garden plant and was rarely documented in non-landscaped areas. Now, staff more commonly observe this non-native invasive plant located relatively far from residential areas. This development justifies assessment of the risk *Miscanthus* sp. poses to the natural environment and economy.

Another example is Norway maple (*Acer platanoides*). TRCA works with our municipal partners on invasive species management. Based on TRCA data, Norway maple is the second most dominant sub-canopy forest layer in Toronto ravines after Manitoba maple (*Acer negundo*), and is targeted for

strategic removal from ravines by the City of Toronto and TRCA. Meanwhile, Norway maple sales by private industry to municipalities continue, so that public dollars are used for acquiring and for removing the species at the same time. As Norway maple was heavily planted and promoted by the Province in the 1970s and those trees are now seed producers whose progeny is clearly successfully in Toronto's ravines, a risk assessment should be a straight-forward exercise.

TRCA would therefore support prohibition under the *Invasive Species Act* of additional species beyond those currently proposed by MNRF but recognizes that under the Act, ecological risk assessments to determine the appropriate approach for managing each of the species must first take place. The recommended species for regulation are listed below.

- i. Amur silver grass (*Miscanthus sacchariflorus*)
- ii. Chinese silver grass (*Miscanthus sinensis*)
- iii. Common buckthorn (*Rhamnus cathartica*)
- iv. Curly-leaved pondweed (*Potamogeton crispus*)
- v. English ivy (*Hedera helix*)
- vi. Flowering rush (*Butomus umbellatus*)
- vii. Garlic mustard (*Alliaria petiolate*)
- viii. Giant hogweed (*Heracleum mantegazzianum*)
- ix. Goutweed (*Aegopodium podagraria*)
- x. Himalayan balsam (*Impatiens glandulifera*)
- xi. Japanese barberry (*Berberis thunbergii*)
- xii. Japanese chaff flower (*Achyranthes japonica*)
- xiii. Japanese stiltgrass (*Microstegium vamineu*)
- xiv. Kudzu (*Pueraria montana*)
- xv. Lesser periwinkle (*Vinca minor*)
- xvi. Norway maple (*Acer platanoides*), with appropriate notification to the horticultural industry
- xvii. Oriental/Asiatic bittersweet (*Celastrus orbiculatus*)
- xviii. Periwinkle (*Vinca minor*)
- xix. Purple loosestrife (*Lythrum salicaria*)
- xx. Rough manna grass (*Glyceria maxima*)
- xxi. Sea buckthorn (*Hippophae rhamnoides*)
- xxii. Tree of heaven (*Ailanthus altissima*), as it is the preferred host for the spotted lanternfly (*Lycorma delicatula*) which is currently a regulated species under the federal *Plant Protection Act*
- xxiii. Water lettuce (*Pistia stratiotes*)
- xxiv. White mulberry (*Morus alba*)
- xxv. Wild chervil (*Anthriscus sylvestris*)
- xxvi. Wild parsnip (*Pastinaca sativa*)
- xxvii. Winged burning bush (*Euonymus alatus*)
- xxviii. Winged euonymus (*Euonymus alatus*)
- xxix. Winter creeper euonymous (*Euonymus fortune*)
- xxx. Yellow archangel (*Lamium galeobdolon*)

2. Do you have information, including personal experiences, that would help us as this review proceeds?

Within its jurisdiction, TRCA uses and coordinates a wealth of natural environment information collected by on-the-ground personnel who are experts in the field, including aquatic and terrestrial biologists, field naturalists, ecological restoration experts, foresters, and plant propagation experts.

Our staff have extensive local knowledge of the local environment, the biological conditions associated with Lake Ontario waters within our jurisdiction, and the issues created by the existing and emerging invasive species in the region. Given our years of experience managing invasive species, substantial landholdings and ongoing experience in a natural heritage advisory role to municipalities in our jurisdiction, TRCA is available to assist in incorporating our strategic invasive species management planning and implementation expertise into the Province's review of the thirteen species and one carrier.

3. *Would the regulation of one or more of the proposed species or carrier have a positive or negative economic impact on you or your business?*

While TRCA undertakes strategic invasive species management, it does not propagate or typically transport these species. In this regard, the regulation(s) would not have a direct effect on TRCA's work. As a major landowner, regulation of these species and carrier would lower the risk to our lands due to reduced propagation and transportation of these by others within our jurisdiction, as the impacts of invasive species on our properties include, but are not limited to, loss of biodiversity, increased erosion risk on marginal lands and impacts to infrastructure. Reduced need for invasive species management on our properties would be an economic benefit to TRCA.

4. *What rules do you recommend be applied to some or all the identified species or carrier? See sections 6, 7, or 8 of the Invasive Species Act, 2015 for more information.*

TRCA recommends that all prohibitions, restrictions and conditions apply to all species, however, for regulated plant species, an appropriate length of time should be provided to the horticultural industry to allow them to make adjustments to the species they propagate and sell.

5. *Should we consider exceptions to the prohibitions during the development of the regulatory proposal (e.g. allowing the import of the species provided individuals are dead)?*

Based on exceptions for currently regulated species, TRCA believes this approach is reasonable and consistent. That being said, reproductive elements such as fish eggs can remain viable after death for several days. Therefore, the suitability of granting such exceptions should account for the risk of potential exotic pathogen introduction carried by dead specimens of each species, and should not rely on generalized rules. Further, the ease of monitoring and regulating such exceptions should be considered.

6. *Are there any additional questions you would like to discuss or concerns you would like to address?*

Defining roles and responsibilities

The current *Invasive Species Act* (the Act) and associated O. Reg. 354/16 (the regulation) do not define roles and responsibilities of public and private land managers regarding prevention of invasive species spread, early detection and management of invasive species, or invasive species eradication. TRCA would recommend that public entities should be responsible for surveillance, prevention measures, and management of invasive species on public lands, and private landowners responsible for the same on private lands. Governments at all levels should consider granting public agencies and authorities involved in invasive species management blanket access permissions and liability protection for conducting work to monitor and manage invasive species on both public and private lands. Enhancing the accountability of these groups (including Provincial agencies,

municipalities, conservation authorities, and private landowners including industry, institutions and other stakeholders) through policy can help improve outcomes for limiting the economic, social and ecological impacts of invasive species in Ontario.

A coordinated approach across jurisdictions and individual private properties, in tandem with appropriate enforcement of the Act and associated regulation, is required to minimize the economic and ecological impacts of invasive species in Ontario.

Due diligence for avoiding incidental spread

TRCA has identified incidental spread of invasive species as a major obstacle to effective invasive species eradication in the province. O. Reg. 354/16 specifically addresses incidental possession and transportation of only two aquatic invasive plant species. Prevention and Response Plans that provide guidance and direction on avoiding incidental invasive species transportation, as well as outreach and education campaigns to relevant industries, stakeholders, land users and land managers are needed as part of a provincially coordinated approach to invasive species management. Specific guidance on what constitutes “due diligence” is required for different activities that commonly cause incidental transport of invasive species. For example, direction should be provided on specific watercraft inspection methods to detect aquatic invasive plants prior to moving watercraft over land and appropriate biosecurity measures to ensure proper handling and disposal of invasive specimens. Another example is defining specific measures to adequately inspect and clean boots, mechanical equipment and other tools when landscaping in areas that contain terrestrial invasive species in order to avoid incidental transport of invasive species to other areas or subsequent work sites. Enforcement of due diligence measures is critical to ensuring these measures are effective.

Evaluating potential impacts to high value assets

High value assets, for which invasive species introduction or establishment might have higher risks and implications based on ecological, social, and economic impacts, should be considered while implementing regulatory rules. Experts suggest that a single invasive species may have a different magnitude of impact depending on ecological, social, and economic characteristics of the area under invasion. These circumstances may require additional guidance following the Act.

Enforcing the Clean, Drain, Dry principles and practices

TRCA supports the Ministry in creating regulations to enforce the Clean, Drain, Dry principles and practices that are currently communicated to the public through an education campaign. Aggressive action against invasive species carried by watercraft overland can be achieved through the regulation and enforcement of Clean, Drain, Dry principles and practices, helping to limit the spread of invasive species.

Aquarium releases of aquatic invasive species

TRCA notes that many aquatic invasive species present in Ontario originated from intentional or accidental aquarium releases. We recommend pursuing stronger regulations applicable to hobby fishkeeping (aquariums) and similar markets. This regulatory approach could be paired with public education programs targeting pet/aquarium stores, aquaria enthusiasts and anglers in order to inform these communities of risks posed to our natural environment by invasive species that can be found in aquariums and the regulations in place prohibiting or restricting their existence in Ontario.

Public education campaigns

Additionally, TRCA recommends a public education campaign targeting residential properties and all types of gardeners/garden clubs to ensure awareness and halt the trading of restricted plants (including those proposed for assessment by the province and those proposed by TRCA in this

letter). For example, TRCA has in its environmental education community outreach programs, materials to assist residents interested in landscaping with native plants (available from <https://trca.ca/get-involved/home-garden/>). Education campaigns related to wild pigs should also be targeted to the agricultural industry and hunters to ensure awareness and to stop the distribution and release of wild pigs.

TRCA Recommendations

In order to ensure the conservation of natural resources, TRCA recommends that:

- 1) The Ministry moves forward with its proposal to investigate the 13 species and one carrier for regulation under the *Invasive Species Act*.
- 2) The Ministry undertake ecological risk assessments to determine the appropriate approach for managing the 30 species listed in response to discussion question #1, which pose immediate threats to the environmental, social, and economic resilience of Ontario.
- 3) The Ministry amend the Act and/or associated regulation to assign the responsibilities of invasive species prevention, avoidance of spread, and/or management and eradication to public and private landowners and land managers to enhance accountability and improve outcomes for invasive species management. This includes potentially including blanket access permissions and liability protection for organizations such as TRCA that carry out monitoring and invasive species management work. Clarifying these responsibilities may also better facilitate existing enforcement provisions in the Act.
- 4) The Ministry develop and disseminate guidance on proper due diligence methods to reduce the frequency of incidental transport of invasive species and enable greater enforcement of the Act. This may take the form of Prevention and Response Plans coupled with outreach campaigns to relevant stakeholders.
- 5) That the Ministry collaborate with municipalities and CAs to identify invasive species with high potential impacts and determine the magnitude of ecological, social and economic issues associated with those species' invasions, and to generally obtain information about the species under review.
- 6) That all prohibitions, restrictions and conditions in Sections 6, 7 and 8 of the Act apply to all species and the carrier (as applicable) proposed for regulation.
- 7) That regulations be created to regulate the movement of watercraft over land as a carrier under the *Invasive Species Act*.
- 8) That, in addition to regulation of the thirteen species and one carrier, public awareness and education campaigns be introduced targeting hobby fish keepers (aquariums), hobby horticulturalists/gardeners, and the commercial businesses that support them to ensure these communities are aware of both the risks posed by these invasive species and the new regulations.

- 9) That, in addition to regulation of the thirteen species and one carrier, communication and awareness campaigns be introduced targeting large public landowners, land managers and end users, such as municipalities, conservation authorities, institutions and public utilities to ensure they are aware of the new regulations and can achieve timely compliance.

Thank you once again for the opportunity to provide feedback regarding assessment and regulation of these thirteen species and one invasive species carrier under the *Invasive Species Act, 2015*. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,



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

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Moranne McDonnell, Director, Restoration and Infrastructure

April 14, 2020

BY E-MAIL ONLY (invasive.species@ontario.ca)

Biodiversity Coordinator
Ministry of Natural Resources and Forestry
300 Water Street,
5th Floor, North Tower
Peterborough, Ontario K9J 3C7

Attention: Mr. Jeremy Downe
Invasive Species Policy Advisor
Biodiversity Section

Re: Developing Prevention and Response Plans for European water chestnut and water soldier under the Invasive Species Act, 2015 (ERO #019-1163)

Thank you for the opportunity to comment on the Ministry of Natural Resources and Forestry's (MNRF) Environmental Registry (ERO) posting on the proposed Prevention and Response Plans (the Plans) for European water chestnut and water soldier under the *Invasive Species Act*, 2015.

The Toronto and Region Conservation Authority's (TRCA) is actively involved in invasive species management strategy and implementation within our jurisdiction, in order to conserve natural resources. TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* and the MNRF Procedural Manual chapter on CA policies and procedures for plan review and permitting activities as follows:

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

In these roles, and as stated in the *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. TRCA's municipal partners rely on TRCA's assistance for implementing the natural heritage policies of the Provincial Policy Statement by protecting and restoring natural heritage resources through our mandate under the *Conservation Authorities Act*.

Government Proposal

We understand the government's current proposal is to develop Prevention and Response Plans for European water chestnut (*Trapa natans*) and water soldier (*Stratiotes aloides*), two prohibited invasive species under the *Invasive Species Act* (ISA). The Act gives Ontario tools to prevent, detect, and manage invasive species in the province. The draft Prevention and Response Plans are to enable management and eradication activities which would otherwise be prohibited by regulation under the ISA.

The proposed Prevention and Response Plans for European water chestnut and water soldier identify persons authorized to implement the Plans, sets out the types of activities for which the Plans apply and describes the conditions under which these persons will be permitted to possess, transport, and deposit these species in Ontario. The Plans are intended to ensure that monitoring, control and eradication activities do not further spread these species or introduce them to new areas.

General Comments

TRCA staff have reviewed the draft Prevention and Response Plans and generally support provincial action to ensure the target species are prevented from spreading to new areas and are monitored, controlled and eradicated effectively.

In TRCA's jurisdiction, invasive species management is an important consideration for ecological and socio-economic reasons. Much of TRCA's jurisdiction contains highly altered landscapes and urban areas with a high prevalence of invasive flora and fauna. TRCA and its partner municipalities have repeatedly expressed a strong commitment to healthy terrestrial and aquatic ecosystems that provide numerous ecosystem functions and services, which are critical for human health and well-being.

TRCA's *The Living City Policies, 2014* (LCP) highlights TRCA's mission to work with our partners to ensure that The Living City is built on a natural foundation of healthy rivers and shorelines, greenspace and biodiversity, and sustainable communities. It acknowledges that the loss of native plants and animals and the proliferation of invasive species are increasingly a threat to local ecosystem function and that both land use and climate changes are expected to exacerbate these issues. Accordingly, the LCP, used to guide staff review of proposed works either under the *Planning Act*, *Environmental Assessment Act* or permits under TRCA's regulation under the *Conservation Authorities Act*, contains policies to recommend a natural approach to the landscaping adjacent to natural heritage systems with native, non-invasive and locally appropriate species.

Further, an action in TRCA's ten-year *Strategic Plan* (2013-2022) is to enhance our regional watershed monitoring network so that we can identify new threats like invasive species and regularly evaluate the effectiveness of our efforts to protect, manage, and restore greenspace. A priority of TRCA's five-year update to the Strategic Plan is to share TRCA's research, data and leading science to inform provincial initiatives such as this ERO posting.

TRCA has actively managed invasive species in its jurisdiction for many years to protect and enhance ecological features and functions, to protect human health, and to engage and educate the public. Included in these initiatives are monitoring, controlling, and treating invasive species, restoring invasive species-dominated habitat on TRCA properties, and promoting general public awareness. Some examples of this work include:

- community-based garlic mustard and burdock management projects,
- Asian long-horned beetle surveillance work,
- buckthorn, dog-strangling vine and *Phragmites* management at select sites,

- emerald ash borer hazard tree management, and
- participating in the development of the Ontario Invasive Plant Council's "Grow Me Instead" booklets.

With TRCA's roles and experience in mind, we offer the following feedback.

European water chestnut and water soldier Prevention and Response Plans

Roles and responsibilities

TRCA requests that the Plans' sections on "Resources to Support the Implementation of the Prevention and Response Plan" provide specific guidance as to who is responsible for supporting the Plans' implementation, including the roles of the Province, municipalities, conservation authorities, and others.

Prevention and monitoring

TRCA recognizes these draft Prevention and Response Plans are the first issued by the Province since the ISA came into effect. Critical tools for invasive species management, as recognized by the ISA, include prevention, monitoring, and control and eradication activities. The current draft Plans focus on control of invasive species after they have been introduced to an area. TRCA suggests the Plans include a greater focus on measures to help prevent these invasive species from entering additional parts of Ontario and practices to promote their early detection, per the *Invasive Species Act*, Section 13(2). Prevention measures are often more cost-effective than implementing removal measures after species have established in a new area. Monitoring activities enable early detection and can reduce the required total cost and effort of control activities.

Reducing incidental spread

TRCA has identified incidental spread of invasive species as a major obstacle to effective invasive species eradication in the province. Greater detail on appropriate biosecurity measures could be provided for both authorized persons and those handling the species incidentally. The public and in particular recreational water body users, (anglers and recreational water body users including watercraft operators and others), should be educated on specific, appropriate measures to reduce incidental transport and deposition of these invasive species.

Regarding authorized activities and measures the Province may take beyond providing guidance and education, restrictions on recreational use of water bodies or areas within water bodies that European water chestnut and/or water soldier have been detected may be appropriate in certain circumstances to reduce incidental species transportation. Exceptions allowing continued professional operations, (such as fisheries), in these areas could be accompanied by outreach campaigns and enforcement of due diligence practices to reduce incidental spread of these aquatic invasive species caused by professional activities. Geographic restrictions for recreational watercraft operation may reduce instances of incidental possession and transport of European water chestnut and water soldier plants that attach to a boat as a result of operating it in infested waters; this is not an offence under the regulation prohibiting these species (O. Reg. 354/16) but nonetheless contributes to incidental transport and spread of these species.

Detailed direction required to enhance compliance

Item (b) in the Authorized Activities section of each Plan states that the following activity may occur: "deposit and release of [European water chestnut/water soldier] away from any body of water as required to dispose of plants or plant parts that were removed from a body of water". Condition #5 states that once these plant species are removed from the water they, "must be disposed of or destroyed in a manner that ensures that no part of the plant will re-enter the body of water or enter into any other body of water." It would be helpful to provide more information on proper disposal

methods to enable authorized persons to effectively dispose of collected European water chestnut and water soldier plants and plant parts. For example, the Plans could state whether there are certain facilities the plants should be taken to, whether the plants can be disposed of in a landfill or regular municipal garbage, whether they can be incorporated into compost (noting that the seeds may remain viable), or can be incinerated.

The Plans' Conditions sections should be expanded to include detailed direction on methods to achieve compliance with the Plan. For example, condition #3 in each Plan states that, "All equipment and/or watercraft used in infested waters during the course of water soldier prevention, monitoring, or control or removal activities must be inspected and cleaned of any European water chestnut/water soldier prior to movement overland." TRCA suggests including step-by-step instructions on how to inspect equipment and watercraft, direction on what types of products (if any) should be used to clean equipment and watercraft, whether the authorized person completing the inspection should wear Personal Protective Equipment (PPE) and, if so, direction on appropriate PPE, and direction on how to disinfect or dispose of PPE and other materials that the invasive plant may come in contact with during the inspection and cleaning process (as appropriate). This information should also be provided or referenced in the "Tips for controlling European water chestnut/water soldier" sections under #4 Clean equipment and watercraft.

Other "Tips" that we recommend expanding to provide more detailed direction include tip #5 Dispose of European water chestnut/water soldier carefully, and #6 Handle with care/Beware of the seeds. Tip #5 could provide direction on whom should carry out disposal procedures (i.e., specify if this is limited to authorized persons) and what unauthorized persons should do if they find one of these species on their watercraft (such as recreational watercraft operators), how exactly the plants or plant parts should be handled and disposed of, and how and to which government agency the sighting should be reported. Tip #6 could provide direction on proper PPE to use during handling of the plants, if any is required in addition to gloves.

Plan and data updates

TRCA recommends that the Plans affirm that any updates to or cancellation of the Plans will be informed by the best available science and will be communicated to the public via appropriate media mechanisms in order to reach relevant stakeholders. TRCA also requests information on how the Province plans to disseminate to the public existing and forthcoming records of sightings and spread of these species.

Herbicides

Regarding the application of herbicides (Water soldier Plan page 8, European water chestnut Plan pages 9-10), TRCA is interested in whether the recommended herbicide (diquat) affects local fauna. If there is potential for off-target fauna impacts, a characterization of local fauna should be required prior to herbicide application in a water body and inform subsequent decisions on measures to avoid or minimize off-target exposure and impacts. Such measures may include seasonal restrictions on herbicide application, depending on the species present in a water body. Further, TRCA notes that the Herbicide section of Other Considerations (page 10) in the European water chestnut Plan is absent from the water soldier Plan, and we suggest including the same language in both Plans.

By-catch and off-target flora and fauna impacts

TRCA suggests that the Other Considerations sections of both Plans include guidance on how authorized persons should deal with by-catch, such as amphibians and reptiles, that may be inadvertently removed from the water during invasive species control activities. As well, the In-water Work Timing Window Guidelines cited only consider relevant timelines for protection of fish, not amphibians or reptiles. TRCA therefore recommends additional guidance be provided on avoiding

impacts to amphibians through appropriate seasonal or other restrictions on control activities targeting both invasive species. We also recommend the Plans provide additional guidance, as appropriate, on avoiding impacts to off-target flora and fauna resulting from control measures.

As an aside, the second paragraph of page 3 of the draft Plan for European water chestnut references water soldier when it should be referencing European water chestnut. Also, in the European water chestnut Plan, page 5, b) ii., last sentence, appears to be incomplete.

TRCA Recommendations

In order to further the conservation, restoration and management of natural resources within our watersheds, TRCA recommends that:

- 1) The Plans provide direction on the roles and responsibilities of the Province, municipalities, conservation authorities, and others to better support Plan implementation.
- 2) Prevention measures used to avoid further spread and establishment of invasive species across the province and measures to enable early detection of the species in new areas of the province be expanded upon in the Plans, recognizing the general cost-effectiveness of executing prevention and monitoring measures in concert with control measures, as compared with an invasive species response regime that solely targets already-established invasive plant populations.
- 3) The Plans provide more information on proper disposal, inspection methods and Personal Protective Equipment (PPE) to enable authorized persons to effectively and safely detect and dispose of collected European water chestnut and water soldier plants and plant parts, and avoid contamination of other water bodies.
- 4) The Plans provide direction on the steps unauthorized persons should take when incidental possession of European water chestnut and water soldier plants and plant parts occurs, including direction on how to report species sightings.
- 5) Potential impacts of herbicides on in-water fauna be examined prior to herbicide application, including through characterizations of fauna present in the water body and consideration of measures to avoid or minimize off-target exposure.
- 6) The Plans provide direction to authorized persons on how to deal with by-catch, including amphibians and reptiles, that may be inadvertently removed from the water during invasive species control activities
- 7) The Plans provide direction on avoiding impacts to amphibians and reptiles that may occur during mechanical invasive plant removal, including but not limited to seasonal restrictions on invasive plant control activities. The Plans should also provide direction on avoiding impacts to off-target flora and fauna during control activities.

Thank you once again for the opportunity to provide feedback on the draft Prevention and Response Plans for European water chestnut and water soldier. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6290 or at john.mackenzie@trca.ca.

Sincerely,



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

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Moranne McDonnell, Director, Restoration and Infrastructure

Item for the Information of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance Meeting #2/20, Wednesday, May 20, 2020

FROM: Victoria Kramkowski, Government and Community Relations Specialist, Peel-York Watersheds, Government and Community Relations

RE: TRCA RESPONSE TO COVID-19

KEY ISSUE

Key aspects of TRCA's operational response to the COVID-19 pandemic to date.

RECOMMENDATION

IT IS RECOMMENDED THAT the Regional Watershed Alliance receive this report for information.

BACKGROUND

COVID-19 has emerged as a significant risk to the personal wellbeing of Toronto and Region Conservation Authority's employees, volunteers, with resulting impacts to organization's operations. This report provides a high-level outline of TRCA's response, to date, to COVID-19, with a particular focus on TRCA operations.

At a high level, TRCA's past, current and future response plan to COVID-19 is divided into four phases, each of which have a different focus:

- 1) Phase I - Prevention: This phase focuses on promoting everyday prevention actions and strategies and includes: the review of governmental policy and legislation; the development and implementation of a communications strategy; monitoring and tracking of service level impacts and staffing needs; and change management
- 2) Phase II – Control: This phase is characterized by increased actions driven by Public Health agencies and includes: the management of public health and legislative requirements, such as cancelling events or closing facilities; environmental scans to ensure response alignment with partner municipalities; and implementing alternative work arrangements
- 3) Phase III – Management: This phase focuses on carrying out continued operations within the COVID-19 situation and includes: employee engagement; assessing and working with essential workplace orders; financial, operational and resource assessment; planning and issuing Declared Emergency Leaves; and redeployment of staff, as needed
- 4) Phase IV – Recovery: This phase focuses on organization-wide recovery and is also driven by Public Health requirements. This phase includes: a communication recovery strategy; a phased return to full operations; health and safety prioritization, including plans for a potential second wave of COVID-19; providing manager resources; and providing and implementing employee wellness supports.

TRCA is currently in Phase III–Management of the four-phase response plan.

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TRCA's response has also involved ongoing communications with staff in order to keep staff informed, as well as provide relevant guidance and direction. These communications began in late February 2020, with an emphasis on COVID-19 prevention and preparedness, and have since progressed in response to the rapidly changing situation. Ongoing communications with staff allow TRCA leadership to provide the most current information and direction.

At an operational level, TRCA's response has focused on different aspects of safety and service areas.

Encouraging personal and workplace hygiene, precautions and best practices

Beginning in late February 2020, TRCA has circulated communications to staff to provide guidance on personal and workplace hygiene and precautions, such as frequent hand washing, staying home if sick, and avoiding touching the eyes, nose or mouth. This direction was complemented by TRCA implementing additional hand sanitizer stations and increasing the frequency of cleaning and disinfecting high-touch surfaces like toilets, sink tap handles, doorknobs, and countertops.

TRCA has also provided direction on self-isolation for staff who have returned from out of country travel or have potentially been exposed to COVID-19 in alignment with the ongoing direction provided by the Province.

Furthermore, in recognition of the impacts that the current situation may be having on staff, TRCA has reminded staff of the services offered through the Employee Assistance Program, as well as providing an additional online employee guide to working from home and coping resources for staff.

Suspension of Events and Programming

In accordance with recommendations from the Ontario Chief Medical Officer of Health to suspend large events and public gatherings of more than 250 people, TRCA circulated communications on March 13, 2020 advising that large events, such as the Maple Syrup Festivals at Bruce's Mill and Kortright Center, TRIECA, March Break activities, and other events would be postponed. Subsequently, TRCA has formally cancelled all in-person programming and events, regardless of number of participants, until further notice. These decisions have been in alignment with those of TRCA's municipal partners, which have also cancelled in-person events and programming until at least June 30, 2020.

Transition to Online and Virtual Learning and Engagement Platforms

In order to continue to engage local residents, families, communities and business sectors, TRCA has taken significant steps to transition education and training activities to online platforms. These include regular Facebook Live segments on backyard nature, online networking meetings and webinars for PPG members, web-based training sessions for professionals based on topics from TRIECA, resources for teachers and students learning at home, and others. There has been significant uptake on these activities, including over 1,000 views for each of the Facebook Live segments and over 220 registrants for the PPG Connects Forum.

Closure of TRCA Facilities to the Public

In alignment with actions by TRCA's municipal partners, the decision was made on March 17, 2020 to close TRCA facilities to the public. This includes TRCA's Head Office, satellite offices, parks and education facilities.

Flexible Work Arrangements and Delivery of Essential Services

In recognition of the challenges posed by the closures of school, effective March 16, 2020, in order to protect employee health and prevent the spread of COVID-19, and in response to the Province's order to close all non-essential workplaces in Ontario, TRCA has implemented arrangements for all staff who are able to, to work from home. Arrangements have been made to increase the capacity of TRCA systems to allow increased remote access and staff have been reminded of, and encouraged to use, online tools and programs to conduct meetings.

Certain TRCA services, including several that involve work in the field and on construction sites, have been deemed to be essential services, in accordance with the Province's *List of Essential Workplaces*. As such, TRCA has permission to continue carrying out these services in the public sphere. Some of the essential service areas TRCA continues to support include:

- Construction projects and services required to ensure safe and reliable operations of, or to provide new capacity in, critical provincial infrastructure, including transit, transportation, energy and justice sectors beyond the day-to-day maintenance;
- Minimal asset maintenance to ensure state of good repair in parks and trails;
- Sewage treatment and disposal;
- Collecting, transporting, storing, processing, disposing or recycling of any type of waste;
- Critical infrastructure repair and maintenance including roads, dams, bridges etc.;
- Environmental rehabilitation, management and monitoring, and spill clean-up and response.

In addition, TRCA inspections and permitting services are captured in the following service categories:

- Administrative authorities that regulate and inspect businesses;
- Professional and social services that support the legal and justice system;
- Government services including but not limited to policing and law enforcement, fire and emergency services, paramedics, coroner and pathology services, corrections and court services, licenses and permits;
- Businesses and organizations that maintain research facilities and engage in research, including medical research and other research and development activities;
- Not-for profit organizations that support the provision of food, shelter, safety or protection, and/or social services and other necessities of life to economically disadvantaged and other vulnerable individuals.

As a result, and in accordance with the Provincial directive, TRCA offices continue to remain open to staff only and construction and field sites remain active to enable staff to support these categories of work.

In order to ensure health and safety considerations for staff working at field and construction sites, TRCA has provided, and regularly updates, COVID-19 Incident Management System Procedures for Field Work. This document provides guidance and direction on work site safety, as it relates to COVID-19. Direction provided includes, but is not limited to:

- Personal hygiene and protection;
- Personal protective equipment requirements;
- Ensuring social distancing requirements are met during vehicle usage and cleaning

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- requirements for fleet vehicles;
- Social distancing requirements when working in areas that the general public may have access to;
- Best practices when managing work crews and working with contractors;
- How to accept deliveries in a safe manner; and,
- Other general practices.

These procedures have been updated regularly to reflect ongoing situational changes and the most current knowledge surrounding best practices and public health requirements.

Declared Emergency Leaves

Due to impacts on TRCA operations from COVID-19, TRCA is projecting an expected decrease of 2020 budgeted revenue in excess of \$20 million. As a result, TRCA Leadership has made the difficult decision to issue Declared Emergency Leaves (DEL) for certain staff. DELs have been predominantly issued in divisions that rely on user fees and have experienced the greatest impact due to COVID-19, such as Education and Training, Parks and Culture, and Corporate Services. Redeployment opportunities have been identified and made available to staff placed on DEL through a transparent process administered by Human Resources.

RATIONALE

As an advisory committee to the TRCA Board of Directors, and as stakeholders and partners to TRCA with their own networks, TRCA staff wish to keep the Regional Watershed Alliance apprised of the organization's response to COVID-19. Furthermore, when TRCA moves into the Recovery Phase (Phase IV) of the COVID-19 response plan, RWA member support will be important as TRCA begins to phase in increased operations, including events, programming and public engagement activities. TRCA staff also anticipate seeking out government economic stimulus funding opportunities for infrastructure projects and foresee a role for RWA members to advocate for TRCA funding proposals with relevant elected officials.

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

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

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

TRCA staff will continue to evaluate financial implications of COVID-19 on operations and on TRCA's 2020 Budget. Staff will continue to work with partner municipalities to provide essential services and special projects where TRCA has significant, specialized expertise in order to mitigate the impacts of COVID-19 on the organization.

DETAILS OF WORK TO BE DONE

TRCA will continue to carry out delivering essential services, as currently defined by the Province, and will respond on an ongoing basis to direction from the Province related to public health and safety, and business operations. TRCA will resume currently suspended operations in accordance with Provincial direction and in a phased approach.

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