



# Toronto and Region Conservation Authority

## Regional Watershed Alliance Agenda

#4/20

November 18, 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>

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1. WELCOME AND INTRODUCTIONS
2. ACKNOWLEDGEMENT OF INDIGENOUS TERRITORY
3. APPROVAL OF MINUTES OF MEETING #3/20, HELD ON SEPTEMBER 16, 2020  
[Minutes Link](#)
4. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
5. PRESENTATIONS
6. CORRESPONDENCE
7. ITEMS FOR ALLIANCE ACTION

### 7.1. TRCA YOUTH COUNCIL ANNUAL UPDATE

Report by Kate Goodale, Coordinator, Watershed Strategies, Government and  
Community Relations, Toronto and Region Conservation Authority

Confirmation and approval of revised Youth Council Executive recruitment plan  
and review of 2019/20 Youth Council Summary Report.

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7.2.	<b>2021 REGIONAL WATERSHED ALLIANCE MEETING SCHEDULE</b>	34
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Report by Daniel Ruberto, Deputy Clerk and Analyst, Policy, Clerk's Office, Corporate Services, Toronto and Region Conservation Authority

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Report and presentation by Rick Portiss, Senior Manager, Aquatic Monitoring and Management, Development and Engineering Services, Toronto and Region Conservation Authority, and Lyndsay Cartwright, Data Analyst, Ecosystem and Climate Science, Watershed Planning and Reporting, Toronto and Region Conservation Authority

To inform the Regional Watershed Alliance regarding the results of a recently completed two-year research study to update and evaluate the Toronto Waterfront Aquatic Habitat Restoration Strategy (TWAHRS).

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Report by Mary-Ann Burns, Senior Manager, Provincial and Regional Policy, Policy and Planning, Toronto and Region Conservation Authority, and Jessica Murray, Planner, Policy, Policy and Planning, Toronto and Region Conservation Authority

Summary of Toronto and Region Conservation Authority (TRCA) policy consultation submissions on provincial legislative, regulatory and policy initiatives relevant to TRCA interests from April to September 2020, for the information of the Regional Watershed Alliance.

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Report and presentation by Nancy Gaffney, Government and Community Relations Specialist, Toronto/Durham Watersheds, and Victoria Kramkowski, Government and Community Relations Specialist, Peel-York Watersheds, Government and Community Relations, Toronto and Region Conservation Authority

Update on work underway to update and achieve Memorandums of Understanding (MOUs) and Service Level Agreements (SLAs) with partner municipalities in the context of the updated Conservation Authorities Act (CA Act) and relevant regulations.

## **9. NEW BUSINESS AND GOOD NEWS STORIES**

**10. ADJOURNMENT**

NEXT MEETING OF THE REGIONAL WATERSHED ALLIANCE #1/21, TO BE HELD ON MARCH 3, 2021, AT 6:30 P.M. LOCATION TO BE DETERMINED.

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

/dr

### Section I – Items for Alliance Action

**TO:** Chair and Members of the Regional Watershed Alliance  
Meeting #4/20, Wednesday, November 18, 2020

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

**RE:** **TRCA YOUTH COUNCIL ANNUAL UPDATE**

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#### **KEY ISSUE**

Confirmation and approval of revised Youth Council Executive recruitment plan and review of 2019/20 Youth Council Summary Report

#### **RECOMMENDATION**

**WHEREAS TRCA's Youth Council has been active for two years, and the 2019/20 Youth Council Executive are approaching the completion of their one-year term;**

**AND WHEREAS TRCA's Youth Council have adapted activities and meetings to an online framework as a result of the COVID-19 pandemic;**

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

**THAT recruitment of additional Youth Council Executives to fill vacant seats be delayed until January 2021;**

**AND FURTHER THAT the Regional Watershed Alliance accept the appended report summarizing the work completed and evaluation of the Youth Council's second year.**

#### **BACKGROUND**

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

- a) Build capacity and engage youth by providing youth across the Toronto region with learning opportunities;
- b) Build a youth network/strengthen existing networks through creation of a broad network of youth in the region that is interested in environmental and sustainability issues;



## Item 7.1

- c) Identify youth perspectives by developing an understanding of youth opinion around current environmental issues and how these might be incorporated in the work of TRCA and its partners; and
- d) Create fun opportunities for youth through entertaining and engaging learning opportunities.

The framework for the Youth Council was approved by the Regional Watershed Alliance (RWA) in February 2018 (RES.#R11/17). Recruitment for the first year of the Youth Council began during the fall of 2018. Participants could sign up as a general member or apply to be on the Youth Council Executive. Executive members serve as the guiding body for the Council for a one-year term and are responsible for the development of program activities and priorities that fit within the objects defined in the program framework.

### **RATIONALE**

The 2019-2020 Youth Council executive was selected in November 2019 and included four returning members from the year previous. The Executive met at a workshop held at Toronto City Hall in January 2020 (details of this work planning can be found in Attachment 1). This workshop was facilitated by TRCA staff and included an introduction to the program framework and an introduction to work planning. The Youth Council Executive worked together to create a workplan to address program goals. This plan included a collaborative event with the UTSC Cricket Club in The Meadoway, a quarterly newsletter, and an outreach framework to enhance the network and develop new engagement opportunities. A communication framework was also agreed upon, which included monthly meetings and additional meetings to be booked as necessary.

### COVID-19 Pandemic Impact to Programming

In March 2020, the World Health Organization declared that COVID-19 had spread far and fast enough to be declared a global pandemic. Across Canada, and much of the world, schools were shut down, businesses closed, and people were asked to remain in their homes to help slow the spread of the virus. Gatherings were prohibited, and many public spaces were closed. This had obvious implications for TRCA education and engagement programs, including for the Youth Council.

### TRCA Education and Training

The Youth Council's goals and objectives align strongly with the work carried out by TRCA's Education and Training Division. The Youth Council framework was developed in consultation with Education and Training staff, and staff continue to be engaged by attending monthly meetings. Activities carried out by the Youth Council are done so in coordination with existing relevant education programs. For example, the Youth Council routinely utilizes networks created by Education and Training to advertise engagement opportunities for youth (for example, the Conservation Youth Corps, and the Community Learning Newsletter).

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On an annual basis, TRCA provides approximately 155,000 learning experiences for students and classes from schools in the Greater Toronto Area (GTA). These experiences are delivered either through TRCA's in-school education services (e.g. Watershed on Wheels and Aquatic Plants Program), or in one of TRCA's education centres or conservation areas. With the current COVID-19 global pandemic, both in-school and out-of-class learning experiences have been cancelled.

Following the Stage 2 Re-Opening in Ontario, the Kortright Centre for Conservation and Black Creek Pioneer Village re-opened to the public on August 8, 2020 with safe operating protocols in place, however, TRCA's conservation field centres remain closed, while all in-school programming has been cancelled as restrictions related to access to schools have continued and are anticipated to continue.

To adapt to this uncertainty, since the onset of the COVID-19 global pandemic, TRCA has initiated alternative programming and delivery methods as a means of adapting business operations to the changing circumstances while continuing to stay relevant. This includes inviting participants to take part in TRCA's #AtHomeWithNature and #VillageAtHome series on Facebook, along with several other home-based family activities, live interactive workshops, learning modules for students, and online exhibits.

To respond to the educational needs of local students, TRCA continues to develop resources and live learning experiences for classes that provide curriculum-linked lessons related to natural science, conservation and the environment. In order to better understand opportunities to intersect with vastly different learning environments, TRCA continues to work with area school boards and staff to determine how best to support students learning needs during the COVID-19 pandemic.

### Impact on Youth Council

The COVID-19 pandemic has had a significant impact on Youth Council initiatives and activities. Meetings were adapted to an online platform, and all in-person events that had been planned were inevitably cancelled. Engagement among the Executives during the pandemic has been mixed. Some members reached out to TRCA staff to explain that they were unable to commit the same level of participation that was expected of them as a result of competing responsibilities and the stress that is brought on as a result of the pandemic. Others continued to contribute their time in planning online events and participating in online meetings (a summary of initiatives carried out can be found in Attachment 1). The challenges posed by the COVID-19 pandemic to the Youth Council Executive has resulted in some barriers to team building and to the delivery of events and initiatives. For example, it has taken time for the Executive to adapt to the online system, and it has also taken TRCA some time to develop the materials and platforms that the Youth Council could utilize for the continuation of their modified workplan. As the Youth Council Executive has successfully adapted to the new situation, we would like to continue to build on this momentum without disruption so that the current members have the same opportunities as the members from the first year. For this reason, we recommend offering the opportunity for all Youth Council Executive members to extend their membership, should they wish to, and postpone the recruitment of new members until 2021.

### Youth Council Highlights from 2019/2020

Despite the challenges posed by COVID-19, the Youth Council was still able to host events through virtual means. These events were created and delivered by the Youth Council Executive members, but were also supported, in part, by the Education and Training team through shared expertise and advertising utilizing the #AtHomeWithNature brand.

The Youth Council delivered the following virtual events:

#### *Webinar: Invasive Species Q & A*

This webinar was hosted by the Youth Council Executive and featured a panel discussion of invasive species in TRCA's jurisdiction. Panelists included York Region and TRCA staff. It was attended by 44 audience members.

#### *Webinar: Systemic Barriers in Conservation and Outdoor Spaces*

For this webinar, a small group of Youth Council Executives carried out research and prepared a presentation that covered colonialism and racism in the historic Canadian context, what barriers exist today, and what work is being carried out to address those inequalities. A panel discussion was chaired by the Youth Council, and a recording of the event is available on the Youth Council's website via YouTube. The event was attended by 42 individuals and the recording has been watched over 160 times.

#### *Online Movie Night: Toad People*

One of the most popular events held by the Youth Council was a movie night held at the Patagonia store in Toronto. Unfortunately, an in-person movie night was not possible, but the Youth Council Executive instead decided to hold an online movie night featuring the movie "Toad People" (53 min). The film discussed road ecology work taking place in British Columbia to protect endangered Western Toads. The road ecology work featured in the film is similar to TRCA's road ecology project at Heart Lake. After the film, a panel discussion was chaired by the Youth Council Executive, and featured TRCA staff from the Heart Lake road ecology project, and the director of Toad People. This event was well attended with 34 participants.

The Youth Council has plans to continue online engagement events for the remainder of 2020. Initiatives include a social media campaign around access to greenspace during the pandemic, and additional documentary film night.

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

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

**Strategy 7 – Build partnerships and new business models**

**Strategy 5 – Foster sustainable citizenship**

**Strategy 7 – Build partnerships and new business models**

## Item 7.1

### **FINANCIAL DETAILS**

Funds are available in TRCA Government and Community Relations program accounts for watershed engagement and community projects to support the recruitment, convening and ongoing activities of the Youth Council. Staff will work with the Regional Watershed Alliance Youth Council working group and with the Youth Council itself to ensure that the scope of work reflects available budget and staff support

### **DETAILS OF WORK TO BE DONE**

- Confirmation of extending terms with existing Youth Council Executive members.
- Launch an online recruitment campaign to fill vacated seats from Executive members who do not wish to extend their term.

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**Date: November 3, 2020**

**Attachments: 1**

Attachment 1: **TRCA Youth Council Annual Update Report for 2019/2020**



## **TRCA Youth Council 2019/20 Report**

Prepared by Kate Goodale

October, 2020

## Summary

Youth Councils are being deployed around the world as a means to engage and inspire youth. Following suit in this growing trend, TRCA's 2017 Community Engagement Strategy recommended the development of a Youth Council. The program framework of the Youth Council was developed by Toronto and Region Conservation Authority (TRCA) staff and Regional Watershed Alliance members. The ultimate goal of the Youth Council is to build healthy communities. This will be achieved through four program objectives:

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

The 2019-2020 term of the Youth Council marks the second full year of the program. A new Executive was selected in November 2019, which included four returning members from the first term. The Executive met in January 2020 to begin work planning, and to set program targets for the year.

Unfortunately, in March 2020 the World Health Organization declared the spread of the COVID-19 virus to be a global pandemic. That declaration resulted in the subsequent closure of many facilities, businesses, and schools. TRCA, like other organizations, has had to adapt business practices and engagement activities to suit the "new normal" brought on by the pandemic. Likewise, the Youth Council had to cancel all in-person events and shifted all programming to an online format.

Despite the cancellation of planned events, the Youth Council has done a remarkable job adapting to the situation. They continued to build the youth network through the delivery of newsletters. To provide fun learning experiences, they developed and delivered online webinars about invasive species and systemic barriers in conservation and outdoor spaces. All webinars were hosted by the Youth Council Executive, with guidance from TRCA staff. They also hosted an online movie night and launched a social media campaign to discuss access to outdoor spaces and the importance of connecting to nature amidst the situation brought on by a pandemic.

This year has been a challenge for the Youth Council Executive. The challenges posed by COVID-19 have meant that some members have not been able to participate as much as they had initially intended. It is important that we continue to use an adaptive and agile approach with our volunteers, as the challenges posed by COVID-19 are far-reaching. As it took time for both TRCA and the Youth Council Executive to adapt to the new framework imposed by the pandemic, we suggest that the Executive have the option to extend their terms so that group cohesion and momentum can be maintained.

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## INTRODUCTION

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

The Youth Council reports directly to TRCA's Regional Watershed Alliance (RWA), which is an advisory committee to the TRCA Board of Directors. The mission, mandate and goals were developed by TRCA and the RWA, in consultation with relevant stakeholders. At RWA Meeting #1/2017, held on November 15th, 2017, Resolution #R002/17 was approved, establishing the TRCA Youth Council.

The 2019-2020 year of the TRCA Youth Council faced unprecedented challenges as a result of the global pandemic brought on by the spread of COVID-19. This report provides an overview of the 2019-20 Youth Council program, recruitment of new Executives, workplan, and finally a program evaluation and recommendations for program improvement.

## PROGRAM FRAMEWORK

The program framework for the Youth Council was created through a collaborative process between TRCA staff and RWA working group members. The program framework remains the same as it did in 2017 when it was developed (Figure 1).

Program goals and objectives are rooted in the TRCA Community Engagement Strategy. The overall goal of the program is to build healthy communities and there are four measurable objectives to meet that goal:

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

These objectives are intentionally open-ended so that Youth Council Executive members are able to develop their own project ideas that fit within the program framework.



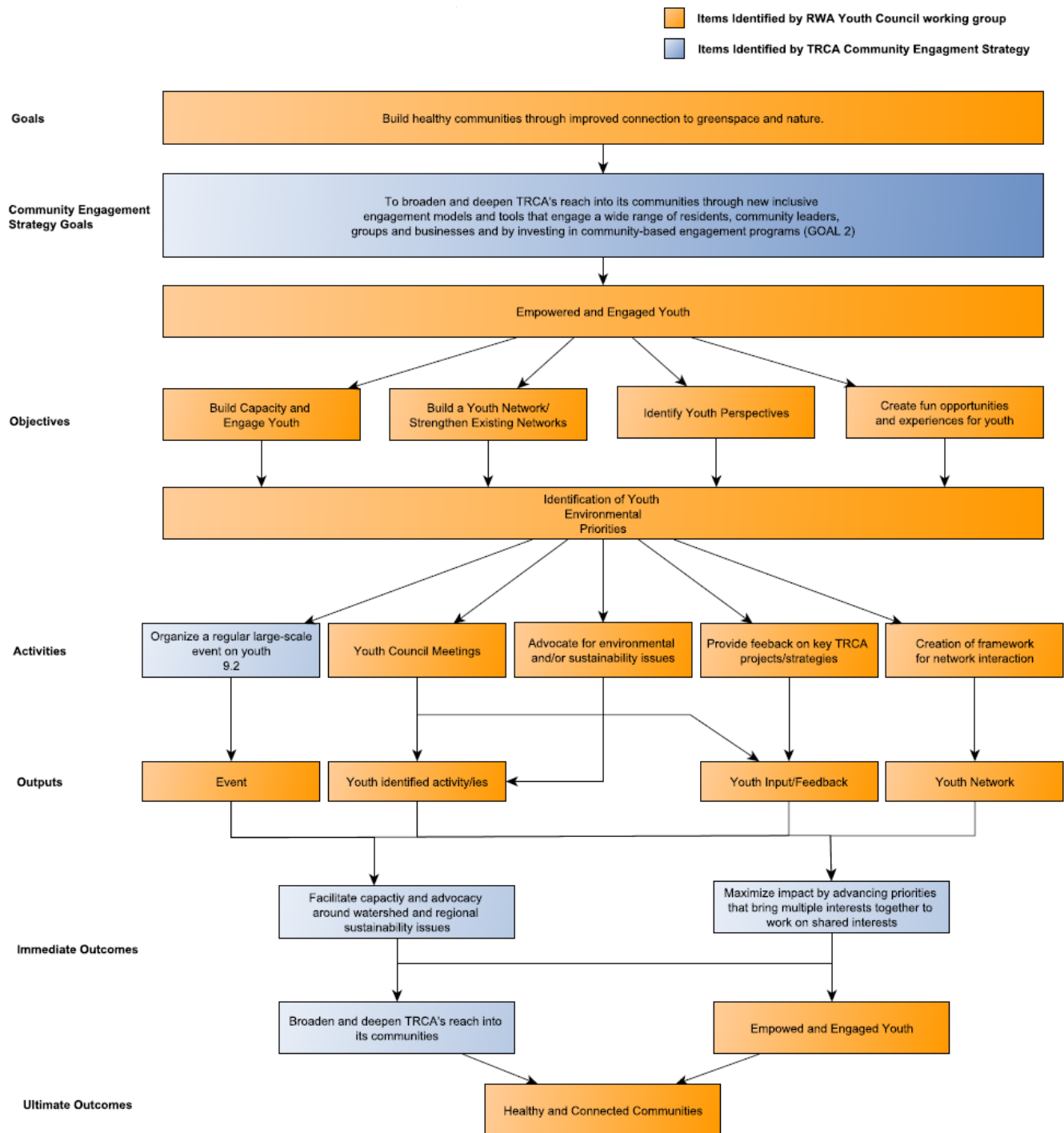


FIGURE 1: YOUTH COUNCIL LOGIC MODEL

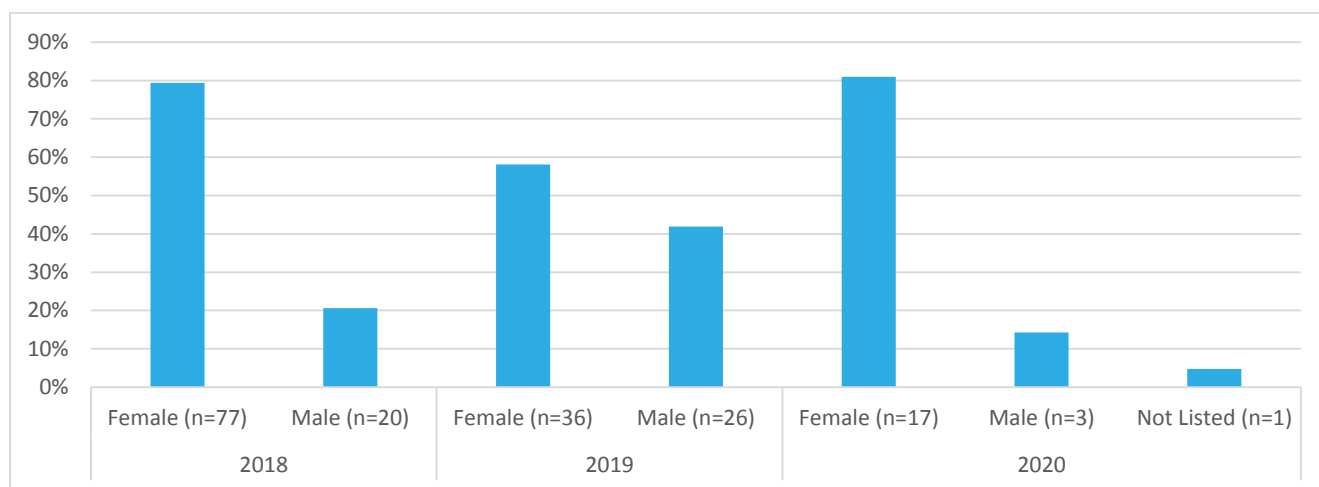
The structure of the Youth Council also remains consistent from previous years. For a more fulsome discussion of program development and rationale please see the TRCA Youth Council 2018/19 Report.

There are two methods for youth to participate: as general or executive member. General members can sign up at any time and their participation is entirely voluntary. They are notified of events and initiatives and can elect to participate. Members of the Executive must apply for one of ten positions and are

expected to volunteer approximately 20 hours each month. The Executive, with TRCA guidance, are responsible for the development of a workplan for the year and choose what topics and initiatives to pursue. The intake for general members is open year-round, while the applications for the Executive only open for a month in the Fall.

## Definition of Youth

The term “youth” has no consistent definition. Depending on program goals, the target audience of “youth” may consider only high school students or may consider larger groups all the way up to university graduates and young professionals. The original program framework for TRCA’s Youth Council set the age category to be from 16 to 24 years old. It was observed, however, that the demographics of youth recruited in those first few months, skewed heavily towards a majority of female members. After consulting with TRCA’s Education and Training Division, as well as the Regional Watershed Alliance, we made the decision to expand the age cut-off to 30 years old. This decision was based on the experience of Education and Training staff, as they have found in their programming that male volunteers tend to be older than female. Data collected from registrants suggest that increasing the age had a marginal impact on gender distribution. The average age of female members is 20.9 years old, and the average age of male members is 21.4 years old. Looking at the registration by year, there was a somewhat larger proportion of males joining in 2019, but this effect did not continue to 2020 (Figure 2).



**FIGURE 2: GENDER DISTRIBUTION OF YOUTH COUNCIL MEMBERS BY YEAR**

## Recruitment

Recruitment for the Youth Council has relied on tapping into existing networks and social media. Applications for the executive increased from 19 applicants in 2018 to 31 applicants in 2019. Based on those applications, it appears that a strong network has been established through the universities in Toronto.

Representation on the Youth Council is not consistent across TRCA’s jurisdiction (Table 1). This is particularly the case in Durham Region. In early 2020 the City of Pickering reached out to the Youth Council to assist with recruitment in their region. This has resulted in a few more registrants. However, that outreach was done after applications for the Executive closed, which is the most active recruitment

time (general or Executive) for the Council. When applications for the new Executive are re-opened, notification will be sent to the City of Pickering, and other partners in Durham Region in an effort to see more cross-regional participation.

**TABLE 1: LOCATION OF YOUTH COUNCIL MEMBERS**

Region	City	Count	Proportion	Regional Proportion
<b>Durham</b>	Ajax	3	2%	<b>4%</b>
	Oshawa	1	1%	
	Pickering	2	1%	
	Uxbridge	1	1%	
<b>Outside TRCA Jurisdiction*</b>	Guelph	3	2%	<b>4%</b>
	Milton	3	2%	
	Newmarket	1	1%	
	Oakville	1	1%	
<b>Peel</b>	Brampton	13	7%	<b>11%</b>
	Caledon	1	1%	
	Mississauga	7	4%	
<b>Toronto</b>	Etobicoke	6	3%	<b>63%</b>
	North York	20	10%	
	Scarborough	25	13%	
	Toronto	74	38%	
<b>York</b>	Maple	2	1%	<b>18%</b>
	Markham	10	5%	
	Richmond Hill	3	2%	
	Stouffville	3	2%	
	Thornhill	3	2%	
	Vaughan	6	3%	
	Woodbridge	9	5%	
<b>Grand Total</b>		<b>197</b>		

\*recruitment is open to individuals who reside or attend school in TRCA's jurisdiction. Some members, therefore, reside outside the jurisdiction.

## Recruitment going forward: breaking down racial barriers

TRCA's jurisdiction is exceptionally diverse, and it is imperative that the Youth Council reflect that diversity. With the rise in momentum in social justice and equity movements over 2020, the Youth Council has undertaken efforts to improve the racial representation of the Executive, and recruit additional members for the general membership from BIPOC (Black, Indigenous, People of Colour) communities. The 2020 Executive agreed that it is important for BIPOC communities to know that the Youth Council is intended for their participation, and so an explicit invitation to those communities will be included in both the Executive applications, as well as the sign up for general members. A more concerted effort will be made to use racially diverse images for any advertising. And finally, this

discussion will not end with these few actions, but will continue throughout the duration of the Youth Council.

## YOUTH COUNCIL EXECUTIVE 2020

As mentioned previously, there was an increased number of applicants for the Executive this year. In order to maintain some program continuity, four seats on the Executive remained open to the 2018/19 Executive members. Four individuals elected to extend their term, and the remaining six openings were opened for new applicants. Applications opened during the month of October 2019. Received applications were evaluated by the Youth Council Working Group and TRCA staff. Considerations for the selection of Executive members included: representation from across the jurisdiction, demographic factors, and merit based on the quality of application. It was decided not to hold interviews as the role is volunteer based and it would be difficult and time consuming to schedule. Age was also factored into the assessment of their experience and writing level, as applicants ranged from high school to graduate level students. Generally, most applicants were either nearing the end of undergraduate/college degrees or had recently graduated. The new Executive was selected by mid-November 2019.



### ROM Tour

Once the Executive had been selected and had each accepted the volunteer role, they were all invited to a tour of the Royal Ontario Museum collection, courtesy of Mark Peck, Manager, Schad Gallery of Biodiversity. The goal of this tour was for the new Executive to get to know each other before embarking on the tasks of work planning and goal setting.

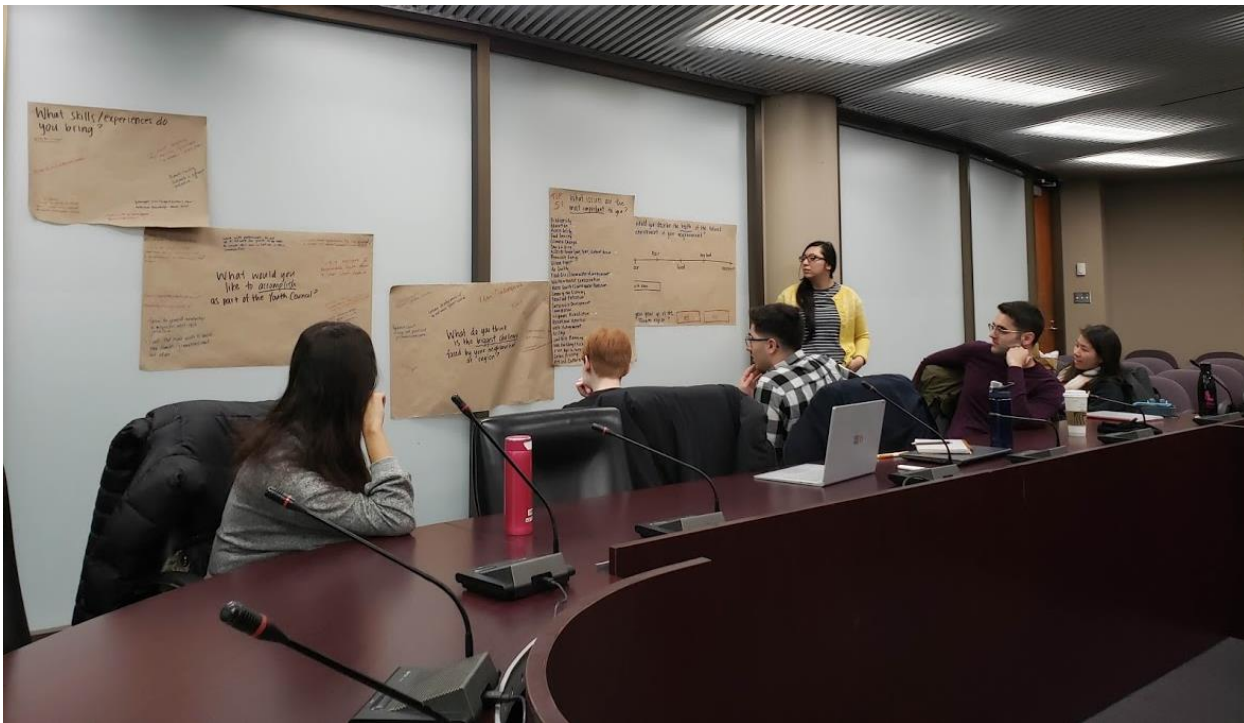
The newly formed Executive introduced themselves to their new peers and each spoke to their interests and why they applied for the position. The group then had a tour of the bird collection, biodiversity hall, and the wildlife photographer of the year exhibit.

**FIGURE 3: MARK PECK PROVIDES THE YOUTH COUNCIL EXECUTIVE WITH A TOUR OF THE BIODIVERSITY COLLECTION AT THE ROM**

## Workshop at Toronto City Hall

In January 2020, the Youth Council Executive were invited to a workshop at Toronto City Hall to go over the program framework and begin work planning for the year. The workshop was planned by TRCA staff, Kate Goodale (Government and Community Relations) and Peggy Cheng (Education and Training). It consisted of team building/educational activities, an introduction to the program framework and to work planning, and finally provided time for the Executive to work together to set mutually agreed upon values, and workplan development. The Executive agreed to host monthly meetings and a WhatsApp group was created for keeping in contact.

They also discussed mutual expectations as Executive members and how to overcome conflict, should it arise. It was decided that checkpoints would be used as a means of checking in to see how the Executive members were doing on a quarterly basis. Those checkpoints would provide an opportunity for Executives to discuss and address potential areas of conflict (e.g., participation among the executive is unbalanced).



**FIGURE 4: PEGGY CHENG LEADS THE YOUTH COUNCIL EXECUTIVE THROUGH THE WORK PLANNING PROCESS**

## IMPACT OF COVID-19

In March 2020, following the World Health Organization's declaration of COVID-19 as a pandemic, the Province of Ontario declared a state of emergency. With the subsequent shutting down of schools, public facilities, businesses, and other places, the Youth Council, like all other groups, were forced to adapt to a "new normal". Unfortunately, many of the events that had been planned, or were in the early planning stages, had to be either postponed or cancelled. Meetings could no longer be held in person and as such, were adapted to an online format.

The impact of the pandemic has been far reaching. Many individuals have been forced into precarious situations as work, school, and other support systems have been eliminated. As a result, some of the Youth Council Executives were not able to maintain the level of commitment that they had initially agreed to at the beginning of the year. Throughout the course of the pandemic, some Executive members have been able to contribute significant amounts of time, while the circumstances of others have prevented more involvement. As individuals around the globe have been forced to adapt their lives to a new normal, or have experienced hardship as a direct result of the pandemic, we must be recognize the challenges faced by our volunteers who may not be able to commit at the level that they would under normal circumstances.



## WORKPLAN: GOALS AND OBJECTIVES

The broad goals and objectives outlined in the program framework remained the same from last year (Figure 1). The following section outlines the initiatives created by the 2020 Executive, and how they addressed program goals and objectives.

### Objective: Build youth network

To build the youth network, the Executive created a template email for reaching out to potential partners and collaborators, as well as a tracking system to ensure that outreach was consistent and systematic. The Executive also continued to create newsletters that were sent out on a quarterly basis, similar to last year.



Hi Kate,

We know, we know; it has been a while! Thank you for your patience.

#### Meet the 2020 Youth Council Executive



We would first like to introduce you to your brand-new Executive: Maya Adachi-Amitay, Adeena Afridi, Issa Ashtarieh, Rebecca Formosa, Tua Hytonen, Wai Ying Lam, Alessia Mole, Shannon Petrie, Luca Villeneff, and Matthew Zuniga Rodriguez. If you would like to learn more about us, check out our profiles.

During these days of constant change, we are all learning to adapt to the “new normal”. While we have been busy putting together an exciting year of new youth-focused events and learning opportunities for you—we know that some of our original plans will have to change. But we are looking at online platforms and are optimistic that one day we will be able to continue those in-person events.

That said, we sincerely hope that you will get involved. We know that we can do better in serving you, our general members, and would appreciate it if you could fill out this quick survey to tell us more about would you would like to do and how you'd like to see us improve.



[Take our survey!](#)

### Conservation Careers

In our newsletter this year we thought we would introduce you to the wide range of careers in the environmental sector. And so we have been reaching out to friends of the Youth Council to help us out. With each newsletter, we'll be including little interviews like the one below. Over the course of the year, we hope these will help guide you in your career or extracurricular interests as environmentally motivated youth. Let us know if there are specific people or groups you would like to hear from! Email Kate at [kate.goodale@trca.ca](mailto:kate.goodale@trca.ca).

Our first featured interview is with Danielle Marcoux-Hunter, Environmental Project Coordinator with Friends of the Rouge Watershed. Keep reading below for the full interview.

FIGURE 5: YOUTH COUNCIL SPRING NEWSLETTER EXCERPT

### Objective: Learn about what is important to Youth

All members, whether they are General or applying to be on the Executive, complete a survey as they register. The same survey has been used for the duration of the Youth Council program.

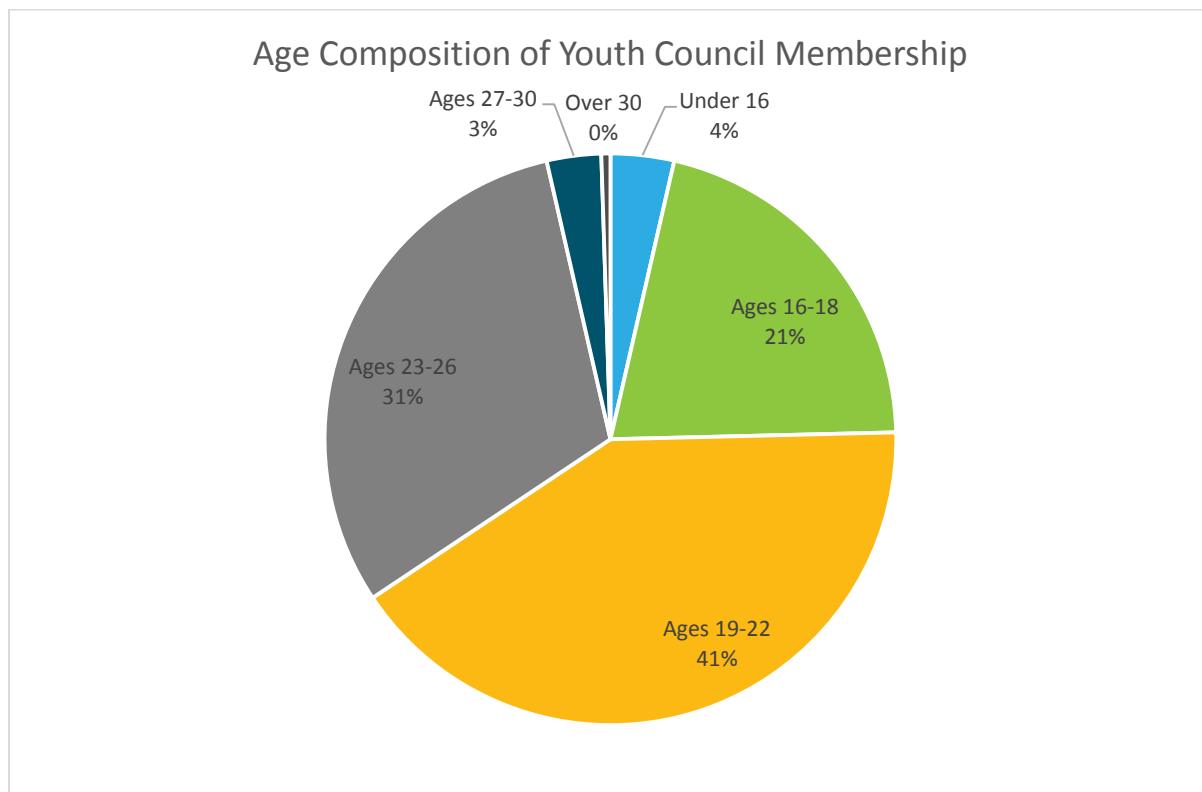
## Survey Methods

All members are required to complete a short survey at registration. In this survey, in addition to demographic questions, registrants were asked to select their top five interests from a list of 25 different topics. Topics include a range of sustainability, environmental, and social issues. For a more detailed description of the rationale for the selection of those topics and survey questions, see “TRCA Youth Council 2018-19 Report”.

## Results

### Demographics

Youth Council members are mostly from Toronto (63%, Table 1) and are mostly in their early to mid-twenties (Figure 6). This is reflective of the strong university network that we have tapped into. As mentioned in previously, the Youth Council membership is comprised of more females (72%) than males (27%).



**FIGURE 6: AGE DISTRIBUTION OF MEMBERSHIP**

### Most Important Issues

Registrants were instructed to select the top five most important issues from a list. This list included environmental, social, and sustainability issues, and was developed through a collaborative effort between the RWA Youth Council Working Group and TRCA staff (a more fulsome discussion of this process can be found in the “TRCA Youth Council 2018/19 Report”). Some respondents elected to choose more than five and those additional answers were recorded. As the option was not provided for

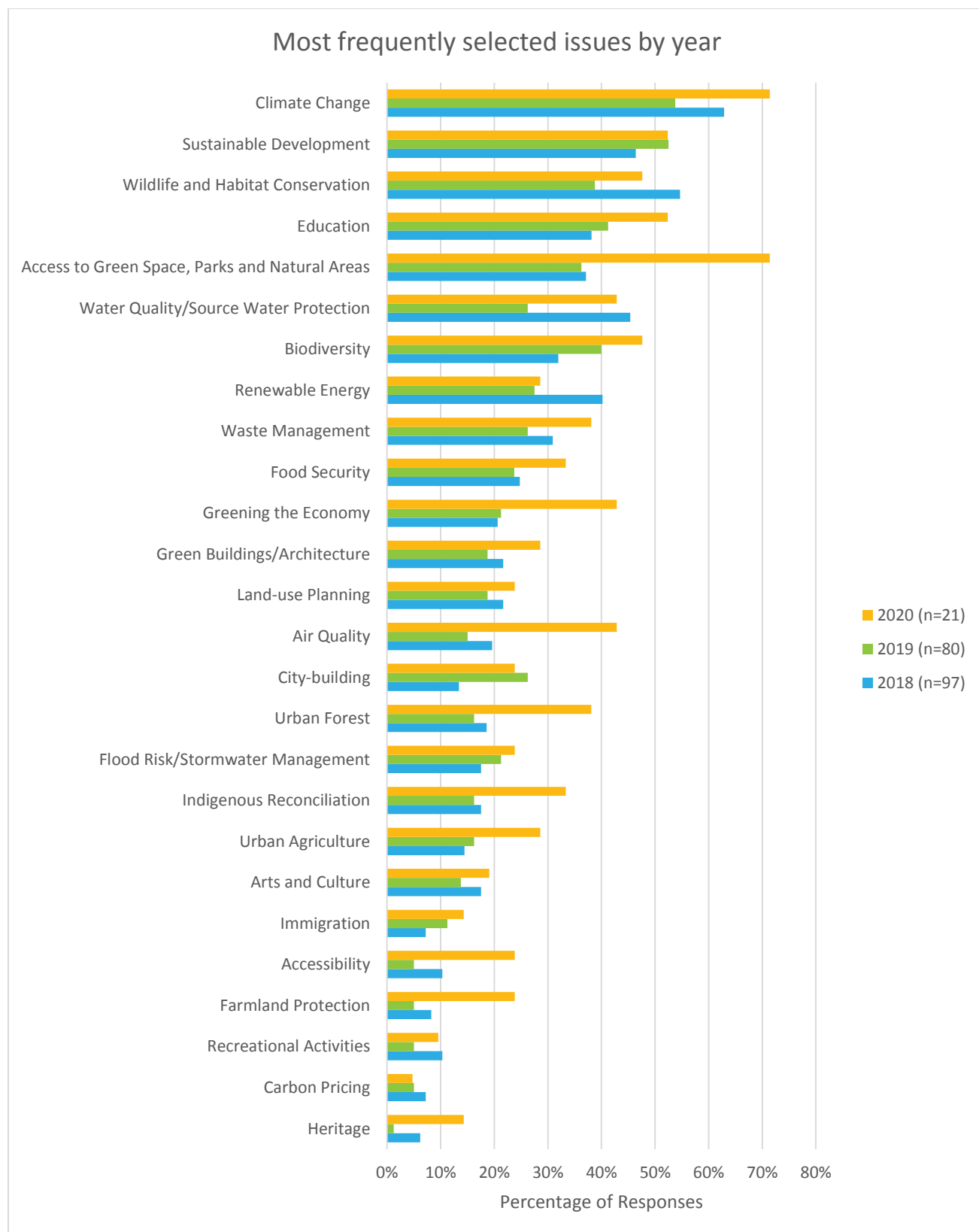


respondents to provide a hierarchy of importance for their selections, the overall importance of an item to the entire group was based on the number of times an item was selected.

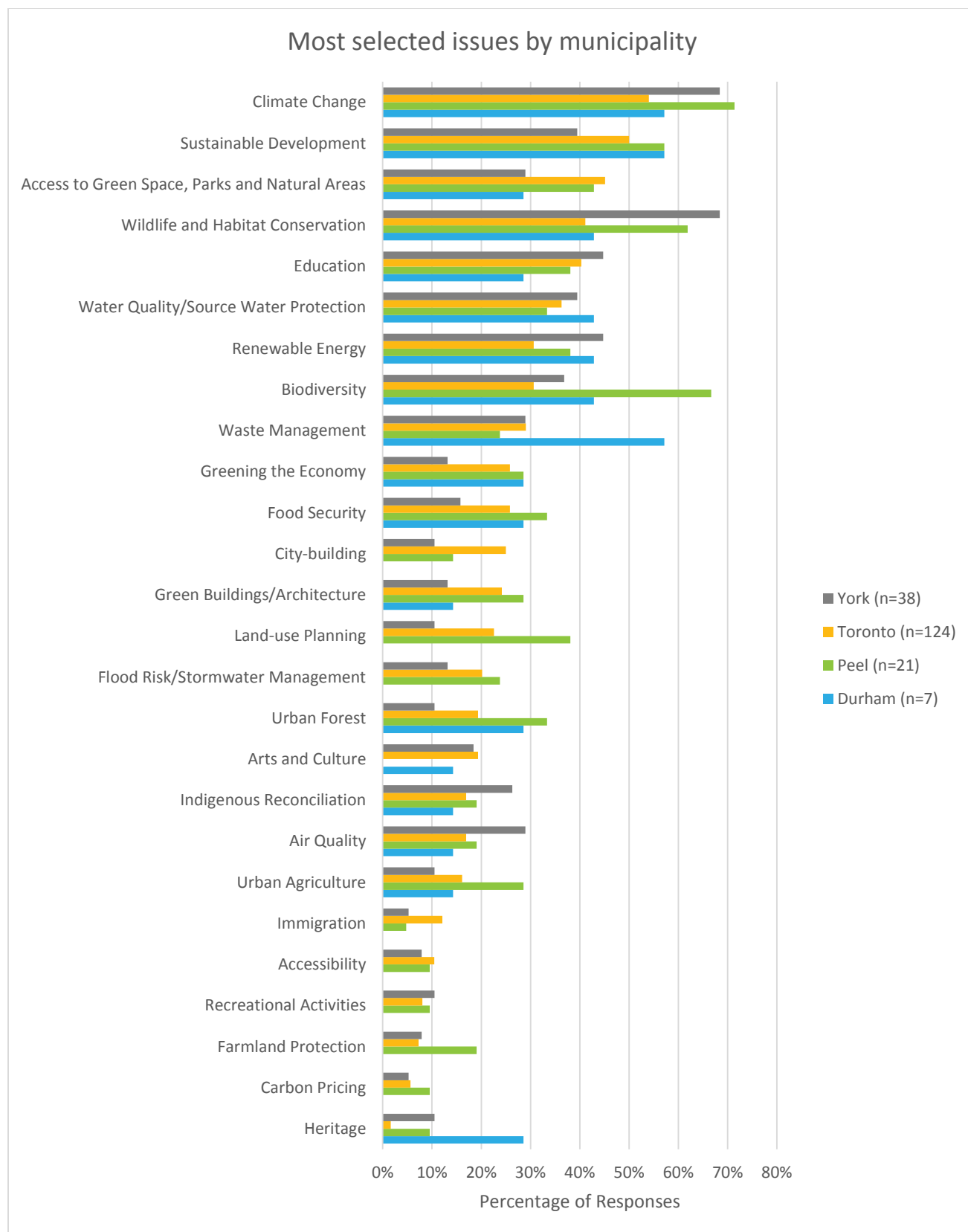
Aggregated responses were similar to last year, where “Climate Change” was once again the most frequently selected topic. There are, however, some notable changes in the data looking at responses by year (Figure 7). “Access to Greenspace and Natural Areas” rises in importance to be alongside “Climate Change”. This is likely a reflection of the situation that has arisen as a result of the COVID-19 pandemic where, since March 2020, the demand for greenspace has increased. At a local scale this was reflective of the public’s use of TRCA facilities during the pandemic. This was also echoed in the demand for green space at a provincial and national scale, which was recorded by Google search hits (Google Community Reports, 2020). This increase in demand inspired the Youth Council Executive to develop a social media strategy to discuss the human relationship with nature (this initiative is described in more detail on p. 14).

It should also be noted that at the time of this report there were only 21 registrants in 2020, which is substantially lower than the first two years of the program (97 in 2018, and 80 in 2019), and will have an impact on the average responses. This low number is, however, unsurprising as the largest influx of new members occurs when applications for the Executive open, which at the time of this report has not yet occurred.

While there are some differences in issue priority by municipality (Figure 8), these differences should be approached with caution as the low number of members in some municipalities (e.g., Durham with only seven members) will exaggerate those proportions. Climate Change continues to be the most important issue throughout TRCA’s jurisdiction.



**FIGURE 7: MOST FREQUENTLY SELECTED ISSUES BY YEAR**



**FIGURE 8: MOST FREQUENTLY SELECTED ISSUES BY MUNICIPALITY**

## Objective: Create Fun Opportunities

As a result of the pandemic, all planned in-person events were cancelled. However, the Youth Council was able to adapt to an online framework, where Executive meetings were held online, and events were hosted as webinars. The following section provides a summary of all of the initiatives planned for the year.

### Webinar: Invasive Species

The pandemic has forced TRCA and the Youth Council to adapt their engagement activities to an online format. For their first webinar, a small group of Executive members worked together to deliver a webinar about invasive species in the Greater Toronto Area. This webinar took place as a panel Q&A where the Executive moderated the discussion. They prepared questions in advance, and then posed questions to subject matter experts from the audience. This panel included TRCA staff from Aquatic Monitoring, Community-Based Restoration, Integrated Restoration, and York Region's Invasive Species Specialist. There were 42 participants who attended this webinar.

### Webinar: Systemic Barriers in Conservation and Outdoor Spaces

Racism and inclusion has been a topic that has been gaining much attention world-wide. The Youth Council Executive decided that it would be of interest to their membership and others to host a discussion regarding systemic racism in the conservation sector. For this webinar, a small group of Executives carried out research and prepared a presentation that covered colonialism and racism in the historic Canadian context, what barriers exist today, and what work is being carried out to address those inequalities. They also secured the key speakers:

**Holly Shaw-Lopez:** Holly is a coordinator with TRCA's Sustainable Neighbourhood Action Program (SNAP), and has been working in the Jane and Finch community as part of the Black Creek SNAP since 2013. Much of her work has been in community capacity building and in the creation and improvement of access to green space.

**Kayla Morales:** Kayla is a research assistant in the Eco-Hydrology lab at the University of Guelph. Her research interests focus on how natural and urban areas influence each other. Kayla completed her MASc in Environmental Applied Science and Management at Ryerson University and is currently an active member of the Canadian Young Hydrologic Society's executive team and the Brampton Environmental Advisory Committee.

**Yasmine Hassen:** Yasmine is a community organizer and Master of Education candidate at the University of Toronto, where her studies focus on environmental racism and how racialized youth face barriers in outdoor education. She has worked with Climate Justice TO, and has extensive experience in community organizing, facilitation and program development in higher education and the social sector.

The webinar had an attendance of 40 individuals, and a recorded version of the event has been uploaded to YouTube. At the time of this report, the recording had been watched 166 times.



**FIGURE 9: WAI YING LAM (TOP MIDDLE) AND MAYA ADACHI-AMITAY (TOP LEFT), YOUTH COUNCIL EXECUTIVES, LEAD A DISCUSSION WITH PANEL SPEAKERS**

### Online Movie Night: Toad People

One of the most popular events held by the Youth Council in 2019 was a movie night held at the Patagonia store in Toronto. Since an in-person movie night was not possible in 2020, the Youth Council Executive instead decided to hold an online movie night featuring the movie “Toad People” (53 min). The film discussed road ecology work taking place in British Columbia to protect endangered Western Toads, with the road ecology work featured in the film being similar to TRCA’s road ecology project at Heart Lake Road in Brampton. After the film, a panel discussion was chaired by the Youth Council Executive and featured TRCA staff from the Heart Lake Road Ecology Project, as well as Isabelle Groc, the director of Toad People. This event was well attended with 34 participants.

### Social Media Campaign: Outdoor Spaces During a Pandemic (October-November 2020)

There is a well-established connection between mental and physical health and time spent in greenspace. The pandemic has disrupted normal life for many people and has had a negative impact on mental health and wellbeing. As people search for ways to cope with these challenges, access to greenspace has emerged as an incredibly important strategy. This was demonstrated by the overwhelming popularity of trails and conservation areas—so much so that to ensure that “social distancing” protocols could be met, many outdoor facilities were temporarily closed as land managers sought methods to enforce and limit access for safety reasons. In Ontario, compared to a baseline, demand for parks increased 179%. Looking at the municipalities found in the Greater Toronto Area, demand increased considerably: demand in Toronto increased by 109%, Peel by 116%, York by 247%, and Durham by 101% (Google COVID-19 Community Mobility Report, 2020). This was also reflected in the rising importance of the topic “Access to Greenspace and Natural Areas” among Youth Council members.

There are several important lessons to be learned from these experiences. For many residents of the GTA, their relationship with nature and greenspace may have changed; people explored areas near

their homes that they had not previously, while others may have had those greenspaces closed to them. It is of value to learn from these stories, and the Youth Council plans to do so by starting a social media campaign that invites people to share their stories about, and experiences with, greenspace over the last six months.

The Youth Council Executive prepared a series of social media posts that featured a photograph and a short description their experiences. For example:



Despite what's been going on these last few months, I've had a great summer! I've done a lot of new things that I've never done before including camping and kayaking. During these new experiences I was reminded why I pursued conservation in the first place. Looking out at the thousands of trees around me, and breathing in the crisp air by the lake, I felt a calmness I hadn't felt for a while. Although I can't go kayaking every day, I have learned to seize new opportunities to connect with nature and experience its beauty, especially during stressful times.

My name is Alessia Molé, and I am one of the Executive members on the TRCA Youth Council. I studied Environmental Sustainability at Ryerson, and am now working as a Conservation Associate with an energy solutions company. This has been my second year on the Council, and probably the best one yet! Share your story of how you've been connecting with nature this year using the hashtag **#NatureStoryTRCA**





Being unable to travel this summer seemed a bummer at first, but I'm grateful for the reminder that we have plenty of great opportunities to get outside in our city. I have made so many more early morning trips to the beach; paddling across glass-smooth Lake Ontario as the sun rises with the city skyline ahead has been my chosen form of nature therapy! What's yours?

Hey, I'm Wai, one of the executive members of the TRCA Youth Council. I'm a PhD student at the University of Toronto studying environmental contaminants. Outside of my research, I dabble in bread baking, trail and distance running, and artisanal soapmaking. Like Alessia, this is my second year on the Council and I'm stoked to have gotten to share several cool opportunities with our members.

Share your story of how you've been connecting with nature this year using the hashtag **#NatureStoryTRCA**

At the time of this report, the campaign is in the final planning stages and posts have not yet been initiated, but the intent is that these social media posts will inspire others to share their stories. Those stories will inform a discussion about the value of greenspace and people's relationship with greenspace across the GTA and beyond, and will be the basis for a webinar that will be delivered by the Youth Council Executive in November 2020.

While we anticipate many of the stories will be positive (e.g., trying new things, exploring new areas), it is possible that some negative experiences will be brought up. This is a crucial part of the discussion that should not be ignored and will help to bring depth to the conversation. These stories, positive and negative, will help to illustrate the value of greenspace, especially during a crisis such as a pandemic.

This campaign will also serve as an opportunity for the general members of the Youth Council to join the conversation, and to have their voices heard. Their stories could be highlighted in a final webinar hosted in November.

### Movie Night: Cottagers and Indians (planned for 2020)

With the success of the first online movie night, the Youth Council is planning to deliver a second event later on in 2020, showing the film "Cottagers and Indians." This documentary features a discussion about food sovereignty and the complexities of Indigenous/Settler conflict. Following the screening, the Youth Council will host a panel discussion with members of the Curve Lake First Nation and TRCA staff.

## Planned Events to be Rescheduled

### Sorauren Movie Night

Building on the success of the documentary film night in the first year, the Youth Council decided to host an outdoor film night. The Friends of Sorauren Park (FOSP), a volunteer group in the Roncesvalles neighbourhood in West Toronto, has regularly held summer movie nights that are well attended by the local community. The Youth Council Executive approached the FOSP about co-hosting an event, including preparing a project proposal that outlined goals, roles and responsibilities, intended audience, tentative schedule, and budget. FOSP has co-led events with the City of Toronto before, providing some precedent on their part for this type of event.

Unfortunately planning had to be paused as a result of COVID-19, but the Executive members are hopeful to result discussions with FOSP for summer 2021.

### Learn to Play Cricket and Litter Clean Up in The Meadoway

In the first year of the Youth Council, for their very first event, the Executive planned a litter clean up in The Meadoway. The 2019-20 Executive were also interested in The Meadoway project and investigated means to increase the interest and participation of general members in an event there. One sport that is rising in interest across the City of Toronto is cricket—especially among communities in the neighbourhood of Scarborough, which is bisected by The Meadoway.

The Youth Council Executive reached out to the Cricket Club at the University of Toronto Scarborough campus to see if there was interest in collaborating on an event. The Cricket Club attended one of the Executive meetings and agreed to co-host an event where they would provide cricket equipment and lead basic cricket lessons and the Youth Council would lead a litter clean up.

This event was cancelled as a result of COVID-19. The Executive will explore holding it in 2021.

### Invasive Species Removal Event and Workshop

A collaborative event was planned to take place in the Town of Mono with the Youth Council, Town of Mono Headwaters Stream Committee, Nottawasaga Conservation Authority, and the Compass Community Church as partners. The goal of the event was to provide youth with a career development opportunity through a hands-on workshop about invasive species and environmental management. It is intended that the event will teach participants about phragmites; both the impact of the invasive species, and management techniques. This event will also feature career development discussions by TRCA and Town staff.

This event was postponed until 2021 as a result of COVID-19.

### Objective: Build youth capacity and learning opportunities

The Youth Council program builds capacity among the members of the Executive to learn how to project manage and lead initiatives. This year the Executive rose to the challenge and continued to plan and deliver events/campaigns remotely.

The Youth Council Executive used webinars as a means to teach the general membership about careers in conservation, racism in outdoor spaces and the environmental sector, and about invasive species. They also used newsletters to reach the general membership and created content around these themes. They even carried out interviews of conservation professionals that were included in the newsletters. These interviews were intended to highlight the breadth of opportunities in the conservation sector (Figure 5).

To achieve capacity building, it was imperative that, above all, that it was the Executive who created the content for all of the campaigns and initiatives carried out this year. and this has been the case with all of the online content created.



## PROGRAM EVALUATION

### Structure

The structure of the Youth Council has not changed, but program delivery had to be adapted to an online framework as a result of COVID-19. Since it took TRCA some time to create the platforms that could be utilized by the Executive, and the Executive members themselves had to make personal changes to adapt to a “new normal”, it has been a challenge to continue team building and maintaining engagement among the Executive. For this reason, we are considering lengthening the term of the Executives who are interested in continuing for the 2020/2021 term and filing only the vacated seats of those who are not interested in continuing their role. This will help to maintain team cohesion and productivity as remote work will continue for the foreseeable future.

### Goals and Objectives

#### Build youth capacity and learning opportunities

The Youth Council Executive demonstrated remarkable capacity to adapt to the circumstances created by the pandemic. They sought new ways to engage their audience through online mechanisms, including learning opportunities in the form of webinars. To measure audience learning, at the end of each webinar participants were sent a follow-up survey and asked: “What was one thing that you learned or that resonated with you today”. While not all participants completed the follow-up survey, of the responses received all indicated that audience members had indeed learned something new or that the material resonated with them. Examples of comments received by audience members include:

#### Webinar: Invasive Species

- How to dispose of invasive species
- Perception of different invasive species that the public has. Need for education for a full understanding of population control measures.
- The management and the protocols of removing them can be tricky, especially near bodies of water and near community areas.

#### Webinar: Systemic Barriers in Conservation and Outdoor Spaces

- The presenters and personal stories. Also asking us all to look at how we got here and who's land we're on was a simple but helpful exercise we should continue to do and ask others to do!
- Don't drop this convo, keep it at the front of the youth councils work
- 100% of the webinar resonated with me! It made me quite emotional to think of how being a bipoc youth/adult, growing up we are naturally positioned through our parents whom have immigrated to this country to have fear in simply going out, not staying near bushes, always looking behind you when you walk. It was all so relevant. I enjoyed the realness of the conversations and interconnections between racial justice and environmental justice
- The importance of policy that is considerate of systemic barriers
- Really great webinar, I learnt mostly about the indigenous people who first occupied and owns these lands
- How there is change happening even though we can't see it up front and center

- Africville and environmental racism in Toronto (disproportionate access to green spaces)

#### Movie Night: Toad People

- The importance of citizen science. The ability to see the big picture isn't something everyone is able to do, but when a few get together and collectively bring something to the table, only time will tell how much can be accomplished. This is what I feel happened with the 'Toad People', that even though the process took a few years, the end result seems to be fruitful.
- We can make a difference as ordinary citizens.
- That there are so many other people also working on these kind of issues. It can sometimes feel like there are so few of us out there on a day to day basis.
- Did not realize toads are endangered and killed in great numbers by traffic.
- Logging in Canada, city planning, and urban expansion is really affecting the wildlife. I was unaware of how much these things have been affecting the Ecosystems!
- I was very impressed by the actions taken by the citizen scientist in the film. Young and old, they were passionate about saving the toads. How inspiring to see them sitting on the side of the road, saving one by one the toads to release them on the other side so that they could continue on their way. Such a 'small' gesture and yet so profoundly life saving for the toads. It showed that we can all do something to make a difference in saving our Nature/planet.

Furthermore, a theme that emerged through the online engagement events was that of career building in the conservation sector. Many of the Youth Council members are in university and are considering their next professional steps. The Youth Council Executive recognized this interest and added content to the webinars and to the newsletters that delved into the breadth of opportunities in the conservation sector, and asked guest speakers to reflect on their career paths. This focus will help to build capacity among audience members, and hopefully inspire them to pursue a career in the environmental sector.

#### Build youth network

To continue to build the youth network, systematic outreach to potential partners was undertaken by the Youth Council Executive. They created a template email, and a tracking system to record that outreach. In practice the Youth Council had mixed success with this venture. Contact with some new organizations and networks did take place, but the Council still needs to develop a framework for sharing opportunities through the general membership in real time. Furthermore, the disruption of COVID-19 made collaborative events/opportunities more difficult.

Despite these setbacks, connections made this year included a number of new groups. All of the events planned over this Executive term, whether in person or virtual, relied on the participation and partnership of external groups including:

- York Region
- UTSC Cricket Club
- Friends of Sorauren Park
- Headwaters Stream Committee (Town of Mono)
- Arcteryx (Toronto Location)

More general outreach (i.e., sharing resources and opportunities) included the following groups:

- U of T Trash Team
- Youth Challenge International
- Friends of the Rouge Watershed

The Youth Council continues to have groups reach out to them for collaborative opportunities. This suggests that the program has successfully tapped into the youth network.

In the March 2020 newsletter, the Executive surveyed the general membership to understand what barriers existed with respect to participation in Youth Council activities. While that survey had a small number of respondents (fewer than 10), the responses did suggest that events held on weekend afternoons were preferred. The lack of participation from the newsletter's call to action suggests that this method of communication is not ideal for reaching this particular audience. The Youth Council Executive has been continuing to investigate alternative modes of communication. Polls from the webinar registrants indicated that LinkedIn was the method by which most participants discovered the webinar. This would suggest that LinkedIn could perhaps be better utilized by the Youth Council to reach their target audience.

### Learn about what is important to youth

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

### Create fun opportunities for youth

The Youth Council Executive have continued to pursue diverse fun opportunities for youth. Of the activities that were delivered online, follow up surveys were used to measure participant engagement. Feedback from the surveys suggested that the participants enjoyed their online experience. The platform used also tracked attentiveness, that is, how much the participant continued to engage with the webinar and did not switch to a different window on their computer. Overall attentiveness score for all three online events was 100%--which means that the audience stayed engaged with the content for the duration of the entire presentation.

## Recommendations

Overall, the Youth Council program did a good job of adapting to the ever-changing circumstances brought on by a global pandemic. The following is a summary of the recommendations for program improvement through the evaluation of meeting goals and objectives:

- Lengthen the term of the 2019/20 Executive for interested individuals to include the 2020/21 term
- Fill only the vacated Executive positions
- Explore methods to improve communication within the Executive and General membership as the newsletters do not seem to be effective
- Continue online program delivery
- Consider new methods of network building, such as LinkedIn

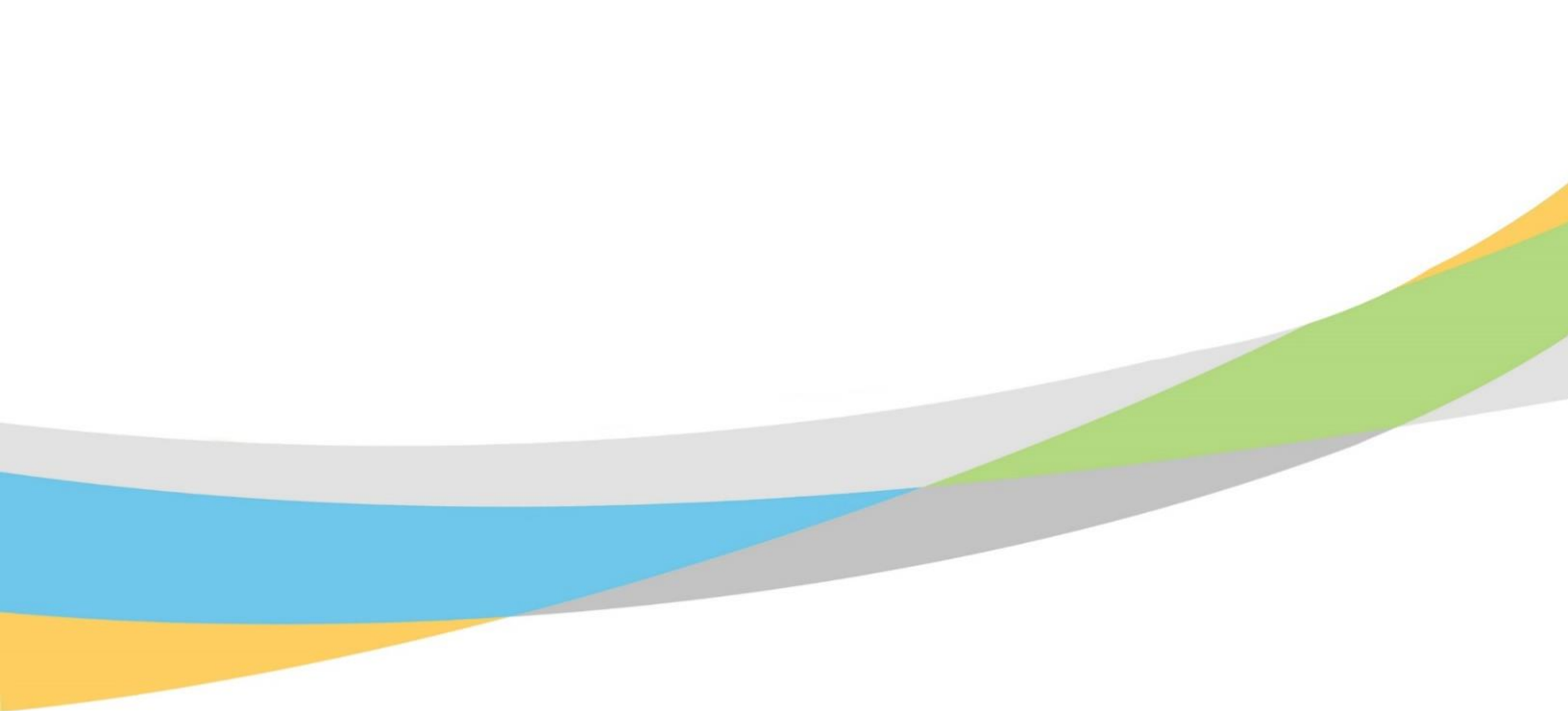
- Ensure that recruitment for Executive members targets areas outside the Toronto core, with emphasis on Durham region.
- Continue to check in with Youth Council Executive to ensure group cohesion
- Carry out a year-end reflection activity with the Executive

## CONCLUSION

This year has posed unique challenges. The situation that has arisen as a result of the COVID-19 pandemic has resulted in enormous structural and cultural changes. The Youth Council has adapted to the situation by cancelling in-person events and shifting all work online. While that programming has been successful and has been gaining more attention from audience members, the reliance of the Youth Council on volunteers has meant that the framework for program success has had to be remarkably adaptive and forgiving. The pandemic has resulted in a lot of uncertainty for many people, including job losses, uncertainty with academic pursuits, and stress brought on by these unprecedented circumstances. With these factors in mind, it is no surprise that time for volunteerism will not be the same as when individuals initially signed up for their roles. To ensure the continued delivery of the program, and to support our members, we must continue to be flexible and adaptable—something that has allowed the Youth Council program to continue to flourish despite the challenges we face in the midst of a global pandemic.

## REFERENCES

Google. 2020. Community Mobility Reports. Available: <https://www.google.com/covid19/mobility/>



[www.trca.ca](http://www.trca.ca)



### Item for the Action of the Regional Watershed Alliance

**TO:** Chair and Members of the Regional Watershed Alliance  
Meeting #4/20, Wednesday, November 18, 2020

**FROM:** John MacKenzie, Chief Executive Officer

**RE:** **2021 REGIONAL WATERSHED ALLIANCE MEETING SCHEDULE**

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#### KEY ISSUE

Approval of the Regional Watershed Alliance meeting schedule for 2021.

#### RECOMMENDATION

**THAT the 2021 meeting schedule be approved, as described below:**

**#1/21, Wednesday, March 3, 2021**

**#2/21, Wednesday, May 19, 2021**

**#3/21, Wednesday, September 22, 2021**

**#4/21, Wednesday, November 10, 2021**

#### BACKGROUND AND RATIONALE

As some members of the Regional Watershed Alliance participate in various boards and committees, staff have proposed the following meeting dates after consulting committee and council calendars for local and regional municipalities.

All meetings will be held at 6:30 p.m. Due to the current outbreak of novel coronavirus (COVID-19), because no TRCA facility can currently accommodate meetings while ensuring proper physical distancing measures, it is currently expected that meetings will be held virtually pursuant to section C.12 of the TRCA's Board of Directors Administrative By-Law. If the outbreak is resolved or TRCA is able to identify a safe method of conducting in-person meetings, while following all local public health recommendations, meetings may resume at TRCA's Head Office at 101 Exchange Avenue, which is a central location for all watersheds.

#### 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 7 – Build partnerships and new business models**

**Strategy 6 – Tell the story of the Toronto region**

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Date: October 30, 2020

### Item for the Information of the Regional Watershed Alliance

**TO:** Chair and Members of the Regional Watershed Alliance  
Meeting #4/20, Wednesday, November 18, 2020

**FROM:** Sameer Dhalla, Director, Development and Engineering Services

**RE:** **TORONTO WATERFRONT AQUATIC HABITAT RESTORATION STRATEGY (TWAHRS) UPDATE AND EVALUATION**

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#### KEY ISSUE

To inform the Regional Watershed Alliance regarding the results of a recently completed two-year research study to update and evaluate the Toronto Waterfront Aquatic Habitat Restoration Strategy (TWAHRS).

#### RECOMMENDATION

**WHEREAS** the Toronto and Region Conservation Authority (TRCA), in partnership and collaboration with TRCA's science partners from the Toronto Remedial Action Plan and Fisheries and Oceans Canada, completed a two-year study and evaluation in 2020;

**IT IS RECOMMENDED THAT** the staff report and presentation on the Toronto Waterfront Aquatic Habitat Restoration Strategy (TWAHRS) evaluation be received.

#### BACKGROUND

Fish populations of the Laurentian Great Lakes are impacted by a variety of stressors. Commercial and recreational fishing directly affect the fishery through harvest while other stressors, such as land use changes and degraded water quality, indirectly affect survival and reproduction through a loss or degradation of habitat. Great Lakes fisheries are also affected by competition and predation by invasive species along with changes in climate such as increasing lake temperatures. An estimated 80% of the approximately 200 fish species found in the Great Lakes use the nearshore areas for some portion of their life and as such, coastal development pressures such as shoreline modifications and watershed urbanization continue to impact the fishery.

The Toronto Waterfront Aquatic Habitat Restoration Strategy (TWAHRS) was developed by the Toronto and Region Conservation Authority with guidance from a committee of subject matter experts to provide practical information for decision-makers, designers and regulatory agencies to ensure that implementation of all waterfront projects incorporate opportunities to improve aquatic habitat. The TWAHRS includes an illustrated compendium of habitat restoration techniques intended to improve waterfront aquatic habitats for a diversity of species - fish, mammals, reptiles, amphibians, molluscs, invertebrates and plants; however, it focuses on fish because they are excellent indicators of the overall health of the ecosystem. In addition to an illustrated compendium of techniques, the TWAHRS proposes a strong framework for inter-agency cooperation prior to the start of waterfront development projects.

The overall goal of TWAHRS was to develop and achieve consensus on an aquatic habitat restoration strategy that will maximize the potential ecological integrity of the Toronto waterfront.

### **Adoption and implementation**

After TWAHRS was finalized and published in 2003, it was immediately adopted by several of the agencies from its stakeholder committee that had contributed to its inception including Fisheries and Oceans Canada, the Ontario Ministry of Natural Resources, City of Toronto, Environment Canada, Ontario Ministry of the Environment, and the Toronto Port Authority. The agency stakeholder committee was tasked with the protection, enhancement and long-term management of waterfront aquatic habitats. These were the first steps toward developing and achieving consensus on an aquatic habitat restoration strategy.

In the spring of 2006, Fisheries and Oceans Canada and its partners developed the governance framework and strategic priorities for the implementation of TWAHRS. The document describes a governance framework to facilitate delivery and to establish evidence-based strategic priorities for implementation. Shortly after, TWAHRS executives met with the Toronto Waterfront Revitalization Corporation and they adopted TWAHRS in their business planning.

Recognizing that the success of TWAHRS would lie in its use, a mechanism to implement TWAHRS would need to be developed among restoration practitioners in the Toronto Region. The establishment of an inter-agency coordinating mechanism would be multi-purposed. It would ensure that: (i) habitat opportunities are incorporated into project planning, (ii) scientific rigour, peer-review and best management practices in experimental habitat management would be used, (iii) cumulative effects of projects are identified through monitoring, and (iv) there is regular reporting on implementation of the Strategy.

The actions described above led to the establishment of Aquatic Habitat Toronto (AHT), a multi-agency partnership charged with implementing TWAHRS. The committee consists of Fisheries and Oceans Canada, Ontario Ministry of Natural Resources and Forestry, Toronto and Region Conservation Authority, Waterfront Toronto, Environment and Climate Change Canada, Ports Toronto and the City of Toronto. AHT works with proponents to facilitate project approvals utilizing an integrated planning approach. This process is guided by TWAHRS with the goal of conserving, restoring and creating aquatic habitat that was historically degraded. AHT also works collaboratively to design aquatic habitat offsetting strategies that contribute to the improvement of local aquatic habitat supply and support decision-making by advancing scientific research and environmental monitoring. AHT provides crucial information to help decision-makers, designers, and regulatory authorities ensure that waterfront projects incorporate improvements to aquatic habitat along the Toronto Waterfront.

### **RATIONALE**

#### **Evaluation and update of the Toronto Waterfront Aquatic Habitat Restoration Strategy**

It has been over 15 years since TWAHRS was first implemented and as stated in the strategy document the success would lie in its use and ultimately be measured using scientific rigour to identify cumulative effect of all projects and report on its success. This evaluation is also timely in that it will contribute to the Toronto Remedial Action Plan habitat beneficial use impairment evaluation currently underway with the goal of de-listing Toronto as an area of concern. The overall objective of this TWAHRS evaluation project was to evaluate the effectiveness of fish habitat restoration along the Toronto waterfront between 2002 and 2019 by:

- a) quantifying the extent of TWAHRS-recommended restoration techniques incorporated into waterfront development and conservation projects, and by
- b) examining the response of local fish communities to restoration projects incorporating TWAHRS-recommended restoration techniques.



### Methods

We examined changes in fish communities pre- and post-restoration at 28 large-scale waterfront restoration projects in open coast, estuary, embayment and coastal wetland habitat types. We used TRCA's long-term waterfront fisheries data set and detailed restoration project information to compare pre- and post-restoration fish communities to offer lines of evidence toward the effectiveness and success of the habitat works.

### General findings

Between 2002 and 2019, the Strategy served as a resource to direct aquatic habitat restoration by multiple agencies at 44 waterfront projects, totaling approximately 55 ha in area. Fish communities have changed at many of the restored sites across the Toronto waterfront. Even though these changes were often unique for each restored site, some general patterns emerged. Implementation of TWAHRS techniques at open coast sites generally created habitat for piscivores (fish that eat other fish) and other species that use cobble substrate for spawning (e.g. Smallmouth Bass, Rock Bass). This change in habitat could have also contributed to declines in Spottail Shiner and Emerald Shiner, species that use sandy shorelines, although we also found declines for these species at other restored and unrestored sites.

Restored estuary sites were limited; however, the creation of high estuary hooks and associated back water areas resulted in an increase in piscivores and species richness although these patterns were short-term and the fish community changed again likely responding to changes in substrate. Declines in Common Carp (a TWAHRS fish community objective) occurred across estuary sites.

Embayment restoration was extensive across the waterfront with the most effective projects using a combination of TWAHRS techniques that were suited to the site-specific conditions. Overall, restored embayment sites consisted of primarily cool and warm water species and several sites had increasing Yellow Perch catch and many juvenile piscivores.

Complex coastal wetland restoration was completed at three sites at Tommy Thompson Park. Restoration included the creation of berms, carp exclusion barriers and extensive aquatic plantings. Fish community response to restoration was dramatic at these sites resulting in a shift from cool water species to warm water species. These sites are also providing essential spawning and nursery habitat for several species of piscivore while demonstrating evidence of effective carp exclusion.

After more than 17 years of habitat restoration following the recommendations of TWAHRS, we found that generally a combination of restoration techniques provided the most fisheries benefit. We also found that fish communities on the Toronto waterfront have changed over the past 30 years both at restored sites and unrestored sites and these changes varied among habitat type. While restoration projects implemented through TWAHRS create or maintain fish habitat across the Toronto waterfront helping to restore fish communities, restoration efforts need to continue to ensure population persistence in the face of known and emerging threats in the Lake Ontario ecosystem including invasive species and climate change.

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

**Strategy 7 – Build partnerships and new business models**

**Strategy 8 – Gather and share the best sustainability knowledge**

**Strategy 9 – Measure performance**

**Strategy 10 – Accelerate innovation**

### **FINANCIAL DETAILS**

TRCA received funding support through Environment Canada's Great Lakes Protection Initiative and collaboration with TRCA's science partners from the Toronto Remedial Action Plan and Fisheries and Oceans Canada to conduct this study.

### **DETAILS OF WORK TO BE DONE**

TRCA will continue to support our municipal and research partners by advancing science and continuing to implement the Toronto Waterfront Aquatic Habitat Restoration Strategy through our many waterfront projects and through our advisory role as a partner on the Aquatic Habitat Toronto committee. We will work with our partners in Fall 2020 to post a completed final report online to disseminate results and advance the latest science to improve the natural environment through restoration projects on the Lake Ontario waterfront.

**Report prepared by: Rick Portiss, extension 5302 and Lyndsay Cartwright, extension 5898**

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**Date: October 9, 2020**

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

**TO:** Chair and Members of the Regional Watershed Alliance  
Meeting #4/20, Wednesday, November 18, 2020

**FROM:** Laurie Nelson, Director, Policy Planning

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

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#### KEY ISSUE

Summary of Toronto and Region Conservation Authority (TRCA) policy consultation submissions on provincial legislative, regulatory and policy initiatives relevant to TRCA interests from April to September 2020, 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 TRCA staff have submitted several letter responses to the provincial government and are in the process of responding to other government proposals not yet due;**

**THEREFORE, LET IT BE RESOLVED THAT TRCA staff report on a summary of completed TRCA policy submissions and TRCA work-in-progress submissions from April to September 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 Planning Policy and Regulation business unit within the TRCA Policy Planning division is primarily responsible for leading internal reviews of government proposals on a range of matters relevant to TRCA interests. Staff provided a [Summary of 2020 TRCA Policy Consultation Submissions and Recent Provincial Policy Initiatives](#), and letter submissions to the ERO for the period of January to April 2020, to the Board of Directors at Meeting#3/20, held on April 24, 2020.

Provincial initiatives and consultations have continued at a fast pace throughout the spring and summer months, despite the COVID-19 pandemic. TRCA staff have maintained business continuity in providing submissions that integrate the expertise and multi-disciplinary perspectives of TRCA's teams; informed by the successes and challenges staff experience in their day-to-day work with municipalities, proponents and other stakeholders; with emphasis on shared provincial, municipal and TRCA objectives and priorities. Examples of ERO postings have included proposed Amendments to A Place To Grow: Growth Plan for the Greater Golden Horseshoe and associated Land Needs Assessment Methodology, modernizing the Environmental Assessment process, and the Greater Toronto Area West Transportation Corridor Environmental Assessment (EA) process. All TRCA provincial policy submissions are vetted through senior staff, approved and signed by the Chief Executive Officer, or designate, prior to submission to ensure alignment with corporate strategic priorities and objectives.

### 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 provincial initiatives to align with and support TRCA objectives and interests.

Staff at the Ministry of Environment, Conservation and Parks, Ministry of Natural Resources and Forestry (MNR), 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, Patricia Koval, member of Ontario's Advisory Panel on Climate Change, (and Chair of Toronto and Region Conservation Foundation's Board of Directors), requested a letter of TRCA staff's recommendations on how MNR's Protecting People and Property: Ontario's Flooding Strategy released on March 9, 2020 could be strengthened or improved upon with more detail. The recommendations in this letter, (Attachment 13 and further described below), draw upon TRCA's previous correspondence to the Special Advisor on Flooding following our meeting and tour with the Advisor in September 2019.

### Summary of Responses – April to September

Due to the volume and limited timeline of consultations established through the ERO process, (generally 30 to 45 days), only TRCA submissions on major initiatives are individually reported to the Board of Directors or Executive Committee, e.g., GTA West Transportation Corridor, amendments or regulations under the *Conservation Authorities Act* (not yet released by the Province).

For the Board's information, in Table 1 below is a list of provincial policy consultations for which TRCA completed and submitted responses from April 20<sup>th</sup> to September 2020, with links to the ERO proposals. Recognizing that Board Members may have an interest in TRCA's submissions that are not brought to the Board, TRCA letter responses to the ERO postings are contained as the attachments to this report.

**Table 1, TRCA Policy Consultation Submissions to the ERO April – September 2020**

ERO Posting	Proposal Summary	Submission Date
<b>1. Proposed regulatory matters pertaining to community benefits authority under the Planning Act, the Development Charges Act, and the Building Code Act (ERO #19-1406)</b> Link: <a href="https://ero.ontario.ca/notice/019-1406">https://ero.ontario.ca/notice/019-1406</a>	The Ministry of Municipal Affairs and Housing (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 Refer to Attachment 1

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ERO Posting	Proposal Summary	Submission Date
<b>2. Early Access to Land for Environmental Studies on Transmission Projects (ERO #019-1371)</b> Link: <a href="https://ero.ontario.ca/notice/019-1371">https://ero.ontario.ca/notice/019-1371</a>	The Ministry of Energy, Northern Development and Mines (ENDM) 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 Refer to Attachment 2
<b>3. Proposed amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act (ERO #019-1303)</b> Link: <a href="https://ero.ontario.ca/notice/019-1303">https://ero.ontario.ca/notice/019-1303</a>	The Ministry of Natural Resources and Forestry (MNRF) is proposing changes to O. Reg. 244/97 and the Aggregate Resources of Ontario Provincial Standards under the <i>Aggregate Resources Act</i> .	May 15, 2020 Refer to Attachment 3
<b>4. New Statement of Environmental Values for Ministry of Infrastructure (ERO #019-1536)</b> Link: <a href="https://ero.ontario.ca/notice/019-1536">https://ero.ontario.ca/notice/019-1536</a>	The Ministry of Infrastructure (MOI) is proposing a new Statement of Environmental Values (SEV) 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 Refer to Attachment 4
<b>5. Proposal to identify and protect a corridor of land for future electricity infrastructure in the Greater Toronto Area (ERO #019-1503)</b> Link: <a href="https://ero.ontario.ca/notice/019-1503">https://ero.ontario.ca/notice/019-1503</a>	The Ministry of Energy, Northern Development and Mines (ENDM) is proposing 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. ENDM is seeking feedback on a proposed narrowed study area, as well as input on the guiding principles we will consider in conducting the study.	June 8, 2020 Refer to Attachment 5
<b>6. Metrolinx: Permit for activities that will result in a significant social or economic benefit to Ontario (ERO #019-1682)</b> Link: <a href="https://ero.ontario.ca/notice/019-1682">https://ero.ontario.ca/notice/019-1682</a>	The Ministry of the Environment, Conservation and Parks (MECP) is seeking public input on a proposal for three permits under the <i>Endangered Species Act</i> (ESA) in relation to three priority transit projects that will improve public transit in the Greater Toronto Area. The proposed permits have the potential to impact species at risk and consider options to avoid and minimize impacts on the species.	June 24, 2020 Refer to Attachment 6
<b>7. Developing government response statements for nine</b>	The Ministry of the Environment, Conservation and Parks (MECP) is	June 28, 2020

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ERO Posting	Proposal Summary	Submission Date
<p><b>species at risk under the Endangered Species Act, 2007 (ERO #019-1749)</b>  Link:  <a href="https://ero.ontario.ca/notice/019-1749">https://ero.ontario.ca/notice/019-1749</a></p>	<p>proposing government response statements that outline actions the government is taking and supports to protect and recover nine species at risk in Ontario: Blanding's Turtle, Eastern Whip-poor-will, Little Brown Myotis, Northern Bobwhite, Northern Myotis, Spiny Softshell, Spotted Turtle, Tri-colored Bat and White Wood Aster.</p>	<p>Refer to Attachment 7</p>
<p><b>8. Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (ERO #019-1680)</b>  Link:  <a href="https://ero.ontario.ca/notice/019-1680">https://ero.ontario.ca/notice/019-1680</a>  With related posting:  <b>Proposed Land Needs Assessment Methodology for A Place to Grow: Growth Plan for the Greater Golden Horseshoe (ERO #019-1679)</b>  Link:  <a href="https://ero.ontario.ca/notice/019-1679">https://ero.ontario.ca/notice/019-1679</a></p>	<p>The Ministry of Municipal Affairs and Housing (MMAH) is consulting on a proposed amendment to A Place to Grow: Growth Plan for the Greater Golden Horseshoe. This update includes changes to the population and employment forecasts, the horizon year for planning, and other policies to increase housing supply, create jobs, attract business investment and better align with infrastructure.  The Ministry of Municipal Affairs and Housing (MMAH) is consulting on a new Land Needs Assessment Methodology for the Greater Golden Horseshoe which supports the implementation of A Place to Grow: Growth Plan for the Greater Golden Horseshoe. This posting presents the outcome-based Methodology that, if approved, would replace the existing Methodology.</p>	<p>July 31, 2020  Refer to Attachment 8</p>
<p><b>9. Updating Ontario's Water Quantity Management Framework (ERO #019-1340)</b>  Link:  <a href="https://ero.ontario.ca/notice/019-1340">https://ero.ontario.ca/notice/019-1340</a></p>	<p>The Ministry of the Environment, Conservation and Parks (MECP) is proposing regulatory changes for managing water takings to protect the long-term sustainability of surface water and groundwater and to ensure these important resources are responsibly managed and safeguarded now and for future generations.</p>	<p>July 31, 2020  Refer to Attachment 9</p>
<p><b>10. Environmental assessment modernization: amendment proposals for Class Environmental Assessments (ERO #019-1712)</b>  Link:  <a href="https://ero.ontario.ca/notice/019-1712">https://ero.ontario.ca/notice/019-1712</a></p>	<p>The Ministry of the Environment, Conservation and Parks (MECP) is modernizing the environmental assessment program by working with proponents of Class Environmental Assessments (Class EA) to propose changes that would ensure strong environmental oversight, while aligning assessment requirements with environmental impact, reducing duplication and increasing efficiency of the Class EA process.</p>	<p>August 21, 2020  Refer to Attachment 10</p>



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ERO Posting	Proposal Summary	Submission Date
<b>11. Proposed regulation for a streamlined environmental assessment process for the Ministry of Transportation's Greater Toronto Area West Transportation Corridor project (ERO #019-1882)</b> Link: <a href="https://ero.ontario.ca/notice/019-1882">https://ero.ontario.ca/notice/019-1882</a>	The Ministry of the Environment, Conservation and Parks (MECP) is proposing a regulation to update the existing environmental assessment process for the Ministry of Transportation's Greater Toronto Area (GTA) West Transportation Corridor. The regulation would create a new streamlined process for assessing potential environmental impacts of the project, as well as consulting on it.	August 21, 2020 Separate Report to the Board, September 25, 2020
<b>12. Proposal to exempt various Ministry of Transportation projects from the requirements of the Environmental Assessment Act (ERO #019-1883)</b> Link: <a href="https://ero.ontario.ca/notice/019-1883">https://ero.ontario.ca/notice/019-1883</a>	The Ministry of the Environment, Conservation and Parks (MECP) is proposing a regulation to exempt select Ministry of Transportation projects from the requirements of the <i>Environmental Assessment Act</i> , subject to conditions for environmental protection: the Bradford Bypass and several Ministry of Transportation Provincial Transportation Facilities class environmental assessments (Class EA) projects.	August 22, 2020 Refer to Attachment 11
<b>13. Proposed changes to environmental approvals for municipal sewage collection works (ERO #019-1080)</b> Link: <a href="https://ero.ontario.ca/notice/019-1080">https://ero.ontario.ca/notice/019-1080</a>	The Ministry of the Environment, Conservation and Parks (MECP) is proposing to modernize Ontario's environmental approval process for low-risk municipal sewage works by implementing a Consolidated Linear Infrastructure Permissions Approach. The proposed approach will consolidate and update the approvals process for these types of works and incorporates measures that will enhance environmental protection.	September 4, 2020 Refer to Attachment 12
<b>14. Proposed amendments to the Director's Technical Rules made under section 107 of the Clean Water Act, 2006 (ERO #019-2219)</b> Link: <a href="https://ero.ontario.ca/notice/019-2219">https://ero.ontario.ca/notice/019-2219</a>	The Ministry of the Environment, Conservation and Parks (MECP) is proposing updates to the technical rules for assessing source water protection vulnerability and risk under the <i>Clean Water Act</i> to ensure that the quality of Ontario's drinking water continues to be protected and that source protection efforts are supported by current science.	November 9, 2020 Attachment not available (draft letter in progress)

Also provided for the information of the Board, are the following summaries of select ERO and non-ERO provincial policy initiatives and submissions related to TRCA interests.

### **TRCA Recommendations to Ontario's Advisory Panel on Climate Change**

TRCA staff met with Patricia Koval, member and Lynette Mader, Vice Chair of Ontario's Advisory Panel on Climate Change in March 2020 to share our knowledge and expertise in supporting the creation of sustainable and resilient communities, infrastructure, and development within TRCA's jurisdiction. Subsequently, Patricia Koval requested a letter from TRCA outlining our recommendations on MNRF's [Protecting People and Property: Ontario's Flooding Strategy](#) could be strengthened or improved upon with more details. While it is recognized that the Strategy is meant to be a high-level document, TRCA's review of the document highlighted several areas of improvement, including:

- Further details in a workplan, including timelines, to provide certainty on the delivery of priorities and actions;
- Establishing Working Groups – policy, planning and regulatory working group integrated with the technical group;
- Highlighting the value of watershed planning and conserving natural resources to managing flood resiliency;
- Funding to support implementation;
- Priority on updating provincial technical guidelines, to reflect current technology and approaches, particularly within the urban context, so as not to be a barrier for innovative solutions; and
- Priority and recommendations related to the *Conservation Authorities Act* and associated regulations.

TRCA's detailed comments and submission of May 27, 2020 can be found in Attachment 13; the recommendations draw upon TRCA's previous correspondence to the Special Advisor on Flooding in 2019. It should be noted that recently TRCA staff have been selected to be a member of the Flood Mapping Technical Team, which is one of the working groups identified in the Strategy.

### **Bill 197 – COVID-19 Economic Recovery Act**

On July 21, 2020, the Ontario Government passed Bill 197 – *COVID-19 Economic Recovery Act*, which amended a number of Acts including the *Planning Act*, *Development Charges Act*, *Environmental Assessment Act*, *Drainage Act*, *Ministry of Municipal Affairs and Housing Act*, *Public Transportation and Highway Improvement Act*, and the *Transit-Oriented Communities Act*. Leading up to this Omnibus Bill, TRCA provided comments on proposed amendments to various Acts as noted in Table 1 and per the attached submissions.

Notable changes to the *Planning Act* coming out of Bill 197 included the following regarding Minister's Zoning Orders (MZOs):

- Currently, under section 47 of the *Planning Act*, the Minister may make orders exercising zoning powers. The Schedule amends section 47 of the Act to give the Minister enhanced order-making powers relating to specified land, including powers in relation to site plan control and inclusionary zoning. Among other things, this provides the Minister with the ability to require the inclusion of affordable housing units in the development or redevelopment of specified lands, buildings or structures. "Specified land" is defined as land other than land in the Greenbelt Area within the meaning of the *Greenbelt Act*, 2005.
- Also, among other things, a Minister's order may require that the owner of the specified land enter into an agreement with the relevant municipality respecting specified matters related to development on the land and conditions required for the approval of plans and drawings in a site plan control area. The amendments provide that the Minister may give direction to the parties concerning the agreement. An



agreement is of no effect to the extent that it does not comply with the Minister's direction, whether the Minister's direction is given before or after the agreement has been entered into.

### **Minister's Zoning Orders (MZO) and Growth Plan Amendment 1 (2020)**

TRCA submitted a response to ERO postings on the 2020 Proposed Amendment 1 to A Place To Grow: Growth Plan for the Greater Golden Horseshoe (the Plan) and the associated proposed Land Needs Assessment Methodology (LNA methodology); see summary below as well as Attachment 8). Through our comments, staff expressed concern that the proposed ability for a municipality to exceed the revised population and employment forecasts might encourage larger scale and more frequent requests for Settlement Area Boundary Expansions (SABEs) in advance of the completion of comprehensive studies (e.g., watershed and sub-watershed studies) that help determine natural heritage, infrastructure and water management constraints and opportunities. In our jurisdiction we noted and recommended a policy to stave off requests, e.g., the recent Dorsay request for Minister's Zoning Orders (MZO) outside of the Municipal Comprehensive Review (MCR) process. Further, we commented that with the proposed ability to exceed population targets, combined with previously approved Plan amendments of reduced density targets, the Growth Plan amendment appeared inconsistent with the intent of the Plan to avoid unmanaged growth, promote intensification and limit land and resource use. Both SABEs and MZOs can occur outside of the MCR process, causing potential disruptions in the orderly management of land. With the proposed amendments, the comprehensive studies that normally occur within an MCR would be circumvented by development and servicing schemes and proposals that may not take into consideration the larger context of the watersheds and systems affected by them. TRCA is currently working with several of its municipal partners to provide support on the integrated growth management they are undertaking through their MCRs.

### **ERO Postings 019-1679 and 019-1680 Growth Plan for the Greater Golden Horseshoe Amendment and Revised Land Needs Assessment Methodology**

TRCA comments on Growth Plan Amendment 2020 and the revised Land Needs Assessment included an acknowledgement that stimulating growth in the GGH as part of the economic recovery from the COVID-19 crisis is critical. The comments emphasized, however, that this should not come at the expense of undermining the fundamental principles of the Growth Plan for "protecting what is valuable." TRCA recommended that strong direction is needed for municipalities to be able to determine that their growth forecasts and land needs can be accommodated while protecting water resources, natural heritage and managing impacts from natural hazards. TRCA comments reasoned that in order to implement provincial policies for "preparing for the impacts of a changing climate," the protection of these valuable natural resources within and outside the Protected Countryside of the Greenbelt must be maintained. One of the main recommendations on the proposed Land Needs Assessment was the that the new methodology include specific reference to Growth Plan policies requiring environmental land "take outs" from land needs calculations. A full description of the Growth Plan Amendment and Revised Land Needs ERO proposals and TRCA's submission with recommendations are contained in Attachment 8.

### **Decision - Growth Plan Amendment and Revised Land Needs Assessment Methodology**

Approximately four weeks after the ERO commenting period closed, on August 28, 2020, the Ministry of Municipal Affairs and Housing (MMAH) released the amended Growth Plan and final revised Land Needs Assessment Methodology, which came into effect immediately. The final documents largely aligned with what was proposed.

The Ministry received close to 7,000 submissions on the two ERO postings. They reported that there was support for updating the growth forecasts, extending the Plan horizon to 2051, and

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harmonizing the Plan with the PPS, 2020, but that municipalities had mixed reaction to using interim forecasts and forecasts as minimums. There were concerns with allowing employment land conversions in major transit station areas and with allowing new mineral aggregate operations, wayside pits and quarries within habitats of endangered and threatened species in the Natural Heritage System for the Growth Plan. There was only some support for the greater flexibility for planning around major transit station areas with respect to provincially significant employment zones.

Indigenous communities, agricultural and environmental sectors, and some in the municipal sector, were concerned that some of the policy changes would increase urban sprawl and result in the loss of agriculturally and environmentally significant lands. They also expressed significant concern that the policy amendment related to mineral aggregate resources would negatively impact species at risk and the biodiversity of the region. Indigenous communities also expressed strong opposition to the proposed mineral aggregates policy change as well as concerns with how some of the policy changes such as updated forecasts could impact Aboriginal and treaty rights.

As a result of the feedback received, the final amendment removed the proposed permission for mineral aggregate operations, wayside pits and quarries within Endangered Species habitat of the Growth Plan natural heritage system, however, the proposed policy for municipalities to develop higher forecasts through their municipal comprehensive review was retained.

With respect to the final revised Lands Needs Methodology released by the Province, TRCA's recommendation to explicitly exclude natural heritage system lands and lands subject to natural hazards from the developable area, in accordance with Growth Plan policy 2.2.7.3, was incorporated into the Community Area Land Needs calculation directions.

### **ERO Posting 019-1712 - Proposed Environmental Assessment Act (EAA) Amendments in the COVID 19- Economic Recovery Act**

Related to the *Environmental Assessment Act* amendments through the *COVID-19 Economic Recovery Act* and the *More Homes, More Choice Act*, 2019, MECP posted a series of proposals to the ERO for modernizing Ontario's environmental assessment program. TRCA responded to those postings related to our roles as a reviewer of EAs as well as a proponent or co-proponent for flood and erosion control Class EAs and Municipal Class EAs.

MECP's stated intent for modernizing the environmental assessment program is to ensure strong environmental oversight, while aligning assessment requirements with environmental impact, reducing duplication and increasing efficiency of the Class EA process. The proposed amendments to Class EAs are meant to inform the development of streamlined regulations with clear expectations regarding consultation and defined timelines.

TRCA previously commented on the government's 2019 Discussion Paper on the EA process in our response to ERO 013-5101, on May 24, 2019. In that response, we indicated our support for streamlining the EA process and noted our expertise and experience to partner with stakeholders and to assist the government and contribute to realizing efficiencies, especially where multiple approval processes apply. We highlighted the need for maintaining within any proposed amendments or process changes the principle of ensuring a robust assessment of environmental, social and economic considerations and public consultation processes, appropriately scoped for project scale and location.

For the July 2020 proposed amendments to eight Class EAs, there were several of interest to TRCA: the Class EA for Minor Transmission Facilities (Hydro One), the Municipal Class Environmental Assessment (Municipal Engineers Association), the Remedial flood and erosion

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control projects (Conservation Ontario), and the Provincial Transportation Facilities (Ministry of Transportation). Some of the proposed changes included:

- changing requirements for some projects, including reducing requirements for certain projects, or exempting projects altogether;
- establishing or updating screening processes to determine the appropriate categorization for a project;
- updating the Class EAs to ensure consistency with the *Environmental Assessment Act* as a result of the passage of the *More Homes, More Choice Act*, 2019; and
- administrative changes to correct errors; update references to legislation and regulations; clarify the existing text; and update references to bodies, offices, persons, places, names, titles, locations, websites, and addresses.

TRCA comments, (Refer to Attachment 10) emphasized that undertakings now determined to be exempt from the Class EA process subject to new screening criteria within Class EA documents, and as permitted through the amendments to the EA Act, may still be subject to regulations under section 28 of the *Conservation Authorities Act*. For example, projects meeting the definition of development under the CA Act being undertaken within TRCA's jurisdiction, would still require permission under Ontario Regulation 166/06. To ensure that low-risk projects are not unduly delayed, TRCA has expedited review processes in place such as "Routine Infrastructure Works", "Emergency Infrastructure Works" and staff delegated permits or clearances. These are employed to consistently streamline review and approval through both the regulatory permitting process as well as the voluntary review process for Crown public infrastructure providers.

Therefore, we recommended that documents released under the Class EA initiative also emphasize the need to consider CA Act permits and requirements at the earliest possible stages of the planning and design process to ensure an integrated approach. In this way, permitting and technical information requirements to support all required approvals under all Acts would be scoped into supporting studies for projects as early as possible to help streamline project reviews.

As a member of the Conservation Ontario working group, TRCA is very pleased with the changes to the Class EA for Remedial flood and erosion control projects. The amendments to align this Class EA more closely with other approved Class EAs for similar types of work, and to clarify wording and expectations as it relates to the maintenance of existing flood and erosion control infrastructure, are very positive. These changes will allow critical maintenance projects that have historically had limited public interest to be streamlined.

The mandate of CAs strongly aligns with provincial objectives for resilient public infrastructure and, if highlighted in the amended Class EA documents, could better enable CAs to assist in meeting the intent of the EA Act to provide for the protection, conservation and wise management of Ontario's environment. Similarly, strengthening CA regulatory requirements to include Crown undertakings, would further assist in meeting the intent of the Act.

TRCA commented positively on the proposed amendments to the Municipal Class EA for Climate Change considerations, stating that our experience is that some proponents remain resistant to recognizing the impacts of climate change, including expected increases in more extreme weather events, and the subsequent impacts on infrastructure, particularly in flood or erosion prone areas. Detailed comments on many of the proposed amendments offered additions and revisions to highlight the valuable watershed-based programs and services of conservation authorities critical to safe and resilient public infrastructure planning.

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

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

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

**Strategy 8 – Gather and share the best sustainability knowledge**

**Strategy 12 – Facilitate a region-wide approach to sustainability**

### **FINANCIAL DETAILS**

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

### **DETAILS OF WORK TO BE DONE**

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 Board of Directors and Committees of the Board including the RWA 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.

**Report prepared by: Mary-Ann Burns, extension 5763; Jessica Murray, Extension 6437**

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**Date: September 15, 2020**

**Attachments: 13**

Attachment 1: TRCA Submission to ERO#019-1406

Attachment 2: TRCA Submission to ERO#019-1371

Attachment 3: TRCA Submission to ERO#019-1303

Attachment 4: TRCA Submission to ERO#019-1536

Attachment 5: TRCA Submission to ERO#019-1503

Attachment 6: TRCA Submission to ERO#019-1682

Attachment 7: TRCA Submission to ERO#019-1749

Attachment 8: TRCA Submission to ERO#019-1679 & #019-1680

Attachment 9: TRCA Submission to ERO#019-1340

Attachment 10: TRCA Submission to ERO#019-1712

Attachment 11: TRCA Submission to ERO#019-1883

Attachment 12: TRCA Submission to ERO#019-1080

Attachment 13: TRCA Letter to Ontario's Advisory Panel on Climate Change



April 20, 2020

**BY EMAIL ONLY** ([john.ballantine@ontario.ca](mailto:john.ballantine@ontario.ca))

John Ballantine  
Municipal Finance Policy Branch  
Ministry of Municipal Affairs and Housing  
777 Bay Street, 13<sup>th</sup> Floor  
Toronto, Ontario M7A 2J3

Dear Mr. Ballantine:

**Re: Proposed regulatory matters pertaining to community benefits authority under the Planning Act, the Development Charges Act, and the Building Code Act (ERO #019-1406)**

Thank you for the opportunity to comment on the Ministry of Municipal Affairs and Housing's Environmental Registry (ERO) posting on the proposed regulatory matters pertaining to community benefits authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act*.

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.

### **Government Proposal Background**

TRCA understands the government's current regulatory proposal follows an earlier 2019 solicitation for public feedback on proposed components of a new community benefits charge authority. The first consultation was in June 2019 ("Proposed new regulation pertaining to the community benefits authority under the *Planning Act*", ERO #019-0183).

### **Government Proposal**

The current proposal outlines additional matters for public input to inform the further development of the community benefits charge authority and regulation under the *Planning Act*. The changes made by the *More Homes, More Choice Act, 2019* will mean that municipalities will have two primary

funding streams to pay for the increased need for services due to new development. It should be noted that the community benefits charge authority has not yet been proclaimed and is not in effect at this time.

The first, development charges, are a mechanism for municipalities to pay for the capital costs of infrastructure associated with new development. The government is also seeking feedback in this proposal on changes to the types of services that could be funded through development charges, and the proposal is to include certain community services such as public libraries, parks development (other than acquiring land for parks) and recreational facilities.

The second, new community benefits charge, would complement development charges by giving municipalities the flexibility to fund growth-related capital infrastructure costs of other community services, for example, acquiring land for parks, supporting affordable housing or building child care facilities needed due to growth.

A municipality could establish their own community benefits charge by-law to collect funds for the community services. For parkland acquisition, the municipality may either establish a by-law or, if no by-law is established, use the dedication rate stipulated in the *Planning Act*. Specifically related to parkland acquisition, if both a developer and municipality agree, a developer could provide land for parks (rather than a payment). The agreed-upon value attributed to the in-kind parkland contribution would be applied toward the community benefits charge payable.

To implement the new community benefits charge authority, the Province is seeking feedback on the following regulatory matters under the *Planning Act*, the *Development Charges Act* and the *Building Code Act*:

- The required content of a community benefits charge strategy, which must be prepared prior to a municipality passing a community benefits charge by-law and identify the items a municipality intends to fund through community benefits charges;
- The services eligible to be funded through development charges, including:
  - Public libraries, including library materials for circulation, reference or information purposes
  - Long-term care
  - Parks development, such as playgrounds, splash pads, equipment and other park amenities (but not the acquisition of land for parks)
  - Public health
  - Recreation, such as community recreation centres and arenas;
- The percentage of land value for determining a maximum community benefits charge;
- The timeline to transition to the new community benefits charge regime, proposed to be one year after the date the proposed community benefits charge regulation comes into effect;
- Notice requirements for community benefits charge by-laws;
- The minimum interest rate for community benefits charge refunds where a by-law has been successfully appealed; and

- Amendments to the list of applicable law under the Building Code to ensure payment of community benefits charges prior to the issuance of building permits.

### **General Comments**

TRCA offers comments specific to the aspect of the government's proposal to identify facilities, services and matters to be funded under community benefits charges prescribed through regulation under the *Planning Act*, and to prescribe through regulation additional services to be funded under the *Development Charges Act*.

### **Harmonizing Terminology**

Metrolinx, municipalities and other infrastructure providers, with which TRCA works in its roles as technical advisor and regulator, have established specialized terminology for types of community benefits. For instance, the terms "community benefits" and "public realm benefits" are commonly used together, with the following definitions:

- **Community benefits:** Project based benefits that provide measurable economic benefits to the local community.
- **Public realm benefits:** Provision of support for local opportunities for social and environmental improvements.

It may permit for an easier transition for local public agencies and stakeholders if the Province were to use these terms and their definitions as above in its regulation. This can be done through amending the proposed regulation to include community and public realm benefits, a requirement to develop community and public realm benefits strategies prior to enacting a related by-law, etc.

Public realm benefits for environmental improvements are of particular interest to TRCA given our mandate to conserve natural resources and ensure the protection of people and property from the risk of natural hazards. In the context of infrastructure projects carried out by Metrolinx and others, social improvements associated with public realm benefits may include provision of services to conservation areas (such as extending a water main into a conservation area), trails, interpretive signage and others. Environmental improvements might be ecological restoration and wildlife crossings for road and rail infrastructure.

### **Reducing Risk in Redevelopment Scenarios**

Currently, the *Development Charges Act* allows municipalities to apply Area-Specific Development Charges for flood remediation purposes, (e.g., Vaughan's Black Creek Renewal and Urban Revitalization project). TRCA suggests that the same type of risk reduction work be included as an option under community benefits charges. This would enable conservation authorities and municipalities to fund projects that would remediate and mitigate existing urban centres situated within historic flood and erosion prone areas (including those near transit), ensuring public safety from natural hazard risks, as part of comprehensive redevelopment and community revitalization.

### **Trails**

In TRCA's experience trail funding is routinely not accounted for during the land use planning review and approvals process, yet trails offer a vital connection to nature in the city and can contribute to active, healthy lifestyles. Funds used to maintain and expand trails in TRCA's jurisdiction serve to provide active transportation access to greenspace, conservation areas, neighbourhoods, employment lands, transit and mobility hubs. As an important public service, trails should be added to the list of services for which development and community benefit charges may be imposed. Incorporating mechanisms for trail funding into early stages of development planning will enable more opportunities for trail creation and the associated benefits that accrue to communities.

TRCA's Trail Strategy for the Greater Toronto Region (Trail Strategy) sets out the direction for TRCA to work with its partners towards achieving the vision of "a complete regional trail network in greenspace and along the Lake Ontario shoreline that connects our growing communities to nature, to culture, and to each other, contributing to active living and enhancing our conservation legacy." The Trail Strategy serves as a framework to protect potential trail alignments for a network from the Oak Ridges Moraine, through the valleys of the nine watersheds within TRCA's jurisdiction and along the Lake Ontario shoreline. The complete Greater Toronto Region Trail Network includes 520 km of existing trails, along with 480 km of proposed trails as outlined in the Trail Strategy. Further supporting these regional trail alignments, are the local trails which provide connections between the network and the communities they benefit. To assist and support our municipal partners, TRCA's Trail Strategy could inform the development of a municipal community benefits charge strategy, which is required prior to the passing of the associated by-law.

### **Parkland vs. Natural Areas**

As a resource management agency, TRCA believes it will be important for the proposed regulation to differentiate between parkland (which may be acquired through community benefits charges or developed/enhanced through development charges) and natural features, natural hazards and their associated buffers. Therefore, the regulations should ensure that parks acquired or enhanced through community benefits charges and development charges, respectively, avoid natural features, natural hazards and their associated buffers.

### **Land Dedication**

TRCA also requests that the Province clearly communicate to municipalities that the provisions of community benefits by-laws should not negate the ability for conservation authorities and municipalities to acquire natural features, natural hazards and their associated buffers through mechanisms apart from the community benefits charges. Currently, CAs and municipalities may acquire these areas through planning review processes. Limiting the ability of CAs and municipalities to exercise existing land acquisition options due to the imposition of a community benefits by-law may have a detrimental impact on initiatives to streamline development.

### **TRCA Recommendations**

In order to support municipalities in ensuring adequate provision of community facilities and services related to growth, and to continue to ensure the protection of people and property from natural hazards and the conservation of natural resources, TRCA recommends the following:

- 1) That the Province adopt language in its regulation consistent with the language commonly used by Metrolinx and other infrastructure providers, namely, community benefits and public realm benefits using the definitions provided in this letter.
- 2) That the Province include in the proposed regulation charge provisions for both community benefits and public realm benefits.
- 3) That new or updated natural hazard remediation and mitigation, (e.g. flood protection infrastructure and erosion hazard mitigation), be added to the list of services for which community benefits charges may be imposed.
- 4) That the proposed regulation clearly differentiates between parkland (which may be acquired through community benefits charges or developed/enhanced through development charges) and natural features, natural hazards and their associated buffers.



- 5) That the Province ensure it is clearly communicated that community benefits by-laws be written and applied such that CAs and municipalities may continue to acquire natural features, natural hazards and their associated buffers through mechanisms other than the community benefits charges.
- 6) That trails be added to the list of services for which development and community benefit charges may be imposed.

Thank you once again for the opportunity to provide comments on the proposed regulatory matters pertaining to community benefits authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act*. 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](mailto:john.mackenzie@trca.ca).

Sincerely,

<Original signed by>

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 30, 2020

**BY EMAIL ONLY** ([christopher.goode@ontario.ca](mailto:christopher.goode@ontario.ca))

Christopher Goode  
Energy Networks and Indigenous Policy Branch  
77 Grenville Street, 6<sup>th</sup> Floor  
Toronto, Ontario M7A 2C1

Dear Mr. Goode:

**Re: Early Access to Land for Environmental Studies on Transmission Projects  
(ERO #019-1371)**

Thank you for the opportunity to comment on the Ministry of Energy, Northern Development and Mines' (ENDM) Environmental Registry (ERO) posting on the proposal 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.

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.

### **Government Proposal**

The Ontario Energy Board (OEB), as the provincial regulator for electricity, evaluates applications from electricity transmission project proponents. Before applying for Leave to Construct, proponents of electricity transmission projects must complete project development and Environmental Assessment (EA) work in order to identify a preferred project route. The completion of environmental and other studies (for example, archaeological or wildlife and habitat studies) to support EA work requires proponents to have access to land within their study area. Currently, electricity transmission project proponents may apply to the OEB for access to land after applying for a Leave to Construct.

We understand the government's current proposal would create a mechanism allowing the OEB to grant earlier access to land to proponents for the purpose of conducting environmental studies. If approved, the mechanism is anticipated to:

- Allow proponents to apply to the OEB for earlier access to land; and
- Set out requirements proponents must meet when applying for early access to land.

Furthermore, it is intended that the OEB's process for considering applications for early access to land will allow for input from affected landowners and that the OEB can attach conditions to a grant of access with which the proponent must comply.

### **General Comments**

Access to land for the purpose of conducting environmental studies is critical to sound decision making in the infrastructure planning process. TRCA staff are supportive of gathering and using as much background information as early as possible to inform the Environmental Assessment (EA) process or other studies related to electricity transmission corridor siting and design. This information is particularly important to inform decisions of preferred route/alignment alternatives and avoidance, mitigation and/or compensation measures for natural heritage systems and for managing natural hazards.

### **Types of studies**

In TRCA's experience as a reviewer of EAs for infrastructure within TRCA regulated areas, project submissions' focus is on surface features (wetlands, woodlands, watercourses). While avoidance of these areas is important, geotechnical and hydrogeological studies may also be needed to assess potential impacts. Flooding, streambank erosion, streambed downcutting and drawdown from dewatering are some of the potential risks associated with installation of infrastructure affecting natural features. The likelihood of these risks being present along an alignment and the magnitude of the risks both need to be assessed through environmental studies, scoped for project scale and site sensitivities.

### **Timing of studies**

While it is true that the results of these studies drive a mitigation plan that is implemented at the detailed design stage, it is important for studies to be undertaken at the EA stage or even prior to the EA, when potential project route alternatives are still being identified. Early environmental study is needed to determine construction feasibility, a mitigation plan, and long-term maintenance and monitoring requirements that consider the surface and underground conditions of a site, and the construction's effects on the features' and their functions' long-term survivability. As well, early in the process is when opportunities are greater for balancing stakeholder interests and to determine the appropriate mitigation measures to avoid impacts to both the infrastructure and the environment.

There have been instances in the past where during detailed design there were issues, (e.g., sinkholes), requiring last minute changes in alignments as the proper studies were not done early on. Such changes end up being costly to the proponent and to the environment due to limited timelines after Leave to Construct is granted.

Further, the timing and duration of access granted should account for the temporal, seasonal and weather-dependent nature of habitat functions. Conditions for granting early access should ensure that possible long-term, multi-year monitoring requirements are considered by the proponent in their study design, and access timelines should reflect those requirements. For example, wetland hydrology monitoring required for seasonally-based wetland water balance requires multiple site visits at different points during the year.

### **Agency pre-consultation and coordination for access**

Conditions for early access should provide opportunities for other public agency staff to also be given early access to lands to complete necessary investigations, as needed. In current practice, TRCA field staff request permission annually to enter private lands to complete terrestrial biological inventories across TRCA's jurisdiction. The Northwest GTA Transmission Corridor Study is an example where correspondence was sent earlier this year by TRCA field staff requesting permission to enter private lands while at the same time Ministry of Transportation consultants requested similar permissions to enter lands for investigations within the same general area. While we understand that the government's current proposal regarding early access is a broad request not tied to one specific project, it is recommended that permissions and conditions for access be coordinated among all agencies to avoid duplication of effort and delay.

Provincial direction for agency coordination will also support opportunities for pre-consultation among public agencies and proponents, thereby enhancing certainty of upfront requirements among all stakeholders. As a regulator under Section 28 of the *Conservation Authorities Act*, TRCA would advise proponents of environmental study requirements in support on a permit application for works within TRCA regulated areas. Agency coordination and pre-consultation would also achieve the intended outcome of this proposal to increase the quality of the environmental information and create a more streamlined, efficient EA process.

### **Parameters for granting earlier access to land**

The posting is not clear as to the effect that granting early access to land will have on the property access requirements of other public agency landowners. As a major landowner in the Greater Toronto Area, we anticipate that environmental studies will occur on TRCA property in multiple locations based on currently proposed electricity transmission projects. TRCA requests confirmation from ENDM that proponents will continue to require permission to enter (PTE) from TRCA should they need to access to TRCA property for any sort of investigation related to electricity transmission corridor project planning. In accordance with TRCA requirements, prior to accessing TRCA-owned lands, proponents must obtain the necessary approvals including the following:

- provide details such as timing, scope of work, and restoration plans, if applicable. This allows TRCA to review the full scope of the proposal;
- meet TRCA study requirements for any works that may disturb or alter the property, (e.g., archeology investigations, stabilization and/or restoration);
- provide advance notice to TRCA with respect to the proposed date of entry;
- secure appropriate insurance, naming TRCA as an additional insured, and indemnification to protect TRCA, and that the proponent be required to provide supporting documentation to that effect;
- indemnity for liability or damage to property and for business interruption; and
- secure statutory allocation of liability on the part of the entrant when they enter private property under a contemplated right of entry provision.

### **TRCA Recommendations**

In order to support the government's proposal to grant earlier access to land to electricity transmission corridor project proponents for the purpose of conducting environmental studies, and inform Environmental Assessments and other planning processes, and continue to ensure the protection of people and property from natural hazards and the conservation of natural resources, TRCA recommends to ENDM:

- 1) That permission for earlier access to lands also be granted to and coordinated among all public agencies to avoid duplication of effort and delays. This would allow agency staff to undertake and complete any necessary field investigations.
- 2) That proponents be required to coordinate pre-consultation with conservation authorities and other agencies to confirm review requirements (i.e., the type, scale and scope of environmental studies, landowner permissions, etc.) for complete applications. As a regulator under Section 28 of the *Conservation Authorities Act*, TRCA would advise proponents of environmental study requirements in support on a permit application for works within TRCA regulated areas.
- 3) That as a condition of granting permission for access, the environmental studies be completed at an early planning stage, prior to EAs, to inform the identification of preferred route/alignment alternatives.
- 4) That the process to grant access recognize the temporal, seasonal, and weather-dependent nature of certain environmental studies, that multiple site visits may be required, and that certain studies require long-term, multi-year monitoring protocols. Application review should confirm whether these requirements are incorporated into proponents' study designs, and timing and duration of access granted should reflect those requirements.
- 5) That proponents obtain permission to enter from TRCA should they require access to TRCA-owned property for any sort of investigation related to electricity transmission corridor project planning. Furthermore, that proponents satisfy all necessary TRCA requirements, studies and approvals for such permission prior to accessing TRCA-owned land. This would include but not be limited to securing appropriate insurance, naming TRCA as an additional insured, and indemnification to protect TRCA; indemnity for liability or damage to property and for business interruption; and secure statutory allocation of liability on the part of the entrant when they enter private property under a contemplated right of entry provision.

Thank you once again for the opportunity to provide comments on the Early Access to Land for Environmental Studies on Transmission Projects proposal. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.667.6290 or at [john.mackenzie@trca.ca](mailto:john.mackenzie@trca.ca).

Sincerely,

<Original signed by>

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



May 15, 2020

**BY E-MAIL ONLY** ([darlene.dove@ontario.ca](mailto:darlene.dove@ontario.ca))

Ms. Darlene Dove  
Resource Development Coordinator  
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Natural Resources Conservation Policy Branch - Resource Development Section  
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Peterborough, ON K9J 3C7

Dear Ms. Dove:

**Re: Proposed amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act (ERO #019-1303)**

Thank you for the opportunity to comment on the Ministry of Natural Resources and Forestry's (MNR) Environmental Registry (ERO) posting on the proposed amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the *Aggregate Resources Act*.

The Toronto and Region Conservation Authority's (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 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. As the Source Protection Authority for the Credit Valley-Toronto and Region-Central Lake Ontario Source Protection Region, TRCA staff work to ensure protection of existing and future municipal drinking water sources.

### **Government Proposal**

We understand the government's current proposal builds on amendments made in December 2019 to the *Aggregate Resources Act* (ARA) as part of Bill 132, the *Better for People, Smarter for Business*

Act. This includes proposed changes to Ontario Regulation (O. Reg.) 244/97 made under the *Aggregate Resources Act*, and changes to the *Aggregate Resources of Ontario: Provincial Standards, Version 1.0 (Provincial Standards)*. The Provincial Standards set out the application process for proposed pits and quarries under the ARA. The standards also identify the criteria for licence, permit and wayside permit applications.

The changes being proposed are intended to modernize the way aggregate resources are managed and to promote economic growth within the aggregate industry while also protecting the environment and addressing community impacts. We also understand that, in addition to the currently proposed regulatory changes, MNRF will be developing guidance materials to better communicate best practices for preparing applications under the ARA.

### **General Comments**

TRCA previously submitted comments to MNRF in 2019 on the proposed amendments to the *Aggregate Resources Act* (ERO #019-0556). TRCA staff have reviewed the currently proposed changes as outlined in the Discussion Paper, “Proposals to amend O.Reg. 244/97 and the *Aggregate Resources of Ontario Provincial Standards* under the *Aggregate Resources Act*” (February 2020). We are pleased that the proposal recognizes that, while Ontario requires a continued supply of aggregate resources, it is equally important to recognize and manage the impact excavation operations can have on the natural environment and on the communities that surround them. Further, we support the intent of the proposed changes to clarify requirements for applicants, permit or licence holders and agencies involved in the review of applications made under the *Aggregate Resources Act*.

TRCA staff are aware of Conservation Ontario’s submission on the proposal, dated May 12, 2020, and support their comments. While some of TRCA’s comments overlap with Conservation Ontario’s many are in addition and are organized around sections in the Discussion Paper.

**Water Report Requirements** Subsection 1.1.1, Water Report, of the Discussion Paper, proposes to better clarify how the water table is determined, who is qualified to prepare a water report and enhance the information required as part the report. The requirements should be specific to assessing impacts to the different components of the water resource system to improve consistency with the Provincial Policy Statement and provincial plans for protecting water quality and quantity and the requirements of source protection plans under the *Clean Water Act*. For example, the current proposal would ensure the water report determines the significance and potential of impacts and feasibility of mitigation for impacts to water. TRCA staff assert that the water report should require not only an assessment of the feasibility of mitigation, but require avoidance of impacts where possible, or mitigation where avoidance is not possible. As well, the applicant should be required to specify all activities identified as Prescribed Drinking Water Threats in Ontario Regulation 287/07 under the *Clean Water Act* which are likely to occur at the extraction site. This information will be critical to evaluating whether the activity would result in a significant drinking water threat to a drinking water source.

#### ***Maximum Predicted Water Table***

The proposed changes for applications outlined in section 1.1 would require the water table to be established using the maximum predicted elevation of the water table. The water table (to be referenced as the “maximum predicted water table”) would be assessed by monitoring the groundwater table at the site for a minimum of one year to account for seasonal variations and influences due to precipitation. TRCA staff recommend increasing the minimum number of required groundwater monitoring years to account for annual as well as seasonal fluctuations in ground water conditions.

TRCA's Wetland Water Balance and Wetland Risk Assessment technical guidance documents could be useful to help characterize impacts to sensitive groundwater dependent features. We encourage their inclusion in the Recommended References sections of the revised Provincial Standards.

#### *Natural Hazards*

The current proposed contents of a water report do not address areas of natural hazards. TRCA staff assert that the water report should require studies be conducted by a professional water resources engineer confirming the proposed works align with the natural hazard policies outlined in Section 3.1 of PPS, 2020, including being generally directed to areas outside of hazardous lands associated with shorelines and watercourses, and new hazards are not created and existing hazards are not aggravated.

**Natural Environment Reports** - Subsection 1.1.3 Natural Environment Report reinforces that all pit and quarry applications are required to include a natural environment report, as outlined in the Provincial Standards. The report is required to identify natural heritage features on or within proximity to the proposed pit or quarry. TRCA is supportive of the proposed update to requirements for natural environment reports, as the existing requirements are outdated and inconsistent with current Provincial Plans and the PPS, 2020. TRCA staff recommend that definitions of features be updated to align with provincial plans and the PPS. We also recommend that all wetlands be included as natural heritage features to be identified in natural environment reports, instead of limiting the requirement to identify only provincially significant wetlands. Unevaluated or locally significant wetlands may constitute sensitive groundwater features that should be included in the natural environment report to more accurately assess the potential impacts of proposed works on natural heritage features.

**Notification and Consultation Requirements** – In section 1.3 of the Discussion Paper, it is proposed that the list of agencies that are circulated new applications would be updated to reflect current government organization and responsibilities, and that “agencies would not be asked to review aspects of applications that are beyond their mandate.” The Paper uses the example of conservation authorities, saying that applicants would determine whether the proposed site is within a regulated area, and if it is, whether the application has the potential to impact the control of flooding, erosion or other natural hazards. TRCA appreciates that conservation authorities have been referenced as an example in the Discussion Paper. However, we recommend that the other roles of CAs as previously identified in our introductory comments be referenced, given the exemption of CA permits for ARA operations.

Further, in order to provide clarity to both applicants and review agencies, the ARA Provincial Standards should include reference to the various roles of other ministries, municipalities and CAs in the review process relative to the ARA and its regulations, standards and policies. We appreciate the statement in this section that the Ministry will continue to explore with other ministries and municipal partners as to how applications can be reviewed to reduce review duplication and improve efficiency but as key partners that can help streamline reviews, conservation authorities should be a part of these discussions.

**Excavations Exempt from Licences** - Section 2.1 proposes parameters under which excavations on private land by a person or farm operations would be exempted in regulation, not requiring a licence from MNRF.

#### *Circumstances Allowing Licence Exemption*

In TRCA's previous submission on the proposed changes to the ARA in 2019, we specified that it



needs to be clarified if this proposal is geared to a short term, small area and small amount of extraction, such as a wayside pit for a local project. We also stated that MNRF should ensure the criteria to be met are consulted on before allowing work without a licence. Clear definitions and a distinction between “routine activity” and “low-risk activity” are needed. Further, we commented there should be a clear process for regulating the number and instances of such activities. There is a potential for cumulative impact where multiple low risk takings occur near one another, to other takings, or to environmental receptors. Lastly, we stated that TRCA’s contracts for flood and erosion control construction projects require successful proponents to provide proof of licence from quarries they intend to acquire aggregate from to ensure sourcing of stone from responsible, law-abiding pits and quarries. TRCA recommends this be a requirement under ARA regulations to ensure all proponents are held to a common standard.

Several of these themes were addressed in the proposed approach. The short term, limited number of instances, and limited area criteria are all addressed, to a degree. TRCA staff remain concerned that there is a risk the proposed blanket approach to allowing extraction without technical review by relevant stakeholders, including CAs, will result in unintended impacts to the environment. To enhance the proposed approach and help ensure watercourse, wetland and source protection in cases where no licence for the excavation must be obtained, we strongly recommend adding the following bold text to the first item listed under, “While undertaking the excavation, the individual or farm business would be required to ensure that sediment from the excavation is prevented from entering any water body, **watercourse or wetland.**”

For the same reason, TRCA staff recommend addition of the following item to the list of criteria where excavation cannot occur: “The excavation does not occur within **30 metres of a watercourse or wetland.**” In addition, TRCA staff suggest adding WHPA-C and WHPA-Q to the list of prohibited areas as follows (bold text), in order to ensure proper technical review of proposed works and that potential impacts to municipal source water are avoided: “The excavation does not occur within a category A. B, **C or Q** wellhead protection area under the *Clean Water Act.*”

The proposal states that, while undertaking the excavation, the individual or farm business would be required to ensure that, within one year of the final year of excavation, the excavation area is rehabilitated to its former land use or rehabilitated by sloping all faces to a minimum of 3:1 and vegetated to prevent erosion. In order to prevent potential erosion and sedimentation issues, TRCA recommends including that erosion and sediment control best practices should be adhered to during operations, rehabilitated areas be vegetated within a certain amount of time following sloping of faces, and that invasive or non-native vegetation species not be planted or seeded.

## **Operating Requirements for All Sites**

### *Dust*

Subsection 3.1.2 Dust proposes dust mitigation requirements for licenses and permits to prevent dust from leaving excavation sites. TRCA notes that dust suppressants are often chloride based. The application of these chemicals would result in chloride leaching into the ground, recharging water supply aquifers, and increasing chloride levels in private and municipal supply wells. Where dust suppression is required at aggregate sites located within vulnerable areas under the *Clean Water Act*, chloride-based dust suppressants should be prohibited to avoid potential source water impacts.

### *Recycling*

Subsection 3.1.4 Recycling proposes certain operating requirements associated with aggregate recycling within pits and quarries, including that recyclable asphalt may not be stored within 30 metres of a water body or within 2 metres of the established groundwater table.

TRCA staff are concerned these thresholds may still pose a concern especially in a vulnerable area under the *Clean Water Act*, or within 120 metres of a wetland and watercourse. TRCA recommends prohibiting placing recyclable asphalt within vulnerable areas and increasing setbacks for water bodies. It should also be clarified that the term “water body” includes wetlands and watercourses.

**Annual Compliance Reporting** - Subsection 3.2.2 Rehabilitation Reporting proposes to require operators to report additional information on progressive and final rehabilitation activities. We understand MNRF’s objective is to provide further transparency on how sites are advancing towards full rehabilitation and encourage operators to better reflect their ongoing efforts. TRCA’s previous submission on the ARA included support for enhanced reporting and noted that TRCA has staff expertise in restoration ecology to provide technical advice on rehabilitation projects.

This section also states the Ministry is working on additional guidance for operators and municipalities, such as best management practices for rehabilitation. TRCA encourages this approach and offers our staff’s ecological restoration expertise to assist in the development of technical guidance resources.

### **Site Plan Amendment Process**

#### *Circulation of Proposed Amendments*

Section 3.3 Site Plan Amendments, subsection 3.3.1 Site Plan Amendment Process states that circulation of the proposed amendment(s) to municipalities, other agencies and interested parties for comment may be required. As stated in our comments on section 1.3 for notification and consultation, the roles of CAs, municipalities and other public agencies in this review should be clarified.

#### *Natural Heritage Features*

Subsection 3.3.1 seeks to improve consistency of information being submitted to request a site plan amendment. TRCA recommends that natural heritage features proposed for removal be quantified in the submission. This will enable MNRF to accurately assess the implications of the proposed amendment on the natural heritage system.

#### *Qualified Person Requirements*

The same subsection states that, for more significant amendments that require new technical drawings or extensive changes to the site plan notes, new amended pages would be required, and for changes to technical drawings in a site plan for a Class A licence, the new pages may need to be prepared by a qualified person. TRCA requests clarification on circumstances that require a qualified person for a Class A licence in order to improve predictability of the amendment process and consistency across amendment applications.

#### *Drinking Water Vulnerable Areas*

Subsection 3.3.4 Self-Filing of Plan Amendments proposes requirements with which operators must comply to be eligible for amendment self-filing. This proposal does not directly address a concern TRCA included in our earlier submission on the ARA regarding self-filing for pits and quarries located within drinking water vulnerable areas. In addition to MNRF’s proposed requirements, TRCA requests a requirement that operators must identify, if applicable, any amendments made in order to achieve conformity with local source protection plans. Operators can be directed to the MECP Source Protection Information Atlas to identify drinking water vulnerable areas within their site and applicable source protection policies.

#### *Self-Filing*

Additionally, TRCA staff identified several criteria of concern related to proposed activities eligible for self-filing. There is potential for petroleum oils and lubricants released from portable processing

equipment to cause impacts to surface water and groundwater if located near water resources. Similarly, portable concrete and asphalt plants pose potential risks to surface and groundwater due to the nature of the materials they use. For example, cement has a high pH and spills may impact the pH of surface and groundwater. Asphalt plants involve tar, a hydrocarbon material, which likewise poses an environmental risk to surface and ground water should leakage or spills occur. Portable processing equipment and portable concrete and asphalt plants should therefore have an added criterion that the equipment will not be located within a minimum distance of surface water or a within a minimum depth to ground water. TRCA requests MNRF determine appropriate depth to groundwater depending on the characteristics of the soil or aggregate forming the barrier between the equipment and the groundwater table, as there are considerable differences in groundwater flow velocities depending on the material.

### **Cumulative Effects**

TRCA commented in our previous submission to the Province on the ARA, that the application process should be enhanced to require below water table extraction works expansions and new proposals to be supported by a cumulative impact assessment. Such an assessment would include identification of existing takings in a pre-determined radius upgradient of the site (of the water taking), and an assessment of whether the proposed taking might have the potential to exacerbate any existing situation, or to impact environmental receptors and other takers downgradient of the site. Cumulative effects assessments would be of particular importance in areas where there is a concentration of existing licenses or new applications for extractions below the water table or in drinking water vulnerable areas under the *Clean Water Act*.

### **TRCA Recommendations**

In order to further the conservation, restoration and management of natural resources within our watersheds, and to ensure protection of existing and future municipal drinking water sources, TRCA recommends the following:

1. That water reports include studies conducted by a professional water resources engineer confirming the proposed works align with the natural hazard policies outlined in Section 3.1 of the Provincial Policy Statement, including being generally directed to areas outside of hazardous lands associated with shorelines and watercourses, and that new hazards are not created and existing hazards are not aggravated.
2. That water reports for applications above and below the water table require the following:
  - a. Consider local source protection plans and policies, as proposed, including an assessment of potential impacts to drinking water sources for below water aggregate extraction and measures to prevent or mitigate those impacts (and that the Ministry clarify how the applicant is required to work with stakeholders to complete this section of the water report).
  - b. Determine whether proposed works are located in WHPA-C and WHPA-Q, in addition to WHPA-A and WHPA-B.
  - c. Assess impacts to water resource systems including significant groundwater recharge areas, highly vulnerable aquifers, and wellhead protection areas-A, -B, -C, and -Q.
  - d. Specify all activities identified as Prescribed Drinking Water Threats in Ontario Regulation 287/07 under the *Clean Water Act* which are likely to occur at the extraction site.
  - e. Identify the presence of an aquitard to a municipal drinking water supply that is located on or near the proposed extraction site and, if an aquitard is present, provide a detailed

assessment on how the proposed works will avoid or mitigate any impacts to the aquitard.

3. That the minimum number of required groundwater monitoring years to establish the water table be increased to account for annual, as well as seasonal fluctuations, in groundwater conditions.
4. That the Natural Environment Report definitions of features be updated for consistency with the Provincial Policy Statement and provincial plans, and that all wetlands be included as natural heritage features.
5. That the roles of review agencies in application review, including CA roles, be clarified and that CAs be identified as partner agencies to assist in coordinating and streamlining reviews, where applicable.
6. That the proposed approach to allowing extraction without technical review by relevant stakeholders, including CAs, be enhanced to require excavation operators to ensure that:
  - a. sediment from excavation is prevented from entering any water body, watercourse or wetland;
  - b. excavation does not occur within 30 metres of a watercourse or wetland;
  - c. excavation does not occur within a category A, B, C or Q wellhead protection areas under the *Clean Water Act*;
  - d. rehabilitated areas be vegetated within a certain amount of time following sloping of faces, and that invasive vegetation species shall not be planted or seeded; and
  - e. the potential for cumulative impacts is addressed and avoided or mitigated.
7. That the placement of recyclable asphalt be prohibited within vulnerable areas under the *Clean Water Act* and that setbacks to water bodies be increased, including wetlands and watercourses.
8. That TRCA be engaged to provide ecological restoration expertise in the Ministry's initiative to develop technical guidance for operators and municipalities on best management practices for rehabilitation.
9. That a cumulative impact assessment be required for below water table extraction works expansions and new proposals.

Thank you once again for the opportunity to provide feedback on the proposed amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the *Aggregate Resources Act*. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600 Ext. 5281 or at [laurie.nelson@trca.ca](mailto:laurie.nelson@trca.ca).

Sincerely,

<Original signed by>

Laurie Nelson, MCIP, RPP  
Director, Policy Planning

BY E-MAIL

CC:

TRCA: John MacKenzie, Chief Executive Officer  
Sameer Dhalla, Director, Development and Engineering Services  
Moranne McDonnell, Director, Restoration and Infrastructure



May 25, 2020

**BY EMAIL ONLY** ([Alessya.d'anna@ontario.ca](mailto:Alessya.d'anna@ontario.ca))

Alessya D'Anna  
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Dear Ms. D'Anna:

**Re: New Statement of Environmental Values for Ministry of Infrastructure (ERO #019-1536)**

Thank you for the opportunity to comment on the Ministry of Infrastructure Environmental Registry (ERO) posting on the proposed New Statement of Environmental Values (SEV). We understand the Ministry of Infrastructure's proposed changes are intended to introduce an updated SEV to reflect changes in both structure and mandate, as well as to acknowledge the priority of addressing climate change.

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 a keen interest in the Ministry of Infrastructure proposed SEV, as a reviewer of infrastructure undertakings under the *Environmental Assessment Act*, the Class EA process, and as a regulator under the *Conservation Authorities Act*. As a major landowner, TRCA is also the proponent or co-proponent of environmental assessments (EA), both Individual EAs and many others that fall under a provincial Class EA process. The latter are predominantly Conservation Authority Class EAs (remedial flood and erosion control) and Municipal Class EAs (infrastructure).

**Government Proposal**

The ERO posting notes that The Environmental Bill of Rights, 1993 (EBR) requires that each ministry prescribed under the act develop and publish an SEV specific to the work of that ministry. An SEV is a ministry's statement of environmental principles and a guidance document directing the minister and ministry staff as they make decisions regarding policies, acts, regulations and instruments that might affect the environment. The Ministry of Infrastructure is proposing an SEV to:

- Meet the requirement that ministries subject to the EBR prepare an SEV;
- Reflect changes in the ministry structure and mandate;
- Affirm the important role of Indigenous peoples' participation in ministry decision-making;
- Acknowledge the priority of addressing a changing climate;
- Reflect the government's "A Made in Ontario Environment Plan"; and
- Ensure that the language used in the SEV is consistent with the language used in the EBR.

### **General comments**

We would like to complement the Ministry of Infrastructure for incorporating consideration for climate change into the SEV. This is an important step given the potential impact of climate change on the future sustainability of our communities. In order to ensure that the SEV is comprehensive, the consideration of climate change should be included as part of a wholistic approach to sustainability that addresses climate, environment, social and economic aspects. A singular focus on climate can have a significant impact on other important aspects of sustainability. For example, infrastructure undertakings can have a substantial environmental impact, often crossing or running parallel to natural systems, requiring vast areas of natural feature removals, major grade and drainage alterations, and installation of hardened surfaces or underground components affecting groundwater and surface water receptors, e.g., watercourses, wetlands, woodlands.

Given the potential for impacts, TRCA is concerned that the SEV as proposed does not present a strong enough commitment to the requirements of the EBR for ensuring consideration of the environment in decisions. As stated in the introduction to the SEV, the purposes of the EBR include the protection and conservation of natural resources, however, the body of the proposed SEV does not address how natural resources will be protected or conserved in the course of the Ministry's mandate to invest in infrastructure. While there is some mention of conserving natural resources in the SEV, it is limited to in-office internal operations of waste management and energy use.

To better serve the purposes of protecting and conserving natural resources, the SEV would benefit from reference to upfront direction (within the Ministry Mandate, Vision and Business section) for infrastructure from Provincial Plans and the Provincial Policy Statement (PPS) that align with the purposes of the EBR. This would improve consistency and coordination of land use planning and infrastructure that falls under an environmental assessment process. For example, the 2019 Growth Plan for the Greater Golden Horseshoe and the recently updated Provincial Policy Statement both contain policies for greater integration of infrastructure planning with development planning with an aim to limiting land consumption and resource use. The proposed SEV could include better recognition of Growth Plan requirements such as:

- An intensification first approach to development and city-building, which focuses on making better use of existing infrastructure and public service facilities, and less on continuously expanding the urban area;
- The promotion of the co-location of linear infrastructure, where appropriate;
- Co-ordinated Infrastructure planning, land use planning, and infrastructure investment;
- Communities and infrastructure must be adapted to be more resilient, greenhouse gas emissions across all sectors of the economy need to be reduced, and valuable water resources and natural areas need to be protected.

And PPS requirements such as:

- Promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- Managing and/or promoting growth and development that is integrated with infrastructure planning;

- Promoting green infrastructure to complement infrastructure;
- Wherever possible and practical, approvals under the Planning Act and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.
- Consideration to significant resources in section 2, Wise Use and Management of Resources;
- Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.

**Therefore, TRCA recommends that the SEV's Ministry Mandate, Vision and Business section incorporate the above directions from Provincial Plans and the Provincial Policy Statement.**

#### **Detailed comments**

For the Ministry's consideration, TRCA staff offer the following detailed comments specific to some of the sections of the proposed SEV.

<b>Proposed Statement of Environmental Values (SEV)</b>	<b>TRCA comments</b>
<p><b>2. MINISTRY VISION, MANDATE AND BUSINESS</b></p> <p>The role of the Ministry of Infrastructure is to make smart, targeted infrastructure investments to make our roads safer, commutes easier and communities healthier – protecting what matters most to people for future generations. The Ministry is committed to building better infrastructure for the people, making smarter infrastructure investments for the province, municipalities, Indigenous communities, the broader public sector and non-profit organizations across Ontario, creating jobs and growing our economy. Modernizing public infrastructure is the key to strengthening our economy and ensuring that every region across the province can grow and prosper.</p> <p>Our priorities in fulfilling the Ministry's mandate include:</p> <ul style="list-style-type: none"> <li>• Leading the province's infrastructure plan to deliver effective and resilient infrastructure, while protecting the things that matter most to people.</li> <li>• Implementing the Infrastructure for Jobs and Prosperity Act, 2015.</li> <li>• Supporting the expansion of broadband and cellular connectivity across the province by implementing the province's five-year Broadband and Cellular Action Plan.</li> <li>• Working with the Federal Government to deliver the Investing in Canada Infrastructure</li> </ul>	<p>- The first bullet point in this section, "Leading the province's infrastructure plan to deliver effective and resilient infrastructure, while protecting the things that matter most to people," is an important statement in the SEV as it ties to the Ontario <i>Environmental Assessment Act</i> and PPS requirements for incorporating climate change into decision making. TRCA works closely with provincial partners through the environmental assessment and planning processes, as well as through detailed design to provide technical input for achieving resilience. In TRCA's experience, avoidance or mitigation of flood and erosion hazards, protecting and restoring natural heritage systems and water resources, and incorporating green infrastructure all contribute towards resilience and sustainability in infrastructure planning and design.</p> <p>The MOI's Long Term Infrastructure Plan and the implementation of the <i>Infrastructure for Jobs and Prosperity Act</i>, including the regulation for municipal asset management planning (which includes green infrastructure within the definition of assets) are briefly mentioned in</p>



<p>Program (ICIP), which will leverage \$11.8 billion in federal funding for investments in public transit, green infrastructure, infrastructure for community, culture, and recreation and infrastructure in rural and northern communities.</p> <ul style="list-style-type: none"> <li>• Promoting the effective management of public infrastructure by: <ul style="list-style-type: none"> <li>- Working with partner ministries to ensure decisions concerning provincial assets are integrated, timely and based on the best available evidence, including data analytics.</li> <li>- Implementing the requirements of O. Reg. 588/17, Asset Management Planning for Municipal Infrastructure. This includes providing municipalities with guidance as well as tools and supports to help them manage their assets in a more standardized and consistent manner.</li> <li>- The regulation requires Ontario municipalities to consider opportunities to undertake adaptation and mitigation measures to address the impacts of climate change on infrastructure.</li> </ul> </li> <li>• Developing policies and initiatives by working with Infrastructure Ontario to enhance infrastructure delivery including through public-private partnerships (P3) and other programs.</li> </ul> <p>The Ministry of Infrastructure will promote an innovative, competitive economy supported by modern infrastructure and maintain oversight of Infrastructure Ontario, in a manner that is environmentally sustainable and supports the Province’s commitment to climate change mitigation and adaptation.</p> <p>Specific details on the Ministry of Infrastructure’s activities and goals can be found on the Ministry website: <a href="https://www.ontario.ca/page/ministry-infrastructure">https://www.ontario.ca/page/ministry-infrastructure</a></p>	<p>this section. These initiatives are significant opportunities for incorporating the protection, conservation and restoration of natural resources into MOI decision making, as per EBR requirements. Accordingly, <b>TRCA recommends</b> that implementation of the Long-Term Infrastructure Plan and the municipal asset management regulation figure more prominently and be expanded upon throughout the SEV.</p> <p><b>TRCA recommends</b> modifying the text as follows: “The regulation requires Ontario municipalities to consider opportunities <b>to build resilient infrastructure, as well as to</b> undertake adaptation and mitigation measures to address the impacts of climate change on infrastructure.”</p> <p><b>TRCA recommends</b> adding the word “resilience” to the paragraph in this section, as follows: “The Ministry of Infrastructure will promote an innovative, competitive economy supported by modern infrastructure and maintain oversight of Infrastructure Ontario, in a manner that is environmentally sustainable and supports the Province’s commitment to climate change <b>resilience</b>, mitigation and adaptation.”</p>
<p><b>4. INTEGRATION WITH OTHER CONSIDERATIONS</b></p> <p>The Ministry will take into account social, economic and other considerations and integrate these with the purposes of the EBR when making decisions that might significantly affect the environment. To assist the government in considering the environmental impact of infrastructure decisions, the Ministry of Infrastructure developed a Life-Cycle Assessment</p>	<p>- With regard to, “will take into account social, economic and other considerations” versus environmental impact, <b>TRCA recommends</b> that further clarification is needed on weighing other interests against environmental requirements and on what environmental impacts are unacceptable.</p>

<p>(LCA) Resource Guide. This Guide provides an overview of LCA and describes how ministries could use the information from the assessment to make climate-informed decisions about a project.</p> <p>LCA is a tool that measures the environmental impacts of an infrastructure investment over its full lifecycle, from production of building materials, through the construction and operations, to the decommissioning of the asset. Using LCA can help identify ways to minimize environmental impacts while balancing costs. For example, LCA can be used to identify cost-effective design and materials choices that reduce greenhouse gas emissions.</p> <p>The government is committed to reducing Ontario's GHG emissions by 30% below 2005 levels by 2030. To support this commitment, the plan proposes to have tools to help decision makers understand the climate impacts of government activities. LCA is an example of a tool that ministries could use to make choices that result in emissions reductions.</p>	<ul style="list-style-type: none"> <li>- As well, the statement in this section “when making decisions that might significantly affect the environment” assumes there will be significant environmental impacts rather than avoiding, mitigating or compensating for any impacts. <b>TRCA recommends</b> that the statement be modified to make clear that the first choice is to avoid, then mitigate, and as a last resort compensate.</li> <li>- The example provided of the Life-Cycle Assessment (LCA) Resource Guide is focused on GHG emissions benefits but does not speak to the EBR goal of protection, conservation and restoration of the natural environment. <b>TRCA recommends</b> that the SEV include statements that describe how the Ministry will take into account the goal of protection, conservation and restoration of the natural environment.</li> <li>- The statement in this section that the LCA describes how ministries “could” use the information implies that the need to consider climate change and ecological impacts is optional. <b>TRCA recommends</b> that the language be strengthened to be more direct that decisions about a project <i>shall</i> be climate-informed.</li> </ul> <p>With regard to the paragraph that begins, “LCA is a tool that measures the environmental impacts....” TRCA recommends adding text (see bold) as follows: “....can be used to identify cost-effective design and materials choices <b>that lead to more sustainable choices, including to reduce greenhouse gas emissions and improve energy efficiency.</b>” Further, <b>TRCA recommends that</b> adding another paragraph in which the SEV requires all procurements of products and services incorporate consideration for (or be consistent with) provincial climate goals, objectives and targets. As the document speaks to the integration into P3 agreements, this becomes imperative in the setting of industry standards that are associated with the building of provincial infrastructure. It supports programs that are in place, such as the Ministry of Transportation’s sustainability</p>
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	strategy, <i>Sustainability inSight</i> (2011) and the companion Sustainability Implementation Plan that provides direction to both highway and Metrolinx projects, as well as providing guidance to other provincial infrastructure builders.
<p><b>6. CONSULTATION</b></p> <p>The Ministry of Infrastructure believes that public consultation is vital to sound environmental decision-making. The Ministry will endeavour to provide opportunities for appropriate consultations, including with municipalities/municipal organizations, affected industries, and technical and environmental experts, when making decisions that might significantly affect the environment.</p>	<p>- <b>TRCA recommends</b> that in addition to municipalities, examples of other key public agencies be included for consultation on the environmental impacts of an infrastructure project, such as <b>conservation authorities</b>.</p>
<p><b>7. CLIMATE CHANGE</b></p> <p>The ministry will work to advance the province's core climate change priorities, as outlined in the Environment Plan by:</p> <ul style="list-style-type: none"> <li>• Ensuring policies and programs consider the impacts of a changing climate and promote opportunities to build resilience;</li> <li>• Build partnerships across government, the broader public sector and with our external stakeholders to consider climate change mitigation and resilience as part of the government decision-making process.</li> </ul> <p>The Ministry has demonstrated its commitment to these objectives through its work on ICIP (Investing in Canada Infrastructure Program) and the municipal asset management planning regulation.</p> <ul style="list-style-type: none"> <li>• Funding under the Green stream of ICIP is being leveraged to support climate change mitigation projects, including public transit projects that reduce greenhouse gas emissions.</li> <li>• The regulation, which applies to all 444 Ontario municipalities, requires municipalities to consider opportunities to undertake adaptation and mitigation measures to address the impacts of climate change on infrastructure.</li> </ul>	<p>-<b>TRCA recommends</b> that after the first two important bullet points, to add a point regarding the link between resilience and the natural environment, including natural hazard management, water resource and natural heritage conservation, and the protection of drinking water sources. Further, to maintain the resiliency of our watersheds, there should be direction that, especially within the context of the potential impacts of infrastructure, restoration and compensation be implemented when natural heritage protection is not possible.</p> <p>-<b>TRCA recommends</b> revising the first bullet as follows: "Ensuring policies and programs consider the impacts of a changing climate and <del>promote</del> <b>implement</b> opportunities to build resilience"; and revising the second bullet to: "Build partnerships across government, the broader public sector and with our external stakeholders to <del>consider</del> <b>incorporate</b> climate change mitigation and resilience <del>into as part of</del> the government decision-making process."</p>

	Finally, in addition to supporting climate change mitigation projects, the funding referred to in this section should also be supporting climate change adaptation projects.
<p><b>9. GREENING OF INTERNAL OPERATIONS AND ENERGY CONSERVATION</b></p> <p>The Ministry of Infrastructure believes in the wise use and conservation of natural resources and is committed to reducing its environmental footprint by greening its internal operations, for example through in-office recycling programs, as well as waste reduction and energy conservation practices such as minimizing paper use and using energy savings options for idle office equipment.</p> <p>The Ministry will also continue to work with other partner ministries, stakeholders and suppliers in support of Government of Ontario initiatives to reduce emissions, conserve energy and water, and to wisely use our air and land resources in order to generate environmental, health and economic benefits for present and future generations.</p>	<p>-As mentioned in TRCA's general comments above, the first paragraph in this section focuses on examples of in-office waste management and energy use. <b>TRCA recommends</b> using the sustainability framework of, climate, environment, social and economic impacts in "greening" its operations. In this regard, there could be other examples provided of how MOI implements the SEV in their internal operations such as, working remotely, flexible work schedules, and the use of digital technologies.</p>

Thank you once again for the opportunity to provide comments on the New Statement of Environmental Values for the Ministry of Infrastructure. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, Ext. 5281 or at [laurie.nelson@trca.ca](mailto:laurie.nelson@trca.ca).

Sincerely,

<Original signed by>

Laurie Nelson, MCIP, RPP  
Director, Policy Planning

BY E-MAIL

cc:

TRCA: John MacKenzie, Chief Executive Officer  
Sameer Dhalla, Director, Development and Engineering Services  
Beth Williston, Associate Director, Infrastructure Planning and Permits  
Steve Heuchert, Associate Director, Development Planning and Permits



June 8, 2020

**BY EMAIL ONLY** ([kirby.dier@ontario.ca](mailto:kirby.dier@ontario.ca))

Ms. Kirby Dier  
Network and Microgrid Policy  
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Toronto, ON M7A 2C1

Dear Ms. Dier:

**Re: Proposal to identify and protect a corridor of land for future electricity infrastructure in the Greater Toronto Area (ERO #019-1503)**

Thank you for the opportunity to comment on the Ministry of Energy, Northern Development and Mines' (ENDM) Environmental Registry (ERO) posting on the proposal to identify and protect a corridor of land for future electricity infrastructure in the Greater Toronto Area (GTA), in support of future growth in Halton, Peel and York regions.

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.

### **Government Proposal**

The Independent Electricity Systems Operator (IESO), Ontario's electricity planner, has identified a long-term need for electricity transmission infrastructure in Halton, Peel and York regions, but the technical scope of transmission infrastructure required, and the timing of its need may not be certain for many years. In June 2019, ENDM and the IESO initiated the Northwest GTA Transmission Corridor Identification Study (the study) to identify an appropriate corridor of land for use by future linear transmission infrastructure when the need arises. TRCA understands that the government is currently seeking feedback on the proposed narrowed study area, shown in the Proposed Transmission Narrowed Area of Interest figure included in the ERO posting, as well as input on the guiding principles the government will consider in conducting the study. The outcome of the study will be a recommendation on land to be preserved for future transmission infrastructure and protected from development for other purposes.

ENDM has noted that any future electricity transmission development in the study area would be subject to *Environmental Assessment Act* requirements and other applicable regulatory approvals, including through the Ontario Energy Board.

### **General Comments**

TRCA understands that the currently proposed narrowed area of interest for the transmission corridor largely corresponds to the Ministry of Transportation's (MTO) 2019 Focused Area Analysis for the GTA West Highway Environmental Assessment (EA). TRCA is a commenting agency involved in the review of the GTA West Highway EA. At this time, TRCA understands that the exact alignment of the highway has not been confirmed, nor is it clear where the electricity transmission corridor will be located relative to the highway (north of or south of the highway). Via a presentation to TRCA's Board of Directors on January 24, 2020, and through multi-agency working groups for the EA, MTO indicated that they anticipated sharing the preferred multimodal transportation corridor route publicly before the end of Spring 2020, with the exception of Sections 7 and 8 where further work is required to confirm the route in those areas.

A resolution from TRCA's Board of Directors meeting of January 24, 2020, was that MTO and ENDM/IESO confirm efforts to coordinate their independent studies and ensure negative impacts are fully assessed and minimized wherever practicable. Staff's report and recommendations to the Board recognized the substantial environmental impact the infrastructure projects can have, often crossing or running parallel to natural systems, requiring vast areas of natural feature removals, major grade and drainage alterations, and installation of hardened surfaces or underground components affecting groundwater and surface water receptors, e.g., watercourses, wetlands, woodlands.

The transmission corridor study area traverses TRCA's jurisdiction through the Etobicoke Creek, Mimico Creek and Humber River watersheds, including several hectares of TRCA-owned lands known as the Nashville Conservation Reserve. TRCA concerns are related to how the two infrastructure corridors would affect:

- flood and erosion hazards;
- watercourse and wildlife crossings;
- stormwater management;
- natural feature removals and corresponding ecosystem compensation;
- land use and/or acquisition of TRCA-owned lands as it may affect natural heritage and archaeological resources and recreation master planning, including trails and trail connections, and ultimately,
- climate resilience.

The Provincial Policy Statement's section 1.6 requires infrastructure and public service facilities to be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs. It is TRCA's assertion that the transmission corridor study's attention to many of the above noted concerns will help demonstrate how such preparation can be addressed.

### **Detailed comments**

TRCA's comments are organized according to the five guiding study principles and the questions posed in the ERO posting. We understand that provincial legislation, policies and technical planning documents have informed the principles and that "balance among the principles will be required in implementing the study."

#### **Principle 1: Co-locate with other linear infrastructure**

*Corridor routing should maximize the use of existing linear infrastructure corridors wherever feasible (e.g., GTA West Transportation Corridor, 400 series highways, other infrastructure corridors).*

TRCA understands ENDM is recognizing the opportunity to co-locate a transmission corridor with the Ministry of Transportation's (MTO) proposed GTA West Transportation Corridor, and so are proposing to align the timing of the study with milestones related to MTO's Environmental Assessment. TRCA supports the co-location of linear infrastructure in accordance with the Provincial Policy Statement (PPS), the Growth Plan and the TRCA's own policy document, The Living City Policies. By avoiding fragmenting large swaths of land in multiple locations, co-location of linear infrastructure can help minimize impacts to natural hazards, natural features and water resources.

Also aligned with provincial policies, is The Living City Policies' recommendation for coordinated processes (e.g., *Planning Act* and *Environmental Assessment Act*) to facilitate strategic infrastructure placement and design that avoids cumulative impacts and seeks opportunities for improvements to natural systems. In addition, the Growth Plan and the recently updated PPS both contain policies for greater integration of infrastructure planning with development planning with an aim to limiting land consumption and resource use.

While we understand that the transmission study is independent of the GTA West Highway Environmental Assessment, these studies should be coordinated to optimize opportunities for avoiding or reducing risk associated with natural hazards, for minimizing, mitigating and compensating for impacts to the natural heritage system, and for seeking opportunities for remediation and restoration enhancements.

## **Principle 2: Plan for the most cost-effective outcome**

*Corridor routing should protect least cost routing where feasible, which could include identifying the shortest geographic route and reducing crossings of other infrastructure such as highways, railways, pipelines and other transmission lines.*

TRCA staff are supportive of corridor route planning that minimizes costs, contingent on all of the study principles being weighted fairly so that major environmental impacts will not be accepted in favour of least-cost alignments. We note that the principle's examples of identifying the shortest geographic route and reducing crossings of other infrastructure may be ambitious given the need for connections at specific locations and that realignments may be required to avoid existing infrastructure.

TRCA recognizes the need to minimize costs in the siting and alignment of the transmission corridor, but the assessment should also take a long-term view regarding the later stages of planning, design and construction of the electricity infrastructure. A short, direct route alignment may result in having to cross through difficult to construct areas due to natural hazards or groundwater conditions. The long-term costs of maintenance or repair from damage due to erosion or groundwater issues, for example, need to be considered, as well as the potential for exacerbation of these issues due to the surrounding urbanizing landscape and climate change. In this regard, other least-cost routing measures, which would also align with Principle 3, would be to minimize the number of crossings of valley and stream corridors.

Unavoidable impacts to the natural heritage system and the need for ecosystem compensation should also be factored into costing analyses. TRCA will recommend ecosystem compensation for loss of natural features at the EA stage of the project and at detailed design under TRCA's permitting process. This is especially important to assess early in the process, since infrastructure maintenance requirements may limit opportunities for placement of restoration plantings within the infrastructure footprint. Similarly, restoration locations outside the transmission corridor may be limited due to the GTA West Highway footprint and development pressures in proximity to the proposed study area. Comprehensive, upfront planning for the corridor will help streamline the approach to finalizing compensation at later planning stages and provide an estimate of the associated cost to better inform the preferred alignment.

Further, given that several hectares of TRCA-owned property will be traversed by the transmission corridor, TRCA Property staff request that future TRCA land acquisition costs be included within the costing analysis of

the study and, once the design has been finalized, that negotiations be undertaken regarding land base compensation for any lands impacted.

A comprehensive analysis that considers all of the study principles equally, and the impacts of a changing climate, should determine the most cost-effective outcome in the short and long term.

In order to plan for the most effective outcome, TRCA recommends that the criteria for selecting a recommended transmission corridor include factors in addition to cost, and that these criteria be evaluated and weighted such that the process to determine the preferred route alternative is clear and transparent.

**Principle 3: Minimize impacts to natural heritage, agricultural and hydrological features consistent with provincial policies**

*Minimize corridor impacts on the natural heritage system, agricultural lands and hydrologic features consistent with provincial policies and plans (e.g., Provincial Policy Statement, Growth Plan, Greenbelt Plan).*

TRCA supports this principle as The Living City Policies align with provincial and municipal policies for protection of natural heritage and water resources systems as well as agricultural lands. In order to meet this principle, the study criteria should include evaluation of impacts to watercourses, wetlands, and valley and stream corridors. TRCA recommends that this principle also incorporate the provincial requirements of reducing the risks associated with natural hazards of flooding and erosion. The PPS directs that infrastructure should be strategically located to support the effective and efficient delivery of services, and to ensure the protection of public health and safety in accordance with the natural hazard policies in Section 3.0. As well, the Growth Plan states that infrastructure must be adapted to be more resilient.

Siting of infrastructure during the next planning phases will be important to achieving resilience and to avoiding and minimizing impacts to natural heritage, and to avoiding and mitigating risks associated with natural hazards. Construction technologies for installing underground infrastructure to avoid natural feature removals may be preferred to above-ground, although studies need to determine which options will best minimize impacts. It is TRCA's understanding that an EA will be completed to further assess the preferred alignment as determined by the corridor study, followed by design and permitting. We look forward to further involvement as the analysis supporting the various alignments within the recommended corridor takes place.

Should the transmission corridor study reveal limited opportunities for restoration plantings within the corridor due to maintenance access needed for infrastructure components, there may still be opportunity for meadow habitat restoration. TRCA's [Meadoway](#) project is a unique approach to integrating and naturalizing linear public open space into urban landscapes. The existing infrastructure corridor spanning TRCA watersheds is undergoing enhanced naturalization with meadow habitat and trail construction, subject to restrictions on uses within the corridor. It is recommended that future transmission corridor design alternatives for the current transmission study consider opportunities to enhance biodiversity in this way, thereby meeting shared public agency objectives and provincial policies for active transportation and climate resilience.

**Principle 4: Minimize impacts on built up areas**

*Corridor routing should minimize impacts on existing municipal plans in the study area, including impacts on existing built up areas, cultural heritage, planned developments and airports.*

TRCA staff have worked closely with municipalities and the development industry to plan for the development, redevelopment and intensification of the areas in proximity to the corridor while protecting and enhancing the natural heritage system and avoiding and mitigating the risk associated with flood and erosion hazards. Natural heritage lands, including hazardous lands, have been conveyed into public ownership through municipal planning processes. TRCA supports the principle that impacts to municipal plans and built up areas be



minimized, especially given the significant efforts invested in negotiating for the protection, management and public conveyance of natural system lands.

**Principle 5: Provide flexibility for the future**

- *Corridor routing should take a long-term view and should not preclude reasonably anticipated future infrastructure requirements.*
- *Corridor routing should allow for connections to existing electrical infrastructure.*
- *Corridor routing should not preclude specific technology types, which will be determined by a future transmitter (i.e., overhead lattice, overhead monopole, underground).*
- *Corridor routing should preserve sufficient flexibility for future environmental study.*

TRCA agrees and supports the statements regarding flexibility for the future as listed in this principle. Indeed, as indicated in our comments above, TRCA recommends that routing should take a long-term view in order to consider future costs and to prepare for the impacts of a changing climate.

We recommend that in terms of future infrastructure requirements that recreational / trail considerations should also be considered. The Parkway Belt West Plan included conceptual trail alignments for a similar scale hydro transmission and utility corridor. You may wish to reference the September 2019 [TRCA Trail Strategy](#) in your study and the future EA and design work should be viewed as an opportunity to implement TRCA Trail Strategy through an approach similar to TRCA's work with Hydro One and the City of Toronto with the Meadoway on the Gattineau corridor in Toronto.

With regard to specific technology types, TRCA appreciates this flexibility given that a future transmitter's ability to choose between above ground versus below ground infrastructure or a mix of both is important for exercising the best option for minimizing, mitigating and compensating for environmental impacts.

Also noted above, we understand that an EA will be completed at a later stage to further narrow the transmission route within the broader protected corridor. TRCA appreciates that there will be some level of flexibility within the corridor to adjust the location of the transmission infrastructure, once data become available to further inform exact alignments.

**Question 1: Are you aware of potential barriers or issues that may be associated with the proposed narrowed area of interest?**

In January 2020, TRCA staff reviewed the potential impact of the various proposed MTO transportation alignments for the GTA West Highway on TRCA-owned property. At that time, the potential impact to TRCA-owned property from the transportation corridor ranged from 8 to 73 hectares (ha), depending on the route. In TRCA's report of January 24, 2020 entitled "GTA West Transportation Corridor Individual Environmental Assessment," submitted to MTO, TRCA identified several areas of concern including possible impacts to TRCA-owned lands.

The 2019 Focused Analysis Area for the GTA West Highway Environmental Assessment and the Proposed Transmission Narrowed Area of Interest represent a broader area of study than the specific transportation routes evaluated in January 2020. The total potentially affected TRCA-owned land in the Proposed Transmission Narrowed Area of Interest is approximately 130 hectares.

The majority of the potentially impacted TRCA lands are in the Nashville Conservation Reserve (NCR) in Vaughan. The NCR is a 900+ hectare TRCA property that supports a variety of wildlife, provides significant deer wintering yards and is an important migratory corridor. It is a diverse site containing many different habitat types such as forests, wetlands, meadows, former agricultural fields and small tributaries that feed into the main branch of the upper Humber River. Phase 2 of the Nashville Multi-Use Trail Project, undertaken by TRCA in partnership with York Region and the City of Vaughan, is currently ongoing and will build a 400-metre

section of compacted granular trail to improve trail quality, accessibility and inter-regional trail connections in the vicinity of the GTA West Highway preferred technical route. The NCR's large size and current and future ecological value make it an integral part of our city-region's natural heritage system.

TRCA appreciates that a protected corridor for electrical transmission is required to accommodate projected energy needs for rapidly growing communities. Rather than being a barrier, the protected ecosystems and nature-based recreation opportunities currently being enhanced and established in the NCR also represent an important public service that should be able to persist in tandem with the highway and the transmission corridor. Therefore, TRCA recommends that the transmission study direct the future transmitter to mitigate the impacts that construction and installation will have on the NCR, and where this is not possible, to integrate natural system and trail connectivity into the different infrastructure components to maintain connectivity for both wildlife and public use.

### **Question 2: Are there other principles we should consider in conducting the study?**

As mentioned in the comments on Principle 2, TRCA recommends that avoiding or reducing the risk associated with natural hazards of flooding and erosion also be included as a guiding principle of the study. TRCA is an agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the PPS. Consideration of natural hazards should be incorporated as early as possible in the infrastructure planning process of the transmission corridor location and is an appropriate consideration to include in the study as it relates to climate resiliency. In TRCA's experience, placement of hydroelectric corridors adjacent to and crossing valley systems results in increased erosion risk, as regular maintenance within the corridor often creates a need for access routes through sensitive areas, over watercourses, down valley slopes and through wetlands. It will be essential once this project moves into the EA phase, that the type of infrastructure technology and location for a route to be identified and recommended that avoids sensitive and hazardous areas to the extent possible.

TRCA Property staff request that there be coordination with TRCA throughout the transmission corridor planning and design process to further review and provide input on options to avoid and mitigate impacts to TRCA-owned lands, and to determine an alignment that will minimize and/or mitigate impacts through the Nashville Conservation Reserve.

### **Question 3: Do you have any other outstanding questions or concerns?**

Based on the review of information on the transmission corridor and the GTA West Highway provided to date, TRCA staff raised several issues that have yet to be addressed. Many of these issues are also relevant to both projects, such as:

- What will be the cumulative impacts of two infrastructure corridors on the surrounding NHS?
- Will there be further updates provided by ENDM regarding background information to inform a preferred corridor?
- How and where will this be documented? Will this be documented through the IESO's Integrated Regional Resource Plan update or through another process?
- The geographic scale of the protected transmission corridor is not clear. TRCA requests that ENDM clarify the proposed protected corridor width in order to inform further TRCA feedback.
- The potential orientation of the transmission corridor relative to the GTA West Highway project is not clear (i.e., will the transmission corridor alignment be located to the north or south of the highway?) TRCA requests clarification on this matter, noting that significant potential impacts to sensitive lands, including TRCA-owned lands, may occur depending on the selected approach.

In addition to providing responses to the above questions, TRCA also requests ENDM to consider a number of recommendations as described below.

### **TRCA Recommendations**

In order to support the government's proposal to identify a corridor for electricity transmission in support of regional growth in Halton, Peel and York regions, and continue to ensure the protection of people and property from natural hazards and the conservation of natural resources, TRCA recommends the following:

- 1) That in the interest of conforming to the Provincial Policy Statement, which requires infrastructure and public service facilities to be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs, the transmission corridor study address TRCA comments regarding:
  - flood and erosion hazards;
  - watercourse and wildlife crossings;
  - stormwater management;
  - natural feature removals and corresponding ecosystem compensation;
  - land use and/or acquisition of TRCA-owned conservation lands;
  - climate resilience.
- 2) That in addition to co-locating the transmission corridor with the GTA West Transportation Corridor, that the planning processes for these two major projects be coordinated in order to optimize opportunities to avoid, minimize, mitigate and compensate for environmental impacts.
- 3) Regarding projected costs:
  - a. That the study principles be fairly weighted so that major environmental impacts will not be accepted in favour of least-cost alignments.
  - b. In order to plan for the most effective outcome, that the criteria for selecting a recommended transmission corridor include factors in addition to cost, (e.g., all study principles and the impacts of a changing climate), and that these criteria be evaluated and weighted such that the process to determine the preferred route alternative is clear and transparent.
  - c. To streamline the approach to finalizing required compensation at later planning stages and inform cost estimates, that requirements for ecosystem compensation (to compensate for unavoidable impacts to the natural heritage system) and associated costs be considered in the study.
  - d. That future TRCA land acquisition costs be included within the costing analysis of the study and, once the design has been finalized, that negotiations be undertaken with TRCA Property staff regarding land base compensation for any lands impacted.
- 4) That the transmission corridor study criteria include evaluation of impacts to watercourses, wetlands, and valley and stream corridors.
- 5) That the provincial requirements of reducing the risks associated with natural hazards, be added to Principle 3 on provincial policies.
- 6) That future transmission corridor design alternatives consider opportunities to enhance biodiversity, incorporate active uses and fully maximize restoration opportunities within the corridor, subject to restrictions on uses within the corridor, using [The Meadoway](#) project as a model.

- 7) That the environmental impacts of above- versus below-ground technologies be considered in future decisions on technology and alignment alternatives, noting TRCA's preference for the option that will minimize environmental impacts.
- 8) That the transmission study direct the future transmitter to mitigate the impacts that construction and installation will have on the Nashville Conservation Reserve, and where this is not possible, to integrate natural system and trail connectivity into the different infrastructure components to maintain connectivity for both wildlife and public use.
- 9) That there be coordination with TRCA throughout the transmission corridor planning and design process to further review and provide input on alignment options to avoid, minimize and mitigate impacts to TRCA-owned lands, including the Nashville Conservation Reserve.

Thank you once again for the opportunity to provide comments on the proposal to identify and protect a corridor of land for future electricity infrastructure in the GTA. 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](mailto:john.mackenzie@trca.ca).

Sincerely,

<Original signed by>

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

**BY-E-MAIL**

Cc: Lukasz Grobel, Project Manager, Ministry of Transportation

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  
Daniel Byskal, Associate Director, Property and Risk Management



June 24, 2020

**BY E-MAIL ONLY** ([clairissa.myschowoda@ontario.ca](mailto:clairissa.myschowoda@ontario.ca))

Clairissa Myschowoda  
Species at Risk Branch - Permissions and Compliance  
Ministry of the Environment, Conservation and Parks  
300 Water Street  
4th Floor, South Tower  
Peterborough, Ontario K9J 3C7

Dear Ms. Myschowoda:

**Re: Metrolinx: Permit for activities that will result in a significant social or economic benefit to Ontario (ERO #019-1682)**

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' Environmental Registry (ERO) posting on the proposed permit for activities that will result in a significant social or economic benefit to Ontario, sought by Metrolinx. We understand the posting is to solicit input on a proposal for permits under the *Endangered Species Act* in relation to three priority transit projects that will improve public transit in the Greater Toronto Area. The proposed permits have the potential to impact species at risk and consider options to avoid and minimize impacts on the species.

The Toronto and Region Conservation Authority (TRCA) has an ongoing interest in protecting wildlife species and their habitat given our roles as described below. 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. Where endangered species are affected by development, provincial staff undertake a concurrent review of planning proposals in accordance with the *Endangered Species Act*. TRCA supports our provincial partners and other public

infrastructure providers in avoiding, mitigating and compensating to protect and restore wildlife habitat in the environmental assessment process, and through our mandate under the *Conservation Authorities Act*.

### **Government Proposal**

We understand the government is seeking public input on a proposal for permits under the *Endangered Species Act*, 2007 (ESA) in relation to three priority transit projects: the Eglinton Crosstown West Extension, the Ontario Line and the Scarborough Subway Extension. The proposed permits have the potential to impact species at risk and consider options to avoid and minimize impacts on the species. The species known to occur in the project study areas are Barn Swallow and Butternut, while publicly-available species occurrence data suggest that Bank Swallow (*Hirundo rustica*), Blanding's Turtle (*Emydoidea blandingii*), Chimney Swift (*Chaetura pelagica*), Eastern Small-footed Myotis (*Myotis leibii*), Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*) and Tri-coloured Bat (*Perimyotis subflavus*) may occur in the study areas.

We understand that this proposal does not imply that the Ministry of Environment, Conservation and Parks (MECP) will issue a permit, and that a permit may only be issued where the legal requirements set out in clause 17(2)(d) of the ESA have been satisfied.

### **General Comments**

We commend Metrolinx for proactively seeking permits for species at risk impacts within the project study areas in advance of the detailed design phase. This approach is consistent with a recommendation made in TRCA's previous comments to the ERO on four priority transit projects, with the rationale that comprehensive, creative and collaborative approaches early in the infrastructure planning process facilitates streamlining, better decision making, positive outcomes and greater certainty for all stakeholders. TRCA submitted comments on March 19, 2020 on MECP's ERO posting #019-0614, "Proposed regulations for how the Environmental Assessment process will apply to four priority transit projects in the Greater Toronto and Hamilton Area," to the MECP's Environmental assessment branch. A copy of the letter is enclosed for your information.

From the current ERO posting, we understand that Metrolinx is seeking ways to minimize adverse effects on the species and that many of these mitigation measures may be included as requirements in the proposed ESA permits, such as:

- undertaking studies to confirm or refute the presence of the species prior to construction commencing;
- undertaking work at the time of year when the species are less sensitive to disturbance if habitat will be removed:
- removing it at the time of year when the species are less likely to be present;
- creating or enhancing habitat for the Species to compensate for the habitat that was removed;
- if any members of the species will be removed (i.e. Butternut), compensating for these impacts through actions that benefit the species (e.g. plantings);
- providing contractors with education on how to identify the species at risk and what steps to take should the species at risk be encountered within the study areas; and
- monitoring the effectiveness of any steps taken to minimize adverse effects on the species and taking additional steps to increase their effectiveness should they be found to be ineffective.

In addition to the above efforts of the proponent to minimize impacts, ecological impacts that cannot be mitigated should be compensated for to maintain a robust natural heritage system resilient to the impacts from the new infrastructure. As a major landowner in the GTA and an agency actively engaged in ecological restoration projects, TRCA is well-positioned to provide potential project options and available land to facilitate ecosystem compensation.

Through watershed research, science and expertise, TRCA has developed a number of technical guidance tools and strategies that can be used to inform and support the implementation of the ESA permitting process for mitigating and compensating species and habitat impacts. TRCA's Guideline for Determining Ecosystem Compensation and TRCA's Integrated Restoration Prioritization framework are landscape level approaches to identifying ecological impairments, compensating for and improving ecosystem function. While species at risk (SAR) are not a focus of these tools, many SAR benefit from these approaches through the main restoration objectives that address hydrological processes, natural cover, connectivity, and landforms and soils. Complemented by the framework, TRCA's Restoration Opportunities Planning tool is a method to inventory feasible ecological restoration projects at the watershed sub-catchment scale that include SAR considerations.

Accordingly, TRCA infrastructure planning and restoration ecology staff are available to work cooperatively with the Ministry and Metrolinx to ensure a natural heritage systems approach to environmental impacts is applied throughout the project, which includes accounting for and minimizing impacts to SAR. TRCA and Metrolinx are already working to address issues concerning natural hazards of flooding and erosion risks associated with the transit projects, as outlined to MECP in the enclosed March 19, 2020 letter.

### **TRCA Recommendations**

On the basis of the above comments, TRCA recommends that:

- 1) Metrolinx and the project consultants work collaboratively with TRCA to ensure a systems approach to natural resource conservation is applied throughout the priority transit projects, including minimizing species at risk impacts.
- 2) Opportunities be pursued to coordinate ecosystem compensation with the *Endangered Species Act* process for impacts to the natural heritage system that cannot be mitigated.
- 3) Metrolinx and the project consultants consult with TRCA to identify potential ecosystem compensation project opportunities on TRCA-owned lands.

Thank you once again for the opportunity to provide comments on the proposed permit for activities that will result in a significant social or economic benefit to Ontario, sought by Metrolinx. 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](mailto:john.mackenzie@trca.ca).

Sincerely,

<Original signed by>

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

Encl. TRCA Submission dated March 19, 2020 Re: ERO #019-0614, Four Priority Transit Projects in the Greater Toronto and Hamilton Area

BY E-MAIL

cc:

TRCA:

Laurie Nelson, Director, Policy Planning  
Sameer Dhalla, Director, Development and Engineering Services  
Beth Williston, Associate Director, Infrastructure Planning and Permits  
Ralph Toner, Associate Director, Restoration and Resource Management  
Daniel Byskal, Associate Director, Property and Risk Management



March 19, 2020

**BY E-MAIL ONLY** ([ken.cunningham@ontario.ca](mailto: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 MNRF 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](mailto:john.mackenzie@trca.ca).

Sincerely,

<Original signed by>

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



June 28, 2020

**BY E-MAIL ONLY** ([leanne.jennings@ontario.ca](mailto:leanne.jennings@ontario.ca))

Leanne Jennings  
Species at Risk Branch - Species at Risk Recovery Section  
Ministry of the Environment, Conservation and Parks  
300 Water Street  
North tower, 5th floor  
Peterborough, Ontario K9J 3C7

Dear Ms. Jennings:

**Re: Developing government response statements for nine species at risk under the Endangered Species Act, 2007 (ERO #019-1749)**

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' Environmental Registry (ERO) posting on the draft government response statements for nine species at risk under the *Endangered Species Act, 2007*.

The Toronto and Region Conservation Authority (TRCA) has an ongoing interest in protecting wildlife species and their habitat given our roles as described below. 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*, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Where endangered species are affected by development, provincial staff undertake a concurrent review of planning proposals in accordance with the *Endangered Species Act*. TRCA supports our provincial and municipal partners in avoiding, mitigating

and compensating to protect and restore wildlife habitat in the planning and environmental assessment processes, and through our mandate under the *Conservation Authorities Act*.

### **Government Proposal**

We understand that under the *Endangered Species Act* (ESA), the government must ensure that a recovery strategy is prepared for each species that is listed as endangered or threatened. A recovery strategy provides science-based advice on what is required to achieve recovery of a species. Generally, within nine months after a recovery strategy is prepared, the ESA requires the government to publish a statement summarizing the government's intended actions and priorities in response to the recovery strategy. The response statement is the government's policy response to the scientific advice provided in the recovery strategy.

The Ministry is proposing government response statements that outline actions the government is taking and supports to protect and recover nine species at risk (SAR) in Ontario:

Blanding's Turtle (*Emydoidea blandingii*),  
Eastern Whip-poor-will (*Antrastomus vociferus*),  
Little Brown Myotis (*Myotis lucifugus*),  
Northern Bobwhite (*Colinus virginianus*),  
Northern Myotis (*Myotis septentrionalis*),  
Spiny Softshell (*Apalone spinifera*),  
Spotted Turtle (*Clemmys guttata*),  
Tri-colored Bat (*Perimyotis subflavus*)  
White Wood Aster (*Eurybia divaricata*).

### **General Comments**

TRCA staff have reviewed the draft government response statements and support the actions proposed to protect and recover these SAR in Ontario. We note, however, that many of the actions essential for achieving the government's recovery goals are categorized as "government-supported" as opposed to "government-led". For example, within the response statements for the three turtle species, the government-supported actions listed under Research and Monitoring, Management, Stewardship and Awareness Focus Areas are to be supported through the funding available for the SAR Stewardship Program. Therefore, TRCA staff have the following questions:

- How will the objectives allocated under government-supported actions be appropriately funded and supported to allow for these goals to be achieved?
- How is the severity of risk for each species taken into consideration when sub-allocating these funds?
- How will any new findings of the research be integrated into the existing and future recovery strategy items?

In TRCA's experience, available funding is project-specific and therefore does not accommodate a natural heritage systems approach. In this regard, it may be more efficient to establish multi-species action plans to address common threats for species that occupy the same ecotype/habitat in Ontario.



This would help reduce duplication and increase efficiency while improving effectiveness of SAR recovery.

All government response statements acknowledge that successful SAR recovery requires inter-governmental co-operation and the involvement of many individuals, organizations and communities. It would be beneficial for the statements to identify what the roles of other public agencies might be, specifically conservation authorities and municipalities given their roles in monitoring, restoration, education, and planning and permitting as well as landowners and proponents of Class Environmental Assessments.

Currently, however, the ESA process can be overly restrictive as to limit monitoring and restoration activities (e.g., reddsides). Given that SAR live within an ecosystem, restoration and regional monitoring activities should be considered as beneficial in the context of species recovery strategies and response plans. For example, TRCA has capacity to assist in recovery efforts due to a long history of regional watershed monitoring, (e.g., with funding and cooperation from the government, TRCA could commence turtle surveys across our region for species present in our jurisdiction). TRCA is already undertaking road ecology research and could target SAR in our monitoring and research in addition to the multiple species and indicators that the program currently tracks.

In addition, TRCA's Integrated Restoration Prioritization framework is a landscape level approach to identifying ecological impairments and improving ecosystem function. While SAR are not a focus of the framework, many SAR benefit from this approach through the main restoration objectives that address hydrological processes, natural cover, connectivity and landforms and soils. Complemented by the framework, TRCA's Restoration Opportunities Planning tool is a method to inventory feasible ecological restoration projects at the watershed sub-catchment scale that include SAR considerations.

Related to the above, it may also be helpful to identify existing tools and established processes that could be used by the agencies to implement the actions and achieve recovery goals. Again, this harmonization could lead to reducing duplication and finding efficiencies. The response statements acknowledge cooperation with other agencies is important but do not offer details on how the implementation will work through the SAR Stewardship Program. Following are some suggestions for examples of implementation through the use of existing tools:

- require construction mitigation techniques for road construction and natural forms of shoreline stabilization through the ESA permit process;
- the government can directly influence water management plans through licenses/permits required under the *Lakes and Rivers Improvement Act*;
- the increase in habitat connectivity, particularly within private lands, could be stimulated through tax breaks for implementation of Stewardship Plans on private lands;
- more funding could be allocated for detection and enforcement of illegal collection of specimens;
- to address the amount of accidental deaths through boat collisions, introduce an educational component into the Safe Boating legislation and license regarding potential collisions with wildlife; and

- to reduce mortality from fishing by-catch, introduce an educational component into the obtention of a Fishing License.

TRCA also offers the following comments specific to each draft response statement.

### **Draft Government Response Statement for Blanding's Turtle**

- It is not just newly created roads/trails that attract nesting females, but routine maintenance on existing roads/trails that results in fresh gravel or grading also attracts females. This is an important timing consideration for road/trail management.
- Coyotes have also been identified as predators (see COSEWIC Assessment)
- The effects of European red ants are not well understood on hatchlings or nesting females. We suggest this be added under the research and monitoring actions of site-specific threats or invasive species.
- The impact that red-eared sliders have on Blanding's turtles needs to be quantified in terms of interspecific competition and the transmission of diseases under research and monitoring actions.
- Similarly, under the stewardship and awareness actions, efforts need to be taken to educate the public on the impacts of aquarium turtle release and the proper ways to surrender unwanted pet turtles.
- Non-native turtle releases for all turtles should also be identified; this creates interspecific competition for resources and can potentially introduce disease into populations.
- Stewardship and awareness actions should target stormwater pond managers to ensure that management, including water drawdowns, not occur during the critical overwintering period. This can be as simple as direct and well-publicized best management practices targeted to local municipalities.
- Suggest prioritizing the research action regarding the effects of different types/sizes of roads based on the level of estimated impact (existing data allows for this).
- Suggest prioritizing management of invasive species (presumably Phragmites) based on more robust criteria than just "where they pose a direct threat". Phragmites is unlikely to pose a direct threat in the early stages of invasion when it is much easier to control. Rather, phragmites poses a direct threat once it becomes so dense and expansive that it is extremely difficult and expensive to control.

- “Priority sites” are referred to but it is not identified where these are; could this information be released to allow agencies to focus efforts? One proviso should be that the information remains confidential to the agencies so that poachers cannot take advantage of these sites.
- The response statement could specify implementation mechanisms for priority actions identified such as government-led permit conditions for mitigation techniques to address new road construction and road mortality, forest management, aggregate extraction and energy production.
- More funding could be allocated for detection and enforcement of illegal collection of specimens. The reduction on illegal collection of species should also be specifically identified as an action under the Management or Stewardship and Awareness Focus Area.

#### **Draft Government Response Statement for Spiny Softshell**

- It is suggested that all actions to improve recruitment are necessary given that there may be approximately 900 individuals left in the province. More diligent and immediate measures are required in order to support the long-term viability of the existing population.
- Suggest prioritizing management of invasive species (presumably Phragmites) based on more robust criteria than only “where they pose a direct threat” (see same comment above under Blanding’s Turtle).
- The impact that aquarium turtles may have on spiny softshells needs to be quantified in terms of interspecific competition and the transmission of diseases under research and monitoring actions. Similarly, under the stewardship and awareness actions, efforts need to be taken to educate the public on the impacts of aquarium turtle release and the proper ways to surrender unwanted pet turtles. TRCA has captured both Chinese spiny softshell and Texas spiny softshell in our restored wetlands and are concerned about the effect these exotic species may be having on our native turtles.

#### **Draft Government Response Statement for Spotted Turtle**

While this species is likely extirpated from TRCA’s jurisdiction we offer the following comments informed by extensive habitat management work:

- Suggest prioritizing management of invasive species (presumably Phragmites) based on more robust criteria than just “where they pose a direct threat” (see same comment above under Blanding’s Turtle).
- It is not just newly created roads/trails that attract nesting females, but routine maintenance on existing roads that results in fresh gravel or grading also attracts females. This is an important timing consideration for road management. Especially for spotted turtles, this

action needs to be expanded to include recreational trails with ATV use. The impacts that on and off-trail ATV use has on spotted turtles should be a primary stewardship and awareness action.

- The impact that red-eared sliders have on spotted turtles needs to be quantified in terms of interspecific competition and the transmission of diseases under research and monitoring actions. Similarly, under the stewardship and awareness actions, efforts need to be taken to educate the public on the impacts of aquarium turtle release and the proper ways to surrender unwanted pet turtles.
- The impact that subsidized predators have on spotted turtles should be a primary stewardship and awareness action. This could be targeted to residents in known spotted turtle areas encouraging them to clean up bird feeder waste, secure garbage and compost, never feed wildlife, etc.
- The draft response statement identifies mass mortality of hibernating spotted turtles as a potential consequence of changes to the water table occurring during hibernation periods. The need for water management plans for activities that could result in alteration of water regimes in wetlands should be added as a specific action item.
- Because there are only 2,000 to 3,000 mature individuals left in Ontario with a high mortality rate, more diligent and immediate measures are required from the Government in order to support the long-term viability of existing population.
- The implementation of mitigation techniques involved in new road construction and road mortality could be directly tied to government-led permits as a requirement.
- The increase and maintenance in habitat connectivity, particularly within private lands, could be stimulated through tax breaks for implementation of Stewardship Plans on private lands. Due to the life history of this species, connectivity between aquatic and terrestrial habitats is particularly critical.
- More funding could be allocated for detection and enforcement of illegal collection of specimens.

#### **Draft Government Response Statement for Whip-poor-will**

- Since they are forest edge nesters, Whip-poor-will are likely to be significantly impacted by subsidized predators that patrol this type of habitat; they are also likely impacted by cats and dogs.

- In light of the above, the stewardship and awareness section should include outreach to private property owners regarding the impact of subsidized predators on whip-poor-will and other wildlife and the actions they can take to reduce predator populations.
- The above noted section could also include information on the impact of outdoor cats and off-leash dogs as large contributors to ground nesting bird declines. The Ministry should consider adopting a “cats indoors” campaign to address the enormous and well-documented impact that cats have on birds, and other wildlife.
- With regard to “priority sites”, with a 94% decline in population, it should be assumed that every site is a priority site.
- The response statement refers to declines of prey populations related to pesticides and insect controls. As it is apparent that increased pesticides have a negative impact on insect populations, resources should be reallocated to focus on insect declines and potentially assist a variety of aerial insectivores.

#### **Draft Government Response Statement for White wood aster**

Although White wood aster is not in TRCA’s jurisdiction, we offer the following:

- It is not realistic to assess deer browse on this plant since it is likely entirely eaten or eaten beyond the point of identification. Furthermore, research has already shown that when protected from deer, herbaceous plants can recover, further research is not required rather, it is time to implement protection (see research by York University/Ontario Parks at Rondeau and Presqu’île Provincial Parks).
- Outreach and awareness actions should also include trail management best practices to ensure users and managers do not impact trailside asters.

#### **Draft Government Response Statements for Bats (Little Brown Myotis, Northern Myotis, and Tri-Coloured Bats)**

- A high priority for research should be maternity roosts. Likewise, inventory and mapping priorities should include maternity roosts.
- Awareness and habitat protection objectives should also target homeowners (especially in rural areas) with specific advice on how to help bats directly and indirectly. Rural homeowners will likely have a genuine interest in assisting bat populations when they learn of the pest control benefits bats provide, and the easy and inexpensive ways they can promote bat habitat both directly and indirectly on their property (bat boxes, naturalized areas, etc.).

- The background primer acknowledges that urbanization and land development is a major contributor to the decline in foraging and roosting habitat, yet there are no sections in the response statement pertaining to urban development and/or anthropogenic impacts (except lines 273-274) to the three bat species and/or their habitat (including foraging habitat, hibernacula/swarming sites, and maternity roosts sites). Line 273 may be interpreted that the government will continue to mitigate anthropogenic threats to habitat only within provincially protected areas. Clearer direction should be provided on the protection of the three bat species and their habitat outside provincially protected areas where development is more prominent.
- The response statement identifies the *Made-in-Ontario Environment Plan* in the context of greenhouse gas reductions. The Ministry may want to consider that reference to specific policy or strategy documents may require future updates to the response statement. An alternative would be to state that greenhouse gases should be reduced by a targeted amount by 2030 to reduce pollution for reasons related to bat recovery.
- Aerial insectivores are seeing declines across Ontario; additional action items to increase insect populations or to help halt the decline would be beneficial for this species recovery (also see comment above related to Whip-poor-will and pesticides).
- It is suggested that the government provide direction for best management practices and/or guidance documents to help prevent direct and indirect impacts to the three bat species and their habitat based on existing scientific evidence/knowledge. For example, implementing application of timing window for removal of trees with suitable maternity roost potential. An approach where surveys are required if timing windows cannot be met would be helpful. It would be beneficial if this was a requirement for any proposed permanent removal of bat habitat, similar to urban development impacts to redbreasted nuthatch habitat.
- Another consideration in terms of recent threats is that bats are being portrayed as the cause and carriers of the Corona virus, being unfairly hunted and killed. This could be referenced under public education efforts in “Awareness and Habitat Protection” action items.

### **TRCA Recommendations**

On the basis of the above comments, TRCA recommends that the Ministry consider:

- 1) Multi-species recovery strategies and government response statements being developed for species that occupy the same ecotype/habitat in Ontario to incorporate and better reflect a systems-based approach to species protection and recovery.
- 2) Specific reference to ecosystem restoration activities and regional monitoring activities being included within the government response statements as positive actions for multi-species benefits including SAR.

- 3) The government response statements:
  - a. Reallocate a number of action items from government-supported to government-led actions, as recommended in the body of this letter, to enhance implementation and goal achievement.
  - b. Define the roles of other agencies, including conservation authorities and municipalities, in SAR recovery.
  - c. Incorporate use of existing tools, through established processes, that the Province can leverage to provide species protection and achieve the government response statement goals.
- 4) TRCA's recommendations to emphasize certain species-specific impacts provided in this letter be incorporated into the government response statements, such as impacts of anthropogenic development, invasive species, subsidized predators, domesticated pet predation, domesticated species releases, illegal specimen collection, off-trail all-terrain vehicle use and road maintenance activities.
- 5) TRCA's recommendations to support potential species-specific mitigation factors provided in this letter be incorporated into the government response statements, such as municipal stormwater management best management practices, timing window requirements for existing or potential habitat removal, and prioritizing the research action regarding the effects of different types/sizes of roads based on the estimated magnitude of species impact.

Thank you once again for the opportunity to provide comments on the draft government response statements for nine species at risk under the *Endangered Species Act, 2007*. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, ext. 5281 or at [laurie.nelson@trca.ca](mailto:laurie.nelson@trca.ca).

Sincerely,

<Original signed by>

Laurie Nelson MCIP, RPP  
Director  
Policy Planning

BY E-MAIL

cc:

TRCA: John MacKenzie, Chief Executive Officer  
Sameer Dhalla, Director, Development and Engineering Services  
Ralph Toner, Associate Director, Restoration and Resource Management  
Scott Jarvie, Associate Director, Watershed Planning and Ecosystem Science  
Brad Stephens, Senior Manager, Planning Ecology



July 31, 2020

**BY E-MAIL ONLY** ([sandra.bickford@ontario.ca](mailto:sandra.bickford@ontario.ca))

Sandra Bickford  
Ontario Growth Secretariat  
777 Bay Street, Suite 2304  
Toronto, Ontario M7A 2J8

Dear Ms. Bickford:

**Re: Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (ERO #019-1680)**

**Proposed Land Needs Assessment Methodology for A Place to Grow: Growth Plan for the Greater Golden Horseshoe (ERO #019-1679)**

Thank you for the opportunity to comment on the Ministry of Municipal Affairs and Housing's Environmental Registry (ERO) postings on the proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the proposed Land Needs Assessment Methodology.

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, and as stated in "A Made-In-Ontario Environment Plan," conservation authorities work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Through Memorandums of Understanding and Service Level Agreements, TRCA provides technical support to its provincial and municipal partners in implementing municipal growth management policies. Further, TRCA recognizes the importance of efficiency, certainty, transparency and accountability in planning and design review processes, so that development and infrastructure projects can occur in a timely and environmentally sustainable manner.



### **Government Proposal**

We understand Amendment 1 proposes changes to the population and employment forecasts, the horizon year for planning, and other policies in the Growth Plan to increase housing supply, create jobs, attract business investment and better align with infrastructure.

We understand the government is also consulting on a new Land Needs Assessment Methodology for the Greater Golden Horseshoe, which supports the implementation of the Growth Plan. Growth Plan policy 2.2.1.5 of the Plan requires upper- and single-tier municipalities to use the Methodology issued by the Minister to assess the quantity of land required to accommodate forecasted growth to the horizon of this Plan. This posting presents the new outcome-based Methodology that, if approved, would replace the existing Methodology. A simplified approach to land needs assessments that reduces the overall complexity of implementation of the Plan is being proposed to provide more flexibility to municipalities.

### **General Comments**

TRCA staff have reviewed the proposed Amendment 1 and the revised Land Needs Assessment Methodology and offer the following comments organized by the areas of change for which we are providing input.

TRCA understands the importance of stimulating growth in the Greater Golden Horseshoe as part of the economic recovery from the COVID-19 crisis, but this should not come at the expense of the fundamental principles of the Growth Plan for “protecting what is valuable”. The proposed amendments would benefit from a more balanced approach for considering social, economic and environmental interests. If, as stated in the Growth Plan, communities and infrastructure are going to be adapted to be more resilient, greenhouse gas emissions across all sectors of the economy are to be reduced, and valuable water resources and natural areas are to be protected, then strong direction is needed for municipalities to be able to determine that their growth forecasts and land needs can be accommodated while protecting water resources, natural heritage and managing impacts from natural hazards. The protection of these valuable natural resources within and outside the Protected Countryside of the Greenbelt, must be maintained in order to implement provincial policies for “preparing for the impacts of a changing climate.”

<b>Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe</b>	
<b>Proposal</b>	<b>Comments</b>
<b>Growth Forecasts for the Greater Golden Horseshoe</b> <ul style="list-style-type: none"><li>• Changes to the text of the Growth Plan to extend the Plan’s horizon to 2051 and provide clarity regarding the application of Schedule 3 to 2051</li><li>• A new Schedule 3 to replace the existing Schedule 3 and Schedule 7 in the Growth Plan. The new Schedule 3 includes population and employment forecasts for</li></ul>	<p>TRCA is concerned that the proposed ability for a municipality to exceed the revised forecasts may encourage larger scale and more frequent requests for Settlement Area Boundary Expansions (SABE) in advance of the completion of comprehensive studies (e.g., watershed and subwatershed studies) that help determine natural heritage, infrastructure and water management constraints and opportunities. In our jurisdiction we also note and would recommend policy to stave off requests e.g., the recent Dorsay request for Minister’s Zoning Orders (MZO) outside of the Municipal Comprehensive Review (MCR) process.</p> <p>The proposed ability to exceed targets, combined with the previously approved Plan amendments of reduced density targets, appears inconsistent with the intent of the Growth Plan to avoid unmanaged growth, promote intensification and limit</p>

<p>upper- and single-tier municipalities to 2051.</p> <ul style="list-style-type: none"> <li>Revised population and employment forecasts in Schedule 3 shall be minimums that municipalities may exceed through a Municipal Comprehensive Review.</li> </ul>	<p>land and resource use. With the proposed amendments both SABEs and MZOs can take place outside of the MCR process causing potential disruptions in the orderly management of land. With the proposed amendments, the comprehensive studies that normally occur within an MCR would be circumvented by development and servicing schemes and proposals that may not take into consideration the larger context of the watersheds and systems being affected by them. TRCA is currently working with several of its municipal partners to support them in the integrated growth management work they are undertaking through their MCRs.</p> <p>While section 2.2.8.5 of the Growth Plan states that SABEs outside of an MCR process are still required to follow environmental impact criteria set out in 2.2.8.3, including that the expansion be informed by sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement (PPS), we would discourage expansions outside of the MCR process. If the government decides to proceed with this amendment despite the concerns being raised by our municipal partners, given the importance of these requirements for the feasibility, planning and design of development and servicing, additional detail and policies requiring more comprehensive prerequisite studies e.g., watershed and subwatershed plans, master environmental servicing plans, etc. should be more prominently positioned and emphasized within an updated Growth Plan to ensure conformity and implementation.</p> <p>In TRCA's experience, there is significant development pressure to locate infrastructure in the natural heritage system and natural hazard lands, as well as for site alteration and grading to occur, within areas of the system intended to function as vegetation protection zones. A robust natural heritage system is a valuable public service required to combat the impacts of urbanization and climate change and offers respite and nature-based recreational opportunities for the growing population as evidenced by the increased use of these areas during the COVID-19 pandemic.</p> <p>Accordingly, stronger and more specific direction is needed for limiting land and resource use within the natural heritage system and for mitigation of impacts within the natural heritage system. Such policies should state that development and servicing should avoid the natural heritage system, where possible, including hazardous lands, and associated Vegetated Protection Zone (VPZs), and further, that development and infrastructure should meet stormwater management (SWM)</p>
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	<p>criteria for water quality, quantity, erosion, and water balance (for natural features and drinking water sources). We note that the Plan contains policies for watershed planning prior to SABEs within or outside of an MCR process but these policies do not address erosion or water balance, which can be major impacts of urbanization.</p> <p>Further, the Plan’s definition of Sub-watershed Planning should be highlighted in the policies, i.e., “integrated with natural heritage protection” and “identifies specific criteria, objectives, actions, thresholds, targets, and best management practices to support ecological needs.”</p> <p>TRCA is supportive of maintaining Growth Plan policies promoting SWM master planning and Low impact Development (LID) measures (e.g., 2.2.1.4, 3.1, 3.2.7, 4.2.1.10), and we are pleased that these are not proposed to be changed. In TRCA’s experience, however, we note that many municipalities can be reluctant to permit LID measures for SWM beyond conventional conveyance techniques, especially on public lands citing insufficient research and information on the long-term use and maintenance of these technologies. This tends to result in LID measures being situated on private lands where there is a risk of such features eventually being altered or removed. Better implementation of the SWM and LID Growth Plan direction could result if policies were added that more specifically direct municipalities to examine options for LIDs within private and public lands. For example, the policies could direct an examination of the co-location of compatible public service facilities where feasible (e.g., SWM in and around parks). This would in turn encourage municipalities to help ensure that their public lands and infrastructure, including transportation corridors, are resilient to the effects of urbanization and the compounding effects of climate change. The TRCA Sustainable Technological Evaluation Program (STEP) has worked with industry to pilot and conduct research on LID technologies that may be useful to examine if the government would like to provide more prescriptive and directive policy on LIDs. Such a move would likely be positively received by industry stakeholders and environmental agencies including conservation authorities.</p>
<p><b>Aggregate Mineral Resources Extraction</b></p> <ul style="list-style-type: none"> <li>Changes to the text of the Growth Plan to remove the prohibition on new mineral aggregate operations,</li> </ul>	<p>It should be clarified that the reference in this amendment to the Natural Heritage System for the Growth Plan is still applicable only to lands outside the Greenbelt Plan Area and outside of Settlement Area boundaries that were approved and in effect as of July 1, 2017. This is particularly important given that policy 4.2.2.6 of the Plan states that beyond the Natural</p>

<p>wayside pits and quarries from habitats of endangered species and threatened species within the Natural Heritage System for the Growth Plan</p>	<p>Heritage System for the Growth Plan, including within settlement areas, the municipality: a) will continue to protect any other natural heritage features and areas in a manner that is consistent with the PPS.</p> <p>The rationale for this amendment is stated in the ERO posting as proximity to market, but we question how it reconciles with the environmental protections in the Growth Plan, the PPS, the <i>Endangered Species Act</i> (ESA) and other provincial plans and regulations. It may be helpful if the analysis that led to this proposed change were shared. For example, in our jurisdiction it is unclear what species and what areas would be affected. Moreover, given that the ESA would continue to apply for aggregate mineral resource extraction uses, this change would likely cause uncertainty for stakeholders. TRCA recommends the prohibition in Growth Plan policy 4.2.8.2 for these habitats be maintained or at minimum, the permission be contingent on demonstration of no reasonable alternative locations, minimizing, mitigating and/or compensating for the impacts to species and their habitats with more stringent rehabilitation requirements of a net ecological gain.</p>
<p><b>Provincially Significant Employment Zones/Major Transit Station Areas</b></p> <ul style="list-style-type: none"> <li>Changes to the text of the Growth Plan to permit municipalities to undertake employment area conversions outside the municipal comprehensive review for lands that are identified as provincially significant employment zones (PSEZs) and within major transit station areas (MTSAs)</li> </ul>	<p>To avoid impacts to people and property due to flooding and erosion while supporting transit-oriented development, clear provincial direction is needed for addressing natural hazards in the conversion of PSEZs to non-employment lands within MTSAs. Many of these areas in our jurisdiction are older brownfield or greyfield areas. A number of these higher order transit stops in TRCA's jurisdiction fall within areas subject to flooding, and similar to employment lands, typically consist of a higher proportion of impervious surface. Developing employment uses or non-employment uses within MTSAs must account for natural hazards, whether identified outside or inside of an MCR process.</p>

### Land Needs

The proposed Land needs Assessment Methodology should be revised to specifically direct the removal of natural heritage system lands and lands subject to natural hazards from the developable area in accordance with Growth Plan policy 2.2.7.3 "The minimum density target will be measured over the entire designated greenfield area of each upper- or single-tier municipality, excluding the following: a) natural heritage features and areas, natural heritage systems and floodplains, provided development is prohibited in these areas."

<b>Proposed Land Needs Assessment Methodology for A Place to Grow: Growth Plan for the Greater Golden Horseshoe</b>	
<b>Proposed Methodology</b>	<b>Comments</b>
<b>Purpose and Objectives</b>	The methodology states that municipalities must consider a number of key factors to ensure that a sufficient and appropriate mix of land is available but does not include the environment among these factors. Growth Plan policy 2.2.7.3, cited above, should be emphasized as a premise to the consideration of all other factors. Adequate greenspace planning/allocation, including trails, should also be considered key, especially within urban areas. This priority need has become more apparent during the COVID-19 pandemic.
<b>Implementation and Conformity</b>	The proposed methodology is much less detailed than the previous (2018) methodology. While this provides more flexibility to municipalities, the risk is that it will be inconsistently applied across the GGH. The broad approach using higher growth forecasts and the previously lowered density targets could lead certain jurisdictions into an unsustainable development pattern rather than a focus on intensification and complete communities.
<b>Timeframes</b>	Applying the LNA Methodology is one of the required components in an MCR process. TRCA has an interest in ensuring that municipalities conform to the watershed planning policies of the Growth Plan taking into account environmental take-outs, (i.e., policy 2.2.7.3), for the LNA within the MCR timeline. It would be beneficial for certainty and streamlining for all stakeholders if the Province were to provide a procedural guidance document in this regard. These guidance documents were part of the Coordinated Plan review recommendations. We note that the MECP Watershed Planning Guidance draft was never finalized despite watershed planning remaining within the PPS and recommendations of the Provincial Flood Advisor which speak to the importance of watershed planning.

### **TRCA DRAFT Recommendations**

On the basis of the above comments, TRCA recommends that the Growth Plan amendments and the proposed Land Needs Assessment Methodology be revised to:

- 1) Place greater emphasis on policies requiring watershed planning and subwatershed planning to assess the impacts of development and infrastructure on the environment to inform growth and infrastructure planning.
- 2) Maintain the prohibition on new mineral aggregate operations within habitats of Endangered and Threatened species within the Natural Heritage System of the Growth Plan.

- 3) Barring recommendation (2), at minimum, require that permission for incursions into the natural heritage system be contingent on demonstration of no reasonable alternative locations and minimizing, mitigating or if necessary, compensating for the impacts to species and their habitats with more stringent rehabilitation requirements of a net ecological gain.
- 4) Require avoidance of natural hazards and remediation where avoidance is not possible, in the conversion of Provincially Significant Employment Zones to non-employment lands within Major Transit Station Areas. This could include encouraging the use of tools such as specific development charges or levies, among others, to complete required flood protection infrastructure as a catalyst to facilitate development, while reducing or eliminating flood risk.
- 5) Specifically direct the removal of natural heritage system lands and lands subject to natural hazards from the developable area in accordance with Growth Plan policy 2.2.7.3 in the proposed Land Needs Assessment Methodology
- 6) Utilize TRCA STEP research, guidelines and protocols to include more details on comprehensive studies and LID measures that should accompany SABEs, major redevelopment and intensification in flood prone areas or that may impact or exacerbate hazards in downstream areas.

Thank you once again for the opportunity to provide comments on the proposed Amendment 1 to the Growth Plan. 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](mailto:john.mackenzie@trca.ca).

Sincerely,

<Original signed by>

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



July 31, 2020

**BY E-MAIL ONLY** ([waterpolicy@ontario.ca](mailto:waterpolicy@ontario.ca))

Erinn Lee  
Ministry of Environment, Conservation and Parks  
Water Policy Branch  
Foster Building, 10th Floor  
40 St. Clair Ave W  
Toronto, ON M4V 1M2

Dear Ms. Lee:

**Re: Updating Ontario's Water Quantity Management Framework (ERO #019-1340)**

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' Environmental Registry (ERO) posting on updating Ontario's water quantity management framework. We understand this update proposes regulatory changes for managing water takings to protect the long-term sustainability of surface water and groundwater and to ensure these important resources are responsibly managed and safeguarded now and for future generations.

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, and as stated in the *Made-In-Ontario Environment Plan*, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. TRCA provides technical support to its municipal partners, as a Source Protection Authority and through Memorandums of Understanding and Service Level Agreements in implementing the natural heritage, natural hazard and water resource policies of municipal and provincial plans.

### **Government Proposal**

The Ministry of Environment Conservation and Parks (MECP) reviewed provincial policies, programs and science tools for managing water takings in Ontario. Independent consultant BluMetric also completed an assessment of water resources in the province, focusing on selected water quantity study areas potentially vulnerable to the cumulative effects of multiple water users, drought, climate change, population growth or changing land use. Additionally, the consultant evaluated whether existing permits to take groundwater for the purpose of water bottling are being adequately managed within the water taking permitting framework. Findings of the MECP and BluMetric assessments were validated by a third-party panel from Professional Geoscientists Ontario (PGO).

The ERO posting also contains a Proposal Paper that outlines MECP's proposed goals and actions, for which the public's input is requested prior to the government undertaking enhancements to Ontario's water quantity management program.

### **General Comments**

With TRCA's roles, responsibilities and experience in mind, we offer the following comments on the MECP proposals as outlined in the Proposal Paper, BluMetric, and PGO reports, and general feedback on policies and programs associated with water taking in Ontario.

Given our experience as watershed managers and having local knowledge of water resource conditions, conservation authorities and municipalities warrant greater consultation for Permit to Take Water (PTTW) reviews. While PTTW applications are circulated to TRCA, we currently have a limited role in the process. It is typically when a proposed project triggers permit requirements under section 28 of the *Conservation Authorities Act*, (TRCA Ontario Regulation 166/06), that we review extensively for construction de-watering operations. We note that the provincial review did not include an assessment of the impacts of permanent de-watering for development and infrastructure, yet these types of operations can weigh significantly on groundwater levels, affecting environmental receptors (wetlands, watercourses) as well as drinking water supplies.

Water taking permit review should better recognize the dynamic nature of the water resource system, adjusting for the amount of water in the system, rather than allowing a constant draw regardless of adverse conditions such as drought. The amount of allowable water to be taken should be tied to the water budget of the area feeding the groundwater. For example, this could be based on the amount of rainfall at the point where the groundwater system is primarily recharged and decreased during times of prolonged dry conditions or lack of rainfall on the primary recharge points. Target rainfall volumes can be investigated and provided to trigger specific water taking maximums. This will require that the proponent conduct a more comprehensive analysis of the groundwater system, including water budgeting, to establish precipitation targets for specific water taking volumes.

The provincial review's conclusion that water taking in Ontario is generally sustainable is uncertain, since the assessment did not take into account all of the water available or being taken. As a starting point for a more comprehensive approach to assessing water resources, conservation authorities, in their role as source protection authorities under the *Clean Water Act*, could be tasked with updating their 2010 water budgets.

Another ongoing concern for PTTW, is that the provincial review process does not currently have the tools to consider cumulative impacts when issuing permits. Conservation authorities endeavor to take this perspective in watershed planning and source water protection and would welcome the opportunity to offer our expertise and experience to assist in updating and more greatly participating in the provincial review processes.



The following comments are organized by the ERO proposal's areas of change for which we are providing input. **Bolded text** indicates TRCA's main suggestions and recommendations for the Ministry's consideration.

Updating Ontario's Water Quantity Management Framework - Proposal Paper	
Section	Comments
<b>Introduction</b>	
Ontario's framework for managing water takings	
The water bottling moratorium	As stated in the Professional Geoscientists Panel report, the volumes of water withdrawn by water bottlers are negligible overall. TRCA agrees with the Panel that placing a moratorium on a single industry is not a necessary step from a technical standpoint.
The ministry's water quantity management review	Further to the comment above, <b>it would be preferable to have a more comprehensive review of water use instead of a focus on a single industry</b> (i.e., water bottling).
<b>Main conclusions of the review</b>	
Ontario has an effective framework for managing water takings	<b>Ontario's water quantity management framework needs to be more robust, as currently not all types of water takings are captured.</b> Some water takings are regulated through the Permit To Take Water process (PTTW), some through the Environmental Activity and Sector Registry (EASR), and some are completely exempt. Second, there is little to no assessment of the cumulative impacts of water takings in these review processes. It is critical to understand how much water takers are using in total in order to better assess sustainability.
Bottled water takings are being managed sustainably under the existing framework	We agree but are concerned that <b>other types of water takings are not being adequately assessed.</b>
Water resources in Ontario are generally sustainable, with a few local exceptions	<b>This conclusion is uncertain since the assessment does not take into account all of the water available or taken. As a starting point for a more comprehensive approach, conservation authorities, in their role as source protection authorities under the Clean Water Act, could be tasked with updating their watershed-based water budgets, last prepared in 2010.</b>
Opportunities to enhance the current framework to be more resilient to current and future water quantity management challenges	<b>There are several opportunities to enhance the current framework – better data, more open data, and better cumulative assessment.</b>
<b>Where do we want to go?</b>	
<b>Goal 1: Establish clear provincial priorities of water use</b>	
<b>Proposed Action:</b> Establish priorities of water use in regulation (O. Reg. 387/04 amendment)	We support this clarification of priorities for assessment in the review process.

Updating Ontario's Water Quantity Management Framework - Proposal Paper	
Section	Comments
<b>Proposed Action:</b> Provide guidance on applying priorities of water use	If priorities are established, this will be key to consistent application across the province.
<b>Discussion Q:</b> 1. Do you support including priorities of water use in regulation? Why or why not?	TRCA supports establishing priorities of water use in regulation. <b>Municipal water supply needs to be secure, while ecological needs, particularly for surface water takings, are equally important for human and environmental health. Certain commercial needs are also vital to a thriving economy yet these takings need to be assessed against municipal drinking water sources and natural resources.</b>
<b>Discussion Q:</b> 2. How should priorities of use be applied to water taking decisions? When should it be applied? What process should be followed? Who should be involved? What information should be considered?	<p>Priorities should be used to communicate with water users during droughts.</p> <p>As Environment is listed as the first water use priority (equal with Drinking Water), the <b>Province should explicitly acknowledge the need for a robust decision-making framework for determining environmental use allocations when large water taking permits are under consideration (either for large individual permits or for a high concentration of smaller permits within a given area)</b>. This acknowledgement is needed to recognize that it is challenging to determine "environmental flow needs" (EFN, from BluMetric report) without first having some statement of ecological values or priorities. The Province could survey assessment tools and targets from the science of EFN and the availability of tools which have proliferated in recent years (as outlined in the BluMetric report). <b>Municipalities, conservation authorities, and the public should be given opportunity to comment on the Province's preferred framework.</b> We recognize the need for a framework that is relatively simple and has some flexibility to account for different levels of data availability and/or system sensitivity.</p>
<b>Discussion Q:</b> 3. Municipal drinking water supply is proposed as a highest priority use. What municipal drinking water needs should be considered a priority (e.g., current, planned growth, longer-term growth)?	For municipal use, long term growth must be considered, especially for communities that are groundwater-dependent. <b>These communities must have confirmed supply for the 30-year horizon, otherwise, growth allocated to these areas may not be sustainable. This would align with the Province's currently proposed forecast period for the Growth Plan for the Greater Golden Horseshoe of 2051 (to be extended from the current 2041).</b>
<b>Goal 2: Update our approach to managing water takings in stressed areas</b>	
<b>Proposed Action:</b> Add authority in regulation to manage water takings	TRCA supports this proposed action, particularly since cumulative impact assessment for water takings is a gap in the framework. The action is supported contingent on the areas to

Updating Ontario's Water Quantity Management Framework - Proposal Paper	
Section	Comments
on an area basis (O. Reg. 387/04 amendment)	be managed being kept current. <b>Given our roles in source water protection and watershed management, conservation authorities can be a valuable resource in the identification of areas that may become stressed in the future.</b>
<b>Proposed Action:</b> Update existing guidance for managing water takings on an area basis	<b>The proposal to provide clearer direction to Permit to Take Water Directors for assessing a group of water takings on an area is a positive step towards greater understanding of cumulative impacts; having the direction in regulation will also improve transparency and certainty for all stakeholders.</b>
<b>Proposed Action:</b> Develop additional guidance for managing water takings in drought conditions	We agree that the Ontario Low Water Response policies and activities should be incorporated into the proposed framework to cooperatively manage low water and drought mitigation and response locally. <b>We note that funding for conservation authorities under the Low Water Response Program was essentially discontinued a few years ago. Conservation authorities welcome the opportunity to offer our expertise and experience from watershed management and source water protection assessment but require funding to participate.</b>
<b>Proposed Action:</b> Replacing high use watershed maps and prohibitions in the regulation (O. Reg. 387/04 amendment)	We support the proposal to replace the high use watershed maps with updated guidance for managing water takings on an area basis, and for how to manage water when drought conditions occur. <b>This is contingent on the guidance being updated regularly, because our knowledge of the available groundwater resources and the magnitude of groundwater withdrawals evolves over time.</b>
<b>Discussion Q:</b> 1. Under what circumstances should the ministry consider assessing and managing water takings on an area basis?	<ul style="list-style-type: none"> <li>• Areas of moderate or significant risk as calculated by a Tier 3 Water Budget under the <i>Clean Water Act</i></li> <li>• Requests from municipalities</li> <li>• Requests from conservation authorities</li> <li>• When drought conditions (as indicated under Ontario Low Water Response) are reported for an area for three consecutive years.</li> </ul> <p>Further to the above, <b>the Ministry should consider an explicit trigger or threshold for determining when the cumulative impacts of smaller water takings are of concern to environment, drinking water, and other water uses.</b> This threshold should be automatically triggered when a certain density of permits is reached within a given horizontal radius and/or stream reach distance, with different thresholds applying to areas/municipalities adjacent to the Great Lakes versus those in interior/headwater settings (and possibly another threshold in between those two extremes of settings). Thresholds would also</p>

Updating Ontario's Water Quantity Management Framework - Proposal Paper	
Section	Comments
	need to be assessed relative to the estimated available water in a system (e.g. % allocated of total available); in light of the increased stress on aquatic ecosystems during summer and early fall, thresholds of water use should take into account water availability this period rather than relying on annual total availability, in accordance with approaches taken by other jurisdictions (as outlined in the BluMetric science review).
<b>Discussion Q: 2.</b> What suggestions do you have for the process of assessing and developing a strategy to manage water takings on an area basis? For example, how should local water users, stakeholders, and Indigenous communities be engaged?	Local water users should be contacted through information on their PTTW or EASR application. Groundwater use data should be collected in stressed areas, including domestic use. Water users should be required to report their groundwater use on an annual basis even if they have not obtained a PTTW.
<b>Discussion Q: 3.</b> How can the province help water users be more prepared for drought?	Education and outreach activities regarding approaches for water conservation.
<b>Goal 3: Make water taking data more accessible</b>	
<b>Proposed Action:</b> Enable sharing of government water quantity data (O. Reg. 387/04 and O. Reg. 63/16 amendments)	This would be very welcome.
<b>Proposed Action:</b> Enhance access to government water quantity data	This would be very welcome.
<b>Discussion Q: 1.</b> Is there any water quantity and monitoring information reported to the ministry that should not be made publicly available? If so, why?	No. This is a public resource, and public has a right to know how it is being used.
<b>Discussion Q: 2.</b> Would the proposed online resource be helpful to you? Why or why not? Are there other mechanisms for sharing this information that would be helpful to you?	Yes, but <b>TRCA would prefer regular release of data such that it can be incorporated into our overall watershed management system, currently maintained by the Oak Ridges Moraine Groundwater Program.</b>
<b>Discussion Q: 3.</b> What data would you like to see included in the online resource?	<b>Having daily water use data for all existing and future permits available to the public through a user-friendly online portal would be a positive step forward for water management in Ontario.</b> All data on groundwater quality, quantity and monitoring should be available through the online resource. More specifically, location and aquifer for taking, or at least depth of wells, daily volumes, duration, and source. Further, the data should include

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Section	Comments
	<p>all water use data submitted to the Ministry in fulfillment of permit requirements, and data should list daily total withdrawals (rather than being summed to coarser timescales, e.g. weekly/monthly).</p> <p>TRCA supports the Professional Geoscientists Panel's assertion that making water use data available to the public would help to ease concerns among the public about over-allocation of water resources within certain stream reaches (based on total permitted allocations within the current system that tend to reflect unrealistic maximum withdrawal rates).</p>
<b>Discussion Q: 4.</b> How would you like to see water quantity data presented? What are the most useful formats (e.g. maps with embedded information, reports, tables, story pages)?	<p>A geo-referenced mapping portal would likely be the best tool for presenting the data and making it available. <b>The Oak Ridges Moraine Groundwater Program has developed a cutting-edge user portal that may provide a useful template for elements of a potential provincial water quantity management data portal (<a href="https://www.oakridgeswater.ca/">https://www.oakridgeswater.ca/</a>).</b></p>
<b>Discussion Q: 5.</b> What water resources information and guidance would you like to see made available to the public?	<p>Source, including aquifer, where known. In addition, <b>the public should be able to see a summary report of the efforts put forth in the permit review process before a PTTW is issued.</b> Further, a list of studies/reports required for future continuation of the permit will provide more assurance to the public that a sustainable water use has been ensured and there are tools available with the Ministry to restrict water use, if warranted.</p>
<b>Goal 4: Give host municipalities more input into water bottling decisions</b>	
<b>Proposed Action:</b> Require water bottling companies to report whether they have support from the host municipality when applying for a new or expanded water taking (O. Reg. 387/04 amendment)	See comments for discussion Q. 1 below.
<b>Discussion Q: 1.</b> Do you support the proposal to require water bottling companies to seek support from their host municipality when applying for a Permit to Take Water? Why or why not?	<b>TRCA recommends that all water takings, not just water bottling, within municipalities that have municipal wells, should require municipal support.</b>

Final Report and Recommendations of the Professional Geoscientists Ontario Panel	
Cumulative assessments of impacts from water use	As indicated in our comments on the Proposal Paper, the PTTW process does not currently have the tools to consider cumulative impacts when issuing permits. <b>Conservation authorities endeavor to take this perspective in watershed planning and source water protection, and would welcome the opportunity to offer our expertise and experience to assist in the provincial review processes.</b>
Consumptive Use	TRCA supports the Professional Geoscientist Panel in that most takings should be considered consumptive, because they generally move water from ground to surface or from one surface water feature to another. In both cases, the water does not end up where it started from.

BluMetric Report	
General	This report is well researched and well written, but dependent on Permit To Take Water data, which is not necessarily complete.
Climate Change	Future projections of climate change impacts on both groundwater and surface water resources need to be more consistent across the province.
Public Data	TRCA supports the recommendation for public access to water taking data.
Land Use Planning	TRCA has made recommendations to the Ministry of Municipal Affairs and Housing on Growth Plan Amendment 1 to enhance the Growth Plan's watershed planning policies to specifically direct development to meet stormwater management criteria for water quantity and water balance for environmental and municipal drinking water purposes (in addition to erosion and water quality). <b>If the PTTW process were also to adopt a watershed or sub-watershed perspective, (as suggested above through the "area-based" approach), this would enhance coordination and consistency of provincial and municipal approaches to water resource management.</b>

Ontario's Water Taking Policies and Programs	
Pump Tests	<b>TRCA would support a simplified process for pump test approvals, such as the EASR system, to promote the acquisition of the best available information on a streamlined basis.</b> In TRCA's experience, we want to encourage proponents to make

Ontario's Water Taking Policies and Programs	
	use of the best available data, but because of approval delays and permit costs, such tests are often not performed.
Water Use	It is clear that PTTW are being obtained for much more water than is required. <b>The Ministry should consider ways for applicants to provide more realistic estimates - perhaps an added field for "anticipated daily volume" in addition to the maximum permitted rate.</b> Another approach would be to add flexibility such as exists in the EASR process, where short term exceedances are allowable, without fear of enforcement action.

Thank you once again for the opportunity to provide comments on updating Ontario's water quantity management framework. 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](mailto:john.mackenzie@trca.ca).

Sincerely,

<Original signed by>

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

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning and Regulation  
Sameer Dhalla, Director, Development and Engineering Services  
Don Ford, Senior Manager, Hydrogeology and Source Water Protection



August 21, 2020

**BY E-MAIL ONLY** ([callee.robinson@ontario.ca](mailto:callee.robinson@ontario.ca))

Callee Robinson  
Ministry of Environment, Conservation and Parks  
Environmental Assessment Branch  
135 St. Clair Ave W  
Toronto, ON M4V 1P5

Dear Ms. Robinson:

**Re: Environmental assessment modernization: amendment proposals for Class Environmental Assessments (ERO #019-1712)**

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' (MECP) Environmental Registry (ERO) posting on amendment proposals for Class Environmental Assessments (Class EAs).

We understand that public notice is being given pursuant to section 15.4 of the *Environmental Assessment Act*, and that MECP is modernizing the environmental assessment program by working with proponents of Class EAs to propose changes meant to ensure strong environmental oversight while aligning assessment requirements with environmental impact, reducing duplication, and increasing efficiency of the Class EA process. The proposal follows recent amendments to the *Environmental Assessment Act* made through legislation (the *More Homes, More Choice Act*, 2019 and the *COVID-19 Economic Recovery Act*, 2020).

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, and as stated in “A Made-In-Ontario Environment Plan”, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. TRCA provides technical support to its municipal partners through Memorandums of Understanding and Service Level Agreements in implementing the natural heritage, natural hazard and water resource policies of municipal and provincial plans.

### **Conservation Authority Watershed-Based Review Important for Addressing Climate Change**

Given that TRCA is a commenting body under both the planning and EA processes and an advisor to our municipal partners on their Master Plans, TRCA reviews several types of public infrastructure proposals from both public and private proponents. This is important for consideration of the cumulative impacts that come from multiple infrastructure projects being proposed in TRCA watersheds combined with numerous private development proposals under the *Planning Act*.

In TRCA’s highly urbanized and intensifying jurisdiction, aging infrastructure in need of renewal is prevalent. Where exposed, at-risk infrastructure is proposed for replacement, repair, or expansion, TRCA works with public and private proponents to improve conditions. This is often accomplished through adapting and retrofitting infrastructure and remediating existing natural hazards that reduces the risk to public safety and enhances the long-term functioning of infrastructure.

Through service level agreements with municipalities, and other public infrastructure providers (e.g., Metrolinx, Enbridge Gas Distribution), TRCA provides technical advice during the completion of various EAs, as well as at later stages of detailed design and construction under our regulatory role. Where a Crown agency is exempt from the regulatory requirements of the CA Act, TRCA has service agreements in place with select agencies to offer review and comment on a voluntary basis; uptake on voluntary review highlights the need for provincial infrastructure to be protected from natural hazards of flooding and erosion. Strongly linked to this is the need to manage natural resources, critical for resiliency of natural systems and infrastructure due to the impacts of urbanization and the compounding effects of climate change.

Further to the above, in TRCA’s experience working with provincial and municipal public infrastructure providers, sector-based service level agreements that standardize review roles, fees and timelines, and stakeholder workshops to educate proponents about agency requirements, are exceedingly helpful for reviewers and proponents. A number of neighbouring CAs have adopted these approaches and TRCA staff would be pleased to meet with the Province to outline how these arrangements have worked to improve review and approval processes.

### **Expedited Approval Processes**

TRCA previously commented on MECP’s Discussion Paper: Modernizing Ontario’s Environmental Assessment Program. In this next phase of modernization for the EA process, it is important to note that undertakings now determined to be exempt from the Class EA process subject to new screening criteria within Class EA documents, and as permitted through the amendments to the EA Act, may

still be subject to regulations under section 28 of the *Conservation Authorities Act*. For example, projects meeting the definition of development under the CA Act being undertaken within TRCA's jurisdiction, would still require permission under Ontario Regulation 166/06. To ensure that low-risk projects are not unduly delayed, TRCA has expedited review processes in place such as "Routine Infrastructure Works", "Emergency Infrastructure Works" and staff delegated permits or clearances. These are employed to consistently streamline review and approval through both the regulatory permitting process as well as the voluntary review process for Crown public infrastructure providers.

### **Coordination among Planning Act and Environmental Assessment Act processes**

TRCA appreciates the proposed Class EA amendments' efforts to better integrate *Planning Act* and EA Act processes consistent with direction in the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Similarly, TRCA's "The Living City Policies" (2014) directs staff participating in the review of applications under the EA Act and the *Planning Act*, to ensure that the applicant and municipal planning authority are aware of TRCA permitting requirements under our CA Act regulation, where applicable; and further, our staff assist in the coordination of these applications to avoid ambiguity, conflict and delay or duplication in the process. We would recommend that documents released under the Class EA initiative also emphasize the need to consider CA Act permits and requirements at the earliest possible stages of the planning and design process to ensure an integrated approach in which permitting and technical information requirements to support all required approvals under all Acts are scoped into supporting studies for projects as early as possible to help streamline project reviews.

### **TRCA as a Proponent or a Co-Proponent of Class Environmental Assessments**

As a major landowner and close working partner with our member municipalities, TRCA is also a proponent or co-proponent of several remediation and infrastructure-related projects, in which the processes set out in the Conservation Ontario Class Environmental Assessment for Remedial Flood and Erosion Control Projects document (CO Class EA) and/or the Municipal Class EA document are followed. As a landowner, the CO Class EA allows TRCA to undertake remedial flood and erosion control projects without applying for formal approval under the EA Act, on condition that the planning and design process in the document is followed, and that all necessary federal and provincial approvals are obtained. Examples of current TRCA projects under the CO Class EA are erosion protection works along the Scarborough Bluffs and other sections of the Lake Ontario shoreline, as well as joint CA-municipal Class EA undertakings for flood remediation to facilitate urban renewal, e.g. Downtown Brampton flood protection EA.

We also undertake individual EAs and Municipal Class EAs on behalf of our partners or as a co-proponent and are interested in opportunities to streamline some of these processes. In our role, we have seen the Municipal Class EA process occasionally leveraged for vexatious and frivolous reasons rather than for public interest purposes resulting in unnecessary delays on important flood protection and infrastructure projects. TRCA would be pleased to share our insights on how Part II Order requests could be limited so as to only allow such requests to be considered for more legitimate natural environment, or socio-economic matters.

### **Government Proposal**

We understand that MECP is working with holders of Class EAs to propose changes meant to ensure strong environmental oversight while eliminating duplication and reducing delay.

There are currently ten different Class EA processes and three streamlined environmental assessment regulations, each with varying requirements. As outlined MECP's April 25, 2019 Discussion Paper: Modernizing Ontario's Environmental Assessment Program, MECP is proposing changes to the EA framework by moving to consistent streamlined EA processes set out in regulation, with clear expectations regarding consultation and defined timelines. The proposed amendments to the Class EAs will inform the development of these streamlined regulations.

Amendments are proposed for eight Class EAs, including several of interest to TRCA: the Class EA for Minor Transmission Facilities (Hydro One), the Municipal Class Environmental Assessment (Municipal Engineers Association), the Remedial flood and erosion control projects (Conservation Ontario), and the Provincial Transportation Facilities (Ministry of Transportation). Some of the proposed changes include:

- changing requirements for some projects, including reducing requirements for certain projects, or exempting projects altogether
- establishing or updating screening processes to determine the appropriate categorization for a project
- updating the Class EAs to ensure consistency with the *Environmental Assessment Act* as a result of the passage of the *More Homes, More Choice Act, 2019*
- administrative changes to correct errors; update references to legislation and regulations; clarify the existing text; and update references to bodies, offices, persons, places, names, titles, locations, websites, and addresses

In addition, MECP proposes to update certain sections of Class EAs with standardized language to ensure consistency between Class EAs, including:

- the amending procedures in Class EAs to be consistent with the *Environmental Assessment Act*, as a result of the changes made by the *More Homes, More Choice Act, 2019*, including amendments by the Minister and the Director.
- the sections in Class EAs on Part II Orders to explain the Minister's authority under section 16 of the *Environmental Assessment Act* and to create consistency across all Class EAs.

### **General Comments**

While TRCA is generally supportive of proposed Class EA amendments for streamlining purposes, we believe that the important role of conservation authorities in the Class EA process for protecting life and property and managing natural resources could be strengthened. As an example, the Class EA amendments that we have reviewed do not reference conservation authorities' section 28 regulation under the CA Act. Further, in the case of Crown projects, as the Province is exempt from CA regulations, there is no mechanism in place for the protection of life and property or the management of natural resources at the detail design stage, in order to fulfill the objects of the EA Act. The mandate of CAs strongly aligns with provincial objectives for resilient public infrastructure

and, if highlighted in the amendments, can better enable CAs to assist in meeting the intent of the EA Act to provide for the protection, conservation and wise management of Ontario's environment. Similarly, strengthening CA regulatory requirements to include Crown undertakings, will further assist in meeting the intent of the Act.

TRCA appreciates the inclusion of the amendments to Section 16 Municipal Class EA Table 3 for Climate Change and have provided detailed comments in this regard in the table below. Our experience is that some proponents remain resistant to recognizing the impacts of climate change, including expected increases in more extreme weather events, and the subsequent impacts on infrastructure, particularly in flood or erosion prone areas.

The following comments offer additions and revisions in order to highlight the valuable watershed-based programs and services of conservation authorities critical to safe and resilient public infrastructure planning. The comments are organized based on the Class EA types of interest to TRCA: Minor Transmission Facilities (Hydro One), Municipal Class Environmental Assessment (Municipal Engineers Association), Remedial flood and erosion control projects (Conservation Ontario) and Provincial Transportation Facilities (Ministry of Transportation). Recommendations for MECP's consideration are in **bolded text**.

## Class EA for Minor Transmission Facilities (Hydro One)

2A. Hydro One Amendment Proposal Table	
Proposal	Comments
General	<ul style="list-style-type: none"> <li>Hydro One recently acknowledged that as a non-Crown entity, conservation authority (CA) permits under Section 28 of the <i>Conservation Authorities Act</i> (CA Act) are required for regulated Hydro One activities in CA regulated areas. A working group led by Conservation Ontario to update the Memorandum of Understanding between CAs and Hydro One has been formed, though work has not yet commenced.</li> <li><b>TRCA staff recommend that specific references to CA permits should be included in the Schedules.</b> Early screening and consultation is encouraged; permits are new to Hydro One Networks Incorporated (HONI) and partnership development/Service Level Agreements (SLAs) are recognized as an effective way to move forward and continue streamlining initiatives using the conditions that will be set forth through Conservation Ontario.</li> </ul>
Appendix D, Table D-1	TRCA supports the amendment to Appendix D, Table D-1 title, which clarifies that applications are to be circulated to non-Provincial Ministry bodies, but <b>request that “other approvals” be specific to the section 28 <i>Conservation Authorities Act</i> regulations.</b>
Amendment #2 Time Lapse, Section 5.2	TRCA staff support increasing the construction initiation timeline to ten years from five years to support more streamlined project implementation.
Amendment #3 Emergency Situations, Section 5.4	<b>TRCA recommends the amendment be modified to recognize requirements for permits for emergency works from other agencies such as CAs.</b> Within TRCA’s jurisdiction, the permitting process for emergency infrastructure projects would be followed to ensure that the emergency is addressed while meeting regulatory requirements. The TRCA emergency infrastructure works process is tailored to projects considered “failure,” “critical,” or “urgent” and was developed in consultation with the City of Toronto and other municipal governments.
Amendment #4 Exempt Undertakings, Section 1.1	TRCA staff generally support the proposed exemption criteria, however, have the following comments: <ul style="list-style-type: none"> <li>Regarding the HONI environmental data used to inform the Environmental Management Plans (EMPs):</li> </ul>

2A. Hydro One Amendment Proposal Table	
Proposal	Comments
	<ul style="list-style-type: none"> <li>○ This should also include obtaining relevant environmental data from CAs, (e.g., flood plain data) where they exist, as CAs' data are generally current and comprehensive</li> <li>○ Require that data gaps be filled in by specialized studies when needed, especially when a CA permit is required.</li> <li>• Environmental Protection Plan (EPP)/EMP Rationale: <ul style="list-style-type: none"> <li>○ TRCA staff recommend including a requirement to also consult with CAs in order to obtain the best available data.</li> </ul> </li> <li>• TRCA staff appreciate the rationale that work in an existing right of way (ROW) should be acceptable, however many of these ROWs (especially those in Toronto) cross CA regulated areas like wetlands and valley and stream corridors, including steep slopes and flood plains. <b>It should be noted in the document that construction within CA-regulated areas requires a permit prior to commencement.</b> Moreover, preferred access routes often traverse CA-owned land. The best routes to access the site, conduct maintenance work, etc. must be discussed on a project-by-project basis.</li> </ul>
<b>Amendment #5 Screening Criterion 'h', Section 3.3.3</b>	<ul style="list-style-type: none"> <li>• TRCA staff support the proposed amendment, which provides much-needed clarification.</li> </ul>
<b>Amendment #6 Telecommunication Stations, Section 6.3</b>	<ul style="list-style-type: none"> <li>• TRCA staff request clarification. Our understanding is that telecommunication towers are regulated through the federal CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems and are the responsibility of Industry Canada. <ul style="list-style-type: none"> <li>○ <b>Please clarify (perhaps in a footnote to the tables) that the federal legislation <u>does not</u> apply to communication systems specific to Hydro One infrastructure (and as such are not exempt from provincial legislation or the CA Act Section 28 regulations).</b></li> </ul> </li> </ul>
<b>Amendments #8, 9 Part II Order Process, Section 3.4.4 &amp; Procedures, Section 5.1</b>	<ul style="list-style-type: none"> <li>• TRCA staff request that MECP provide the standardized wording of these sections for review once available.</li> </ul>

## Municipal Class Environmental Assessment (Municipal Engineers Association)

Number/Section	Proposed Amendment	Comments
<b>3A. Municipal Class EA Amendment <u>Table 1 Proposed Changes to Road Schedules</u></b>		
<b>R1/Appendix 1</b>	2. Shaping and cleaning existing roadside ditches	<ul style="list-style-type: none"> <li>Regarding the term “roadside ditches,” some urban drainage features may be watercourses under the <i>Conservation Authorities Act</i> section 28 regulation. <b>Please qualify “shaping and cleaning of existing roadside ditches” to clarify that ditches should be screened by a CA to determine if they are watercourses or fall within a regulated area and subject to a permitting process under the CA Act.</b></li> </ul>
<b>R7/Appendix 1</b>	14b. Construction of a collector or arterial road[...]	<ul style="list-style-type: none"> <li>TRCA staff prefer that collector or arterial roadway works remain Schedule B or C, as significant information related to natural heritage can come from public consultation. Further, collector and arterial roadways can have numerous impacts on the public interest such as natural heritage and hazard lands that need appropriate consideration and input.</li> <li>TRCA staff question the rationale for a sidewalk or multi-purpose path to be classified as Schedule B (see R18/Appendix 1 Amendment to 23b.), but not a collector or arterial roadway.</li> <li>It is also important to maintain roadways as Schedules B or C given that crossing structures sized under the <i>Planning Act</i> are not required to undergo a justification for the sizing chosen, considering hazards, habitat or socio-economic impacts. However, these are important elements for long-term consideration of infrastructure sizing that are not currently adequately covered under the <i>Planning Act</i>.</li> <li>TRCA staff appreciate the coordination of <i>Planning Act</i> and EA Act processes to reduce duplication, but are concerned that road projects under the purview and the <i>Planning Act</i> will not benefit from the EA Act alternative alignment process or sizing for bridges and culverts in Schedules B and C. Even the higher stages of the planning process such as Master Planning and Secondary Plans tend not to address these elements of review. As a new road can present major environmental impacts, the avoidance and mitigation examined through the EA process still need to be captured in the streamlined process. <b>Rules need to be clearly defined at the outset for a comprehensive review that protects the environment as well as the infrastructure and help prepare for the impacts of a changing climate.</b></li> </ul>

Number/Section	Proposed Amendment	Comments
		<b>Therefore, TRCA recommends that the exemption for roadway works only apply if the <i>Planning Act</i> process will address alternative alignments and proper sizing for bridges and culverts.</b>
<b>R17 and R18/Appendix 1</b>	23a. and 23b.	<ul style="list-style-type: none"> <li>• TRCA staff welcome the amendment to lower thresholds for current Schedule B and C projects involving pathways to Schedules A+ and B, as the Schedule C process for trails refining conceptual alignments is appropriate for road projects but is unduly onerous for pedestrian trails.</li> </ul>
<b>R30/Appendix 1</b>	38. Any undertaking listed [...]	<ul style="list-style-type: none"> <li>• <b>TRCA staff request that this measure also require consultation with CAs and obtaining necessary permits through expedited processes (i.e., the TRCA emergency infrastructure works permit process).</b> Emergencies are not exempt from CA Act regulations, but they are addressed in an expedited fashion that reflects the degree of urgency (failure, critical, urgent) developed in conjunction with the City of Toronto and other municipal partners.</li> </ul>
<b>R33/Appendix 1</b>	Schedules – Overlap Between EA Approvals	<ul style="list-style-type: none"> <li>• TRCA staff support the effort for coordination given overlap between schedules and support the direction to use the more rigorous schedules when more than one could apply. <b>We request a note be added to this section that stipulates how to address projects that are also under the purview of the <i>Planning Act</i>.</b></li> <li>• Further to the above, in the case of public infrastructure projects proceeding through a <i>Planning Act</i> process, and where an EA process applies, <b>TRCA recommends that the municipalities who will assume the infrastructure be a co-proponent to engage with review agencies and the public to ensure transparency, complete public consultation requirements, and awareness on the part of the municipality as to the end product for their assumption and maintenance.</b></li> </ul>
<b>R33/Appendix 1</b>	Schedules – Background Studies	<ul style="list-style-type: none"> <li>• Regarding the statement that background studies are exempt from the Class EA process, often these studies are required to make effective planning and technical decisions. <b>There should be a stipulation that background studies, although exempt, remain as part of the public review process.</b></li> </ul>



Number/Section	Proposed Amendment	Comments
General	N/A	<ul style="list-style-type: none"> <li>• <b>TRCA staff recommend provisions for including Low Impact Development (LID)/green infrastructure be added to the Municipal Class EA.</b> All new and expanded roads should have a treatment train stormwater management scheme that integrates with the existing SWM plan for surrounding planned development and include retrofits where necessary for older established development. This scheme should include LID and green infrastructure as a requirement in their designs. <b>For expanding infrastructure, both the existing portion of pavement as well as the new should require SWM controls.</b></li> </ul>
<b>3B. Municipal Class EA Amendment Table 2 <u>Proposed Changes to Water/Wastewater Schedules</u></b>		
<b>W58 to W68/Appendix 1</b>	(Multiple)	Please see comments above for same sections in Road Schedules
<b>W72/Appendix 1</b>	76 Construction of the following infrastructure [...]	<ul style="list-style-type: none"> <li>• TRCA staff appreciate this amendment, however, <b>recommend that it should be expanded to include green infrastructure</b> (i.e. provisions to address urban biodiversity as well as water management).</li> </ul>
<b>W75</b>	Overlap Between EA Approvals	<ul style="list-style-type: none"> <li>• Please see comments above for same section in Roads Schedules.</li> </ul>
<b>W75</b>	Background Studies	Please see comments above for same section in Roads Schedules.
<b>W75</b>		<ul style="list-style-type: none"> <li>• <b>As this section references dams and weirs, it is especially important to identify CA regulations.</b></li> </ul>

Number/Section	Proposed Amendment	Comments
<b>3C. Municipal Class EA Amendment Table 3 Proposed Changes to Municipal Class EA Manual</b>		
<b>2. Executive Summary</b>	Description of the Class of Undertakings	<ul style="list-style-type: none"> <li>• Regarding the Schedule A/A+ stipulation for consulting with the local community, please revise to be clear that this includes circulation to review agencies including CAs, where works are proposed in a CA regulated area.</li> </ul>
<b>4. Glossary of Terms</b>	Subject to Planning Act Requirements	<ul style="list-style-type: none"> <li>• This definition should be revised to ensure it captures all relevant planning requirements. Suggest “the project must conform to all municipal planning policies, by-laws and standards” including buffer, SWM, etc.</li> </ul>
<b>4. Glossary of Terms</b>	N/A	<ul style="list-style-type: none"> <li>• In the definition of “proponent” or “proponency,” requirements should be provided that when a developer enters into arrangements with a municipality to design and build infrastructure, the municipality retains oversight and approval of the EA and detailed design process, mitigates conflicts, etc. with review agencies.</li> <li>• This should also be defined in #10, A.1.3 Proponency.</li> </ul>
<b>10.</b>	A.1.3 Proponency	<ul style="list-style-type: none"> <li>• Same comments as above for municipal oversight of private proponents</li> </ul>
<b>12.</b>	A.1.5.1 Monitoring of Municipal Class EA	<ul style="list-style-type: none"> <li>• This record of filing should be publicly available. Proponents should use the same naming convention for all applications and public notices to avoid confusion.</li> </ul>
<b>16.</b>	A.1.7 MECP Codes of Practice and Climate Change	<p>TRCA staff appreciate the entirety of this section. Clarity as to the importance of climate change, the implementation of the Ministry’s companion guide for Climate Change in the EA process, and alignment with climate change policies in the Provincial Policy statement are all vitally important for integration of EA and Planning Act processes; in this regard the infrastructure policies in A Place to Grow: Growth Plan for the Greater Golden Horseshoe could be referenced here as well. Further, given the direct link of CA work to the provincial direction for “preparing for the impacts of changing climate”, specific reference to CAs should be added, as</p>

Number/Section	Proposed Amendment	Comments
		<p><b>well as natural hazards management.</b> In advance of explicit guidance, which should be informed by the upcoming Provincial Climate Change Impact Assessment, it may be beneficial to include specific examples within the documentation related to adapting infrastructure for climate change. Examples could include additional freeboard for infrastructure projects proposed along shorelines to adapt to wider-ranging lake levels, additional freeboard along riverine flood protection projects to account for uncertainty in future peak flows, stream stabilization, erosion control, and conveyance sizing analysis upstream and downstream of planned structures to address increased flows in extreme weather events for roadways and riverine systems.</p>
18.	A.2.7 Master Plans	<ul style="list-style-type: none"> <li>• TRCA staff appreciate the additions to this section describing the process and approaches in more detail. <b>A flow chart of the different approaches and the stages in each may be a helpful tool in illustrating the steps and their order. This further direction could include timing of stages and roles of review agencies. Such direction should ensure that establishing an approach and a Technical Advisory Committee are required early in the process to enhance certainty for all stakeholders.</b></li> <li>• <b>At the Master Plan level, as in the higher levels of the Planning Process (e.g., Official Plan, Secondary Plan, Master Environmental Servicing Plan) there should be incorporation of the watershed plan and or subwatershed plan (depending on the extent of the study area) as an overarching guidance document.</b> In this section, for example, where the new text states, “This involves analysis on a regional or systems scale, which enables the proponent to identify needs and establish broader infrastructure alternatives and solutions. The inventory of the natural, social and economic environments which are to be considered when assessing the alternative solutions may also be broader/more general” would be appropriately informed by watershed or sub-watershed scale planning, especially from the natural environmental perspective. Incorporation of watershed planning for defining a problem (first phase of Master Planning, section A.2.2 Identification and Description of the Problem or Opportunity) would also align with the proposed amendments to section A.1.7 on MECP Codes of Practice and Climate Change.</li> </ul>

Number/Section	Proposed Amendment	Comments
21.	A.2.9.1 - A.2.9.4	<ul style="list-style-type: none"> <li>• TRCA staff appreciate the additional text describing the integration of the <i>Planning Act</i> and Class EA Act processes. <b>TRCA recommends that a requirement be added for a lead project manager to be established to coordinate the review to ensure the requirements of both processes are fulfilled in a comprehensive and efficient manner.</b> In TRCA's experience, having a single point of contact/coordination avoids duplication and is helpful for addressing conflicts in competing interests among stakeholders (e.g., regional municipal and local municipality, provincial ministries and agencies).</li> <li>• This section could also reference other infrastructure (telecommunications, etc.) required for city planning.</li> <li>• <b>Regarding co-proponency in which a developer may be completing infrastructure as part of the latter EA phases, TRCA staff recommend the municipality have final sign off on the EA work, such that Council approval is sought for the proposed works prior to submission of the EA documentation to MECP.</b></li> <li>• We appreciate that the integration of LPAT appeal/Part II Order is outlined but this may prove to be difficult. For example, when the projects are integrated with the Transit Class EA, or the Hydro Transmission Class EA, there are additional levels added to the decision-making hierarchy that would be difficult to unravel and adjudicate. There may also need to be changes to different Acts and extensive new procedures prepared to enable this approach. <b>TRCA suggests in these cases that a working partnership be developed that would oversee development of a specific project area and work with proponents on all requirements. Perhaps the Office of the Provincial Development Facilitator (OPDF) could be assigned such work and/or involved in extreme cases where a Provincial Interest is present. Another approach might be to suggest facilitation through someone appointed by the local and or Regional Council with involvement by agencies on city-building initiatives. We recommend additional consideration and consultation potentially with the OPDF, the Ministry of Municipal Affairs and Housing, and other agencies prior to finalizing this approach.</b></li> <li>• Regarding A.2.9.4 Documentation, the final sentence in the proposed amendment states that, "This may result in a slightly longer single document versus two</li> </ul>

Number/Section	Proposed Amendment	Comments
		separate documents that contain mostly duplicative information in both.” In TRCA’s experience, at times there is insufficient documentation at one stage, and so there are gaps in information at subsequent stages. As such, <b>an additional amendment should require addendum documentation for missing technical information where needed.</b>
23.	A.2.10 Relationship of Projects Within the Class EA to Other Legislation	The list of federal, provincial and municipal governments’ policies and guidelines added to this section was previously listed in Section D.3.3.3, Policy and Guidelines, and had included “Conservation Authority Policies and Regulations.” Section D.3.3. now refers to the new list in A.2.10. Although A.2.10 states that the list is not exhaustive and that it is the proponent’s responsibility to secure all approval and permitting requirements, the new list no longer references conservation authorities. In TRCA’s case, we are routinely a part of the review process given that linear infrastructure often crosses TRCA regulated areas and CA owned properties within valleys. <b>Therefore, CA regulations should be included in the list.</b>
25.	A.2.10.6 The Clean Water Act	<ul style="list-style-type: none"> <li>• Within the section on “Projects that create new or amended vulnerable areas,” please amend the following text to more accurately reflect the required actions for project proponents and Source Protection terminology as follows (new text in <b>bold</b>): <ul style="list-style-type: none"> <li>○ “To fully understand the impact of establishing a new or expanded drinking water systems, it is recommended that the technical work required by the CWA to <b>update</b> the vulnerable areas and potential drinking water threats be undertaken concurrently with the Municipal Class EA process.”</li> <li>○ “For further information on source protection requirements, the proponent should contact source protection staff at the <b>local</b> Source Protection Authority <b>or Source Protection Region.</b>”</li> </ul> </li> </ul>
31.	A.3.1 General Consultation	<ul style="list-style-type: none"> <li>• <b>TRCA requests that this section include CAs as a stakeholder;</b> for instance, where “review agencies” are mentioned, CAs could be referenced as an example.</li> </ul>

Number/Section	Proposed Amendment	Comments
39.	D.1 and D.1.1	<ul style="list-style-type: none"> <li>• TRCA staff appreciate the provision of clarification as to proponency, as there has been confusion in the past if a project proponent is Metrolinx or the municipality, especially with regard to transit hubs.</li> <li>• We also appreciate clarification of Schedule 1 – other projects exempt – and that mixed-use facilities (i.e. car/rail facilities) cannot use the Transit Project Assessment Process (TPAP); and that TPAP is for heavy rail (subways) and the MCEA is for other transit types.</li> </ul>
41.	D.3 Glossary of Terms	<ul style="list-style-type: none"> <li>• <b>The “ancillary features” definition for landscaping should also include LID, green infrastructure, and other green design/sustainable design elements.</b></li> </ul>
42.	D.1.4 and D.1.5	<ul style="list-style-type: none"> <li>• 2. Natural Heritage Features - Where the additions in this section reference municipal policies for environmental protection, <b>please add that a local conservation authority may also have policies or guidelines for natural heritage compensation or restoration where impacts to natural features cannot be avoided or mitigated.</b></li> <li>• <b>Please add a section on natural hazards since this is also a key consideration in generating and evaluating alternative transit improvement solutions.</b></li> <li>• 3. Social Environment and 4. Economic Environment - Metrolinx, municipalities and other infrastructure providers, with which TRCA works in its roles as technical advisor and regulator, have established specialized terminology for types of community benefits. For instance, the terms “community benefits” and “public realm benefits” are commonly used together, with the following definitions: <ul style="list-style-type: none"> <li>• <b>Community benefits:</b> Project based benefits that provide measurable economic benefits to the local community.</li> <li>• <b>Public realm benefits:</b> Provision of support for local opportunities for social and environmental improvements.</li> </ul> </li> </ul> <p>In the context of public infrastructure projects, social improvements associated with public realm benefits may include provision of services to conservation areas (such as extending a water main into a conservation area), trails, interpretive signage and others. Environmental improvements might be ecological restoration and wildlife</p>

Number/Section	Proposed Amendment	Comments
		crossings for road and rail infrastructure. <b>Use of these terms should be considered for the MCEA.</b>

<b>General</b>		<ul style="list-style-type: none"> <li>With regard to consultation requirements, <b>TRCA recommends that CAs be consulted as early in the EA process as is practicable, including prior to the Request for Proposal stage to ensure appropriate study requirements are outlined at the outset and that appropriate consultant expertise is hired.</b> This will help expedite the review process by a considerable amount of time, especially with complex projects.</li> </ul>
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#### Remedial flood and erosion control projects (Conservation Ontario)

4. Conservation Ontario (CO) Amendment Proposal Table	
Proposal	Comments
<b>General</b>	TRCA staff recognize that the proposed amendments align with what was discussed as part of the CO working group for the Class EA amendment. The changes to align this Class EA more closely with other approved Class EAs for similar types of work, and to clarify wording and expectations as it relates to maintenance of existing flood and erosion control infrastructure, are very positive. These changes will allow critical maintenance projects that have historically had limited public interest to be streamlined.

#### Provincial Transportation Facilities (Ministry of Transportation)

8A. Draft Amended MTO Class EA	
Section	Comments
<b>Exempt Projects</b>	<ul style="list-style-type: none"> <li>Group D Exemptions – Please note that barrier placements associated with watercourse crossings are of great importance to CAs. For instances where the watercourse overtops the roadway during storm events, erecting a barrier of any kind can result in increases to the flood hazard upstream of the roadway. Similarly, this also applies to culvert or bridge replacements, as undersized crossing structures can result in significant upstream flooding.</li> </ul>

8A. Draft Amended MTO Class EA	
Section	Comments
	<p>As well, we note that “watercourse erosion corrections” are also exempt – such alterations to a watercourse are regulated by CAs and are within our expertise as review agencies who can assist with mitigation and remediation strategies to avoid or reduce risk.</p> <ul style="list-style-type: none"> <li>• <b>There should be some mechanism for ensuring exempted activities that pose a flood or erosion risk (or are located within CA regulated areas) are reviewed by the local conservation authority in order to protect public safety as well as the infrastructure.</b></li> <li>• There are several other exempted projects (e.g., those affecting drainage and “drainage ditches”), that could affect and be affected by hazards and impair sensitive natural heritage features otherwise needed as green infrastructure to address provincial objectives for preparing for the impacts of a changing climate.</li> <li>• <b>TRCA currently has service level agreements with other provincial transportation infrastructure providers that result in mutual benefit for both parties, and would be pleased to meet with MTO staff to discuss a similar partnership.</b></li> </ul>
Detail Design	<p>Page 10 – states that the MTO Class EA process ends after preliminary design is complete and detail design begins. In TRCA’s experience, the detail design phase occurring outside the provincial process often means that environmental oversight is lost, and the party contracted to complete the design is under no obligation to meet CA requirements.</p> <p><b>Therefore, there should be some mechanism for ensuring the detail design process outside the Class EA process, for activities within a CA regulated area, has the oversight of the local conservation authority, in order to protect public safety as well as the infrastructure.</b></p>



Thank you once again for the opportunity to provide comments on the amendment proposals for Class Environmental Assessments. 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](mailto:john.mackenzie@trca.ca).

Sincerely,

<Original signed by>

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

BY E-MAIL

cc:

MECP:       Sasha McLeod, Environmental Assessment Branch, ([sasha.mcleod@ontario.ca](mailto:sasha.mcleod@ontario.ca))  
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TRCA:       Laurie Nelson, Director, Policy Planning  
              Sameer Dhalla, Director, Development and Engineering Services  
              Beth Williston, Associate Director, Infrastructure Planning and Permits



August 22, 2020

**BY E-MAIL ONLY** ([EAmmodernization.MECP@ontario.ca](mailto:EAmmodernization.MECP@ontario.ca))

Ms. Antonia Testa  
Ministry of Environment, Conservation and Parks  
Environmental Assessment Branch  
135 St. Clair Ave., W.  
Toronto, ON M4V 1P5

Dear Ms. Antonia Testa:

**Re: Proposal to exempt various Ministry of Transportation projects from the requirements of the Environmental Assessment Act (ERO #019-1883)**

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' (MECP) Environmental Registry (ERO) posting on a proposed regulation to exempt select Ministry of Transportation (MTO) projects from the requirements of the *Environmental Assessment Act*, subject to conditions. The Highway 401/Leslie Street (Date of TESR: August 2011) project, located within the jurisdiction of the Toronto and Region Conservation Authority (TRCA), is included in the list of select projects.

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. 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 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*, 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 provides technical support to its municipal partners, as a Source Protection Authority and through Memorandums of Understanding and Service Level Agreements in implementing the natural heritage, natural hazard and water resource policies of municipal and provincial plans.

#### **Government Proposal**

As part of the government's commitment to modernize the environmental assessment program, MECP is proposing a regulation to exempt select MTO projects from the requirements of the Environmental Assessment Act (EA Act), subject to conditions. MTO reviewed critical transportation infrastructure and

identified priority projects that previously went through an environmental assessment process but were not implemented, including one MTO class environmental assessment (Class EA) for Provincial Transportation Facilities (Class EA) projects within TRCA's jurisdiction, the Highway 401/Leslie Street (Date of TESR: August 2011) project. Based on the ERO posting, these select projects have completed a Transportation Environmental Study Report (TESR)

If a project has not been implemented within five years of completing a TESR, MTO is required to do an addendum in accordance with the MTO Class EA. The purpose of an addendum is to consider any significant changes which have taken place since the submission of the original Class EA project. The changes may include new conditions in the study area, new government policies, new engineering standards, or new technologies for mitigating measures. As such the above project is now subject to the five-year addendum process.

If the proposed exemption regulation is approved, the MTO would no longer be required to complete the addendum process as outlined in the MTO Class EA for this project. As a result, MTO would not be required to complete a review of the original TESR which is normally completed to document any changes to the project. By exempting these requirements, there would not be any opportunity for public review of an addendum nor any opportunity to submit Part II Order requests.

In addition, MTO would not complete a Design and Construction Report (DCR) documenting the environmental assessment process during detail design for public review. There also would not be any opportunity to submit Part II Order requests on the DCR. However, the proposed regulation would impose additional conditions on the project, as appropriate. For example, the MTO would be required to:

- issue a public notice to proceed with the implementation and construction of the project in accordance with the completed Class EA;
- begin construction of these projects within ten years of this regulation;
- continue consulting with Indigenous communities, as necessary for the individual projects; and
- fulfill conditions of a Minister's decision on Part II Order requests that have already been submitted for projects listed above, as applicable.

Detail design for the projects on the list above will still occur, and project-specific permits and approvals will need to be obtained. MTO's infrastructure is designed by professionals bound by legislation, policies, and procedures, and this would not change in the absence of a discrete environmental document. Likewise, impacts to the environment would still need to be predicted, measured, and mitigated, as dictated by other provincial and federal legislation.

### **General Comments**

In 2011, MTO completed the Preliminary Design and Class EA for the development of a rehabilitation strategy for Highway 401 from west of Leslie Street to East of Warden Avenue in the City of Toronto, in the Don River watershed. As such, the associated 2011 TESR covered a broad area. The rehabilitation strategy investigated pavement concrete base repairs; repairs/improvement to the drainage system; rehabilitation and/or replacement of 17 existing bridges within the study area (including over the Don River); and a shift in the Leslie Street interchange to the south including alterations to the GO Transit station parking lot.

TRCA staff reviewed and provided comments on the 2011 TESR, including a conceptual Flood Plain Hydraulic Study prepared by MTO which was determined to be generally satisfactory at a high level, subject to refinement at detailed design. Following the EA study, TRCA reviewed a Flood Plain Hydraulic Study prepared by Delcan Corporation. TRCA comments on this study included concerns with respect to insufficient model

information and increases to flooding on private property at Manorpark Court. In correspondence to MTO dated October 11, 2011, staff identified TRCA's provincially mandated regulatory authority with respect to natural hazard management and noted the design as proposed could not be supported as it could result in unacceptable risk to health, safety or property damage and that this issue be addressed at the final detailed design stage.

TRCA has been involved in other project reviews and designs for this area, including a 2014 detailed design and Class EA for the Leslie Street off-ramp. TRCA provided comments on the eastbound off-ramp configuration until 2016, at which point MTO declined to proceed with the review of final designs through the TRCA's Voluntary Project Review process. Engagement with TRCA in this project area resumed in 2018 with a new detailed design and Class EA for the rehabilitation of the Highway 401 Eastbound Collector Lanes from Avenue Road to Warden Avenue and included rehabilitation of the existing Don River bridge. TRCA believes that this EA is within the scope of the Highway 401/Leslie Street (Date of TESR: August 2011) project, and therefore subject to this ERO posting. On August 21, 2020, TRCA received the 60% design drawings from MTO. In order to provide a fulsome response to concerns related to our interest in works proposed at the Leslie Street interchange, (i.e., the Don River bridge and the culvert works), TRCA requested copies of the study reports for the natural environment (e.g. terrestrial, aquatic, etc.), geotechnical reports (e.g. borehole investigations, slope stability analyses, etc.), hydraulic analyses (e.g. HEC-RAS model, SWM reports, etc.) and any hydrogeological reports. In response, MTO staff requested clarification noting that while TRCA is entitled to review and provide comments, MTO is not seeking approvals or permits from TRCA as MTO is exempt from TRCA's regulatory approval.

#### **Detailed Design and Voluntary Project Review**

Through service level agreements with municipalities, and other public infrastructure providers (e.g., Metrolinx, Enbridge Gas Distribution), TRCA provides technical advice during the completion of various EAs, as well as at later stages of detailed design and construction under our regulatory role. Where a Crown agency is exempt from the regulatory requirements of the CA Act, TRCA has service agreements in place with select agencies to offer review and comment on a voluntary basis (Voluntary Project Review (VPR)); uptake on voluntary review highlights the need for provincial infrastructure to be protected from natural hazards of flooding and erosion. Strongly linked to this is the need to manage natural resources, critical for resiliency of natural systems and infrastructure due to the impacts of urbanization and the compounding effects of climate change.

As MTO is exempt from the regulatory requirements of the *Conservation Authorities Act*, TRCA has significant concerns there is no mechanism in place for the protection of life and property or the management of natural resources at the detailed design stage, which fails to fulfill the objects of the EA Act. The mandate of the conservation authorities strongly aligns with provincial objectives for resilient public infrastructure and meeting the intent of the EA Act to provide for the protection, conservation and wise management of Ontario's environment. Accordingly, it is recommended that MTO commit to receiving VPR signoff at the design stage as it relates to TRCA's regulatory and policy interest, as well as provincially delegated responsibilities.

#### **Proposed Regulation - TRCA Recommendations**

A proposed draft regulation has not been included as part of this ERO posting; rather the posting generally describes the requirements to be included in the regulation. To date, TRCA's legislated, provincially delegated and regulatory interests have not been addressed. In order to support the government's proposal to stream the existing environmental assessment process with a regulation for select MTO projects and continue to ensure the protection of people and property from natural hazards and the conservation of natural resources,

TRCA recommends the following conditions be placed on this project as part of the provincial approval process:

- 1) That the regulation requires MTO to engage with TRCA through the detailed design process to ensure TRCA's legislated, provincially delegated and regulatory interests related to natural hazard and natural heritage be addressed.
- 2) That the regulation requires MTO to commit to TRCA's Voluntary Project Review process.
- 3) That the regulation requires MTO to provide Natural Heritage Compensation to TRCA or the City of Toronto, as per provisions of the TRCA compensation guidelines, the Metrolinx compensation guidelines or City of Toronto policy.

Thank you once again for the opportunity to provide comments on the proposed regulation to exempt select Ministry of Transportation projects from the requirements of the Environmental Assessment Act, subject to conditions. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, extension 5217 or at [beth.williston@trca.ca](mailto:beth.williston@trca.ca).

Sincerely,

<Original signed by>

Beth Williston, H. BA, MCIP, RPP  
Associate Director  
Infrastructure Planning and Permits

BY E-MAIL

cc:

TRCA: John MacKenzie, Chief Executive Officer  
Laurie Nelson, Director, Policy Planning and Regulation  
Sameer Dhalla, Director, Development and Engineering Services



September 4, 2020

**BY E-MAIL ONLY** ([Eugenia.Chalambalacis@ontario.ca](mailto:Eugenia.Chalambalacis@ontario.ca))

Eugenia Chalambalacis  
Ministry of Environment, Conservation and Parks  
Client Services and Permissions Branch  
135 St. Clair Ave W  
Toronto, ON M4V 1P5

Dear Ms. Chalambalacis:

**Re: Proposed changes to environmental approvals for municipal sewage collection works (ERO #019-1080)**

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks (MECP) Environmental Registry (ERO) posting on proposed changes to environmental approvals for municipal sewage collection works. We understand the proposed changes are intended to modernize Ontario's environmental approval process for low-risk municipal sewage works by implementing a Consolidated Linear Infrastructure Permissions Approach.

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 provides technical support to its municipal partners, as a Source Protection Authority and through Memorandums of Understanding and Service Level Agreements in implementing the natural heritage, natural hazard and water resource policies of municipal and provincial plans. TRCA's own policy document, *The Living City Policies*, contains policies for stormwater management (SWM)

review and regulation that align with provincial and municipal policies for SWM, including meeting provincial criteria for flooding, water quality, erosion, and water balance. Meeting these criteria for the development and infrastructure in TRCA's jurisdiction is critical in assisting our provincial and municipal partners in preparing for the impacts of a changing climate.

### **Government Proposal**

The ERO posting notes that Section 53 of the *Ontario Water Resources Act* (OWRA) requires municipalities and developers to obtain an Environmental Compliance Approval (ECA) to establish, alter, extend or replace sewage works. MECP is proposing to implement a Consolidated Linear Infrastructure Permissions Approach that has been modeled after the existing permissions framework for municipal drinking water systems, which was established in 2009.

Under the proposed approach, municipalities would need to prepare and submit to the ministry applications for consolidated linear infrastructure ECAs that will include a description of all existing municipally owned sanitary collection and stormwater works. A municipality would no longer need to submit individual pipe by pipe ECAs for future alterations provided that the future alterations are built in accordance with new design criteria and all other ECA conditions. Under certain circumstances, and only with municipal approval, other persons such as developers may be able to construct works under the municipality's consolidated linear infrastructure ECA. This is intended to eliminate the need for developers to prepare and submit individual ECAs for sewage works that eventually will be owned by the municipality.

The stated purpose of the Consolidated Linear Infrastructure Permissions Approach and proposed draft design criteria and ECA templates is to:

- reduce regulatory burden for municipalities and developers by streamlining the approval process by replacing existing individual pipe by pipe ECAs with one multi-media ECA for a municipality's wastewater sewage collection system, and one multi-media ECA for a municipality's stormwater collection, treatment and disposal system
- provide clear, transparent and consistent requirements through the new design criteria and conditions in the new ECAs that municipalities and developers can follow for future sewage work
- improve environmental protection and ensure quality and consistency of new sewage works through updating ECA terms and conditions to current standards
- consolidate and update ECA terms and conditions that will apply to each municipality's sewage collection system
- consolidate the ECAs for existing linear infrastructure to establish a holistic picture of all routine works owned by a municipality

### **General Comments**

In TRCA's commenting and regulatory roles, we collaborate with municipalities and development proponents in facilitating the planning, design and construction of municipal sewage works affecting TRCA regulated areas. TRCA staff supports and can assist with the Province's streamlining efforts for sewage works requiring ECAs given current practice in which we offer multi-disciplinary expertise in water resources management. This work also contributes to meeting provincial policies for preparing

for the impacts of a changing climate through the planning and design of resilient infrastructure. For example, TRCA's Living City Policies and Stormwater Management Criteria documents are aligned with and build upon The Growth Plan for the Greater Golden Horseshoe policies, which require:

- municipalities to develop SWM master plans;
- that development be supported by SWM plans;
- that SWM plans be informed by watershed/sub-watershed planning;
- an integrated treatment train approach that incorporates green infrastructure; and
- stormwater retrofits where appropriate.

In TRCA's view, also significant to the currently proposed approval framework, is the Growth Plan policy for SWM plans to establish planning, design, and construction practices that minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and align with the SWM master plan or equivalent for the settlement area, where applicable. These Growth Plan policies also align with the SWM policies in 1.6.6.7 of the Provincial Policy Statement 2020, including to: "minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure."

Accordingly, while we agree that the proposed consolidated framework will help streamline review and approval processes, **we recommend that the Ministry's proposed draft design criteria be strengthened to ensure consistency with provincial policy direction for comprehensive, watershed-based infrastructure planning and design.**

Further to the above, in TRCA's experience, the current ECA process is such that municipalities and conservation authorities are engaged in the early planning stages, but MECP staff, as the final approval authority, are not at the table until the final stages of design. **It would be beneficial if provincial staff were engaged during the planning stages to consider such issues as siting and alignment of pipes and construction and maintenance access routes.** For example, the current proposal would require applicants to abide by design criteria but does not address siting and alignment for installation. Siting, installation and long-term maintenance of infrastructure are key components of review in order to ensure sustainable infrastructure planning and design that considers cumulative impacts and the long-term functioning of infrastructure.

**TRCA also suggests that a coordinated, proactive approach be taken in engaging other provincial and federal agencies through the infrastructure planning and design process.** MECP requirements through the *Endangered Species Act*, MNRF requirements through their various capacities, and Fisheries and Oceans Canada (DFO) through the federal *Fisheries Act* process should be incorporated as early in the process as is feasible. This will ensure sticking points and potentially conflicting requirements are addressed early, avoiding delay.

The following detailed comments are organized by the relevant ERO proposal document sections. The **bolded text** above and in the table indicates TRCA's main suggestions and recommendations for the Ministry's consideration.



Proposal Section	TRCA Comments
<b>Proposed Consolidated Linear Infrastructure Permissions Approach</b>	<p>The current ECA process does not consider the cumulative impacts of multiple outlet sources on a single watercourse from an erosion or flooding perspective. For example, it should be a requirement of the new ECA approach to demonstrate that there will be no impacts to the receiving system. A good starting point for the assessment of cumulative impacts will be the currently proposed aspect of the approach that municipalities would need to submit a description of all existing sanitary collection and stormwater works within their boundaries. The comprehensive perspective of this new requirement should be set in the context of the watershed/sub-watershed level of study required in the Growth Plan infrastructure policies, as described in the general comments above. This approach could be leveraged to inform the determination of the cumulative impacts on the environment of new or expanded infrastructure. <b>Therefore, please consider incorporating a requirement for municipal cumulative impact assessment consistent with Growth Plan infrastructure and watershed planning policies.</b></p> <p>Moreover, aligned with the streamlining objectives of the proposal would be the upfront recognition of studies and approvals required. For instance, the criteria for the proposed consolidated approach should emphasize the need to consider <i>Conservation Authorities Act</i> permits and requirements where applicable at the earliest possible stages of the planning and design process. This would ensure an integrated approach in which permitting and technical requirements to support all required approvals are scoped into supporting studies for projects as early as possible. TRCA has expedited approval processes applied where appropriate (e.g., minor works and emergency works permits). In addition, the application of conservation authority regulations is critical to ensuring natural hazard, natural heritage and water resource impacts are managed to protect the environment and the infrastructure. <b>Therefore, we recommend that the proposed ECA framework specifically reference conservation authority (CA) s. 28 permit requirements under the <i>Conservation Authorities Act</i> and to emphasize that CAs where they exist can act as a technical resource to assist municipalities and private proponents in meeting the criteria.</b></p>

Proposal Section	TRCA Comments
New design criteria for linear infrastructure sanitary and some storm management collection systems	<p>TRCA supports consolidating sanitary and storm ECAs, however, specific to SWM systems, it is important for the criteria to direct a proactive, multi-disciplinary approach to determining the location and design of stormwater outlets. In TRCA's review roles, all relevant stakeholders and experts conduct field visits to collectively determine the best approach to design, effectively confirming that the design direction can be supported by TRCA through the permitting process.</p> <p><b>Consideration should be given to embedding a proactive, multi-disciplinary approach to outlet siting and design within the provincial criteria.</b> Ecological and geotechnical concerns often drive the design of SWM outlets. This, in turn, can impact the design of the entire SWM system proposed. For example, a pond draining east to west is re-designed to drain west to east to avoid a steep, forested slope and outlet down a gently sloping meadow. In this way, both engineering criteria and ecological concerns are addressed early in the process, which contributes to a streamlined approach.</p>
New Consolidated Linear Infrastructure ECA templates	<p><b>Please consider adding sections to the template for consistency with any corresponding municipal SWM master plan for the proposal and/or for the required SWM plan.</b> As these plans are required to be informed by watershed/sub-watershed scale studies, they should be able to confirm that the proposed infrastructure has been considered comprehensively in the context of watershed conditions and management recommendations. <b>In addition, the templates could require those proposed infrastructure projects that do not have an overarching SWM plan, to demonstrate how the proposal was considered in the watershed and/or sub-watershed context for cumulative impacts and how corresponding mitigation measures will address impacts.</b></p> <p>Finally, the template could include a section that requires the proponent to <b>demonstrate how the proposal investigated the need and options for stormwater retrofit</b>, given the need to match current SWM standards, in accordance with the overarching plans; where plans do not exist, this could be a standalone requirement. An example of guidance that addresses all of these issues is section 7.4.1.1.1, Policies for Stormwater Management Infrastructure, on pages 85-86 of TRCA's <a href="#">The Living City Policies</a>.</p>

Draft Design Criteria - January 2020	
Proposal Section	TRCA Comments
Introduction	<p>Design Considerations – 1.2.1 currently states, “All sanitary sewers, storm sewers, force mains, maintenance holes, and chambers, shall be designed considering all relevant soil and hydrogeological conditions as identified by the geotechnical professional.”</p> <p><b>We recommend changing “geotechnical professional” to “qualified professional” to reflect that a hydrogeologist or other qualified person may identify relevant soil and hydrogeological conditions to inform these designs. Overall, the criteria should identify the types of qualified professionals/disciplines required for the process of siting outfalls and that this occur at early planning stages (e.g., draft plan of subdivision).</b></p>
Design of Sanitary Sewers	<p>TRCA staff are concerned that the design criteria for sanitary sewers do not encourage development of emergency overflow pathways that terminate in locations other than waterbodies, creeks or rivers (please see comments and recommendations below on the Draft ECA Template for a Municipal Sewage Collection System, Schedule B)</p>
Storm Sewers	<p>Within the context of current legislation, policies, and science relating to stormwater management (SWM), TRCA’s <a href="#">SWM Criteria document</a> provides guidance on specific water management strategies and programs, building on the principle that the establishment of appropriate, effective, and sustainable SWM practices requires a solid understanding of the form, function, and interrelation of the water resources and natural heritage systems. This document provides guidance in the planning and design of stormwater management infrastructure for developers, consultants, municipalities, and landowners, and outlines the processes and infrastructure needed to address flooding, water quality, erosion, water balance, and natural heritage. While this document addresses SWM throughout TRCA’s jurisdiction, a review of site specific conditions is recommended to ensure that any necessary variations on these requirements are identified early in the planning and design process, through thorough consultation with all affected agencies and stakeholders, to maintain sound engineering and environmental practices. <b>This document could be used to inform the design criteria for infrastructure related</b></p>

Draft Design Criteria - January 2020	
Proposal Section	TRCA Comments
	to SWM, and as a resource for municipalities and consultants working under the Province's proposed consolidated approach.

Draft Stormwater Linear Infrastructure ECA Template July 2020	
Section	Comments
Schedule D: General	<p><b>Section 5.2.5</b> – Please note that the City of Toronto and TRCA are in the final stages of developing a calculation to provide an accurate total suspended solids (TSS) removal rate for oil/grit separator (OGS) units based on standardized soils gradation and performance testing conducted under the ISO 14024:2016 standard. Several OGS vendors have completed third party testing and verification under this standard. <b>TRCA recommends that MECP consider the following alternatives to capping the removal rate at 50%: incorporating a sizing calculation verified under standard ISO 14024 described above, or considering a cap with final rates determined through City/CA sizing tool. Cities that do not have a sizing tool should continue with a removal rate cap of 50%. TRCA staff would be pleased to provide further information on this initiative should the Ministry so desire.</b> TRCA's <a href="#">Sustainable Technological Evaluation Program</a> is another excellent resource to consult for research and pilot studies with industry and stakeholders.</p> <p><b>Section 5.3.1</b> – This section stipulates that the authorization for the SWM Facility alterations included in the consolidated approval does not include alterations that establish regional SWM end-of-pipe control facilities. While this is reasonable, <b>TRCA requests clarification on the considerations for regional SWM facilities. Will they require an ECA or special permit, or will establishing regional controls not be considered a significant change?</b></p> <p><b>Section 5.5.6</b> – Not all "Works" as defined in 5.5.1 need to be monitored. For instance, OGS have been third party tested and verified under a separate protocol. Several smaller LIDs (e.g. back yard soakaways) may require that only a representative subset be monitored to verify performance. Others may only require testing to verify function (e.g. bioretention) where</p>

Draft Stormwater Linear Infrastructure ECA Template July 2020	
Section	Comments
	<p>previous monitoring programs have adequately documented performance of similarly designed systems. <b>TRCA recommends adding wording to the template to recognize that monitoring and verification requirements may vary depending on the type of works, to avoid deterring owners from implementing effective decentralized stormwater works due to monitoring requirements.</b></p> <p><b>Section 7.0</b> – The requirements for outlets or outfall structures are not substantial enough given the effort required to properly site an outfall location to limit long term impacts to the outfall or caused by the outfall structure. <b>TRCA recommends that criteria be added for siting outlets, including locations on watercourses, ecological and fluvial considerations to minimize natural heritage and natural hazard impacts, and elevation above certain flood levels to ensure adequate discharge rates. Appendix E2 of the TRCA SWM Criteria (2012) document (as described and linked above) could be referenced in the provincial template as it provides an excellent resource for criteria that should be considered when siting an outfall structure, as well as erosion mitigation strategies to limit localized erosion and undercutting of outfall structures.</b></p>
Appendix A: Stormwater Management Criteria	<p>Construction Erosion and Sediment Control: The criteria documents listed are not equivalent; the 2002 Canadian Council of Ministers of the Environment (CCME) Suspended Solids Guideline is a numerical target that is implicit within the other two references. The CSA Erosion and Sediment Control Inspection and Monitoring Standard, and in particular the <a href="#">TRCA Erosion and Sediment Control Guideline for Urban Construction</a>, also outline how the target can be evaluated through a monitoring program. <b>TRCA recommends removing the reference to the CCME guideline as it is inherent within the other two options listed.</b></p>

Draft Sanitary Linear Infrastructure ECA Template July 2020	
Section	Comments
Schedule B: Municipal Sewage Collection System Description	<p>Page 5 – Overflow – this section requires sanitary pumping stations to have emergency sanitary “overflow discharge locations and pathways to final receivers (waterbody/creek/river).” <b>Alternative pathways that direct emergency overflows to SWM ponds, for example, (where feasible given the size of the area being serviced), should be promoted in the design criteria.</b> For example, during the review of Mayfield West Phase 1, Caledon, a pumping station was located directly adjacent to a SWM pond, so that all stakeholders agreed to direct the overflow to the SWM pond. It would be helpful if the updated provincial criteria could encourage this practical direction where feasible. <b>Regarding pumping station overflow location and pathway to the natural environment, the criteria should require a step to consider design opportunities to avoid or mitigate impacts on the environment.</b> For small pumping stations, often there are opportunities to design an intermediate holding area as part of the overflow system. A stormwater management pond or parkland could be designed in a way that provides temporary holding of flows. This would mitigate the impact of a direct overflow into a watercourse or valley. <b>An exploratory step, considering design options for this, should be embedded in the design and approval process for smaller pumping stations.</b></p>
Schedule C: All documents issued as Schedule C to this ECA which authorize alterations to the System	<p>We note that combined sewer overflows (CSOs) are discussed in Schedule C, not Schedule B. With regard to overflow requirements for CSOs, there is no discussion on investigating the potential impacts to the natural environment or investigating mitigation strategies to reduce impacts. While it is understood that the document prohibits increased volume or occurrences of overflows, the document still only discusses that overflows should proceed to the nearest watercourse/lake. Portraying natural features as simply “a receiver” is outdated and not consistent with the Ministry’s more modern approach with respect to stormwater. <b>There needs to be greater emphasis on reducing the number of overflows or understanding and mitigating the natural heritage impact as much as possible through multi-disciplinary investigation and design.</b></p>

Thank you once again for the opportunity to provide comments on the proposed changes to environmental approvals for municipal sewage collection works. 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](mailto:john.mackenzie@trca.ca).

Sincerely,

<Original signed by>

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

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning and Regulation  
Sameer Dhalla, Director, Development and Engineering Services  
Darryl Gray, Director, Education and Training  
Beth Williston, Associate Director, Infrastructure Planning and Permits

Chief Executive Officer



May 27, 2020

Patricia Koval  
Member  
Ontario's Advisory Panel on Climate Change

**Re: TRCA Recommendations to the Advisory Panel on Ontario's Flooding Strategy**

Dear Ms. Koval:

Thank you for taking the time to meet Toronto and Region Conservation Authority (TRCA) staff on March 9, 2020 to share our knowledge and expertise in supporting the creation of resilient communities, infrastructure, and housing within our jurisdiction.

On September 10, 2019, TRCA staff had the opportunity to meet with Ontario's Special Advisor on Flooding to present both the unique challenges of our highly urbanized jurisdiction, as well as our expertise in flood risk management in this context, including a tour of successfully completed and in-process flood protection projects. We were pleased to see many of TRCA's recommendations to the Special Advisor, as outlined in the attached letter of September 27, 2019, carried forward into his final report released by the Province on November 28, 2019.

The subsequent release of Ontario's Flooding Strategy on March 9, 2020 acknowledges the success of current provincial policy and the expertise of conservation authorities and municipalities in implementing provincial policy to help reduce flood risks. The structure of the report follows the components of the emergency management cycle and mirrors our own flood risk management strategies, programs and services. Many of the actions outlined in the Strategy are areas in which TRCA has already exhibited leadership.

We were also pleased to see:

- Acknowledgement of flooding as a natural process that will continue to occur;
- Recognition of the role and legacy of Conservation Authorities as essential partners in protecting people and property from flooding;
- Recognition of the need to update provincial guidelines, including the MNRF River and Stream Systems - Flooding Hazard Limit and the Great Lakes Shoreline Hazard Limit to account for both technological advancements, as well as climate change; and
- A set of Goals, Priorities, and Objectives for flood management that align with TRCA's Strategic Plan, priorities, and legislative mandate.

While it is recognized that Ontario's Flooding Strategy (the Strategy) is meant to be a high level document, our review has highlighted several areas of improvement, as noted below.



## **1. Further details in a workplan, including timelines, to provide certainty on the delivery of priorities and actions**

While the recommendations within the Special Advisor's report were explicitly outlined, it is not easy to distinguish the roles, responsibilities, or timelines to execute and deliver the suite of actions and activities identified in the Strategy. The most important area of improvement would be to issue a follow up document that provides a workplan for the actions and activities in the Strategy in order to provide more certainty to stakeholders. As an example, our work continues to be governed by many of the guidelines and policies that were identified for updating, therefore it is critical to accelerate the timelines associated with the updating of both the policies and the technical guidelines so that they can be applied to the significant capital investments in flood and erosion risk reduction in programs such as the Disaster Mitigation and Adaptation Fund.

## **2. Establishing Working Groups**

Responsibilities, timelines, membership, and the participation process associated with certain working groups identified in the Strategy, such as the "Urban Flooding Work Group" or "Multi-Agency Flood Mapping Technical Team", are not clear. The converse situation exists where some of the actions warrant a working group which has not been identified, such as actions and activities related to policy, legislative or regulatory matters associated with land use planning, or the task to "examine and analyze existing flood level values specified on the Great Lakes – St. Lawrence and connecting channels, considering recent high-water levels and what may be predicted under a changing climate". It is acknowledged that successful implementation of the actions within the Strategy will require the collaboration and support of several stakeholders, including conservation authorities. Therefore, it will be imperative that the working groups are resourced with the appropriate stakeholders and expertise, together with a workplan to ensure timely deliverables to advance the Strategy.

## **3. Highlighting the value of watershed planning and conserving natural resources to managing flood resiliency**

One of the key recommendations that we provided to the Flood Advisor was to promote better integration of natural hazard, natural heritage and water resource system policies through watershed and subwatershed planning, as well as infrastructure planning in the Provincial Policy Statement. Conserving natural resources makes watersheds more resilient to the variations in precipitation patterns resulting from climate change. As such, natural hazards and natural heritage are intrinsically linked. While the Strategy does include a variety of actions related to wetlands, it could be further strengthened and enhanced about the interrelationship between natural heritage systems and natural hazards, particularly within the urban/urbanizing context.

## **4. Funding to support implementation**

While the strategy does note the need to leverage existing funding programs for other levels of government, there are no new funding commitments outlined in the strategy. CAs have a large portfolio of purpose-built, as well as inherited, flood control structures that are approaching their end of life; significant investments will be required to upgrade, and maintain, infrastructure in a state of good repair. The strategy noted a continuation of financial support from the Water Erosion Control Infrastructure (WECI) program, however increased funding to this program is desirable in order to meet the cost-sharing requirements for other federal funding programs, such as the Disaster Mitigation and Adaptation Fund.

Funding through the federal National Disaster Mitigation Program (NDMP) has been effective at supporting flood risk reduction through multiple means and has allowed CAs to accelerate important work in flood line mapping, flood risk modeling, flood infrastructure assessments and flood forecasting and warning. TRCA secured over \$3.9 Million in NDMP funds to accelerate our program work.

Given the ample evidence of risks associated with extreme weather and climate change, funding is required to continue the important work in both the flood forecasting and warning and flood infrastructure realms. While the federal Disaster Mitigation and Adaptation Fund (DMAF) can help support projects with a capital component, important work such as the development of improved flood forecasting and warning tools and risk assessments would not qualify for DMAF funding. Many of these federal grants are matching programs. The Province could play a leadership role by supporting mechanisms for municipalities to collect dedicated funding for flood remediation and mitigation projects.

## **5. Priority: Updating Technical Guidelines**

Given TRCA's significant experience in flood risk management which aligns with the actions and activities outlined in the Flood Strategy, we are eager to share our knowledge and technical expertise to support the Province to achieve our collective goals and objective to increase Ontario's resiliency to flooding. As discussed in our meeting on March 9<sup>th</sup>, we would recommend that a top priority would be the updates the Ministry of Natural Resources and Forestry (MNRF) Technical Guidelines related to natural hazards, including guidance to "prepare for the impacts of a changing climate" in order to be consistent with Provincial Policy Statement (PPS) 2020. With guidance developed by the Province now being referenced in section 3.1.1 Natural Hazards of the PPS, 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. While this updating process is technical in nature, these guides do influence land use planning and CA permitting decision, as such, it recommended that as noted above, a policy, planning and regulatory working group be established and integrated with the technical work. This will ensure current challenges and opportunities are considered and that any policy, legislative and regulatory changes are identified.

Specific updates relating to key technical guidelines are outlined below.

### **Update the Ministry of Natural Resources and Forestry (MNRF) Technical Guide (River and Stream Systems, Flood Hazard Limit) to:**

- a) **Account** for technological advancements in the last 15 years, including the proliferation of two-dimensional modelling software and methodologies, as well as the use of GIS-based models and mapping outputs.
- b) **Provide** guidance, as per the commitments in "A Made-in-Ontario Environment Plan", to support the application of climate change science in decision making, including the consideration of the extreme precipitation increases expected with our changing climate in both floodplain mapping and infrastructure design.
- c) **Provide technical and policy guidance specific to flood risk in the urban context to:**
  - Resolve the reporting relationship for stormwater management and flood risk management. CAs deal with Ministry of Environment, Conservation and Parks (MECP) for stormwater management matters but deal with MNRF for flood management matters. The role of stormwater ponds in mitigating the impacts of urban development, for example, are recognized by MECP, but are not recognized as providing flood risk reduction benefits according to MNRF.
  - Take a risk-based approach to mitigate existing urban flood risk. Historically, CA efforts have been focused on delineating hazard areas. While this is important to implement land use management for new greenfield development, within the urban context it is important to

assess priorities for flood mitigation from a risk-based perspective, targeting the highest risk areas and developing solutions that fit within the urban constraints of the area.

- Reconcile growth and risk reduction goals. The Provincial Growth Plan and municipal official plans have identified areas for intensification and urban expansion. In order to accommodate the proposed growth in Ontario, impacts to flooding must be considered and managed appropriately. Many Urban Growth Centers, (e.g. Downtown Toronto, Brampton, Vaughan) are located in historic flood plains and in some cases, future urban expansions can result in increases to Regional flood flows, in turn expanding downstream flood plains. In order to protect life and property from flooding and allow for future growth, remedial measures to provide permanent flood protection need to be considered since passive approaches (e.g. moving development to other locations, expropriating land and infringing on riparian rights) may not be feasible. Currently, the methodology of utilizing remedial measures is not considered in the current MNRF Technical Guidelines (2002); however, there are examples where these types of practices have been successfully implemented in Ontario, with Provincial approval (e.g. West Donlands Flood Protection landform) with resulting benefits including acting as a catalyst for development of the Pan Am Village and major private sector redevelopments.
- d) **Update the 2009 Special Policy Area Procedures** informed by lessons learned by CAs from comprehensive updates undertaken in the last 10 years. Many SPAs were designated in the late 1980s and early 1990s. Several comprehensive updates undertaken in TRCA's jurisdiction have been completed in consultation with municipalities, the Province, and the public. These multi-year projects have provided valuable insights on improvements to processes and outcomes such as: ensuring municipal documents (Official Plans and Zoning-By-laws) reflect the current planning and policy regime; ensuring corresponding updates to municipal flood emergency response plans; and ensuring the up-front understanding of technical studies required to accompany applications to streamline submissions in the development process.

#### **Regarding the MNRF Technical Guides for Great Lakes -St. Lawrence River Shorelines Hazards:**

- a) **Update** the 100-year level for Lake Ontario to account for the high levels seen in 2017 and 2019. Data included in the 2001 Technical Guide are based on older data presented in the MNRF document, "Great Lakes System Flood Levels and Water Related Hazards" (February 1989), which includes an analysis of data ending in the year 1987. The Province should update the governing reach-by-reach 100-year lake elevations to account for more recent historical records, climate change, and the impact of Plan 2014 of the International Joint Commission. This should be done in conjunction with the expedited review of Plan 2014 by the Great Lakes Adaptive Management Committee, in order to ensure a common approach between the federal IJC initiatives and the MNRF objectives.
- b) **Include** guidance on the expected changes in shoreline erosion risk with a changing climate, as a result of updated return period lake levels, as well as the reduction in expected ice-cover under future climate scenarios.
- c) **Reconcile** the variation in determining the shoreline erosion hazard limit as currently described in the MNRF Technical Guide and regulations under Section 28 of the Conservation Authorities Act.

**Update the MNRF Technical Guide River and Stream Systems: Erosion Hazard Limit to:**

- a) Account for any technological advancements, include guidance on climate change and provide technical and policy guidance to erosion risk within the urban context.

**6. Priority: Conservation Authorities Act and associated regulations**

The Strategy acknowledges that municipalities and conservation authorities are central to the success of local flood management, having distinct delegated roles from the Province along with legislated and regulatory responsibilities. In this regard, we recommend the following related to the *Conservation Authorities Act* and associated regulations:

- a) **Support** the creation of a robust natural hazard protection and management mandatory program and services regulation under Section 21.1 (1) of the *Conservation Authorities Act* that recognizes the value of comprehensive integrated watershed management and conserving natural resources to reduce risks associated with flooding
- b) **Include** pro-active watershed and subwatershed planning, flood and erosion control, and remediation work as a mandated activity of CAs.
- c) **Recognize** within the mandatory programs and services, the role of CAs in the land use planning and environmental protection process, as linked to legislation including the *Planning Act*, *Environmental Assessment Act*, and the *Conservation Authorities Act*, in supporting the implementation of provincial policies.
- d) **Add** a clause of indemnification or statutory immunity for the good faith operation of essential flood and erosion control infrastructure and programming

Thank you once again for the opportunity to meet with you and to provide TRCA staff comments and recommendations on flood risk management and resilience in Ontario. A copy of the presentation given by Rehana Rajabali, Sameer Dhalla, Moranne McDonnell and Laurie Nelson at the meeting has also been enclosed. Should you have any questions, require clarification, or wish to meet to discuss the above remarks, please contact the undersigned at 416.667.6290 or at [john.mackenzie@trca.ca](mailto:john.mackenzie@trca.ca).

Sincerely,

<Original signed by>

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

Encl.

**BY E-MAIL**

cc: Sameer Dhalla, Director, Engineering and Development Services  
Rehana Rajabali, Senior Manager, Flood Risk Management  
Laurie Nelson, Director, Policy Planning  
Moranne McDonnell, Director, Restoration and Infrastructure

September 27, 2019

Mr. Doug McNeil, P.Eng.  
Special Advisor on Flooding  
c/o Ms. Jennifer Keyes  
Manager, Water Resources Section  
Ministry of Natural Resources and Forestry

VIA EMAIL

[jennifer.keyes@ontario.ca](mailto:jennifer.keyes@ontario.ca)

Dear Mr. McNeil:

**Re: TRCA Recommendations to the Province on Flood Risk and Resilience in Ontario**

Thank you for taking the time to meet Toronto and Region Conservation Authority (TRCA) staff on September 10, 2019 to discuss our roles, responsibilities, and expertise related to flooding within our jurisdiction. We appreciated the opportunity to take you on a tour of flood prone areas in our jurisdiction and to see firsthand, successfully completed, or in-process flood protection projects.

TRCA and its member municipalities have a vested interest in your work and are highly supportive of the Province's efforts to meet shared provincial and municipal objectives for addressing flood risk in Ontario's watersheds. Further to our meeting, the following recommendations were compiled by TRCA staff who oversee our response to flood events and work with municipalities, emergency services, watershed residents and the Province on matters related to flooding. These comments have also been vetted by TRCA's Senior Leadership Team involved in the implementation of adaptive "flood proofing measures" on behalf of our partners including municipalities and government agencies. We are hopeful our recommendations will inform your work.

To improve flood resilience in Ontario, we offer the following recommendations with supporting comments and rationale:

**1. Acknowledge the success of current provincial policy and the expertise of conservation authorities and municipalities in implementing provincial policy to help reduce flood risks**

Since the development of modern flood plain policy, the watershed approach, conservation authority model (including section 28 regulations), and Hurricane Hazel flood standard have been extremely effective at reducing flood risks in our jurisdiction, especially in new greenfield development areas. Strong provincial legislation and policy, including the *Planning Act*, Provincial Policy Statement (PPS), the *Conservation Authorities Act* (CA Act), *Environmental Assessment Act*, *Development Charges Act*, as well as supporting technical guides in hazard management, have substantially reduced flood risks in newly developed greenfield areas in our jurisdiction. In addition, the fact that section 28 permitting Regulations under the CA Act are applicable law under the *Building Code Act* has been an important mechanism in avoiding increases in flood risk for people, property and infrastructure. We would recommend your report acknowledge that the existing provincial flood risk management framework, and its implementation by municipalities and conservation authorities, has collectively gone a long way to reduce and mitigate flood risks in Ontario.

**2. Strengthen and update provincial legislation, policies and guidelines**

The Made-In-Ontario Environment Plan affirms the important role of conservation authorities (CAs) in the land use planning and environmental protection process. CAs provide significant support to both the Province and municipalities in the implementation of the PPS and the Provincial Plans (e.g. Growth Plan). CA core roles are linked to other legislation such as the *Planning Act* and the *Environmental Assessment Act*, where we provide one-window review of natural hazard issues related to development and infrastructure applications and relevant sections of implementation of the PPS. Additionally, the administration of TRCA's regulatory permitting responsibilities under Section 28 of the *Conservation Authorities Act* complements our delegated planning responsibilities. Furthermore, the unique watershed-based governance model of CAs that transcends municipal boundaries has enabled innovation in developing practical solutions to current and emerging issues, (e.g. flood

management, climate change, rapid urbanizing/growth), through partnerships with other CAs and municipalities. To maintain and improve on-the-ground implementation, we offer the following recommendations related to the **Provincial Policy Statement Review**:

- 2.1. **Enhance** the current policy framework to recognize the urban context, (i.e. flood vulnerable urban cores and transit lines), and provide guidance for appropriate community revitalization/redevelopment, including encouraging flood mitigation projects and remediation to provide protection to existing development, even if it is not possible to remediate the risk to the regulatory level.
- 2.2. **Promote** better integration of natural hazard, natural heritage and water resource system policies through watershed and subwatershed planning and infrastructure planning in the PPS. Conserving natural resources makes watersheds more resilient to the variations in precipitation patterns resulting from climate change. As such, natural hazards and natural heritage are intrinsically linked.
- 2.3. **Update** the Technical Guidelines to support policy interpretation and implementation to address the following: the urban context/existing development in the One-Zone Approach, safe ingress and egress standards, flood proofing standards, risk assessments criteria, and clear standards for One-Zone, Two-Zone and Special Policy Areas, as well as incorporating climate change.
- 2.4. **Update** the 2009 Special Policy Area Procedures informed by lessons learned by CAs from comprehensive updates undertaken in the last 10 years. Many SPAs were designated in the late 1980s and early 1990s. Several comprehensive updates undertaken in TRCA's jurisdiction have been completed in consultation with municipalities, the Province, and the public. These multi-year projects have provided valuable insights on improvements to processes and outcomes such as: ensuring municipal documents (Official Plans and Zoning-By-laws) reflect the current planning and policy regime; ensuring corresponding updates to municipal flood emergency response plans; and ensuring the up-front understanding of technical studies required to accompany applications to streamline submissions in the development process.

**We also offer the following recommendations related to the Conservation Authorities Act and associated regulations:**

- 2.5. **Support** the creation of a robust natural hazard protection and management mandatory program and services regulation under Section 21.1 (1) of the *Conservation Authorities Act* that recognizes the value of comprehensive integrated watershed management and conserving natural resources to reduce risks associated with flooding.
- 2.6. **Include** pro-active watershed and subwatershed planning, flood and erosion control, and remediation work as a core mandated activity of CAs.
- 2.7. **Recognize** as a core mandatory program and service, the role of CAs in the land use planning and environmental protection process, as linked to legislation including the *Planning Act*, *Environmental Assessment Act*, and the *Conservation Authorities Act*, in supporting the implementation of provincial policies.
- 2.8. **Add** a clause of indemnification or statutory immunity for the good faith operation of essential flood and erosion control infrastructure and programming.

**Please consider the following related to the Development Charges Act:**

- 2.9. In any future review of the *Development Charges Act*, continue to enable financing tools such as Area-Specific Development Charges to finance flood protection works, particularly for community revitalization and intensification areas.

### **3. Acknowledge the difference between greenfield flooding controls and flooding controls in historically developed areas**

As discussed on site at our meeting, there is a substantial difference between managing floods in newer greenfield development and historically developed areas, some of which are now subject to intensification pressures. We recommend your report point out some of the specific challenges with managing the existing flood risk in areas developed prior to the implementation of flood plain policy and regulation in Ontario's land use policy and planning regime. We would also ask that your report please point out the need to rehabilitate, enhance or build new flood protection infrastructure, coincident with or as a catalyst to urban development. We feel that your report should also note the issues with short or smaller catchment areas in urbanized watersheds, that are characterized by a flashy flood response, and year-round risk.

### **4. Recognize the importance of financing retrofits and flood and erosion protection work for developed areas**

Flood prone urban areas with historical development, built in areas where development would not be permitted today, along with aging infrastructure that cannot handle flows resulting in urban flooding illustrate the need for local knowledge in applying models and tools best suited to each circumstance. These areas also require special attention in terms of municipal financing tools to address historical erosion prone areas and aging infrastructure such as culverts, bridges, sewers, watermains, roadways that are flood prone. In some cases where intensification is proposed, there is a major reluctance for developers to participate in retrofitting of infrastructure and upgrades to support development.

Some of our municipal partners have used development charges to fund flood and erosion remediation and green infrastructure (e.g. Toronto Waterfront projects, the Vaughan Metropolitan Centre for the Black Creek corridor). Other partners are introducing levies to help address aging stormwater infrastructure. A sustainable funding model is needed to support the maintenance, renewal and improvement of flood mitigation and remediation measures. Development charges should be considered as part of a suite of funding options including levies, rate increases on water, stormwater, etc. to incent developers, government agencies and municipalities to address flooding issues as part of comprehensive redevelopment, intensification and community revitalization.

### **5. Link flood protection and remediation with major provincial infrastructure investments**

In some cases, major provincial investments have been made by Metrolinx or regional transit agencies, (VIVA Rapidco, TTC etc.), in locations where flood risks, despite being known, have not been addressed. Often the budgets for projects did not include funding envelopes for such remedial works as part of the project and therefore the flood risks remain unaddressed. New highway or roadway projects should also address historical issues and lead to a net benefit where existing flood risks are present. However, in a recent case in the City of Vaughan in York Region, on the Metrolinx Barrie Go Rail Corridor near Langstaff, Metrolinx did, at the advice of agencies including TRCA, upgrade a culvert. This upgrade will reduce upstream riverine flooding and protect the rail line from future flood risks. This more recent practice should be encouraged in all provincial infrastructure projects to protect provincial investments.

### **6. Clarify roles and responsibilities in flood management for both riverine and urban flooding**

In our jurisdiction, there have been many examples where urban flooding has resulted in major disruptions and impacts on property, businesses and people. A significant gap that exists both in terms of mapping and warning, is the area of urban (pluvial) flood risk. While this is not the mandate of CAs, the fact that CAs have delineated one type of flood risk area has created an appetite on the part of the public for similar flood risk information for urban (pluvial) flood risk. The Province could support municipalities in developing pluvial flood risk information, in providing guidance on how to incorporate climate change in infrastructure design, and in supporting flood resilient design standards, where they are not already in place, through municipal drainage bylaws and stormwater management requirements. One of the challenges in addressing pluvial flood risk is that many of these areas are not experiencing the type of development that other areas have experienced so infrastructure improvements cannot be leveraged as a condition of development through the *Planning Act* processes and or through Area-Specific Development Charges that might exist in Intensification Areas or in Greenfield Areas.



## **7. Update the technical guidance that governs floodplain mapping and land use management**

The policy guidance and technical standards on floodplain mapping are set by the Province. The Ministry of Natural Resources and Forestry (MNRF) Technical Guide (River and Stream Systems, Flood Hazard Limit) should be updated to:

**7.1 Account** for technological advancements in the last 15 years, including the proliferation of two-dimensional modelling software and methodologies, as well as the use of GIS-based models and mapping outputs.

**7.2 Provide** guidance, as per the commitments in the Ontario Environment Plan, to support the application of climate change science in decision making, including the consideration of the extreme precipitation increases expected with our changing climate in both floodplain mapping and infrastructure design.

### **7.3 Provide technical and policy guidance specific to flood risk in the urban context to:**

- Resolve the reporting relationship for stormwater management and flood risk management. CAs deal with Ministry of Environment, Conservation and Parks (MECP) for stormwater management matters but deal with MNRF for flood management matters. The role of stormwater ponds in mitigating the impacts of urban development, for example, are recognized by MECP, but are not recognized as providing flood risk reduction benefits according to MNRF.
- Take a risk-based approach to mitigate existing urban flood risk. Historically, CA efforts have been focused on delineating hazard areas. While this is important to implement land use management for new greenfield development, within the urban context it is important to assess priorities for flood mitigation from a risk-based perspective, targeting the highest risk areas and developing solutions that fit within the urban constraints of the area.
- Reconcile growth and risk reduction goals. The Provincial Growth Plan and municipal official plans have identified areas for intensification and urban expansion. In order to accommodate the proposed growth in Ontario, impacts to flooding must be considered and managed appropriately. Many Urban Growth Centers, (e.g. Downtown Toronto, Brampton, Vaughan) are located in historic flood plains and in some cases, future urban expansions can result in increases to Regional flood flows, in turn expanding downstream flood plains. In order to protect life and property from flooding and allow for future growth, remedial measures to provide permanent flood protection need to be considered since passive approaches (e.g. moving development to other locations, expropriating land and infringing on riparian rights) may not be feasible. Currently, the methodology of utilizing remedial measures is not considered in the current MNRF Technical Guidelines (2002); however, there are examples where these types of practices have been successfully implemented in Ontario, with Provincial approval (e.g. West Donlands Flood Protection landform) with resulting benefits including acting as a catalyst for development of the Pan Am Village and major private sector redevelopments.
- Update the 100-year level for Lake Ontario to account for the high levels seen in 2017 and 2019. Data included in the 2001 Technical Guide are based on older data presented in the MNRF document, "Great Lakes System Flood Levels and Water Related Hazards" (February 1989), which includes an analysis of data ending in the year 1987. The Province should update the governing reach-by-reach 100-year lake elevations to account for more recent historical records, climate change, and the impact of Plan 2014 of the International Joint Commission. TRCA and the City of Toronto undertook a similar analysis for the purpose of the Toronto Islands Flood Characterization and Risk Assessment Project.



## **8. Disseminate best practices from our jurisdiction and others across Ontario**

Within our jurisdiction, TRCA has pioneered work in two-dimensional floodplain mapping, flood risk assessment, and real-time gauging for flood warning communications. The Province could support the adoption of the best practices developed by CAs across Ontario, supporting consistency in service delivery through training and knowledge transfer. Events such as the annual Provincial Flood Forecasting and Warning Committee and the MNRF Technical Transfer Workshop represent important opportunities for knowledge exchange. The Province could combine local expertise with province-wide knowledge transfer opportunities like these annual events. The Province should continue and expand these opportunities and consider making these workshops mandatory in the most vulnerable and highest risk flood prone areas of the Province.

## **9. Foster a culture of risk awareness and provide indemnity to conservation authorities to match the delegation of responsibilities**

Many responsibilities have been delegated to, or mandated upon, CAs from the Province, including the construction and operation of flood control infrastructure and local Flood Forecasting and Warning. Unlike municipalities, who have some limited immunity from action for similar services, or the Crown, who has reduced lines of action against it, the services provided by CAs incur exposure to potentially significant liabilities. This, in turn, has a direct impact to the format and content of flood warning messages. As one measure aimed at managing potential liabilities, disclaimers and clarifications must be included in addition to critical key messages. It is recommended that a clause of indemnification or statutory immunity for the good faith operation of essential flood and erosion control infrastructure and programming be added to the *Conservation Authorities Act*.

## **10. Communicate risk as a high priority**

Continued funding to support robust floodplain mapping should be coupled with practices and policies that make it easier to share and access risk information. TRCA has made the regulatory floodplain information publicly accessible for several years, however, the willingness of municipal partners to proactively share risk information with the public varies. Some parties are reluctant to publicize risk information if no funding for an infrastructure project is currently underway to address the risk. As highlighted by the priority of the Sendai Framework for Disaster Risk Reduction (SFDRR), understanding risk is the critical first step in reducing risk. Actively communicating risks to vulnerable communities can lessen the impact of flooding, as residents can take preparatory steps to protect themselves and their homes. The Province should explore options to strengthen requirements for the disclosure of flood risk information in real-estate transactions. CAs, including TRCA, currently offer a solicitor-realty service in this regard. Clear and current guidelines and standards for Flood Forecasting and Warning, as well as floodplain mapping, are also imperative so that municipalities and CAs can point to the fulfillment of due diligence according to standards and guidelines to protect people and property.

## **11. Enable and enhance CA Act Section 28 enforcement and compliance provisions**

TRCA Enforcement staff have experienced many instances where flooding and erosion have been caused by illegal construction practices. This has included the filling in of flood prone valleys, the construction of impoundments, diversion of watercourses, the burial of streams, all of which have exacerbated flood risk on site and downstream. TRCA has, as part of the CA Act review, requested stronger powers on par with other provincial and municipal legislation, including the ability to impose Stop Work orders, orders to comply, and to access private property to help assess situations to avoid flood risks.

## **12. Modernize flood forecasting and warning measures**

While Flood Forecasting and Warning measures have drastically improved in the past 60 years, significant investment is required to modernize the program and fully leverage new technologies. TRCA has been working with academic partners in these areas and leveraging National Disaster Mitigation Program (NDMP) funding where possible, but the following goals could be extended to all areas of the Province: Developing real-time flood forecasting models that merge hourly forecasts with radar and real-time gauge data, the use of machine learning

algorithms for data assimilation and ensemble forecasting, and geotargeting flood warning messages using Common Alerting Protocol format to integrate with the Alert Ready platform and mobile public safety apps.

### **13. Link flood and erosion control projects to required asset management plans**

Municipalities are required to have asset management plans, and this presents the opportunity to link the issue of prioritizing investments to avoid major losses for assets that are in flood prone areas. The City of Toronto-TRCA Erosion Hazard Mitigation Program applies a risk-based approach to municipal infrastructure to identify opportunities where investments in infrastructure protection, (e.g., conducting works to stabilize a flood prone bridge or valley wall), could reduce risk of infrastructure failure, thus avoiding substantial costs. Such an approach should be encouraged as part of asset management work particularly in developed areas. We recommend that municipalities work with CAs to prepare such proactive risk-based plans that include preliminary costing for remediation for flood and erosion prone areas as part of their core CA mandate.

### **14. Continue provincial funding support for conservation authorities and cooperation between all levels of government to maximize opportunities presented by federal funding programs**

CAs have a large portfolio of purpose-built, as well as inherited, flood control structures that are approaching their end of life; significant investments will be required to upgrade, and maintain, infrastructure in a state of good repair. The financial support from the Water Erosion Control Infrastructure (WECI) is an important source of funding for flood infrastructure and should be protected, at minimum, or enhanced to provide for the required infrastructure investment.

Funding through the federal NDMP has been effective at supporting flood risk reduction through multiple means and has allowed CAs to accelerate important work in flood line mapping, flood risk modeling, flood infrastructure assessments and flood forecasting and warning. The current program ends in March 2020, and the lack of funding in this area would create a problematic funding void.

Given the ample evidence of risks associated with extreme weather and climate change, funding is required to continue the important work in both the flood forecasting and warning and flood infrastructure realms. While the federal Disaster Mitigation and Adaptation Fund (DMAF) can help support projects with a capital component, important work such as the development of improved flood forecasting and warning tools and risk assessments would not qualify for DMAF funding. Many of these federal grants are matching programs. The Province could play a leadership role by supporting mechanisms for municipalities to collect dedicated funding for flood remediation and mitigation projects.

Thank you once again for the opportunity to meet with you and to provide TRCA staff comments and recommendations on flood management and resilience in Ontario. A copy of the presentation given by Rehana Rajabali, Sameer Dhalla and Laurie Nelson at the meeting has also been enclosed. Should you have any questions, require clarification, or wish to meet to discuss the above remarks, please contact the undersigned at your earliest convenience.

Sincerely,

<Original signed by>

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

Encl.

#### **BY E-MAIL**

cc: Sameer Dhalla, Director, Engineering and Development Services  
Rehana Rajabali, Senior Manager, Flood Risk Management  
Laurie Nelson, Director, Policy Planning

# Toronto and Region Conservation Authority Expertise in Climate Change

Mitigation, Adaptation, Flood and Erosion Risk Management

Presentation to: Pat Koval and Lynette Mader, Provincial Climate Change Task Force Advisory Group

# Presentation Outline

1. Our role in climate resilience
2. How past decisions drive our risk
3. Global and Regional Climate Change Context
  - Warmer, Wetter, Wilder
  - How this alters the risks
4. Creating resilient communities
  - Land use planning and policy
  - Guidance on incorporating climate change into Hazard Mapping
5. Creating resilient infrastructure
6. Creating resilient housing
7. Tools for effective management of resources
8. Summary

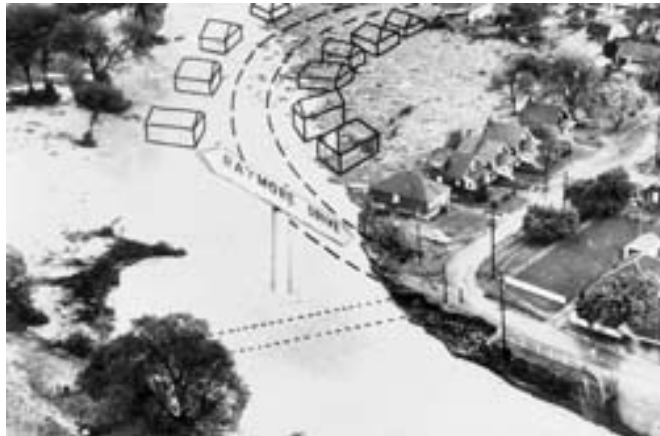
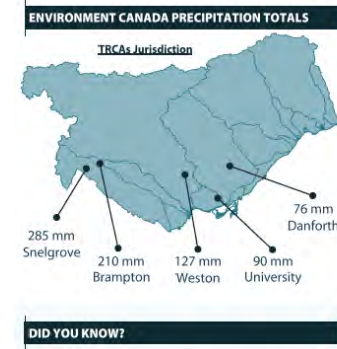
# 1. Our history and role in climate resilience



# Toronto and Region Conservation Authority expertise and partnership in climate resilience

- TRCA has been working on climate related risks since the time of Hurricane Hazel
- TRCA hosts the Ontario Climate Consortium (OCC), established in 2011 as a centre of research and analysis expertise
- TRCA is involved in the design and implementation of programs and projects with our municipal partners (e.g. Peel Climate Change Partnership, Durham Climate Change Adaptation Program, Toronto Flood Resilience Working Group) - these include both adaptation and mitigation initiatives





# Hurricane Hazel – a lesson in climate risks



Hurricane Hazel  
mobilized the need for  
managing Ontario's  
watersheds, for the  
safety of communities



Hurricane Hazel (1954) <sup>164</sup>

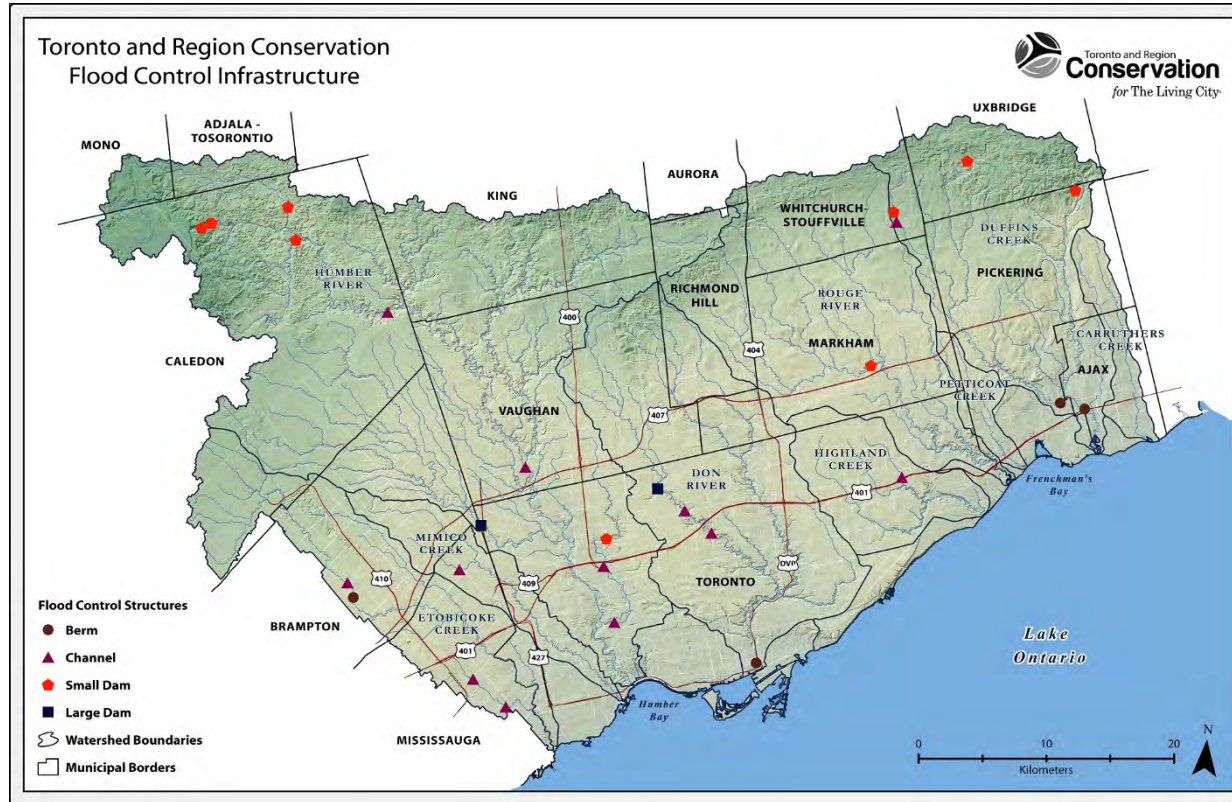




# Post-Hazel Flood Control

- Metropolitan Toronto and Region Conservation Authority (MTRCA) was formed in 1957.
- Amendment to CA Act to acquire lands for recreation and conservation purposes and mandate for flood management
- 1959 Plan for Flood Control and Water Conservation, with three focus areas: Land Acquisition, Flood Control Infrastructure, and Land-Use Planning

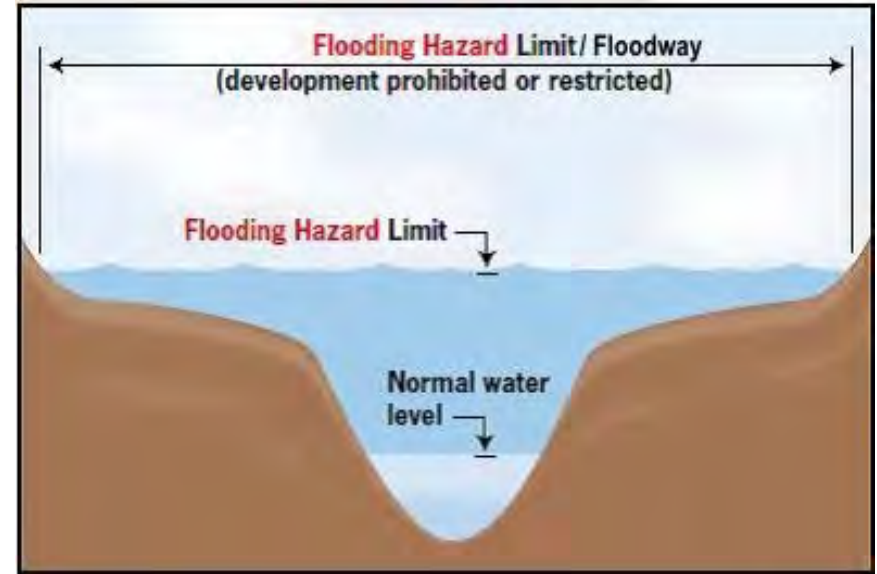
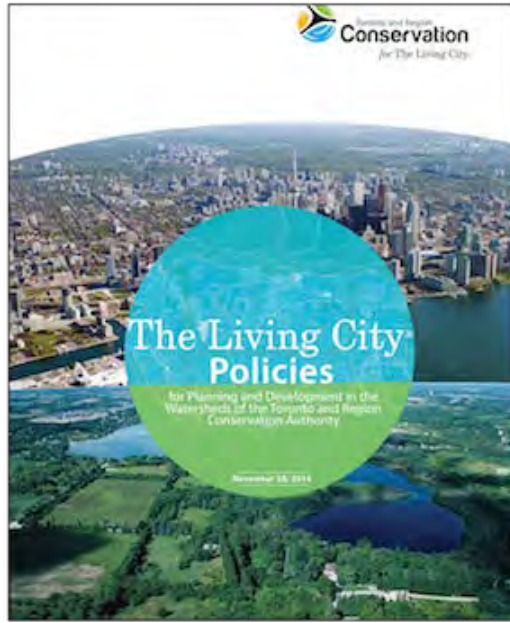
# Land Acquisition & Flood Control Infrastructure



- Jurisdiction of flood plain land to Authorities
- Conservation Authorities involved in flood control structures



Many built 50 years ago, others were inherited mill dams



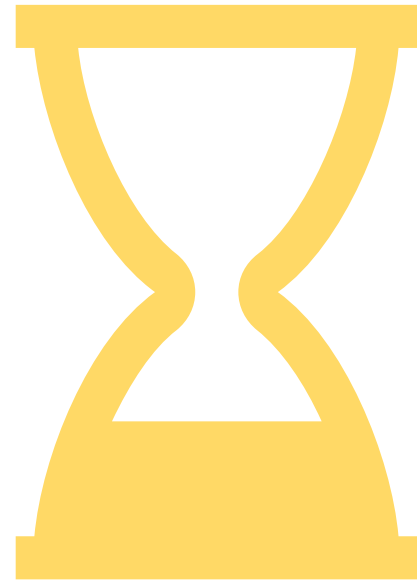
# Land Use Planning



# Resilience is a partnership

- Province: Funding, policy guidance, MNRF direct responsibilities for the flood hazard
- Federal government: Funding, policy guidance, weather warnings (Environment Canada)
- Conservation Authorities: development and infrastructure plan review, permitting, flood forecasting and warning (as delegated from the province), etc.
- Municipalities: Primary responsibility for all types of emergency response, including flooding (under Emergency Management and Civil Protection Act); storm drainage infrastructure and urban (pluvial) flooding, *Planning Act*
- Individuals: Personal preparedness and property-level measures

## 2. Historic Decisions Affecting Present-Day Development



# Factors Increasing Risks

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## Historic infilling

- Garbage dumped in ravines
- Unengineered fill dumped on top
- Houses built on slopes made of unconsolidated fill
- Communities built in flood-prone areas



# Factors Increasing Risks

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## Loss of natural cover and increase of impervious surfaces

- Increase of surface and water temperatures and increase surface water runoff directly into watercourses – before modern stormwater management





# Factors Increasing Risks

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## Minimal Setbacks

- Homes built too close to the top of slope



# Factors Increasing Risks

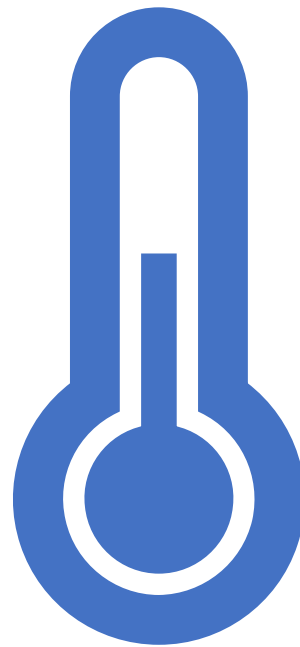
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## Climate Change

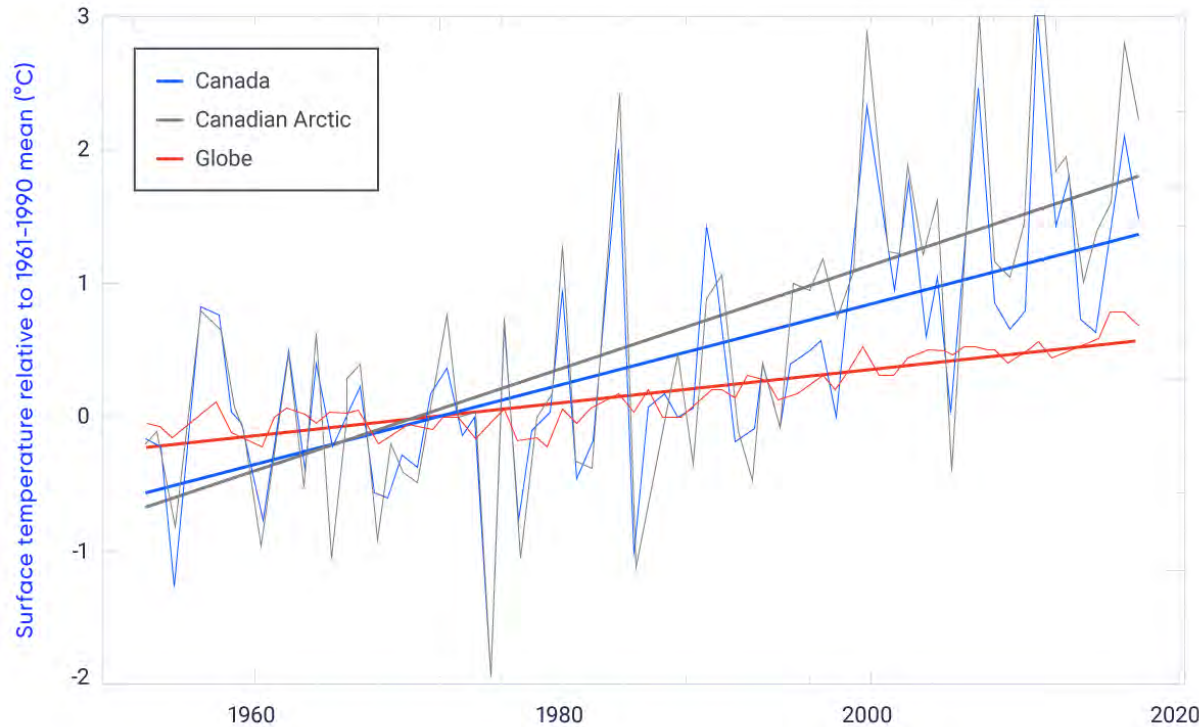
- Increased precipitation events (frequency & degree)
- Record high lake levels



### 3. The Climate Change Context



# Canada is Warming Faster Than the World



**From the 2019 Canada's Changing Climate Report:**

## Headline Finding:

The rate of surface warming for Canada is more than twice the rate of surface warming for the globe.

Meanwhile, the rate of warming for the Canadian Arctic is about three times the global rate.



# How has the Climate Changed in Canada?

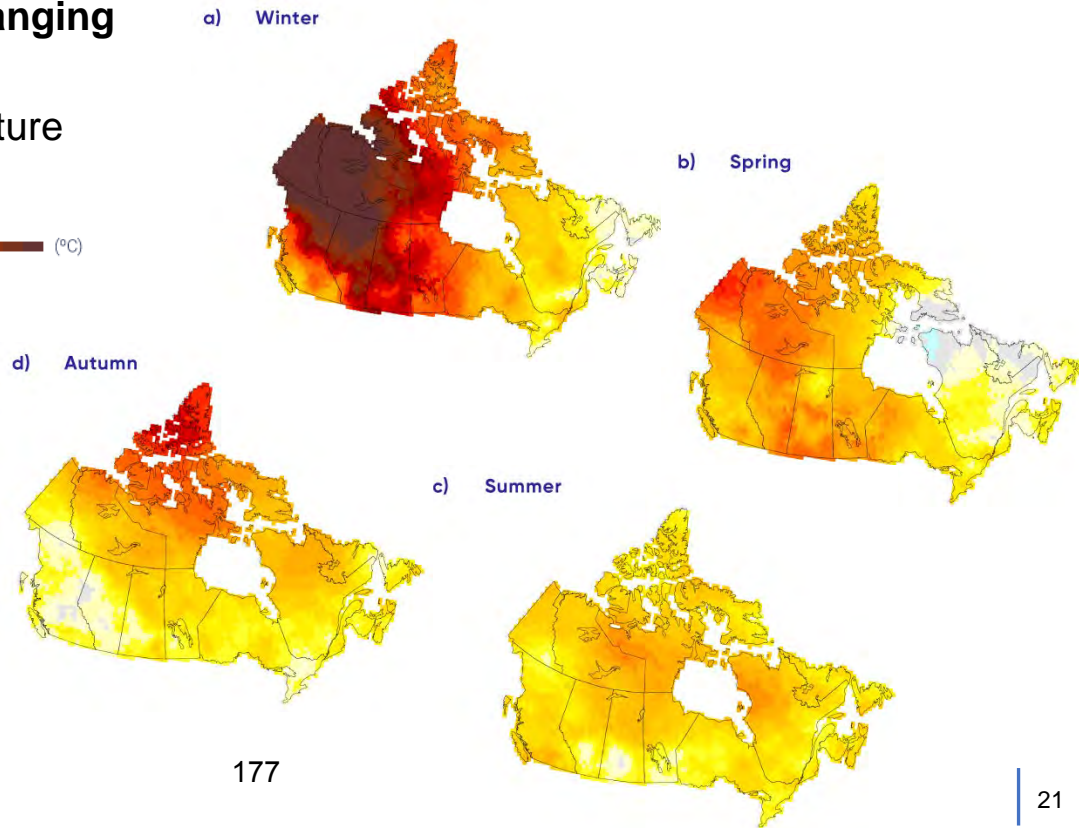
## From the 2019 Canada's Changing Climate Report:

Changes in seasonal temperature across Canada (1948-2016)



### Headline Finding:

Between 1948 and 2016, the best estimate of mean annual temperature increase is 1.7°C for Canada as a whole and 2.3°C for northern Canada



# How has the Climate Changed in Canada?

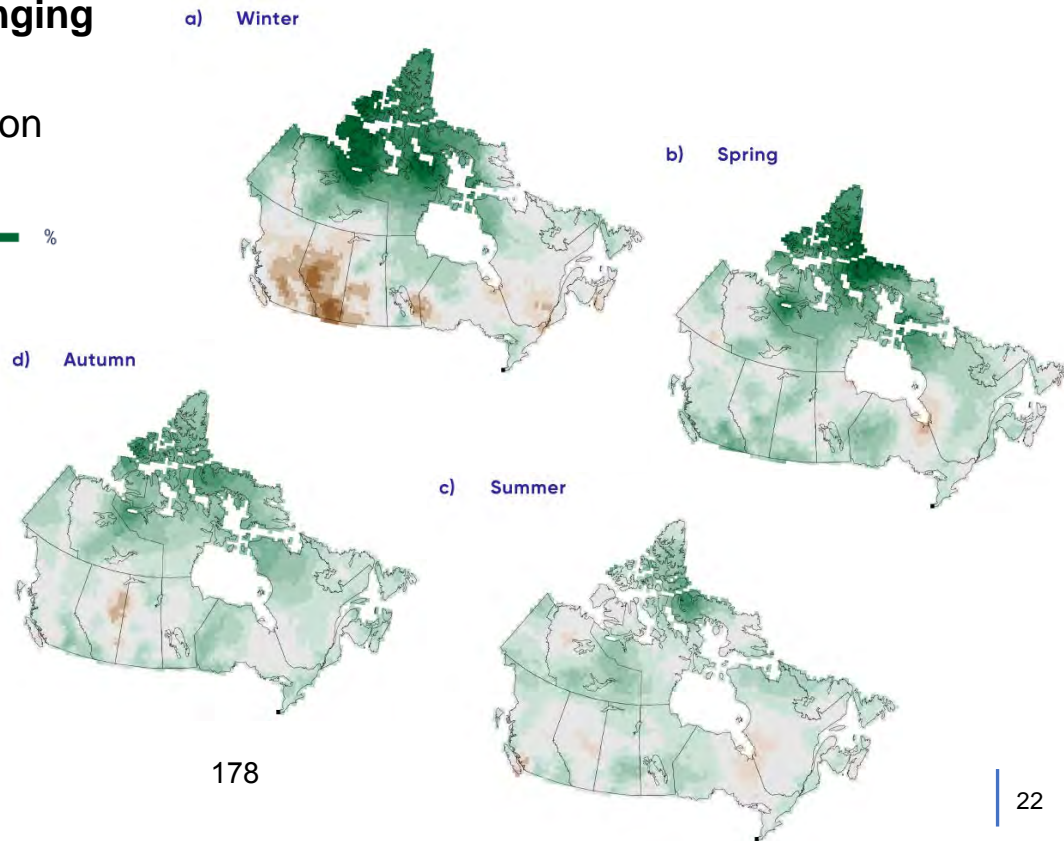
## From the 2019 Canada's Changing Climate Report:

Changes in seasonal precipitation across Canada (1948-2012)



### Headline Finding:

There is medium confidence that annual mean precipitation has increased, on average, in Canada, with larger percentage increases in northern Canada



# Climate Change Impacts in Canada

## From the 2019 report on Canada's Top Climate Change Risks

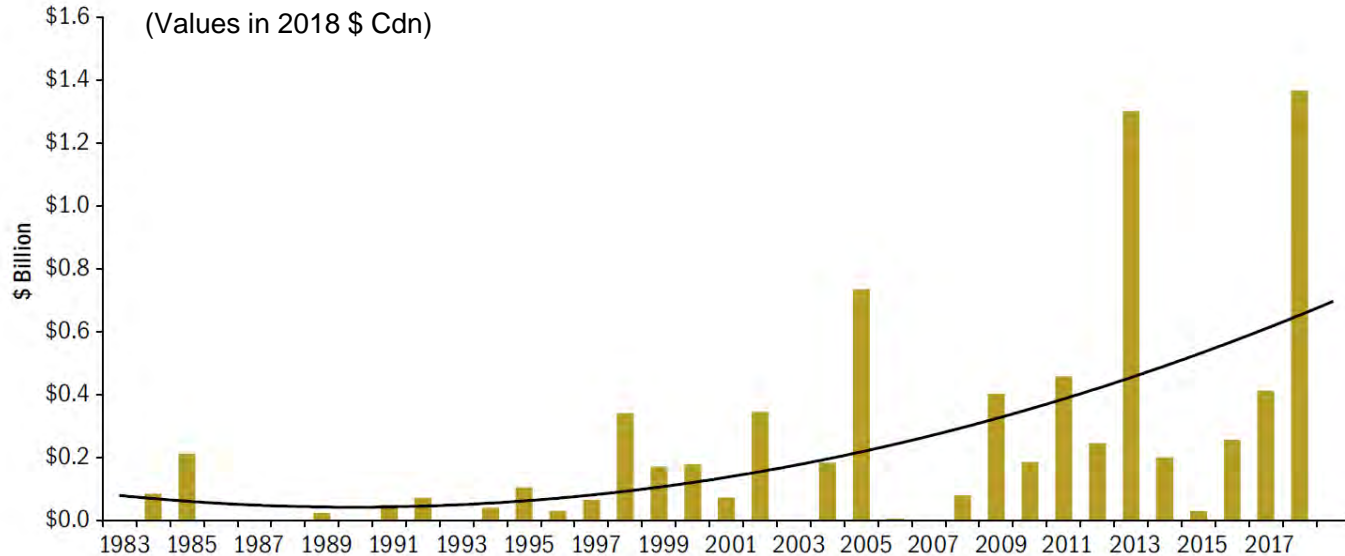


### Top 12 Risks:

- Agriculture and Food
- Coastal Communities
- Ecosystems
- Fisheries
- Forestry
- Geopolitical Dynamics
- Governance and Capacity
- Human Health and Wellness
- Indigenous Ways of Life
- Northern Communities
- Physical Infrastructure
- Water

# Insured Losses in Ontario

## Due to Large Catastrophic Events ( $\geq \$25$ million)



Source of data: Insurance Bureau of Canada Facts Book, CatIQ, PCS, Swiss Re, Munich Re, and Deloitte

Large catastrophic losses include damage due to wind, water, ice, snow, hail, fire, lightning and earthquakes.

Costs include damage of personal and commercial property, and automobiles, excluding adjustment expenses.



# Recent Severe Weather Events

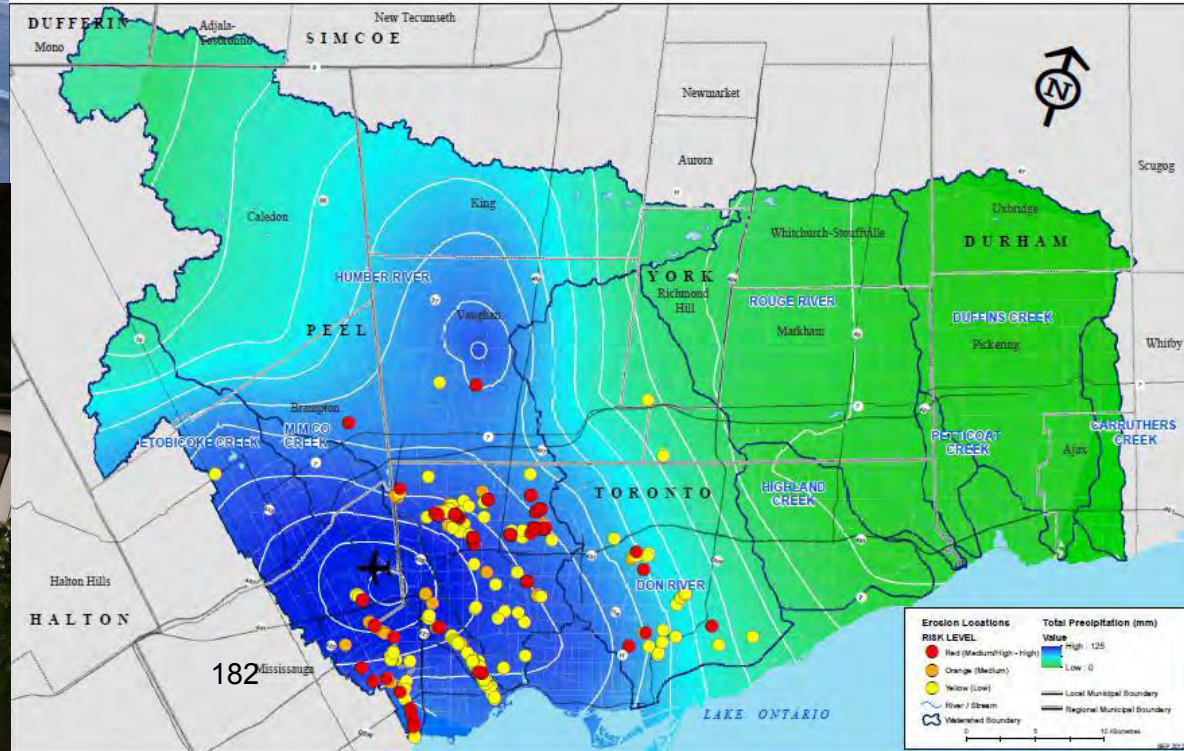




July 8, 2013



- 140 mm in 2-3 hours
- Flooding, power outages, damages to infrastructure, major erosion across jurisdiction
- Significant impact to public & private property



# 2018 Several Storm Events



Date	Rainfall (mm)	Hours	Description
Jan 22	55	48	5 Year - on frozen ground
Feb 19	32	48	Late winter rainfall event
Apr 04	29	24	Spring rainfall event
Apr 13	81	72	2 x 2 Year - on frozen ground
Jun 01	26	1	Cloudburst event
Jul 05	64	4	5 Year - very intense (Upper Humber)
Jul 16	75	8	25 Year - Rouge watershed
Jul 29	43	1.5	2 Year - very intense (Upper Don)
Aug 08	73	12	25 Year - Downtown flooding
Aug 17	52	24	5 Year - Upper Humber
Aug 21	40	12	2 Year - Downtown
Sep 10	34	24	Fall rainfall event
<b>Total Severe Weather Events: 12</b>			



# January 11, 2020

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- 60-96 mm of rainfall across entire TRCA jurisdiction in 30 hours
- Triggered erosion issues across jurisdiction



Facing Upstream

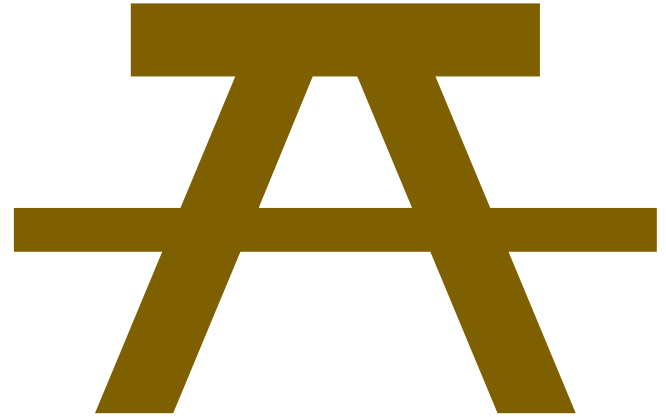


Facing Downstream



Photos show approximately 33 m of asphalt road washed out into the Humber River at the Toronto Zoo (cutting transportation, damaged infrastructure)

## 4. Developing Resilient Communities



## PREVENTION & MITIGATION

### Limiting exposure to risk:

- Implementing TRCA's regulations and policies

### Reducing risk:

- Operating a flood forecasting and warning program
- Maintaining flood control infrastructure
- Creating a flood protection strategy for vulnerable areas
- Implementing remedial works projects

### Understanding the risks:

- Climate, geology, watershed response and potential for climate change

### Documenting the risks:

- Floodplain mapping, identification of flood vulnerable areas

## RECOVERY

- Flood event documentation and lessons learned
- Storm analysis

# Flood Risk Management

## PREVENTION & MITIGATION

## PREPAREDNESS

- TRCA's Flood Contingency Plan
- Emergency Plans
- Emergency Operations Centre
- Training
- Public Education

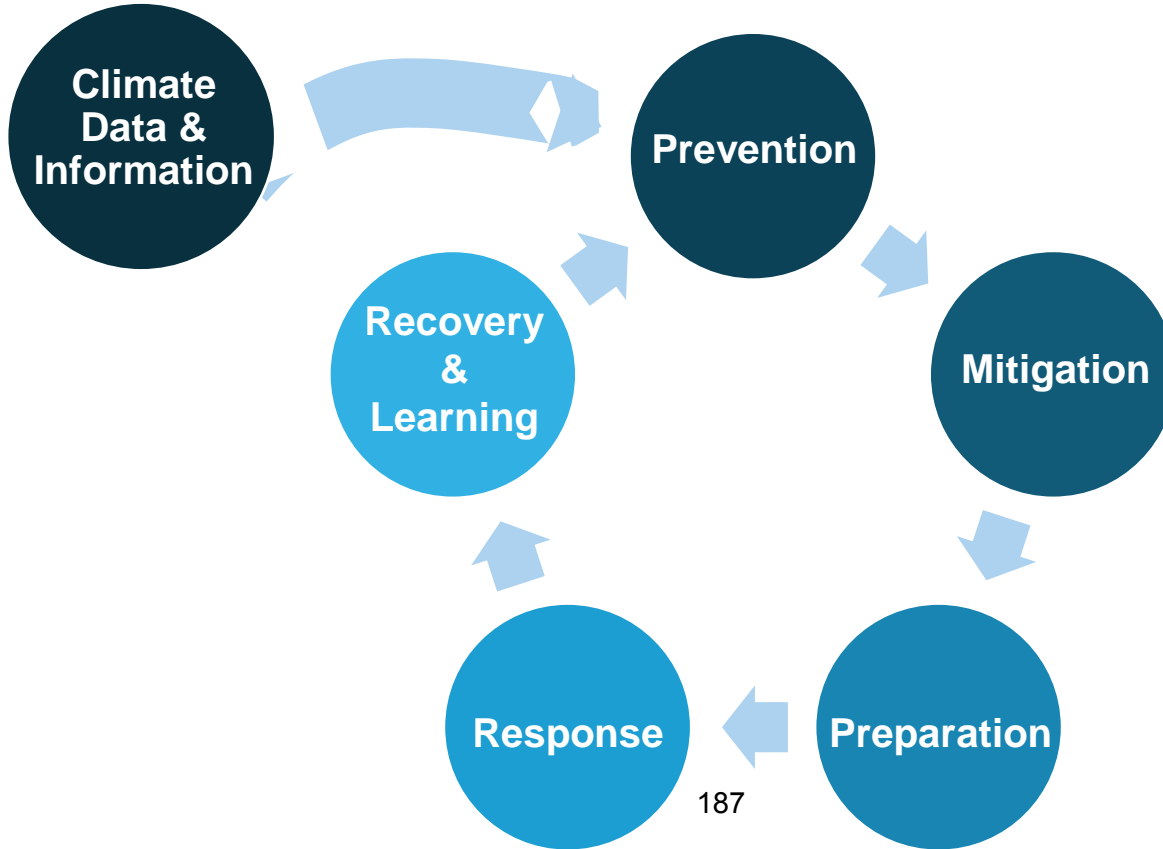
## RESPONSE

- Provide Flood Forecasting and Warning (issuing flood messages)
- Operate flood control infrastructure
- Communicate information and advice
- Data management

## RECOVERY

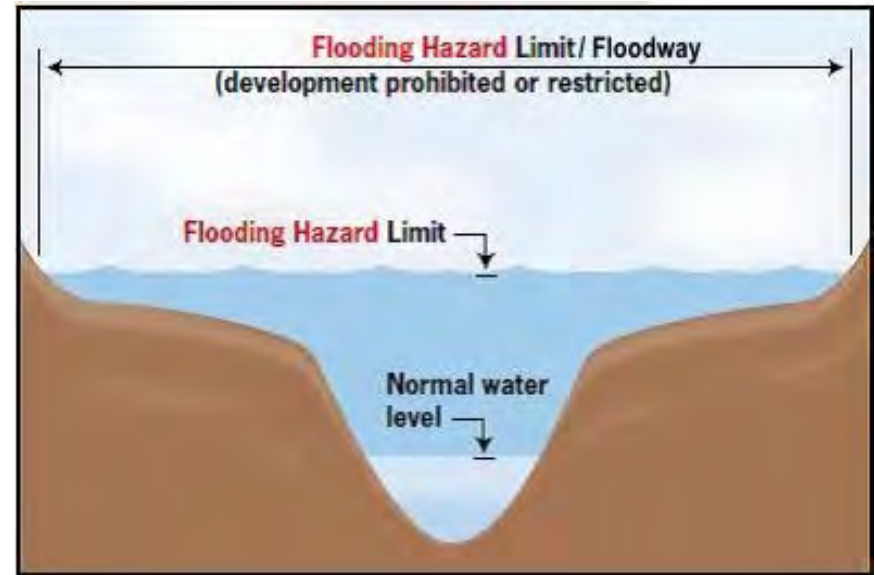
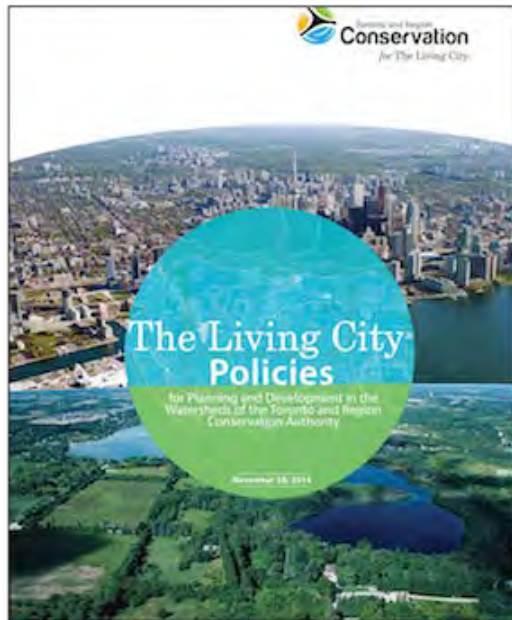
## RESPONSE

# Climate Change is a modifier



187

# Identifying and mapping hazards are key to resilient communities





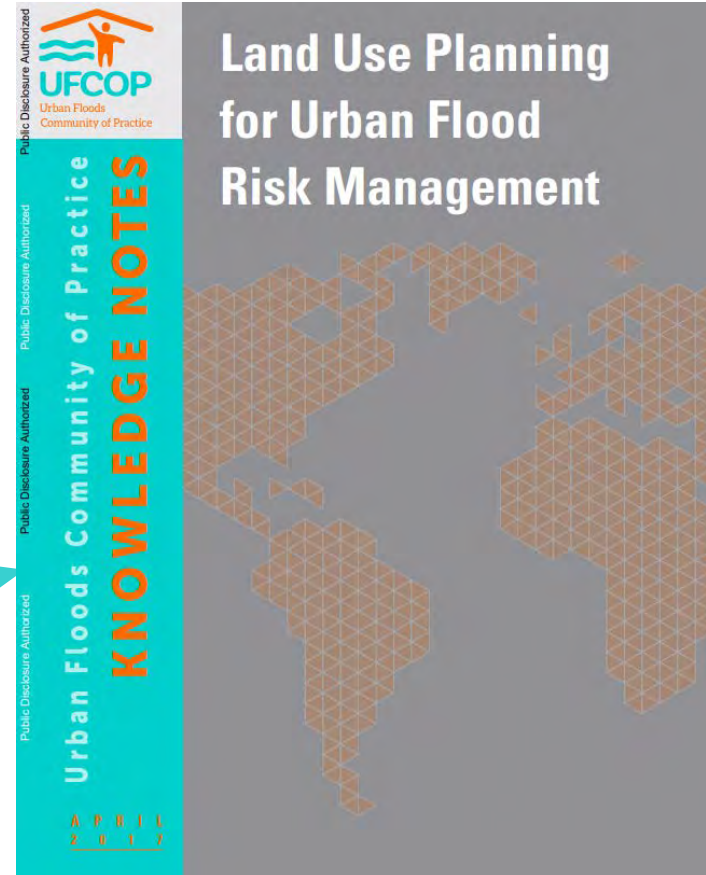
## Conservation Authorities.. Making 'Room for the River' for over 60 years...



al Acquisition Site  
roperty  
Target System  
al Target System  
ea  
area  
ing Area  
elt

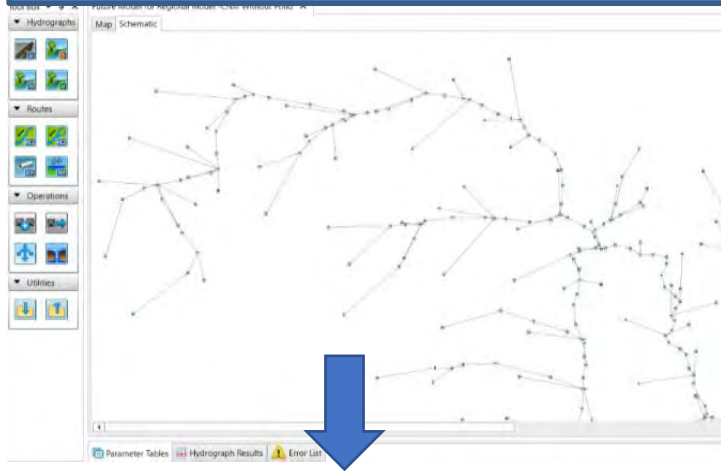
- Coordination of flood risk in multiple sectors that involve land development (critical infrastructure and utilities, open space, and housing)
- Coordination of flood risk at multiple scales, from local plans for specific communities to multijurisdictional watershed planning
- A safe, productive, and livable urban environment at lower cost as compared to using structural systems

Land use planning is a critical component of an integrated approach to flood risk management. The Sendai Framework for Disaster Risk Reduction 2015–2030 underscores the importance of land use planning and policy to address underlying disaster risk drivers, which include unplanned and rapid urbanization, poor land management, and weak regulation of and incentives for private disaster risk reduction investment (UNISDR 2015). Global networks through initiatives such as the ICLEI Resilient Cities, the UNISDR Making Cities Resilient, the Rockefeller Foundation's 100RC, and the C40 Cities have put flood risk concerns on many a city council's agenda. Cities across the globe are gearing up to address flood risks through land use planning; many are in initial stages of lobbying for commitment, and many have made significant strides in risk assessment. But the adoption of land use planning for flood risk management remains challenging.

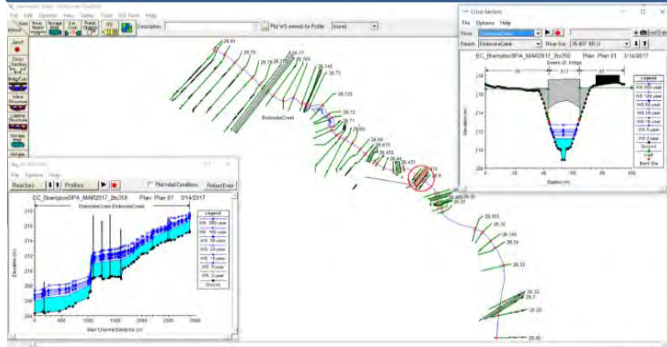


# Technical foundation for floodplain mapping

## Hydrologic Modeling



## Hydraulic Modeling



## Stormwater Management Criteria



## Floodplain Mapping

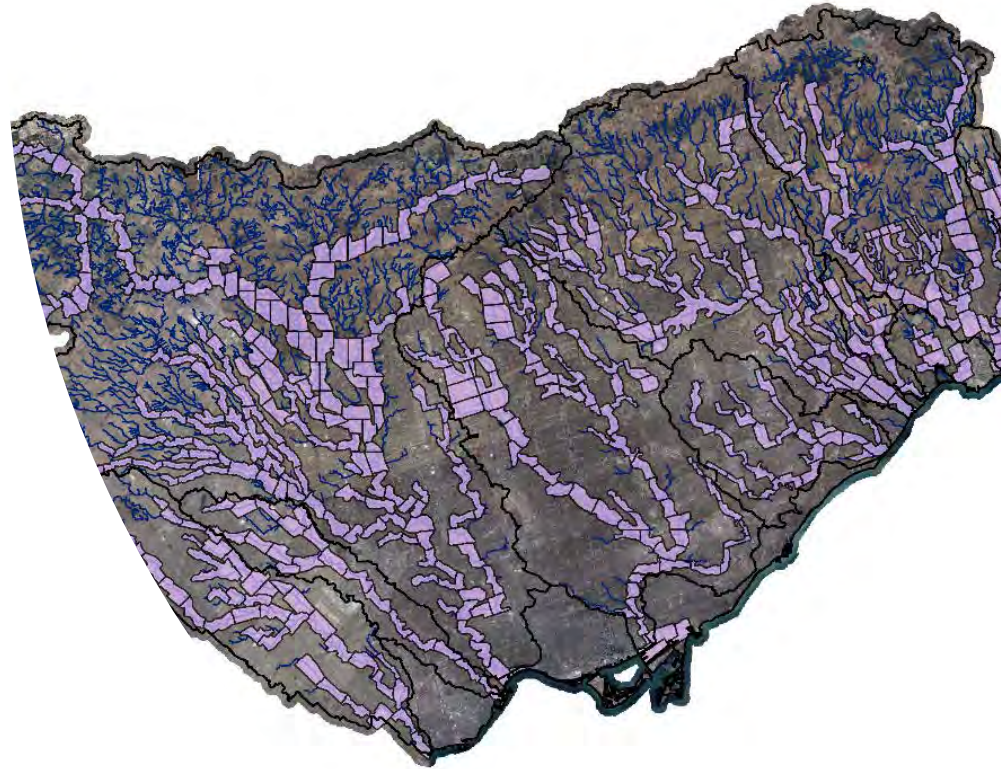


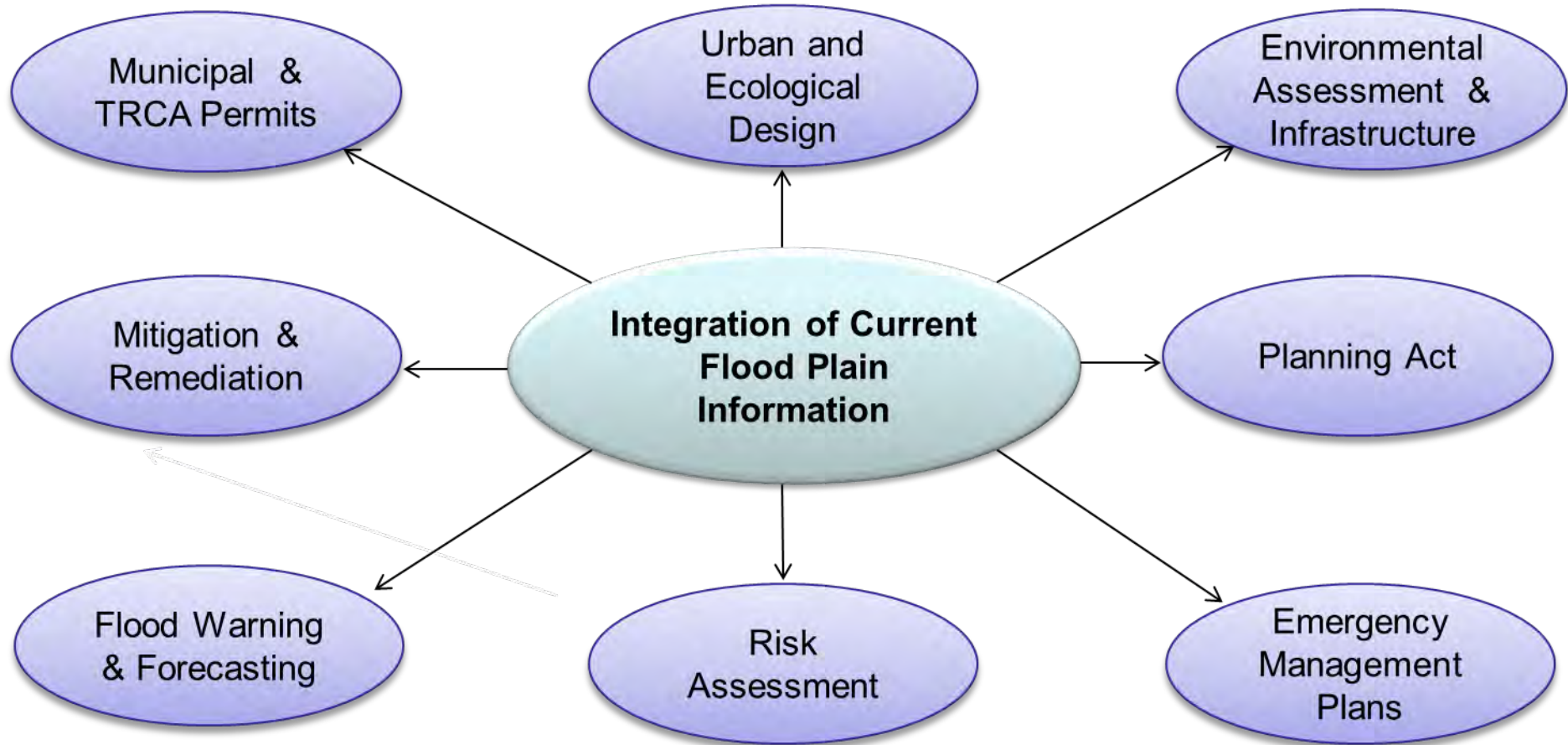


# Floodplain Mapping

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- TRCA:
  - Over 15,000 ha of engineered floodplain maps (547 mapsheets)
  - 9 different watersheds (and thus hydrology models)
  - Most maps were less than 15 years old anyway – after all NDMP updates complete, all will be within 7-8 years
- Conservation Authority Average:
  - 72 percent of floodplain maps are outdated
  - 44 percent of these are in high risk areas







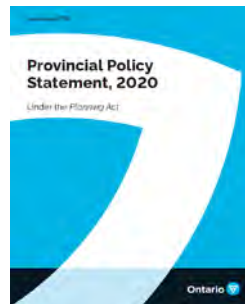
Preserving and Protecting  
our Environment for  
Future Generations

### A Made-in-Ontario Environment Plan



Ministry of the Environment,  
Conservation and Parks

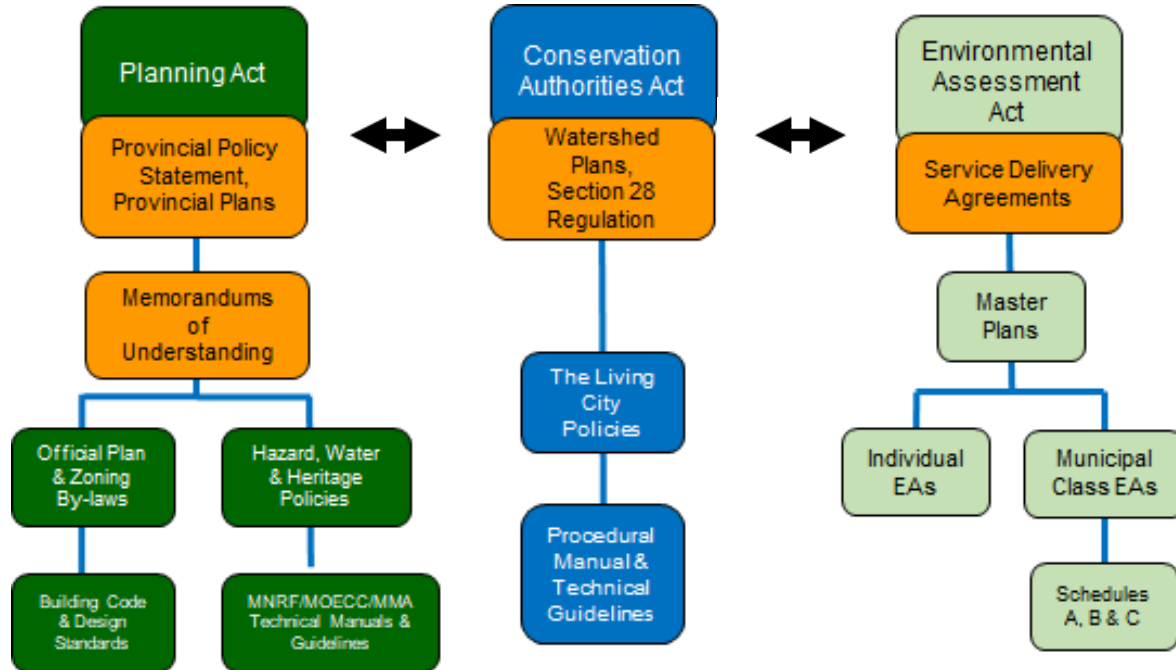
Ontario



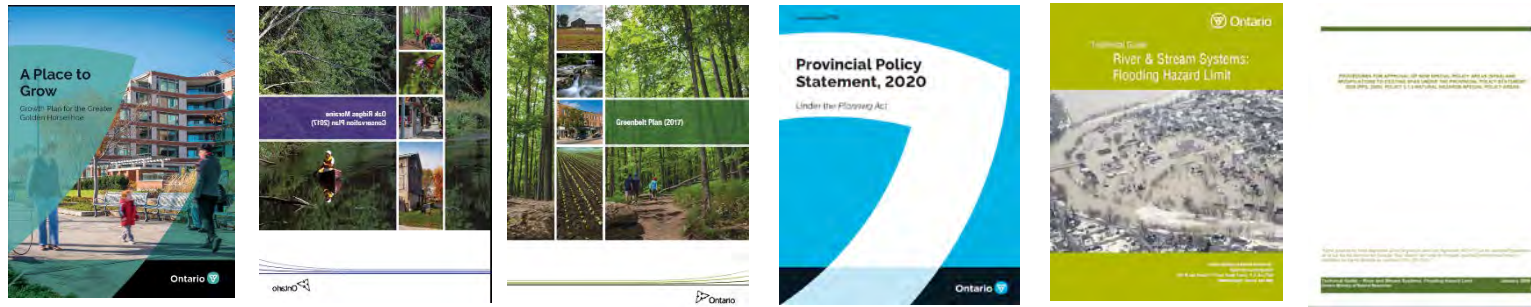
Effective hazard risk management  
requires supportive policy  
guidance...



# TRCA Plan Review Roles & Responsibilities







## Provincial Plans, Policies & Technical Guidelines



Municipal plan input, development and environmental assessment review,  
permitting and compliance, policy analysis,  
technical expertise & advice

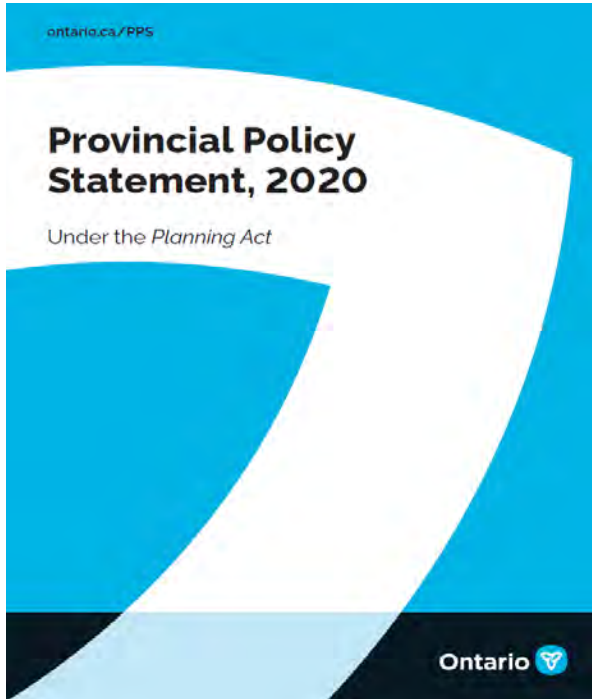


## Conservation Authority Watershed Plans, Policies & Technical Guidelines





## Section 3.0 Protecting Public Health and Safety



- Mitigating potential risk to public health or safety of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require **the Province, planning authorities, and conservation authorities** to work together.
- Development shall generally be directed, in accordance with **guidance developed by the Province** (as amended from time to time), to areas outside of...

## River & Stream Systems: Flooding Hazard Limit



## Updated guidance on hazard limits needed from the Province

- Updates needed:
- Guidance on how to incorporate climate change
- Better guidance on the urban context
  - How to account for impacts of urbanization on existing floodlines
  - Maintenance of infrastructure
- Technological advancements in the last 15 years:
  - 2D Modelling
  - GIS based models and outputs
  - Identification of spill areas, through the above

# Erosion Risk Management Program

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- A recognized need for remediation and construction of erosion control structures
- Monitoring of areas affected by flooding, erosion, and or slope instability
- Study and investigation of erosion hazards within TRCA's watersheds
- Working with municipalities, regions, and federal government







# Resilient Communities

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- The Erosion Risk Management Program (ERMP) works to create erosion control structures that reduce risk and hazards
- Protection of public green space and recreational resources, such as trails

A portion of the Humber Trail was rebuilt and protected with a vegetated rock revetment. Works also improved habitat quality for endangered Redside Dace.



Before



## Rotary Peace Park

- Cost of works: \$1.7M
- 160 m long armourstone revetment to protect frequently used recreational path
- Completed in July 2019



# Yellow Creek Trail Emergency Works

- Cost of works: \$750,000
- 90 m armoustone retaining wall as well as riffle and plunge pool sequences
- Completed in December 2019



During



202

# Resilient Communities

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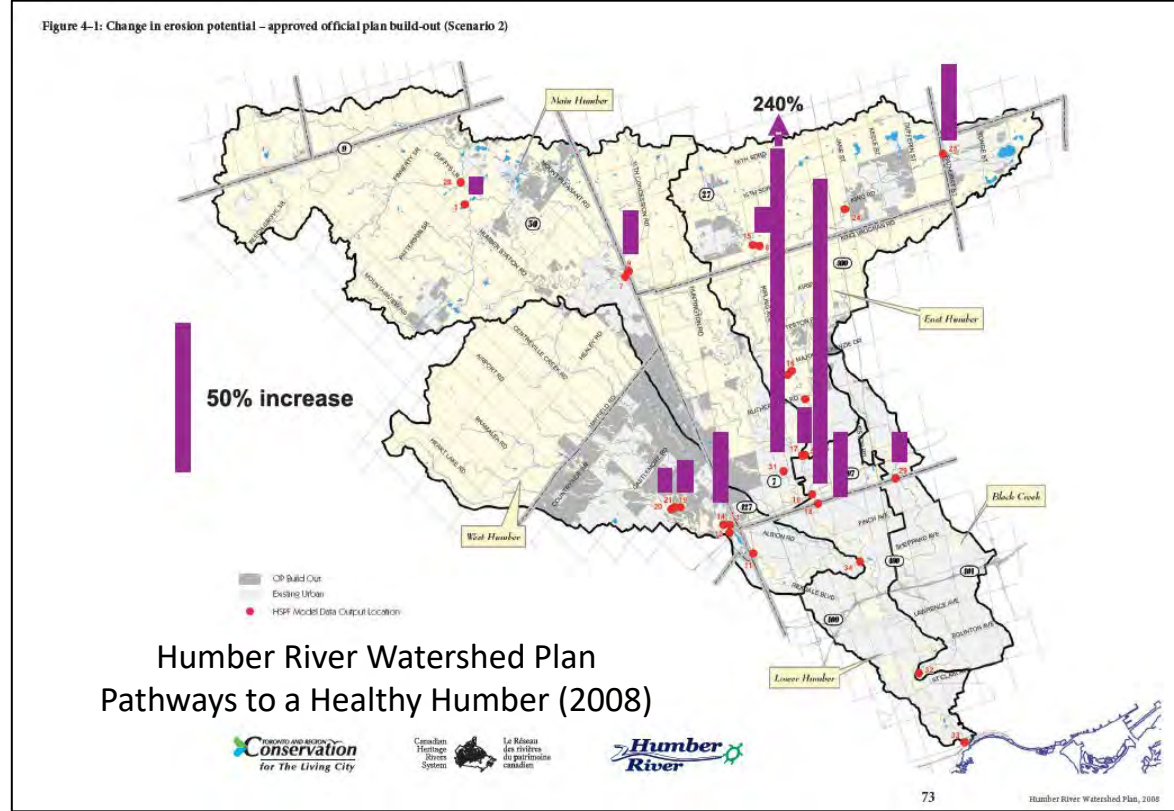


- The Restoration and Resource Management programs restore hydrology and natural cover within and adjacent to the Natural Heritage System
- Improves climate change resiliency by creating a more robust natural heritage system that mitigates flood and temperature events through improved natural cover and water storage



# Knowledge & Data

- Conducting geotechnical & geomorphic assessments to determine long-term risk
- Municipal and Regional strategies to manage assets and risk





## 5. Developing Resilient Housing

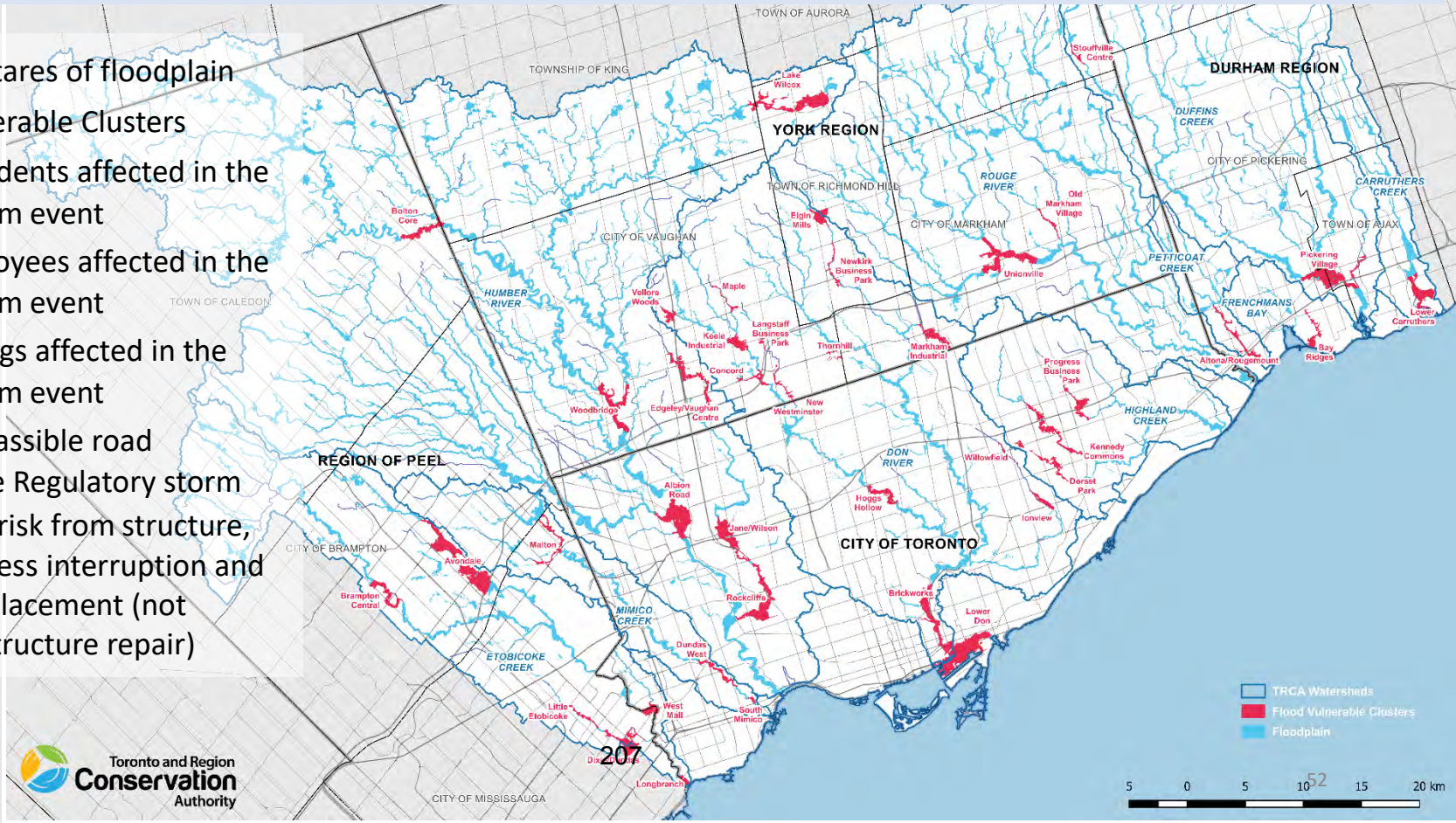


Presentation to Toronto  
Real Estate Board -  
shifting perceptions  
around climate risk



# What about areas settled prior to land-use planning?

- >14,000 Hectares of floodplain
- 41 Flood-Vulnerable Clusters
- >43,000 Residents affected in the Regulatory storm event
- >41,000 Employees affected in the Regulatory storm event
- >9,900 Buildings affected in the Regulatory storm event
- 195km of Impassible road segments in the Regulatory storm
- ~\$3 Billion in risk from structure, contents, business interruption and population displacement (not counting infrastructure repair)

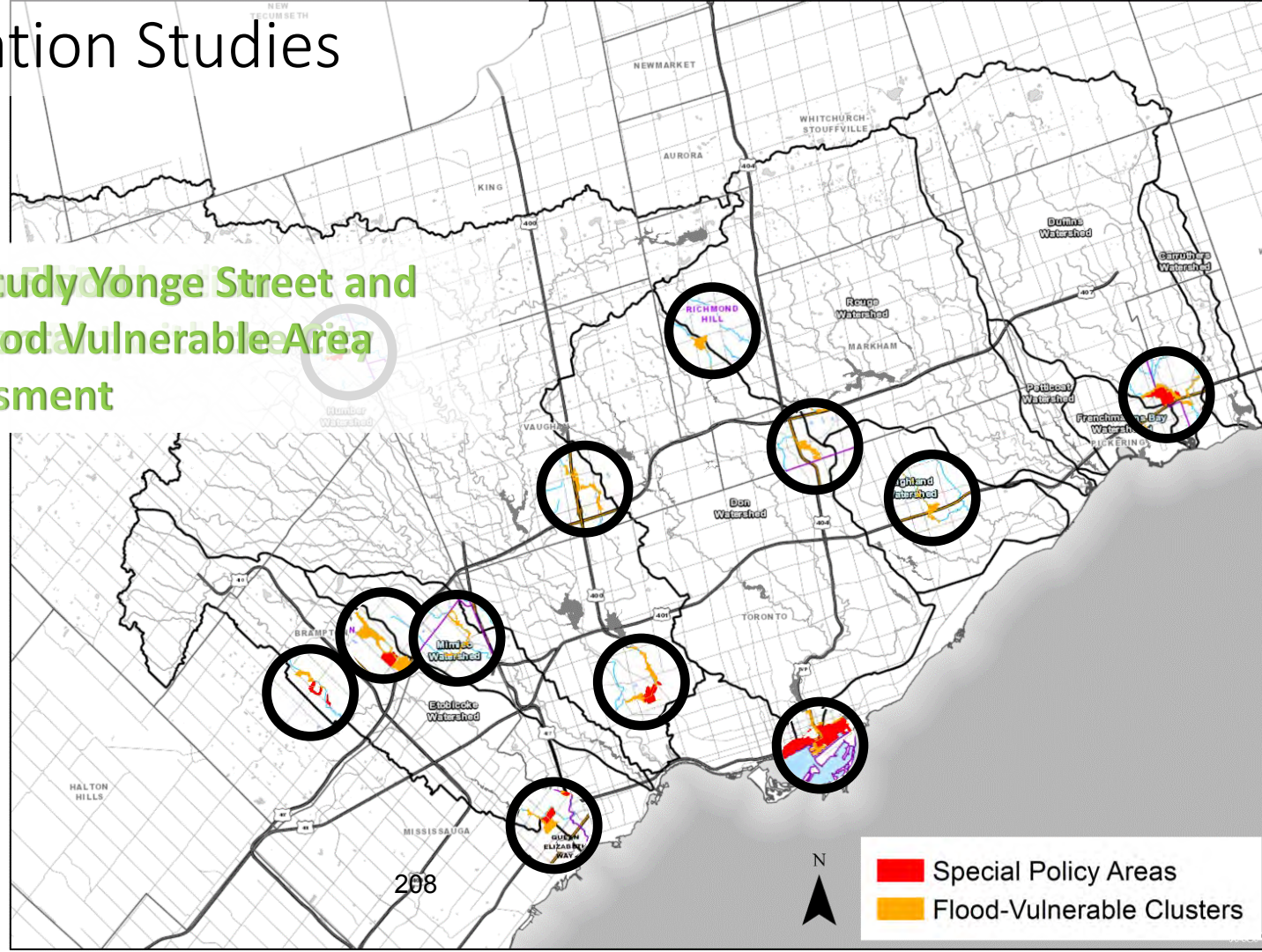




# Flood Remediation Studies

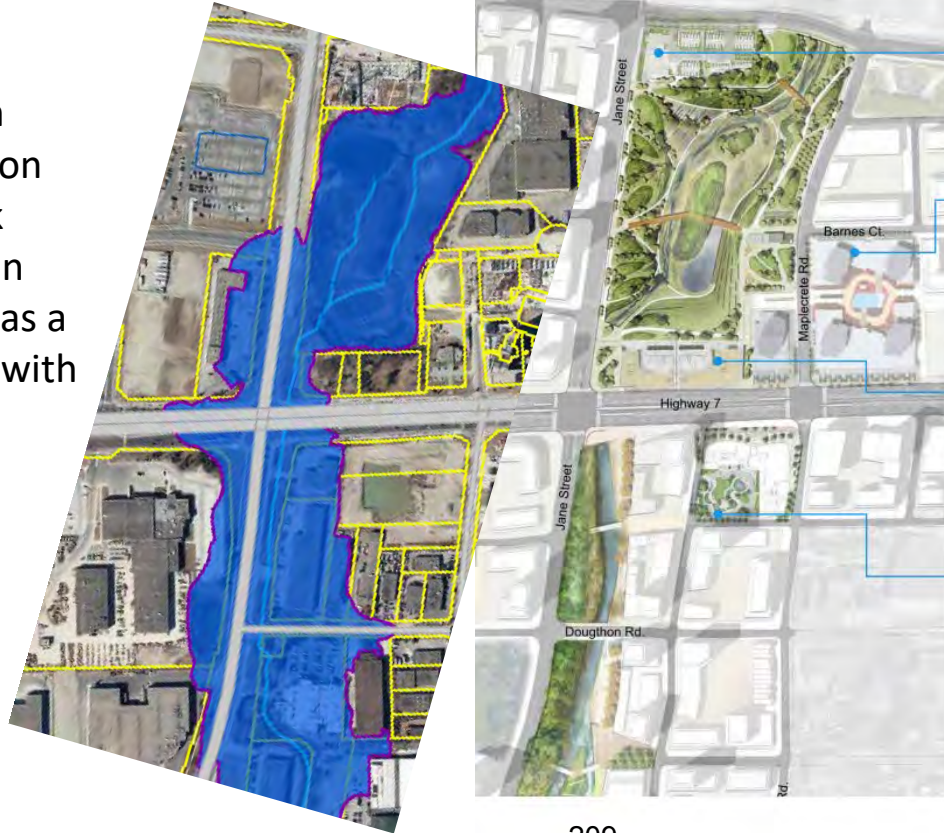
## Vaughan Black Point Study Yonge Street and Chickadee Road - Flood Vulnerable Area Project Mental Assessment

- Cluster: 2016/17
  - Cluster Rank: 12
  - Cluster Rank: 16
- 2018



# Vaughan Central/Edgeley

- Ranked 14th in TRCA Jurisdiction in terms of risk
- Slated for urban intensification as a growth centre with a new subway station
- Black Creek Renewal Environmental Assessment approved



## Adjacent Development Activity

### THE MET

572 residential units  
**1,104 new residents\***  
2018 (estimated)

### EXPO CITY

1,935 residential units  
**3,735 new residents\***  
Phase 1 Towers 1 + 2 – 2016  
Phase 2 Towers 3 + 4 – 2019 (estimated)  
Phase 3 Tower 5 – 2023 (estimated)

### ZZEN / MIDVALE

837 residential units  
(proposed)  
**1,615 new residents\***  
2019/2020 (estimated)

### COSMOS

833 residential units  
(proposed)  
**1,608 new residents\***  
2019/2020 (estimated)

Private development concepts shown are renderings only and subject to Council approval

\*estimated



# West Don Flood Protection Landform

- Flood protection landforms (FPL) address deficiencies of structural measures to permanently eliminate flooding
- Relatively new concept currently unique to the Lower Don within TRCA's watershed
- Engineered to withstand all forms of failure and essentially forms part of the surrounding landscape due to sheer size of the measure





# Jennifer Court & Whitburn Crescent

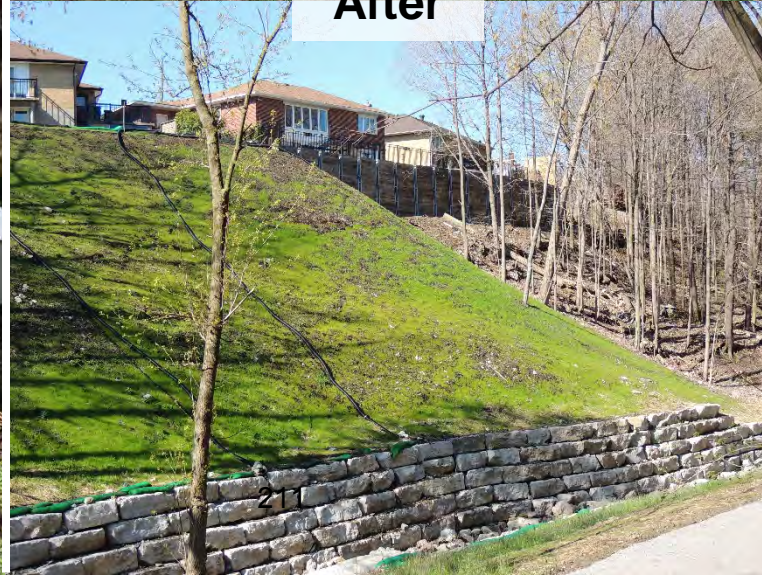
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**Before**



**After**



- Cost of works: \$3.5M
- Includes 100+ m of armourstone retaining walls
- Completed in 2018



## 12-14 Appletree Crt

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**Before**



**After**

- Cost of works: \$1.3M
- Amourstone wall and rubble fill buttress
- Completed in May 2018



# Toronto Community Housing Building

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- Toe protection in Humber River for TCH by 1025 Scarlett Road
- Cost of works: \$1.3M
- 160 m long vegetated buttress
- Completed in 2018



Before

An aerial photograph showing a multi-story brick apartment building situated on a grassy hill overlooking the Humber River. The riverbank is natural and somewhat eroded. A playground is visible near the building.



After

The same aerial view as before, but now the riverbank has been reinforced with a long, straight structure made of grey stones or rubble. The area is surrounded by trees with autumn foliage.



213

A ground-level view of the riverbank. The water is flowing over a rocky, uneven surface. The building is visible in the background on a hill.

Before



After

The same ground-level view as before, but the riverbank is now protected by a smooth, grey stone wall. The water is calmer, and there is more green grass in the foreground.

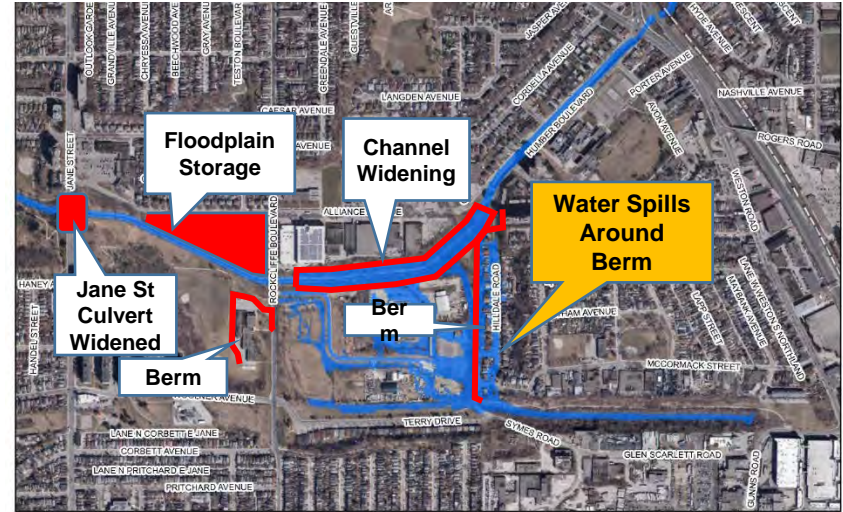
## 6. Developing Resilient Infrastructure



# Rockcliffe Flood Remediation and Transportation Feasibility Study

## Objectives:

- Expand flood remediation to protect more properties from frequent flooding.
- Establish a flood protection level of service For example, no flooding in the 100-year storm.
- Ensure flood remediation solutions consider impacts to private property, local drainage, utilities, transportation projects and traffic needs.
- Identify short and long term actions that prioritizes flood remediation at vulnerable areas first



2014 EA Preferred Alternative With New Modelling



into  
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our



# Provincial Policy guidance needed for climate change considerations in Infrastructure Design



# Regional Infrastructure Monitoring & Protection

- Regional partnerships formed to help with **long-term management** and **remediation** of erosion affecting regional infrastructure
- TRCA formalized monitoring parameters to establish baseline conditions and to **ensure long term protection**
- Protection against erosion along ravines & watercourses
- Risk-based, annual inspection schedule
- Current partnerships with Peel and York Region







# York Region

- The **Infrastructure Hazard Monitoring Program** is a joint program between TRCA and York Region
- Assess any risk to exposed/buried infrastructure
- TRCA formed a partnership with Region of York in 2011; since then:
  - An average of 200 high risk sites **monitored** each year
  - An average of 5 sites **remediated** each year
  - Over 600 m of infrastructure **protected**
  - Over 900 m of valley & shoreline **stabilized**





Channel realignments and restoration can help fortify channels by directing water naturally and buffering high flows



## Pomona Creek

- An undermined drainage pipe beneath a public trail
- Failing gabion basket wasn't providing protection
- New vegetated buttresses help to buffer flooding and high flow rates
- Weeping tiles within the bank improve drainage
- Native trees/shrubs planted to stabilize slope



# Peel Region

- Since 2017:
  - Over 500 sites **monitored** each year
  - An average of 2 sites **remediated** each year
  - **Over 150 m of infrastructure protected**
  - Over 500 m of valley & shoreline **stabilized**
- TRCA works with Region of Peel of address sites of high risk and vulnerability





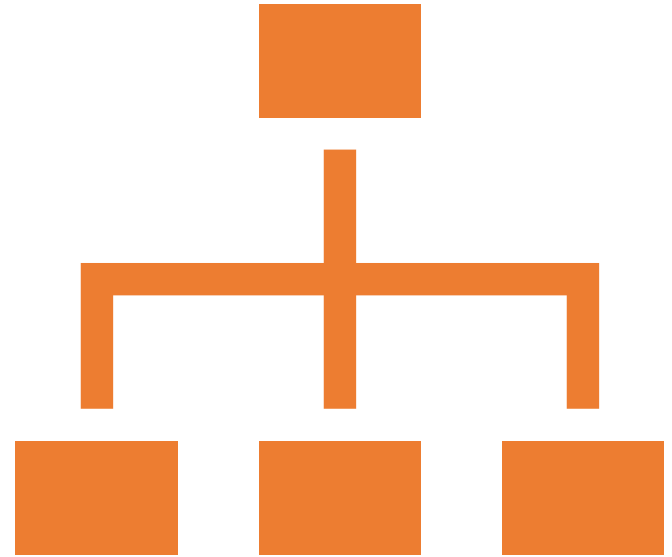
Damaged infrastructure cannot properly manage changes in discharge and flow, putting infrastructure and watercourse banks at further risk



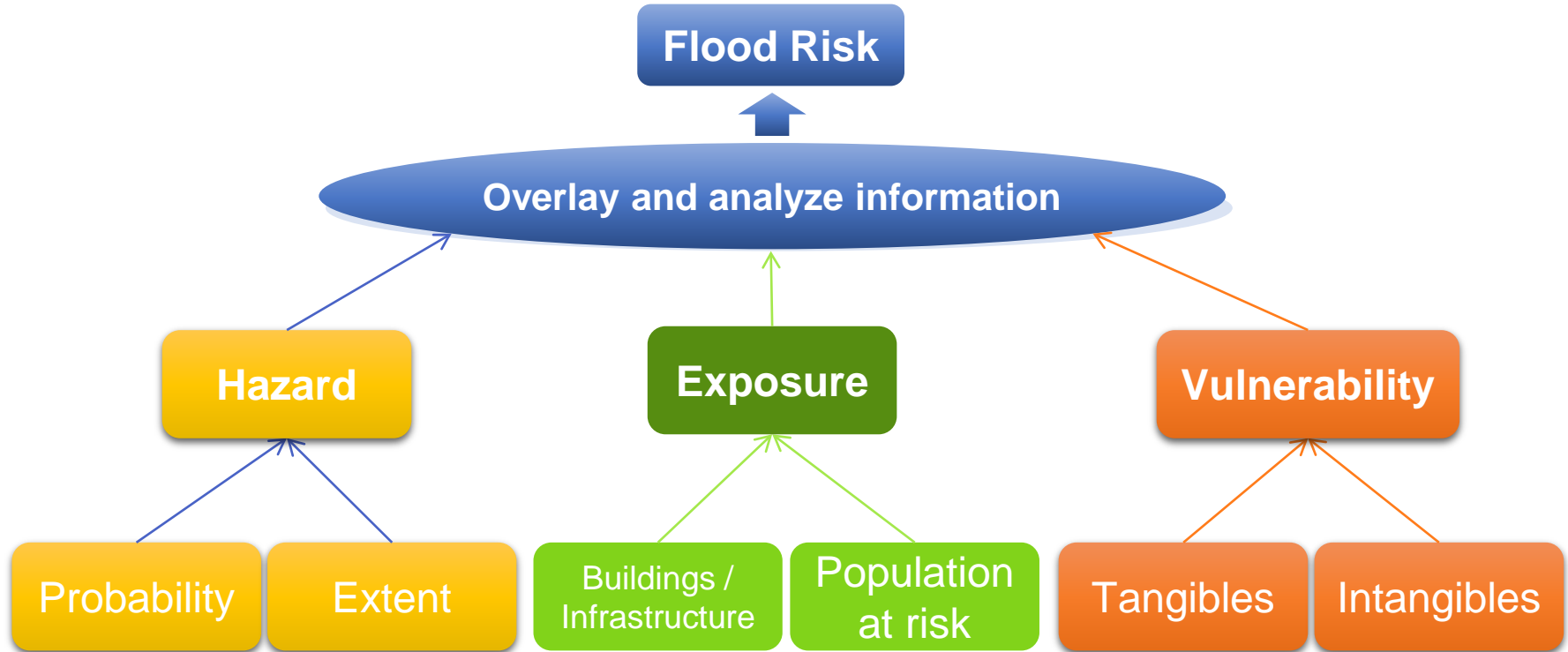
## Centennial Park

- Outfall repair & bank stabilization

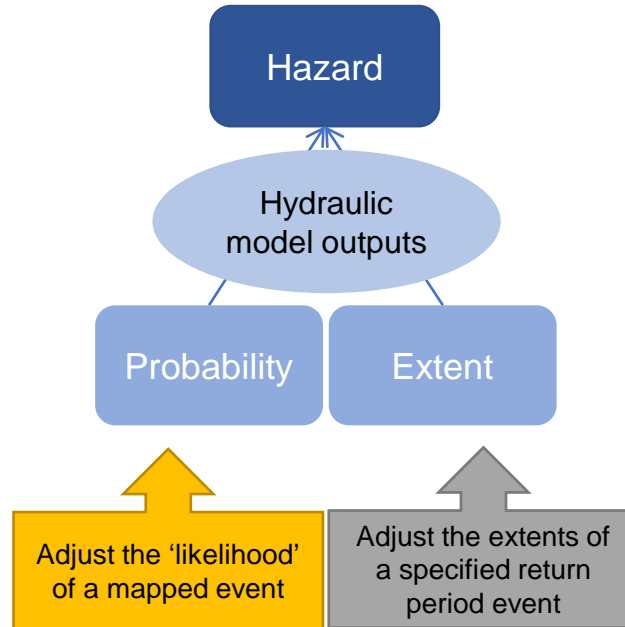
## 7. Tools for Proactive & Efficient Resources Management



# Flood Risk Assessment and Ranking Project

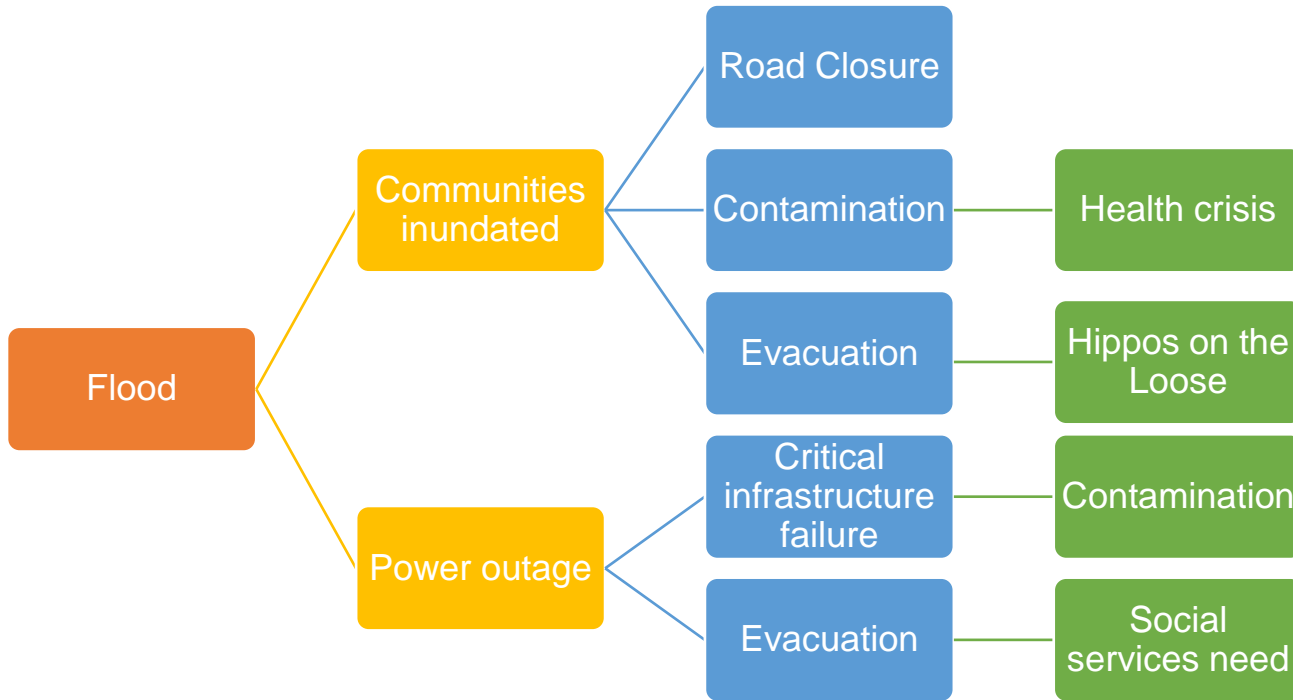


# Future work: Incorporating Climate Change into Hazard Estimates

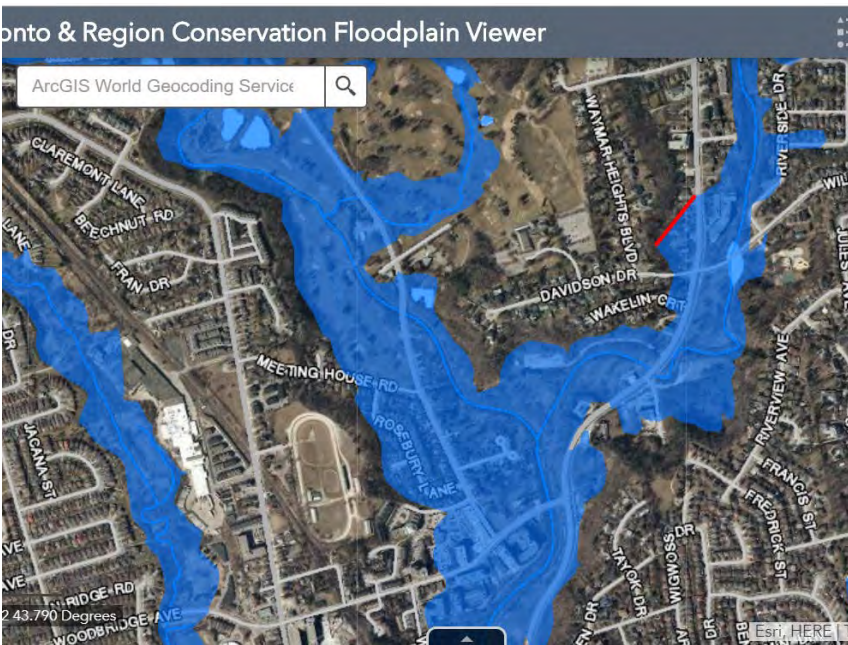




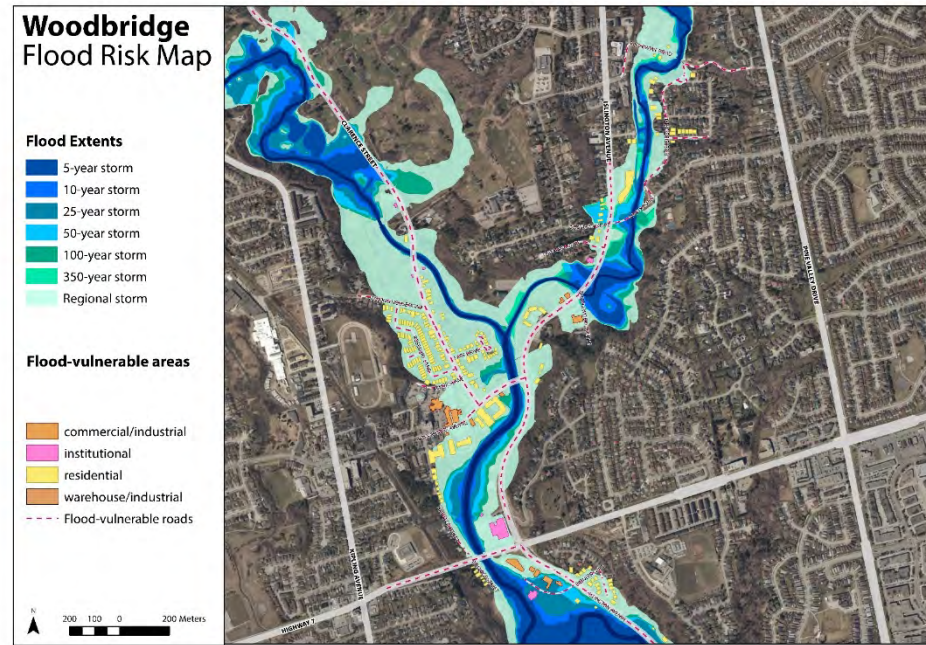
# Assessments that capture interdependencies and impacts



# Generic information already available



## More granular risk information proposed



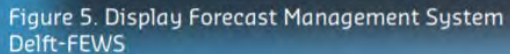


# Flood Risk Outreach

- Neighbourhood specific web content with risk maps
- Informational letters
- Site-specific public open houses

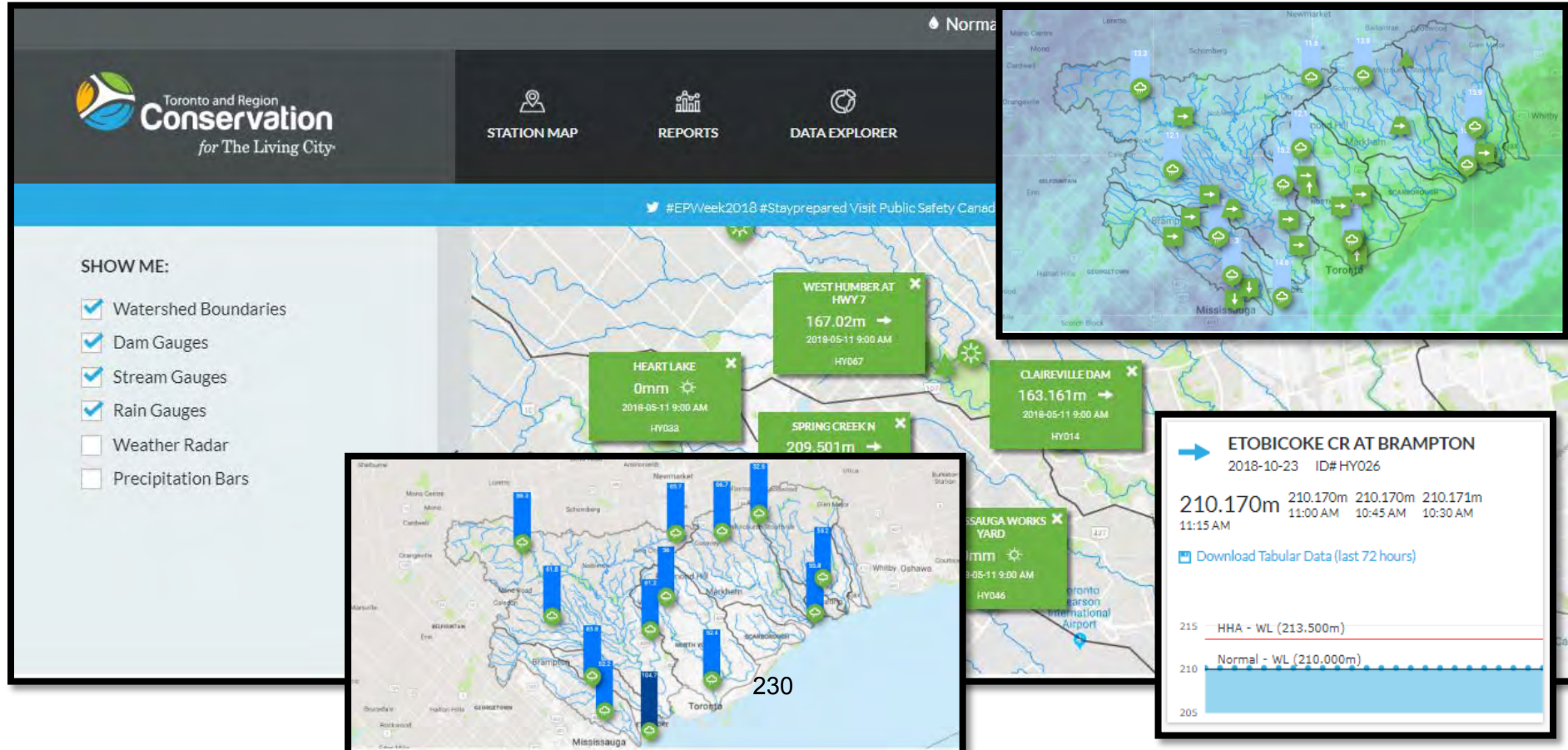


### Activation A



# TRCA's Flood Monitoring Website

[Beta.trcagauging.ca](https://Beta.trcagauging.ca)





Search address or place



## Site-Specific Response Plans & Tools

Flood Level (return period in years)

0 2 5 10 25

Toronto and Region Conservation Authority

-79.389 43.736 Degrees



# Desktop Analysis of Existing Data

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- Future Erosion Hazard Mitigation Strategy (FEHMS)
- Identifies areas with increased risk of slope failure using multiple data sets
- Aids in prioritization of mitigation work
- Reduces slope failure through prevention
  - Remediating area before a failure happens
  - Lower costs overall





# Future Erosion Hazard Mitigation Strategy (FEHMS)

Identify areas that have increased risk of slope failure for carrying out proactive mitigation works.

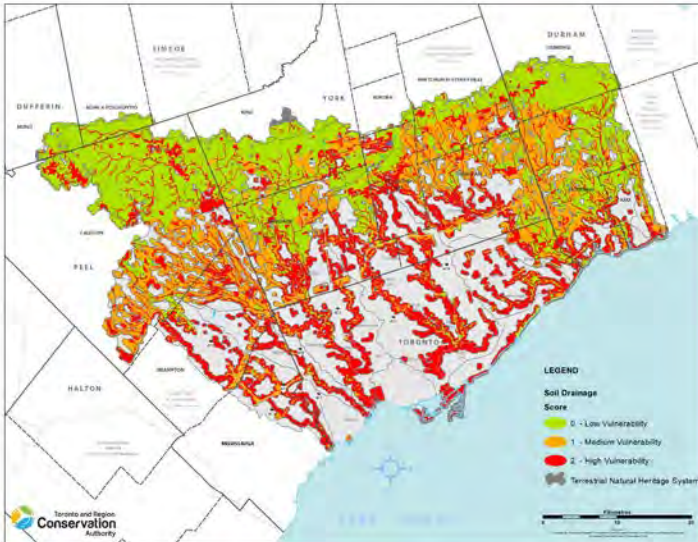
- Capital works coordination
  - Multiple risks mitigated under one project (e.g. risk to houses, water infrastructure, trails)
  - Multiple users of the same construction access road (consecutively)
  - Leaving access roads for City departments to access existing assets (e.g. sanitary crossings)
  - Converting access roads into future trails
  - Invasive species removal / native plantings on private lands



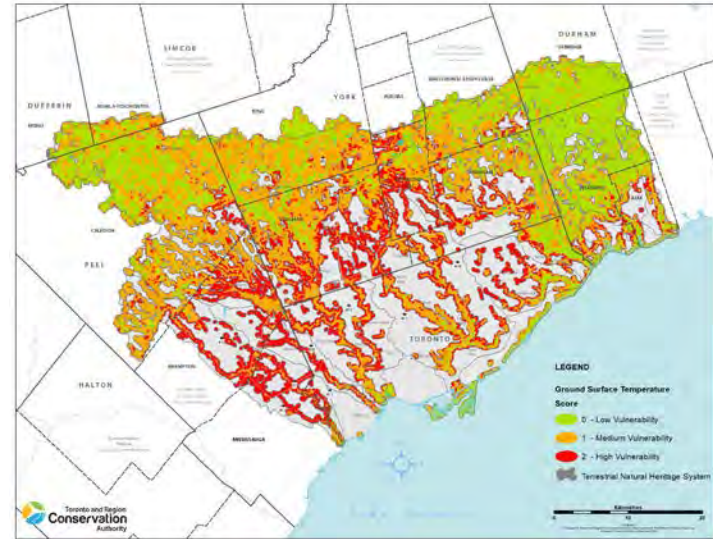
# Climate Vulnerable Assessments

- Identifies relative degree of vulnerability within natural heritage system
- Informs where natural cover and wetland restoration projects could be located to mitigate vulnerability and benefit local communities

Soil drainage vulnerability scores



Ground surface temperatures vulnerability scores

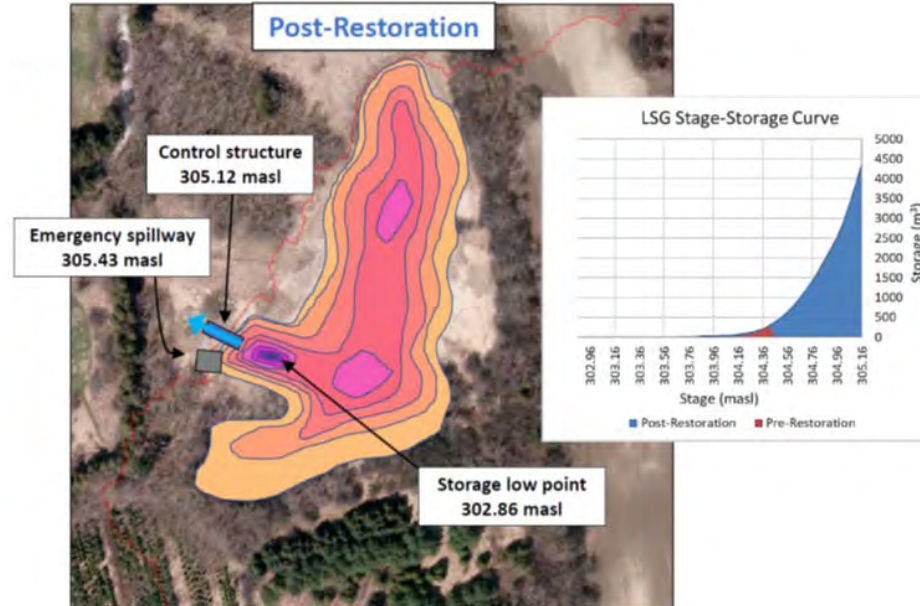




# Strategic Wetland Restoration

- Research had shown that Restored Wetland can reduce downstream flooding
- Lake St. George Wetland (annual averages)
  - Increased water storage volume by 2313%
  - Decreased maximum outflow rate by 73%
  - Improved deep percolation by 569%
  - Removed 66% more total phosphorous
  - Removed 81% more total suspended solids

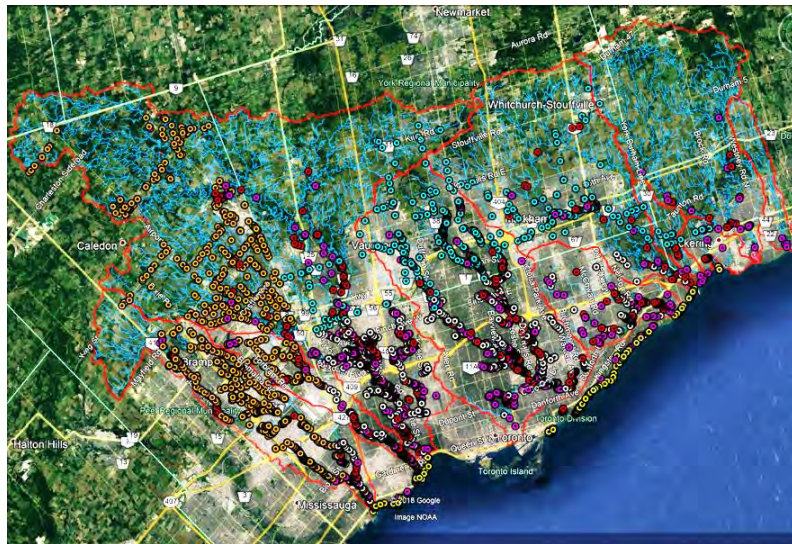
Key Performance Indicator	Pre-Restoration	Post-Restoration	Change	Change (%)
Annual average storage volume (m <sup>3</sup> )	93	2244	2151	+2313%
Maximum storage volume (m <sup>3</sup> )	290	8397	8107	+2796%
Total ET loss (mm)	420	434	13	+3%
Total surface outflow (1000 m <sup>3</sup> )	26.5	18.2	-8.2	-31%
Total surface outflow (mm)	279	192	-86	-31%
Maximum outflow rate (m <sup>3</sup> /s)	0.46	0.13	-0.33	-73%
Total deep percolation (mm)	26	177	150	+569%
Total loss [ET + deep perc.] (mm)	447	610	163	+37%





# Real-Time Monitoring of Events

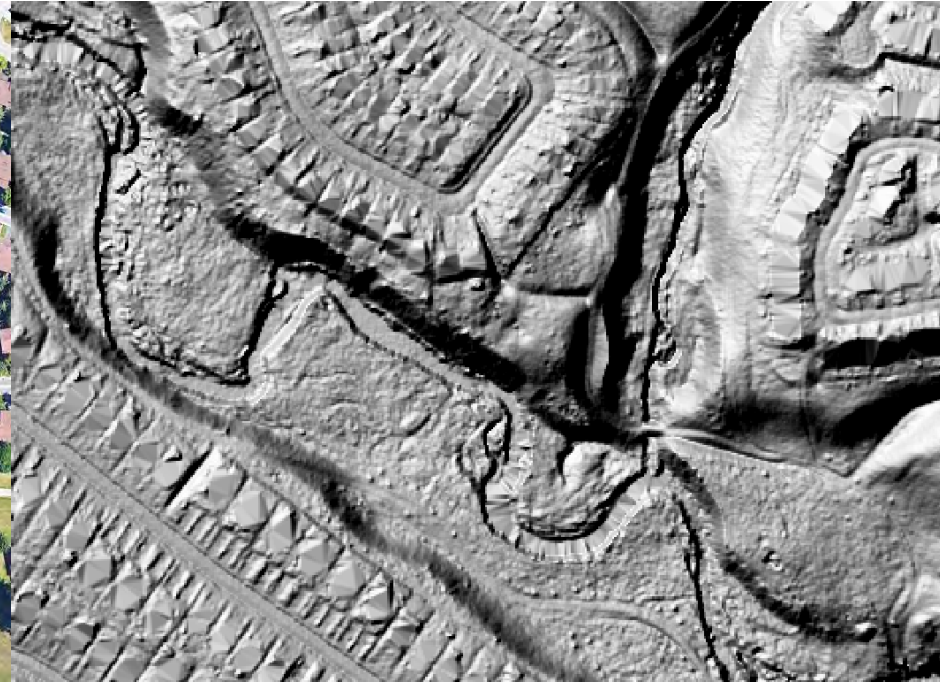
- Flood Risk Analysis Network (FRANK)
- Analyzes real-time stream and rain gauge data
- Determines which watercourses & reaches were affected
- Deploy inspection staff to quantify condition and/or movement



FRANK flags area  
at risk  
during/after an  
event so that  
TRCA knows  
which structures  
to inspect



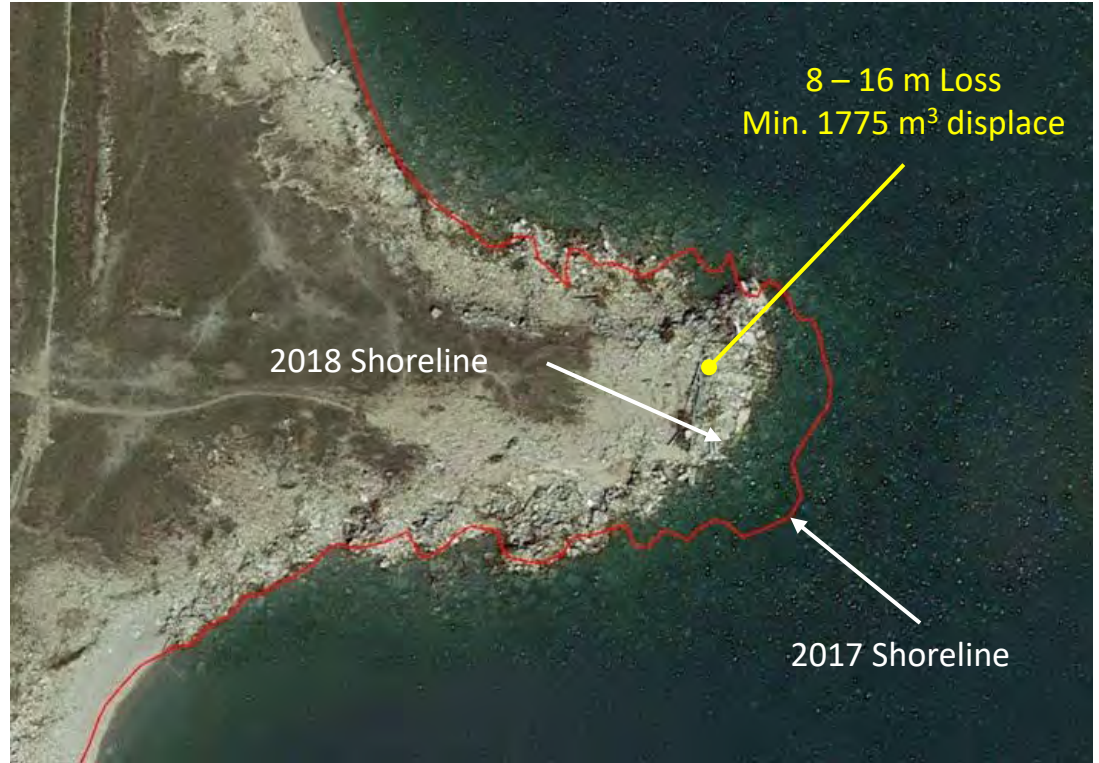
# Light Detection and Ranging (LiDAR) Analysis



# Remotely Piloted Aircrafts (RPA)

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- Changes the way we track and monitor erosion
- Monitoring of waterfront land will be safer, more accurate, and detailed





# Remotely Piloted Aircrafts (RPA)

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- 3D imagery to help document conditions and visualize solutions



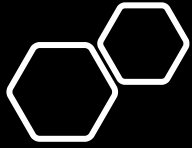
Coherence needed from  
upper levels of government  
on risk and vulnerability  
assessment methods





Continued investment needed  
in risk-reduction projects and  
programs and the tools that  
enable them





## In Summary

- Conservation Authorities have been partners in building resilient communities, housing, and infrastructure since our inception
- We have specialized expertise in flood and erosion risk management, in climate change adaptation analysis, and in driving implementation of mitigation practices
- There are several recommendations on provincial policy guidance needed to support climate resilient communities, housing, and infrastructure – many of these have been identified in the report by Ontario's Special Advisor on Flooding
- The continued provision and partnership around funding opportunities like the National Disaster Mitigation Program, the Disaster Mitigation and Adaptation Fund, and Green Infrastructure Fund are critical

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

**TO:** Chair and Members of the Regional Watershed Alliance  
Meeting #4/20, Wednesday, November 18, 2020

**FROM:** John MacKenzie, Chief Executive Officer

**RE:** **UPDATE ON MUNICIPAL MEMORANDUMS OF UNDERSTANDING AND SERVICE LEVEL AGREEMENTS**

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#### KEY ISSUE

Update on work underway to update and achieve Memorandums of Understanding (MOUs) and Service Level Agreements (SLAs) with partner municipalities in the context of the updated *Conservation Authorities Act* (CA Act) and relevant regulations.

#### RECOMMENDATION

**WHEREAS** Toronto and Region Conservation Authority (TRCA) RES.#A121/19, adopted at the June 21, 2019 Board of Directors meeting, directed staff to pursue and execute updated MOUs and SLAs with its partner municipalities in accordance with the amendments to the *Conservation Authorities Act* made by Bill 108 and designed to improve accountability and transparency around the work of conservation authorities funded by municipalities;

**AND WHEREAS** TRCA RES.#A237/19, adopted at the January 24, 2020 Board of Directors meeting, directed staff to continue to work with partner municipalities to execute updated MOUs and SLAs based on mutually agreed upon services and, additionally, to report back to the Board of Directors on the progress of these agreements once draft *Conservation Authorities Act* regulations are released;

**AND WHEREAS** TRCA RES.#A31/20 adopted at the April 24, 2020 Board of Directors meeting provides specific direction to staff when updating or developing *Planning Act* related Memorandums of Understanding and Service Level Agreements with partner municipalities;

**AND WHEREAS** the COVID-19 pandemic has delayed the expected release of the *Conservation Authorities Act* regulations;

**IT IS RECOMMENDED THAT** this progress report and presentation be received;

**THAT** staff continue to work with partner municipalities to execute updated MOUs and SLAs based on mutually agreed upon services;

**AND FURTHER THAT** staff report back to the Regional Watershed Alliance on the progress of these agreements once draft *Conservation Authorities Act* regulations are released.

### BACKGROUND

A review of the *Conservation Authorities Act* (CA Act) was initiated in 2015 by the Ministry of Natural Resources and Forestry (MNR). The objective of the review was to identify opportunities to improve the legislative, regulatory, and policy framework governing the creation, operation, and activities of conservation authorities. Following extensive consultation, the Government of Ontario introduced the *Building Better Communities and Conserving Watersheds Act, 2017* (Bill 139) which received Royal Assent on December 12, 2017. Bill 139 amendments to the CA Act that affected the mandate of conservation authorities included a new “purpose” section, minor adjustments to the “objects” and “power” sections, and new provisions addressing the following three categories of required and permitted programs and services:

1. *Mandatory programs and services* that are required by regulation.
2. *Municipal programs and services* that the authority agrees to provide on behalf of municipalities situated in whole or in part within its area of jurisdiction under a Memorandum of Understanding (MOU).
3. *Other programs and services* that the authority may determine are advisable to further its objects.

The CA Act was amended, again, on June 6, 2019 as part of Schedule 2 of the *More Homes, More Choice Act* (Bill 108). While Bill 108 is now law, many of the provisions of the amended CA Act are still subject to enabling regulations to be proclaimed by the Lieutenant Governor in Council (approved by Cabinet) or by the Minister. Proposed regulations to enact the new legislation include:

- Mandatory Program and Service Regulations – standards and requirements;
- Transition Regulation – Transition Plan, consultation, timeframe to achieve compliance;
- Governing appointment of operating expenses and capital costs; and
- Classes of programs and services for fees and prescribed amounts.

Bill 108 retains the three categories of programs and services added by Bill 139 and specifies four areas of *mandatory programs and services* that may be prescribed by regulation:

1. Programs and services related to the risk of natural hazards.
2. Programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests in land registered on title.
3. Programs and services related to the authority’s duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.
4. Programs and services related to the authority’s duties, functions and responsibilities under an Act prescribed by the regulations (e.g. the *Planning Act*).

Bill 108 made minor changes to the provisions governing *municipal programs and services*, (*i.e., non-mandatory*), that require an MOU or agreement be made available to the public, be reviewed at regular intervals, and that the programs and services an authority agrees to provide on behalf of a municipality be provided in accordance with the terms and conditions set out in the MOU or agreement. Bill 108 added criteria for *other programs and services*, (*i.e. non-mandatory*) that states that a conservation authority may provide, within its area of jurisdiction, such other programs and services it determines are advisable to further its objects. If municipal funding is involved, there must be an agreement in accordance with the regulations and with funding determined in accordance with the CA Act and associated regulations.

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In anticipation of the upcoming CA Act enabling regulations, and following TRCA Board direction, staff have begun meeting with our partner municipalities to discuss shared priorities and desired outcomes. This has led to agreement on the importance of developing new standardized agreements to ensure consistency, accountability, and transparency. Pursuing MOUs and SLAs with our partner municipalities will help us identify ongoing funding for TRCA's programs, projects and services for 2021 and beyond, while also supporting our municipalities in their needs, priorities and desired outcomes. Additionally, MOUs are good business practice and would allow a municipality to procure our services more easily through procurement policy exemptions.

To learn more about the amendments to the CA Act, please refer to TRCA's dedicated [CA Act Update page](#).

At [Board of Directors Meeting #11/19](#), held on January 24, 2020, Resolution #A237/19 regarding the "Update on Memorandums of Understanding and Service Level Agreements with Partner Municipalities" report was adopted as follows:

*WHEREAS Toronto and Region Conservation Authority (TRCA) RES.#A121/19, adopted at the June 21, 2019 Board of Directors meeting, directed staff to pursue and execute updated Memorandums of Understanding (MOUs) and Service Level Agreements (SLAs) with its partner municipalities in accordance with the amendments to the Conservation Authorities Act made by Bill 108 and designed to improve accountability and transparency around the work of conservation authorities funded by municipalities;*

*AND WHEREAS the Conservation Authorities Act amendments prompt the need for agreements for non-mandatory programs and services to be negotiated with regional municipalities, City of Toronto and lower tier municipalities as part of the transition plan process following proclamation of the enabling regulations associated with the Bill 108 amendments to the Conservation Authorities Act; AND*

*WHEREAS TRCA delivers a significant amount of value-added services to its partner municipalities that will be further strengthened through SLAs, where formal agreements do not currently exist; AND*

*WHEREAS TRCA staff have held numerous meetings with municipal representatives in our jurisdiction since receiving Board of Directors direction on June 21, 2019;*

*THEREFORE, LET IT BE RESOLVED THAT staff continue to work with partner municipalities to execute updated MOUs and SLAs based on mutually agreed upon services;*

*THAT the Board of Directors representatives in lower tier municipalities request support from their municipal staff in ensuring that consideration is given for TRCA to be relieved from standard purchasing requirements based on their unique expertise and within the scope and mandate of the Conservation Authorities Act (e.g. flood and erosion management) in a manner similar to the City of Toronto and other municipalities in our jurisdiction;*

*THAT staff be directed when negotiating MOUs and SLAs that where there is any conflict between an upper and lower tier municipality for any services related to Planning*

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*Act matters, the municipality that is deemed the approval authority under the Planning Act shall prevail;*

*THAT staff report back to the Board of Directors on the progress of these agreements once draft Conservation Authorities Act regulations are released;*

*AND FURTHER THAT the Clerk and Manager, Policy, so advise municipal partners.*

The topic of MOUs with municipalities for the purposes of review related to the *Planning Act* has also been raised both with partner municipalities and the Board of Directors. Most recently, at [Board of Directors meeting #3/20](#), held on April 24, 2020, Resolution #A31/20 regarding the 'Update on Planning Act Related Memorandums of Understanding and Service Level Agreements with Partner Municipalities' was adopted as follows:

*WHEREAS through Bill 108, the More Homes, More Choices Act, the Planning Act was amended to streamline development approvals processes and facilitate faster decisions by reducing decision timelines for municipalities and the province;*

*THEREFORE, LET IT BE RESOLVED THAT given the reduced timelines for application review under Bill 108, Toronto and Region Conservation Authority (TRCA) staff be directed when negotiating or updating Memorandums of Understandings (MOUs) and Service Level Agreements (SLAs) dealing with Planning Act matters, that agreements include provisions to ensure TRCA can provide comments within the statutory timeframes;*

*THAT such provisions provide a mechanism to ensure official plan policies for complete applications are regularly reviewed to ensure TRCA's requirements are fully reflected; provide for strengthened coordination with TRCA in the municipality's pre-application process; and provide for coordinated representation of municipal and TRCA interests for Local Planning Appeal Tribunal (LPAT) appeals, where feasible;*

*THAT TRCA continues to work with BILD, consultants, development companies and municipal partners on updated TRCA guidelines, that help with the streamlining of applications;*

*THAT TRCA ensure that any fees for services provided to municipalities that are recouped from the taxpayers or service users, be collected in accordance with the Municipal Act as well as the Conservation Authorities Act and associated regulations;*

*AND FURTHER THAT the Clerk and Manager, Policy, so advise BILD, the Clerks, the Chief Planning Officials, the Chief Financial Officers, and Legal Counsel of our municipal partners.*

### **Framework for Undertaking Agreements with Municipalities**

The following agreements are proposed as the basic framework for non-mandatory *municipal programs and services* with our partner municipalities:

#### **Memorandum of Understanding (MOU)**

For the purposes of establishing principles for collaboration and partnership with municipalities, an MOU will be used to set out the relationship, roles and responsibilities when no funding is being exchanged. MOUs may provide for the possibility of future fee-for-service or other agreements to implement.



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### Service Level Agreement (SLA)

The SLA is intended to provide the overarching framework for TRCA and the municipality to work together to deliver *municipal programs and services*. The SLA will address services that the municipality will provide explicit funding for and which are considered non-mandatory under the amended CA Act. The SLA will include a schedule that lists the type of services that the municipality may engage TRCA in providing. It is proposed that an SLA will be developed initially with Letter Agreements that encompass either existing or new projects/programs being subsequently developed.

### Letter Agreements

A Letter Agreement will be prepared for each project, program, initiative or type of service that the municipality engages TRCA to deliver. A Letter Agreement will include, but not be limited to, project scope, deliverable and associated timelines, relevant key performance indicators, and funds to be provided in exchange for the services.

### Individual Agreements for Complex Municipal Projects

Some projects that TRCA carries out for municipalities, such as significant construction projects, will require a full agreement that is separate from, and not based on, a Letter Agreement template.

## **RATIONALE**

To date, the following work has been completed by TRCA staff to progress MOUs and SLAs with partner municipalities.

### Discussions with Partner Municipalities

The reception of meetings with some of our partner municipalities has been overwhelmingly positive. Although some municipalities have communicated their desire to wait for the final CA Act regulations to be released before developing an MOU, these discussions have still confirmed the importance of TRCA as a resource and delivery agent of municipal programs and projects. The meetings have also sparked productive discussions related to mutual interests and cooperation on significant projects and future funding opportunities.

TRCA Senior Leadership and Government and Community Relations staff have met, or have upcoming meetings scheduled, with the following municipalities:

- The Regional Municipality of Durham
- City of Pickering
- Town of Ajax
- Township of Uxbridge
- City of Toronto
- City of Brampton
- City of Mississauga
- Town of Caledon
- City of Markham
- City of Vaughan
- Town of Whitchurch-Stouffville
- Township of King
- Town of Mono
- Township of Adjala-Tosorontio
- The Regional Municipality of Peel (to take place as part of budget meetings)

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- The Regional Municipality of York (to take place as part of budget meetings)

### **Development of Detailed List of Services**

At these meetings, TRCA provided a list of potential programs and services that could be offered including, but not limited to:

- Development and Environmental Assessment planning and permitting
- Studies, assessments, and/or reviews
- Ecological restoration, planting and wildlife management
- Conservation land management and trails
- Environmental monitoring
- Erosion monitoring and management
- Property management
- Watershed planning
- Climate change and applied research
- Community/business/industry engagement, education and community learning
- Archaeology
- Conventional and urban agriculture
- Master and management planning
- GIS and mapping services

Based on discussions with municipal staff, TRCA staff continue to refine the list of services (Attachment 1) to ensure that municipalities are provided with a complete list of services that showcases the important work that TRCA can offer. Given that the CA Act enabling regulations have not yet been released, the list of TRCA services laid out in Attachment 1 are structured according to TRCA's current budget framework and encompasses the entirety of services offering by TRCA, rather than being divided into mandatory and non-mandatory services. Once the CA Act regulations are released, this list of services may be further refined and restructured.

It is also recognized that TRCA could benefit from services or supports offered by some of the municipalities within our jurisdiction, including increasing efficiencies and capacity. Such services could include items such as data sharing, land management, Indigenous engagement, translation services and others (Attachment 2) and can encompass both fee-based and in-kind services. It is further recognized both TRCA and partner municipalities can benefit from coordination of complementary policy and program initiatives. As such, it is contemplated that the MOUs and SLAs could also include municipal services that TRCA would benefit from obtaining, as well as lay out the mechanisms and scope for TRCA-municipality cooperation.

### **Scan of Municipal Procurement/Purchasing Policies/Bylaws**

TRCA staff have completed a review of all partner municipality's procurement/purchasing policies and by-laws. This review has identified which municipalities exempt TRCA from procurement processes, which municipalities can currently sole source TRCA services under non-competitive or limited tendering processes, and which municipalities may need to amend their policies/by-laws to allow sole sourcing in the future. In addition to the review of procurement/purchasing policies and by-laws, a template Corporate Report (Attachment 3) has been drafted to assist municipalities in amending procurement/purchasing by-laws/policies, where required, to allow a municipality to procure TRCA services through procurement policy exemptions. These reports are being tailored for each municipality, in collaboration with municipal staff.

### **Draft MOU and SLA**

To further assist partner municipalities during MOU/SLA development, TRCA staff have drafted a template MOU (Attachment 4) and SLA (Attachment 5). These templates have been provided to some partner municipalities for review and comment. Based on feedback and the specific needs/interest of individual municipalities, these templates will be amended and tailored as required.

### **Municipal Project Maps**

Detailed Municipal Project Maps, and associated project briefs, have been developed and produced for each municipality TRCA staff have met with. These maps and briefs showcase a suite of priority projects undertaken by TRCA staff within the municipality, projects that TRCA has collaborated with the municipality on or present an opportunity to collaborate, and TRCA services and programs which municipalities have expressed interest in. These Project Maps are being utilized to help facilitate MOU discussion with partner municipalities.

### **MOU/SLA Project Dashboards**

TRCA staff have created draft MOU/SLA Project Dashboards with the objective of providing a progress report on MOU/SLA development in a concise visual graphic. These project dashboards can be customized based on the jurisdiction of interest (i.e. Regional, jurisdiction-wide, single lower-tier municipality) and will succinctly provide MOU/SLA development updates. The MOU/SLA Project Dashboards will be populated with information over the coming months, except for detailed financial information which will come at later stages, as the development and execution of these agreements progress. See Attachment 6 for templates of a TRCA-wide and a Region-specific MOU/SLA Project Dashboard.

### **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**

There is no immediate financial impact due to carrying out the recommendations above. The process of undertaking agreements with municipalities related to non-mandatory municipal programs and services provided by TRCA under the amended *Conservation Authorities Act*, as well as with other external organizations, is expected to have positive financial impacts for TRCA based on the early interest from most municipalities in providing funding and or jointly seeking funding for a selection of TRCA service areas that support areas of need for the municipalities in question and shared municipal and TRCA interests.

### **DETAILS OF WORK TO BE DONE**

At this time, the timing of the release of enabling regulations by the Province is tentatively expected to be Q4 2020. Regardless of the timing of the release, it is expected that a transition period will be provided for entering MOUs that will be in line with the municipal budget cycle.

TRCA staff will:

- Communicate, once known, to TRCA Board of Directors, Regional Watershed Alliance, municipal partners and relevant stakeholders, information related to the draft enabling regulations;
- Continue to meet with municipal partners in order to initiate the development of MOUs based on municipal preferences and needs;
- Work with municipalities, where required, to address any potential procurement policy approvals or required by-law amendments to support updated MOUs and SLAs;

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- Reach out to neighbouring Conservation Authorities in order to coordinate MOU development;
- Present an overview of our proactive approach to addressing upcoming requirements to Conservation Ontario members, and,
- Update existing, and finalize new MOUs and SLAs, as appropriate.

**Report prepared by: Nancy Gaffney, extension 5313, Victoria Kramkowski, extension 5707, and Cameron Richardson, extension 5639**

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**Date: October 13, 2020**

### **Attachments: 6**

Attachment 1: Detailed List of TRCA Programs and Services

Attachment 2: Sample of Municipal Services

Attachment 3: Template Corporate Report

Attachment 4: Template Memorandum of Understanding

Attachment 5: Template Service Level Agreement

Attachment 6: Sample MOU/SLA Project Dashboards

## **Toronto and Region Conservation Authority (TRCA) Service Areas and Services**

Service Areas Included in this Agreement and  
Possible Scope of Work that may be provided by TRCA for each Service Area

The TRCA services below are structured according to according to TRCA's current budget framework and encompasses the entirety of services offered by TRCA. Given that the Conservation Authorities Act enabling regulations have not been released at this time, the services below are not divided into mandatory and non-mandatory services. This list may be further refined and structured upon the release of Conservation Authorities Act regulations.

### **TRCA Service Areas**

- Service Area 1 – Watershed Studies and Strategies
- Service Area 2 – Water Risk Management
- Service Area 3 – Regional Biodiversity
- Service Area 4 – Greenspace Securement and Management
- Service Area 5 – Tourism and Recreation
- Service Area 6 – Planning and Development Review
- Service Area 7 – Education and Outreach
- Service Area 8 – Sustainable Communities

TRCA Service Areas and associated services include the capacity for full project management. This includes:

- Full life cycle project management – planning, design and implementation.
- Permitting/approvals including Individual and Class Environmental Assessments as a lead or co-proponent.
- Planning Ecology liaison function between development approvals, and municipal and/or TRCA projects to ensure consistency and connectivity.
- Design, facilitate and lead mandated and non-mandated public consultation processes.
- Contract management for speciality technical services and detailed design.
- Conceptual/detailed designs.
- Volunteer and stewardship group coordination in support of planning, development and management initiatives.
- Watershed plan implementation.

In addition to overall project management, TRCA also offers services specific to construction related to the Service Areas below. These services include:

- Managing construction contracts.

- Construction site inspections and reporting.
- Detailed construction cost estimating.
- Constructability assessments.
- In-water or near-water construction including construction site dewatering and stream by-pass.
- Construction in environmentally sensitive areas.
- Managing construction contracts.
- Construction site inspections and reporting.
- Survey and Drafting:
  - Topographic surveying (Total Station/RTK GPS /RPAS-Photogrammetry) (Development of topographic mapping; Providing support for operational activities during all project phases including post-construction monitoring; Monitoring of Bluff Erosion, Waterfront Structures, Erosion Hazard Monitoring).
  - Hydrographic surveying (Produce bathymetric data/mapping; Providing support for operational activities during all project phases including post-construction monitoring).
  - Drafting CADD (Civil3D).

### **Scope of Work Available for each Service Area**

## **Service Area 1 – Watershed Studies and Strategies**

### **1.1 Watershed Planning and Reporting**

TRCA conducts watershed and waterfront planning in collaboration with partner municipalities to develop comprehensive strategies that enable TRCA to fulfil its responsibilities for natural hazard and natural resource management under the Conservation Authorities Act and Planning Act, as well as to support partner municipalities in undertaking land use planning, by assessing risks, developing strategies, and identifying implementation priorities at a cumulative and comprehensive scale. TRCA's jurisdiction includes the Humber, Etobicoke, Mimico, Don, Highland, Rouge, Petticoat, Duffins, and Carruthers watersheds as well as 67 km of Lake Ontario shoreline. This area encompasses 3,495 km<sup>2</sup> of land and 3,654 km of river or stream winding through 20 municipal jurisdictions.

- Development of updated integrated watershed and subwatershed plans, studies, and strategies to inform municipal land use and infrastructure decisions.
- Coordination and tracking of watershed and subwatershed plan implementation.
- Watershed plan partner and stakeholder engagement.
- Integrative policy and technical expertise in informing Municipal Comprehensive Reviews and other municipal policy initiatives.
- Environmental data acquisition to support watershed and subwatershed plan development.
- Development and ongoing maintenance of a Watersheds and Ecosystems Reporting Web Application to communicate up-to-date watershed and waterfront conditions.
- Development of Watershed Report Cards in partnership with Conservation Ontario every 5 years.

### **1.2 Emerging and Integrative Climate Science**

Climate Science responds to information needs and knowledge gaps identified by partner municipalities, other government agencies, and external stakeholders. This includes undertaking projects and programs that increase the resilience of TRCA watersheds, natural systems, and partner



communities to extreme weather and a changing climate. The scope of the work includes obtaining the best knowledge of current and future patterns of weather and climate, understanding potential impacts, emerging policies, innovative practice, and developing programs to respond and adapt.

- Expertise in evaluating and quantifying the ecosystem services provided by natural features and green infrastructure.
- Development of, and support for interpreting and applying, updated future climate change projections.
- Expertise in climate vulnerability and risk assessments and adaptation planning with linkages to watershed planning.

## **Service Area 2 – Water Risk Management**

### **2.1 Water Resource Science**

Water Resource Science is focused on the engineering and science of water resource management. Technical services provide an understanding of the current state of the watershed, inform growth management strategies for new communities, support the work of flood management, and promote the implementation of green infrastructure. TRCA maintains research, monitoring, and data analysis capabilities to meet internal and municipal partner data requirements in a manner that maintains intellectual property, data integrity, and cost-effectiveness. Proper water management practices are critical for the protection of life and property from flooding as well as the continued health of aquatic and terrestrial habitats.

#### **Groundwater Strategies**

- Identification of areas of potential groundwater concern.
- Provide expertise in groundwater management and protection.

#### **Source Protection Strategies**

- Amend CTC Source Protection Plan and TRSPA Assessment Report based on best available science.
- Development of annual workplans for approval by Ministry of Environment, Conservation, and Parks.
- Provide administrative, technical and planning support to the CTC Source Protection Committee.
- Support municipalities in the implementation of the CTC Source Protection Plan.
- Provide annual reporting to the Ministry of Environment, Conservation, and Parks.

#### **Regional Monitoring – Water**

- Characterization and tracking of water quality conditions including nutrients, metals and conventional water quality parameters.
- Annual analysis and reporting and the provision of data to support development and infrastructure planning and maintenance.
- Stormwater characterization and monitoring of SWM control ponds and structures (including LIDs).
- Insitu flow measurement and instrumentation.
- Thermal (stream temperature) monitoring of project sites, SWM facilities.
- Long-term erosion monitoring and characterization of fluvial geomorphological processes.

- Installation, monitoring and maintenance of TRCA gauging networks including stream flow, precipitation and climate stations to support:
  - Flood Forecasting and Warning Program.
  - Hydraulic and hydrologic models.
  - Floodplain mapping.
  - Development Review.
  - Infrastructure Design.
- Installation, monitoring and maintenance of TRCA's gauging network of real-time stream flow and rain gauges for:
  - Issuing flood warning messages.
  - Data acquisition for TRCA's flood warning website.
  - Operation of flood control dams.
  - Emergency management.
- Installation, monitoring and maintenance of storm water quality stations to support municipal and provincial programs to improve riverine and Lake Ontario.

### **Stormwater Management**

- Stormwater Management Strategy and Design:
  - Provide site level peak flow assessment and stormwater mitigation strategies for publicly owned properties.
  - Provide designs to mitigate stormwater runoff to meet municipal and Conservation Authority criteria.
  - Review of stormwater management strategies and designs to provide input and guidance, as required.
- Infrastructure Design and Support:
  - Provide water resources engineering design of trail culverts and drainage requirements.
  - Provide water resources engineering design of berms and spillways in support of wetland creation.
  - Provide design of erosion protection for infrastructure, including outfall structures.
- Support Municipal Water Resource Management Objectives:
  - Provide Technical Advice as it pertains to Water Resources Engineering towards Master Plans and Secondary Plan requirements.
  - Provide Technical Advice for development SOPs for Low Impact Developments within municipally owned lands, including ROW.

### **Flood Plain Mapping**

- Hydrologic/Hydraulic Analysis, including urban drainage systems.
- Hydrology modelling and associated stormwater management criteria development.
- Hydraulic modelling including two-dimensional modelling.
- Establishing the flooding hazard limit through floodplain mapping studies.
- Development of engineered floodplain map sheets.
- Utilizing hydrometrics data gathered through Regional Monitoring to develop updated floodplain mapping.

## **2.2 Flood Management**

TRCA provides municipalities and citizens with comprehensive flood risk identification, warning, and mitigation services as dictated by the *Conservation Authorities Act* (1946). The Flood Management program is responsible for producing long term plans to minimize the loss of life and property due to

flooding. Management of flood risk is achieved through operation of a Flood Forecasting and Warning Centre; implementation of flood remediation projects; maintaining and operating flood control infrastructure; operation of specialized gauging networks; and data management.

### **Flood Forecasting and Warning**

- Monitoring of weather conditions that could lead to flooding; providing a complement of staff who are on-call, as weather conditions dictate, 24/7/365.
- Issuance of Flood Forecasting and Warning messages to partners and the public.
- Communication of flood conditions to the public via media requests.
- Technical advisory to municipal partners during a flood emergency, support of municipal emergency operations centre activities during flood emergencies.

### **Flood Risk Management**

- Flood Risk and Remediation Assessment:
  - Riverine and fluvial flood characterization studies and scenario analysis.
  - Expertise in assessing flood risk to structures, roads, infrastructure, and communities; flood risk assessment and ranking of priority areas.
  - Flood remediation feasibility studies.
  - Project management of flood remediation environmental assessments and project management for preliminary design of flood protection capital works.
  - Support of detailed design process for flood protection capital works.
- Flood Emergency Management:
  - Flood risk communication and public engagement initiatives.
  - Support the development and execution of Emergency Management and Civil Protection Act compliance exercises with a flood risk focus.
  - Flood emergency plan development and training; development of flood emergency management resources for municipal staff.
- Project Management:
  - Environmental compliance.
  - Permitting/approvals.
  - Geotechnical investigation/review as necessary to assess slope stability and risk to private/public assets.

### **Flood Infrastructure and Operations**

- Operation of Flood Control infrastructure to minimize flood risks.
- Asset maintenance and management for flood control infrastructure.
- Dam Safety Reviews.
- Emergency Preparedness Plans for Flood Infrastructure.
- Stormwater pond assessments, bathymetric surveys, clean-outs, retrofits and maintenance plans.
- Watercourse infrastructure inventories and assessments.

## **2.3 Erosion Management**

Erosion Management protects life and property against the hazards of erosion and slope instability. TRCA offers comprehensive and integrated erosion identification, assessment and remediation services to TRCA owned assets and municipal and provincial partners and private property owners. Erosion works are frequently bundled with habitat and/or public greenspace enhancements to improve aesthetic, environmental, and economic value.

### **Erosion Management Capital Works**

- Planning and implementation of remedial erosion control projects to protect existing infrastructure or support new infrastructure development. This includes the following services:
  - Overall project management including liaising and obtaining agreements with private landowners.
  - Obtaining all necessary permits and approvals.
  - Complete all Environmental Assessment requirements including leading public meetings and drafting Project Files or Environmental Study Reports.
  - Environmental compliance.
  - Develop detailed designs to address hazards including retaining consultants or utilizing TRCA's drafting and design team.
  - Construction of erosion control structures (e.g. retaining walls, revetments, weirs/turning vanes).
  - Implementation of remedial erosion control works and administer contracts for specialized services.
  - Post-construction compliance monitoring and reporting.

### **Erosion Hazard Monitoring**

- Establishing scalable long-term monitoring programs to assess risk from erosion or slope instability to property or infrastructure.
- Condition monitoring of existing erosion control structures.
- Geotechnical investigation/review as necessary to assess slope stability and risk to private/public assets.
- Monitoring of watercourse-based erosion or slope instability through the establishment of formal sites that includes sketches, photos, and observations.
- Sharing of monitoring data/reports through a web-based database (Stream, Erosion and Infrastructure Database) that can be customized to better integrate with existing systems.
- Prepare technical reports that summarize findings from field inspections to establish priorities for action and to inform capital plans.
- Depth of cover monitoring and topographic surveys to assess erosion risk to buried infrastructure.
- Remotely Piloted Aircraft System (RPAS) assessments of erosion hazards.

## **Service Area 3 – Regional Biodiversity**

### **3.1 Ecosystem Management Research and Directions**

Ecosystem management research and directions delivers initiatives to develop, communicate and regularly update jurisdiction-wide ecosystem management strategies, while responding to information needs and knowledge gaps identified internally or by partner municipalities. In addition to ensuring value creation and capture in partnership arrangements, TRCA's on demand internal expertise allows independent research in support of internal, municipal, provincial, and federal program and policy development. Internal capacity also ensures the early inclusion of integrated watershed management principles and systems thinking in knowledge generation, planning and policy development, and practical application.

### **Aquatic System Priority Planning**

- Aquatic ecosystem characterization and scenario analysis under future land use and climate.
- Water Resource System planning and mapping.

- Strategic management prioritization of aquatic species and habitat:
  - Developing ranking system.
  - Identifying potential habitats.
- Aquatic habitat connectivity and barrier assessments and management.
- Stormwater management systems and natural aquatic systems integration guidance.

### **Terrestrial (and Integrated) Ecosystem Planning**

- Terrestrial ecosystem characterization and scenario analysis under future land use and climate.
- Updated and integrated Natural Heritage System planning and mapping.
- Strategic and integrated Natural Heritage System (terrestrial and aquatic) implementation to support land use planning, EA planning, watershed planning, restoration planning, and municipal comprehensive review processes.
  - Ecological data analysis, modeling, and synthesis.
  - Identify appropriate site level management actions within the context of broader watershed and regional priorities.
  - Develop method and map specific components of Natural Heritage System that are not comprehensively identified at the regional scale (e.g. significant wildlife habitat).
- Habitat Connectivity and Wildlife Movement Data, Priorities and Guidance.
  - Strategic guidance at preliminary stages of EA planning.
  - Field data collection and analysis to inform EA processes.
  - Studying before and after construction impacts and mitigation efficacy.
  - Collective ecosystem benefit of the mitigation at watershed / regional level
- Research and communication of best management practices for natural system and ecosystem protection and restoration, natural system planning and other natural heritage and aquatic habitat initiatives in support of municipal plans and strategies.
- General support and guidance in the application of the latest science and practice of ecosystem management, climate change adaptation, green infrastructure, and integrated water management.
- Support in incorporating climate change and natural assets into asset management planning.
- Ecosystem service valuation methods and application.
- Facilitating research partnerships to help fill priority knowledge gaps towards achieving municipal objectives.
- Planning Ecology liaison function between TRCA monitoring, research and restoration planning and implementation efforts and municipal planning process and other programs.

### **Restoration Opportunities Bank**

- Habitat offsetting carried out in anticipation of future impacts that is generally created by restoring a damaged stream or an associated wetland.
- Post-Construction Monitoring (usually 3 years) is required.
- Credits can be used to obtain Authorizations under the federal Fisheries Act.
- Set up a banking arrangement between the proponent and DFO:
  - Legal Agreement.
  - Service Area.
  - Credit Release Schedule.
  - Monitoring Protocols.
  - Design, permit and construct the project.
  - Post-construction monitoring.

- Reporting with credit ledger.

### **3.2 Biodiversity Monitoring**

Biodiversity Monitoring assesses catalogues and reports on the condition and trends of terrestrial and aquatic biodiversity throughout TRCA jurisdiction. These data contribute to the understanding and conservation of flora and fauna species and communities, the success of restoration and management activities, as well as the understanding of invasive species prevalence and trends. Data analysis further serves to guide and support TRCA and partner municipality activities. As part of an integrated service delivery model, Biodiversity Monitoring enables TRCA to accelerate the adaptive management cycle and to address emerging opportunities and concerns more quickly, comprehensively, and cost effectively.

#### **Regional Monitoring – Biodiversity**

- Long term monitoring at strategic locations across the municipalities, watersheds, and TRCA jurisdiction to track, assess, and report on the changes in terrestrial and aquatic habitat and biodiversity (e.g. plants, animals, fish, benthic) over time at these specific geographic scales.
- Comprehensive analysis and synthesis of the changes within the context of land use and climate change to provide on-the-ground evidence on type and extent of impacts and guidance on mitigation and management actions.

#### **Activity Based Monitoring - Aquatic and Terrestrial**

- Characterize the biophysical attributes of the Lake Ontario waterfront and 9 watersheds including: Fish, Benthic invertebrates, Sediments, Water quality, habitat, Breeding birds, Amphibians, Vegetation (tree health, composition, structure, regeneration), and species at risk.
- Targeted monitoring to address specific questions or project concerns such as effectiveness of crossing structure design for wildlife movement, habitat use of specific species of concern, stormwater management pond efficacy to reduce thermal load on streams etc. to ensure future management actions are effective and efficient.

#### **Terrestrial Inventory and Assessment**

- Strategic increase in the coverage of fauna, flora, and vegetation inventory data across the region to inform land use and EA planning process and complement the long-term monitoring data.
- Terrestrial biological inventory and assessments conducted on a site by site basis that can consist of the following activities:
  - Mapping of the vegetation communities to vegetation type (Ecological Land Classification – ELC).
  - Mapping of flora and fauna species of conservation concern (and Species at Risk) along with species list for the area. Fauna species surveys include breeding birds and amphibians.
  - Bat acoustic monitoring.
- Wetland Evaluation as per the ON Wetland Evaluation System.
- These data are used to describe baseline conditions for an area and provide the following:
  - Relevant data to inform land management decisions related to land development, trail, alignments or restoration plans.
  - Identifies sensitive natural heritage system features.
  - Watershed planning and report cards.



### **3.3 Restoration and Regeneration**

Restoration and Regeneration includes a variety of programs and projects that restore physical habitat and improve ecosystem health and habitat function. The Restoration and Regeneration program undertakes comprehensive and integrated environmental restoration services for TRCA owned assets, public sector partners and private clients. The program offers the ability of streamlined restoration planning, implementation and permitting services, making TRCA's offerings unique in delivering both economic and environmental value-added services.

#### **Watershed Restoration**

- Watershed restoration recommendations and implementation.
- Restoration of appropriate natural cover and essential wildlife habitats preferably guided by the priorities identified by watershed plans and other TRCA and municipal partner strategies (e.g. urban forest strategies, climate adaptation strategies, sustainability strategies). Restoration can include meadows in hydro corridors and other natural cover in other transient areas across urban-rural gradient.
- Hydrologic improvements.
- Design and construction of community gathering spaces such as fishing nodes and lookouts.

#### **Shoreline Restoration**

- Shoreline improvements to address erosion concerns, improve water quality and enhance fish and wildlife habitat.

#### **Wetland Restoration**

- Restoration of degraded wetlands, including marginal lands (e.g. agricultural lands) and wetland creation to improve water quality and quantity, mitigate downstream flooding (where feasible), enhance fish and wildlife habitat and create opportunities for nature appreciation.

#### **Riparian and Flood Plain Restoration**

- Restoration of degraded riparian habitat and flood plains to improve water quality and quantity, mitigate downstream flooding (where feasible), enhance fish and wildlife habitat and create opportunities for nature appreciation.

#### **Natural Channel and Stream Restoration**

- Stream restoration including natural channel design implementation in failing concrete lined channels and erosion mitigation.
- Pond decommissioning and site remediation.
- Development and implementation of a long term, multi-year restoration strategy:
  - Restoration Opportunity Planning.
  - Restoration Strategic Prioritization.
  - 5-year reach based strategic plans.
  - Natural channel design planning.
  - Watershed Planning.

#### **Natural Channel Design – Monitoring and Evaluation**

- Monitoring and evaluation of Natural Channel Design (NCD) projects for:
  - improving water management.
  - promoting sustainable communities.
  - protecting and regenerating natural habitats.

- Developing monitoring plans to ensure that priorities have been and will continue to be met.
- Collection of monitoring data before, during, and after restoration work to track project outcomes and inform future NCD projects.

#### **Wildlife Habitat Management**

- Identifying strategic habitat needs for various groups of TRCA's regional Species of Concern and Vegetation Communities of Concern at regional and site scale and providing guidance and decision support tools to inform management actions.
- Structural habitat implementation such as bird boxes, snake hibernacula, and turtle habitat.
- Wildlife and ecosystem management to reduce human-wildlife conflict (e.g. Canada Geese, beaver dams, meadow management, etc.).

#### **Inland and Lakefill Soil Management**

- Identifying strategic soil disposal opportunities that benefit and accelerate restoration projects while providing Municipal and Regional partners with viable excess soil re-use options for infrastructure projects.

#### **Compensation Restoration**

- Guide and assist municipalities in replacing natural features lost through the development and/or infrastructure planning process in accordance with TRCA's "*Guideline for Determining Ecosystem Compensation*" after the decision to compensate has been made.

### **3.4 Forest Management**

Forest Management is related to the establishment and maintenance of healthy, vigorous and diverse forest cover and associated habitat. TRCA's expertise allows it to offer comprehensive and integrated forest management, reforestation and restoration services to municipal and regional partners and private property landowners. To ensure supply availability and cost effectiveness for the use of native species in TRCA ecosystem regeneration projects, Forest Management operates its own nursery. Locally collected seed is used to grow highly desirable hardy native plant materials well adapted to local conditions.

#### **Forest Management Planning**

- Development of Forest Management Plans.
- Development of urban forest studies, strategies, and arborist reports.
- Completing ongoing monitoring of forest health.

#### **Forest Management Operations**

- Stand tending/thinning.
- Tree planting services.
- Supply of nursery stock from TRCA's local tree and shrub nursery.
- Full-service tree and shrub plantings/site prep/mulching.

#### **Managed Forest Tax Incentive Planning**

- Creation of Managed Forest Plans to make landowners eligible for the provincial Managed Forest Tax Incentive Program.
- Provide consulting services to landowners about managing their forests for various objectives.

#### **Invasive Species Management**

- Mapping and assessment of priority invasive species and management locations.
- Development of invasive species management plans.

- Implementation of invasive species management plans.

#### **Hazard Tree Management**

- Triage-based hazard assessment and mitigation (and emergency storm response).

### **• Service Area 4 – Greenspace Securement and Management**

#### **4.1 Greenspace Securement**

Greenspace Securement brings lands into public ownership or otherwise secures the assurance of their protection through private landowner agreements. Greenspace securement protects human life and property by securing lands subject to erosion or flooding hazards, protects the form and function of natural heritage lands by bringing them into public ownership and management, and increases local and regional recreational health benefits by allowing for public use and programming. TRCA's current landholdings contain approximately 7.3% of the total land base of TRCA's jurisdiction with more than 18,000 hectares.

#### **Greenspace Planning**

- Strategic planning to identify criteria and priorities for securement that support natural heritage, cultural heritage and public use objectives.
  - Prioritization assessments and mapping to guide acquisition to ensure natural heritage objectives are met.
- Strategic planning to maximize the benefits of a watershed approach to land acquisition, ownership and management as it pertains to flood control, tree planting, erosion control, recreation.
- Support and coordination for contiguous ownership across municipal boundaries to create increased resilience for climate change. Lands can be holistically planned and managed to protect from erosion from significant weather events, improving overall tree cover, increased groundwater absorption facilitating conservation land improvements (providing permeable surface areas), and improved water quality through wetlands and groundwater infiltration.

#### **Greenspace Land Acquisition**

- Watershed plan implementation.
- Coordination of easements/grants to support municipal infrastructure development.
- When opportunities present themselves or when requested to act on behalf of municipalities, TRCA can move rapidly to secure greenlands, hazard lands, and valley lands.

#### **4.2 Greenspace Management**

TRCA undertakes comprehensive land asset management services on TRCA managed greenspace to reduce risk to human and assets from natural or human hazards, eliminate encroachments, and, where appropriate, provide opportunities for safe and enjoyable recreation experiences to residents and visitors. Projects under the program include monitoring and management of TRCA properties to ensure that their natural and cultural heritage values are protected in perpetuity while providing a safe visitor experience for the public.

#### **Resource Management Planning**

- Land management and master planning, including current conditions, background report, land management zones, management recommendations, public use plans, asset management plans, and implementation plans, and associated stakeholder and public engagement.
- Property site securement and protection planning.

## **Inventory and Audit**

- Inventory, assessment and monitoring of property boundaries to address site securement and protection, hazard management and on-going property maintenance requirements.
- Easement compliance monitoring.

## **Implementation**

- Fence and gate installation and maintenance.
- Property signs.
- Volunteer and stewardship group coordination in support of development and management initiatives.

## **Hazard Management**

- Noxious plants (e.g., Giant Hogweed) management to address public safety concerns.
- Secured greenlands to provide a buffer from streams sources (agricultural or industrial activities, filter runoff).
- Ability to exclude incompatible uses from wellhead areas and recharge zones, thereby protecting drinking water sources.

## **Archaeology**

- Stage 1 to 4 archaeological investigations and reporting.
- Indigenous engagement and consultation.

# **Service Area 5 – Tourism and Recreation**

## **5.1 Conservation Parks**

Conservation Parks offer visitors throughout the Toronto region a place to engage in outdoor recreation in a natural setting. As one of the largest landowners in the Toronto region, TRCA manages ten conservation parks across nine watersheds. Proximity to the urban core makes conservation parks attractive to urban and suburban residents and visitors seeking natural spaces and recreation opportunities within the Greater Toronto Area (GTA). Through diverse program offerings, TRCA Conservation Parks emphasize and encourage the connection between health and wellbeing and nature-based recreation within our communities.

- Provide and maintain available green space for recreational use including all facility maintenance, cleaning, reservation services, staffing, and customer services.
- Patrol TRCA parks and properties and promote appropriate public usage. Conduct inspections and investigations relating to public safety and land use infractions and respond to stakeholder concerns.
- Outdoor aquatic facility, campground and golf course management, maintenance, services and staffing.
- Development and delivery of community programs and education exhibits/displays that empower a diverse range of participants, build leadership, and tell the story of the Toronto region.

## **5.2 Waterfront Parks**

TRCA is a significant waterfront landholder with jurisdictional authority over a portion of the Lake Ontario shoreline. TRCA's jurisdiction on the waterfront stretches 67 kilometers from Mississauga to Ajax, not including the Central Waterfront. In combination with TRCA's standing expertise in park development, project management, erosion and landform works, integrated shoreline management, environmental assessment, public consultation and stakeholder engagement, TRCA provides uniquely

comprehensive, streamlined, and value added waterfront park development offerings that mitigate municipal partner risk and associated expense.

- Provide support in acquiring funding, planning, design and construction of erosion protection and state of good repair of the Lake Ontario waterfront.
- Provide Lake Ontario waterfront planning and development services.
- Provide an advisory role in development of master plans for Lake Ontario waterfront parks and support Master Plan implementation through design and construction services.
- Work with Toronto Park, Forestry and Recreation on ongoing operations and maintenance of waterfront parks as per the 1972 Waterfront Agreement and provide construction support as needed.
- Conduct ongoing public engagement and outreach for Lake Ontario waterfront projects through communication with elected officials, partners and stakeholders.
- Support programs and projects related to debris clean-ups and provide services for naturalization/restoration projects with partners and stakeholders across the Lake Ontario waterfront.
- Primary liaison for Toronto Harbour Remedial Action Plan (RAP) program.
- Provide support through the Environmental Assessment process on large Lake Ontario waterfront projects.

### **5.3 Trails**

TRCA is a leader in the planning, implementation and management of trails and associated infrastructure that provide safe, enjoyable recreational trail experiences for area residents and visitors. This expertise is utilized in the development and management of trail infrastructure on both TRCA managed greenspace and through fee for service agreements with partner municipalities to directly benefit communities across each region. This cooperation facilitates an integrated approach to the development and implementation of the jurisdiction-wide trail network identified in the Trail Strategy for the Greater Toronto Region. The TRCA trails program includes site specific planning, development and trail management activities that support TRCA's aim to create complete communities that integrate nature and the built environment by providing nature-based recreation experiences for a growing population while protecting and restoring the form and function of existing ecological systems.

#### **Trail Planning, Development and Management**

- Strategic and site planning for development of new trail networks and operational improvements to existing networks, including associated stakeholder and public engagement.
- Trail inventory, assessment and monitoring, including accessibility assessments.
- Wayfinding and trailhead signs.
- Amenity development, including parking lots, resting areas, benches, kiosks, interpretive signs.
- Maintenance, including mowing, minor repairs, sign replacement.
- User monitoring, including trail counts and user surveys.

### **5.4 Events and Festivals**

Events and festivals promote community involvement and recreation while generating diversified revenue that supports TRCA's financial sustainability. TRCA offers a variety of unique indoor and outdoor accessible community event spaces for a variety of public events and festivals. With expertise delivering festival and event programming, TRCA can host and promote large-scale events in a manner that maximizes revenue, engagement, enjoyment, learning, and customer satisfaction.

#### **Events and Festivals**

- Provide tourism destinations and attractions, engaging large numbers of residents and out of area visitors, through the planning, development and execution of small to large scale festivals and events at a variety of TRCA property assets across our jurisdiction.
- Work with third party partners to host small to large scale events, including weddings, on TRCA property.

## **Service Area 6 – Planning and Development Review**

### **6.1 Policy Development and Review**

This program implements TRCA's mandated planning and regulatory responsibilities, as per TRCA's role as a watershed and shoreline manager, regulator, commenting agency, service provider and landowner. TRCA's role includes the review of federal, provincial and municipal legislation and incorporates the science and mapping of the integrated watershed management perspective. Participation in provincial and municipal initiatives (such as the Oak Ridges Moraine Coalition, Source Protection Committee, and Conservation Ontario, and Conservation Ontario sub-committees) are also key activities of Policy Development and Review.

#### **Policy Development and Review**

- Coordination of multi-disciplinary reviews of federal, provincial, municipal and TRCA policy initiatives of interest to TRCA, including municipal comprehensive reviews, comprehensive zoning by-law reviews, tree by-laws, sustainability initiatives, climate change action plans, etc.
- Development of policy and guidance documents to ensure natural hazards, natural features, water resources and ecological functions and hydrological functions are managed, protected and/or restored through development and infrastructure planning and to help ensure planning reviews are efficient and standardized.
- Providing policy, planning, technical and ecological input into policy related documents, including Official Plans and Special Policy Area reviews in accordance with provincial procedures.
- Implementation support to Development Planning and Permits, Infrastructure Planning and Permits, Watershed Planning and Reporting, Enforcement and Compliance, Conservation Lands and Trails Planning, Property, Restoration and Infrastructure.
- Managing TRCA regulation mapping.
- Managing TRCA Solicitor/Realtor Inquiry Service.

### **6.2 Development Planning and Regulation Permitting**

Development Planning and Regulation Permitting provides advice to approval authorities under the Planning Act as a service provider, provincially delegated reviewer for natural hazards, public commenting body, and resource management agency. In working with approval authorities, private and public proponents, TRCA helps to facilitate sustainable development and infrastructure and ensures that it is adequately set back and protected from natural hazards and environmentally sensitive areas.

#### **Development Planning and Regulation Permitting**

- Watershed plan implementation.
- Review of applications made under the Planning Act for consistency with provincial natural hazard, natural heritage and water policies and TRCA permitting authority.
- Official Plan support (policy development and associated hearings/mediation), MESP's, transportation/servicing master plans.
- Facilitation of natural heritage and natural hazard lands into public ownership.



- Other environmental planning services as requested by municipality.
- Provide value added service to the development process through hands on assistance with developers and consultants with meeting challenging design mitigation strategies.
- Provide regular training to development and consulting community to assist with meeting TRCA criteria.
- Conduct compliance audits of TRCA Planning and Development permit sites to ensure compliance with site plans, permit conditions, construction techniques and methodology, and environmental controls/ protections.
- Identify and address non-compliance issues and environmental concerns associated with approved development sites. Negotiate compliance and required permit amendments or revisions relating to TRCA regulatory jurisdiction, legislation, and policies.
- Address stakeholder concerns associated with unauthorized development activities within TRCA jurisdiction, and coordinate with partnering agencies and TRCA technical, planning, and senior staff to formulate solutions, and to develop compliance strategies.

### **6.3 Environmental Assessment Planning and Permitting**

TRCA undertakes environmental assessments on behalf of municipal and agency partners. In addition, the Environmental Assessment Planning and Permitting section provides advice to approval authorities under the Environmental Assessment Act and associated legislations as a service provider, provincially delegated reviewer for natural hazards, public commenting body and resource management agency. These roles position TRCA to offer value-added environmental assessment consulting services that reduce proponent uncertainty and risk.

#### **Environmental Assessment Planning and Permitting**

- Watershed plan implementation.
- Provide value added service to municipal partners through hands-on assistance with meeting challenging design mitigation strategies.
- Provide regular training to development and consulting community to assist with meeting TRCA and applicable regulatory criteria.
- Provide technical and ecological input into Terms of Reference for municipally run projects in a timely manner.

## **Service Area 7 – Education and Outreach**

### **7.1 School Programs**

TRCA designs and delivers environmental education programs that complement provincial curriculum outcomes and objectives. This approach leverages TRCA's long-standing relationships with district school boards in the co-creation of programs tailored for classroom, community, and TRCA field trip locations. School Programs include formal and non-formal environmental education programs provided to students from pre-kindergarten to university level.

#### **School Programs**

- Development and delivery of curriculum linked education programs (day, overnight) that meet municipal/regional public education and public awareness goals and objectives such as waste, water conservation, wastewater management, composting, climate change.
- Activate school communities through the EcoSchools Canada platform to merge sustainability-minded facility operations and student learning with municipal goals and objectives around waste reduction, active transportation, energy and water conservation, and community involvement.

- Support large scale environmental education events by providing staffing, technical, educational, and volunteer management expertise and resources (e.g. York Children's Water Festival).

## **7.2 Family and Community Programs**

Family and Community Programs utilize TRCA landholdings and infrastructure to offer affordable, educational, family-oriented programming. Family and Community Programs seek to enhance the richness and educational value of the visitor experience by delivering programs in unique natural and cultural settings. Programming is delivered through regularly scheduled activities, special events, attractions, and exhibits and programming.

### **Family and Community Programs**

- Engagement of residents in the municipality or region in natural heritage, energy conservation, water conservation, outdoor recreation, and cultural heritage programs and workshops on topics such as native plants gardening, water conservation, energy conservation and renewable technologies.
- In collaboration with Region Social Services branch (early interventionists, physiotherapists and social workers), provide support to staff and clients by providing outdoor space, program development support and program delivery support at select conservation areas to meet client therapeutic outcomes.
- Engage with parents/guardians to promote and facilitate community learning and activation around Active Transportation.
- Provide training and development programming to mentor early- to mid-career stream staff in advancing their environmental sector employment goals (i.e. Young Conservation Professionals).
- Work with municipalities to animate and create engaging spaces for communities to recreate, gather, and realize entrepreneurial opportunities locally (i.e. Bolton Camp).

## **7.3 Newcomer Employment and Education**

TRCA provides support services for new Canadians to settle socially, culturally, academically and economically into the Toronto region. To support employment and economic outcomes, TRCA utilizes in-house staff expertise to provide employment and training for new Canadians through bridge training activities that address current and future labour market shortages. TRCA also provides services to the employment sector that supports the successful integration and retention of new Canadians within the work force. Beyond the employment context, TRCA develops and delivers programming to expose newcomers to local environmental issues and topics.

### **Newcomer Employment and Education**

- Engage newcomers through in-class environmental educational programs at English language learning centres, as well as through field trips and participation at cultural/faith events (Multicultural Connections Program).
- Develop and provide training, mentoring and employment coaching to youth and adult newcomers to connect them to environmental employment opportunities through the PAIE Program and the Newcomer Youth Green Economy Program.

## **Service Area 8 – Sustainable Communities**

## 8.1 Living City Transition

The Living City Transition program supports innovation and improvement in existing TRCA community sustainability projects and builds alignment for action on broader sustainability issues within the region. TRCA delivers sustainability and resilience development programs that require significant public assets, diverse partnerships, and innovative non-profit funding models. TRCA leverages this unique combination of capacities, in conjunction with 50+ years of city-building and sustainable technology expertise, to create network-based sustainability initiatives.

### Sustainable Neighbourhoods

- Lead neighbourhood screening process to map areas having multiple municipal priorities for urban renewal and climate action, and a need for integrated, collaborative projects.
- Develop and implement neighbourhood action plans for improved sustainability and resilience by building strong community support and implementation partnerships to advance projects in the private and public realms.
- Prepare neighbourhood scale climate vulnerability assessments, adaptation plans and resilience strategies by downscaling and informing municipality-wide data with local perceptions of risk, assets, needs and local knowledge.
- Design and deliver one-window home retrofit programs which help homeowners and municipalities address local priorities (e.g. flood risk reduction, stormwater management, tree planting, water and energy efficiency and renewables, rainwater supported urban agriculture, waste diversion etc.).
- Engage private property owners and tenants in design and delivery of revitalization projects for multi-unit residential, commercial and institutional properties.
- Inform integrated infrastructure renewal project designs and identify innovative funding partnerships that can deliver enhanced greening, climate action, active transportation and community amenities as part of road, parks or other renewal projects.
- Deliver programming that fosters community connections, emergency preparedness and capacity building for resilience.

### Community Transformation

- Sustainability
  - Engaging municipal partners across the GTHA in sharing best practices and experiences in sustainability, including climate mitigation and adaptation.
  - Review and provide input to development and infrastructure planning and development on sustainability best practices.
  - Development of achievable sustainability targets and implementation scenarios to meet long term corporate goals and objectives.
  - Development of policies, standard operating procedures and guidelines for the day to day application of sustainability best practices by staff. Provide ongoing review and guidance to business units on application of sustainability best practices.
  - Custom reporting, including data collection and analysis, for corporate annual reports, GRI aligned reporting and division, facility and business unit-based sustainability performance tracking and reporting, and to guide ongoing practices.
  - Development and delivery of staff sustainability training programs for general onboarding and targeted programs. Integration of sustainability outcomes into staff accountability and job descriptions.
- Solid Waste Management

- Develop corporate solid waste strategies and facilities plans, including incorporation of leading-edge practices, to achieve waste diversion while supporting corporate goals for preserving natural resources and achieving regulatory compliance.
- Providing sustainability oversight to solid waste contracts and operational support for billing and service delivery. Coordination of hauler activities on site that support sustainable waste management.
- Annual auditing of waste streams to help sites and staff identify and improve waste collection and diversion opportunities and measure performance for recycling stream contamination and capture rates.
- Facility Energy and Water Management
  - Preparation of corporate and individual facility energy and water use management plans to achieve corporate goals.
  - ASHRAE Level 1 and 2 audits to identify implementation measures to meet corporate goals.
  - Ongoing tracking of energy and water performance to guide onsite management. Includes data collection and analysis, annual and ongoing performance tracking, and diagnostics to identify and address issues.
- Climate Change
  - Develop facility GHG reduction strategies and plans, climate mitigation and adaptation site action plans, and monitor ongoing performance.
  - Develop, analyze and report on carbon inventories, emission factors and carbon calculations at the corporate and project scales based on GHG Protocol standards for carbon accounting. Research and development of marginal emissions factors to provide enhanced business case analysis for energy efficiency projects.
  - Apply Low Carbon Resilience lens is to coordinate and co-evaluate adaptation and mitigation strategies in policy, planning and implementation processes to reduce both emissions and vulnerability.
- Sustainable Procurement
  - Research and development of sustainable procurement policies, standard operating procedures and guidelines designed to facilitate buyers to specify sustainable criteria within procurement process and value net benefits of sustainable purchases using total cost of ownership analysis.
  - Provide procurement review for sustainability issues. Includes expert insight for the procurement request process to ensure that purchasing process includes sustainability considerations that are grounded in feasible options that reflect best practices or best products and are reviewed accordingly in the bid evaluation of proposals.

### **Partners in Project Green**

- Municipal Climate Innovation
  - Develop and implement neighbourhood scale and business zone engagement initiatives for municipalities, including associated workplans. Ensure that initiatives align with municipal Climate Change Action Plans and other relevant strategies.
- Energy Performance and Low Carbon Transport
  - Development of energy and low carbon strategies, such as zero-emissions vehicle strategies, alternative fuels and fuel efficiency strategies. Includes research, analysis, project management, vendor procurement, and stakeholder consultation.
  - Develop and lead Energy Leaders Consortium. Work with businesses and municipalities to share best practices and collective initiatives on energy management and conservation.

- Develop and lead Small-Medium Enterprise (SME) Energy Management Consortium. Work with SME's and municipalities to facilitate knowledge transfer on energy management best practices, and disburse funding provided by IESO.
- Water Stewardship
  - Develop and lead Municipal Water Efficiency Eco-Cluster. Establish partnerships between municipalities and businesses, exploring the nexus of water conservation and energy conservation, including case studies and summary report.
  - Support green infrastructure and low impact development, through research, report development, and connecting members with relevant TRCA services, vendors and information.
- Waste Management
  - Arrange Material Exchanges by “matchmaking” organizations that have large volumes of waste to other businesses or organizations that can use the materials, reducing waste to landfill and lowering costs for businesses within municipalities.
  - Conduct Recycling Collection Drives. In partnership with Diabetes Canada, participating businesses within GTA municipalities collect and divert textiles and e-waste to support municipal diversion and circular economy programming.
  - Develop and conduct Plastics Challenge Hackathons, which are multi-sector events to find innovative solutions to reduce plastic streams to municipality waterways.
- Communications, Engagement and Events
  - Offer Business Sustainability Education Webinar Series to promote sustainability and educate local businesses on best practices in the areas of energy efficiency, climate change mitigation/adaptation, water conservation and waste management.
  - Support municipal and corporate employee engagement on sustainability through the People Power Challenge, a turn-key 3-month campaign including educational events, resources, webinars workshops.

### **Urban Agriculture**

- Planning, design and implementation of urban agriculture projects (I.e., urban farms, community gardens, local food procurement on TRCA or municipal lands which focus on local food production, community engagement and educational outreach
- Technical support pertaining to agri-environmental Best Management Projects (i.e., project planning, design, and implementation), and developing Environmental Farm Plans.
- Administration of agricultural leases for new and existing urban farm projects on TRCA lands
- Facilitation of partnerships for the purpose of developing new urban agriculture initiatives on TRCA or other public lands.
- Provide technical expertise on matter pertaining to urban agriculture (I.e., policy review, supporting municipal agriculture related advisory committees).
- Conduct feasibility studies for scoping out future opportunities and sites to support urban agriculture.
- Share/disseminate information locally and globally and engage diverse audience related to the project and /or program – conference presentations, public meetings, peer-review papers.

### **Sustainable Technology Evaluation Program**

- Planning, design, implementation and maintenance inspections of low carbon, Green infrastructure and Low Impact Development technologies and approaches.
- Development of standard LID specifications to facilitate stormwater plan review and standard operating procedures to facilitate long term maintenance of practices.
- Green infrastructure retrofit priority mapping to identify key areas in the City where GI retrofits could be considered during road reconstruction and re-development projects.

- Share / disseminate information locally and globally and engage diverse audience related to the project and /or program – conference presentations, public meetings, peer- review papers.
- Provide training to municipal staff, consultants, developers, residents and stakeholders on low carbon technologies, stormwater management, green infrastructure, natural heritage and restoration related themes.
- Stormwater management plan implementation support through practice and site scale monitoring, data analyses and synthesis of regulatory compliance monitoring data collected at new and re-development sites.
- Pilot project and study design development and implementation to test and validate new low carbon, renewable energy and stormwater management approaches and practices.
- Pre-feasibility assessments of low carbon and green infrastructure approaches and practices.
- Provide technical support to municipalities in identifying options and implementing deep energy retrofits and green stormwater infrastructure within municipally owned buildings.
- Facilitate strategic partnerships with research, policy, and practice community to examine specific questions to support implementation of a plan / program.
- Provide field laboratories to test and evaluate new technologies and approaches related to green stormwater infrastructure and low carbon technologies.

#### **Climate Science Consortium**

- Expertise and support in understanding and addressing climate change implications to municipal and community programs and infrastructure including risk and vulnerability assessments and resilience planning. Support with incorporating green infrastructure and climate change considerations into municipal asset management planning.
- Partnership development with academic institutions to help facilitate research towards filling priority knowledge gaps for municipal partners.
- Provide support to municipalities in the incorporation of climate change into asset management planning.

#### **Rural Clean Water Program**

- Rural Clean Water Program offers grants and consultations to agricultural and rural landowners to assist them in managing the effect of their land management on water quality.

#### **Green Infrastructure**

- Provide support and guidance to municipalities in the incorporation of natural assets into asset management planning.
- Expertise and support in integrated water management including development of tools and mapping to quantify stormwater and other benefits of green infrastructure and prioritize implementation locations and designs.
- Expertise in ecosystem service valuation methods and general support in the application of the latest science and practice of green infrastructure into municipal strategies, plans, and actions.
- Research and application support.
- Facilitating research partnerships to fill priority knowledge gaps towards achieving municipal priorities.

### **8.2 Community Engagement**

TRCA has both the strong reputation and expertise needed to collaborate with the community and stakeholders to deliver environmental stewardship and engagement programming. TRCA's community



engagement program activities employ unique and innovative collaboration models to engage residents, government, private sector and NGO's with the objective of achieving healthy ecosystems, community well-being and regional sustainability.

### **Citizen Based Regeneration**

- Coordinate, organize and deliver community and corporate group native trees and shrubs plantings, pollinator plantings, and activities to build, monitor and maintain wildlife habitat structures.
- Coordinate, organize and deliver community and corporate group watershed wide clean-up activities to remove debris and garbage from watercourses and naturalized areas.
- Coordinate, organize and deliver community and corporate group activities to engage them in TRCA's Young Tree and Shrub Monitoring and Maintenance Program (YTMP) to maintain newly restored sites and collect long-term data on success of newly planted sites.
- Coordinate, organize and deliver community and corporate group activities to engage them in other meaningful citizen scientist programs such as road ecology monitoring or turtle nest protection programs.

### **Stewardship**

- Develop and deliver programs that provide opportunities for residents to play an active role in the health and wellbeing of their natural environment.
- Coordinate and facilitate programs such as community tree plantings, habitat creation projects, citizen science workshops, clean-ups, nature walks, gardening workshops and stormwater and rainwater management programs that empower residents to live sustainably.
- Work with multiple partners, including municipalities, to coordinate and support community programming events to educate the public on water conservation, composting, gardening for native plants and supporting native wildlife.
- Providing support and/or assets to multiple organizations including libraries, museums, art centres, guides and scouts troops and community groups with the goal of supporting local environmental initiatives.
- Create opportunities and programming for youth to gain valuable experience within their communities as well as within the environmental sector (Conservation Youth Corps, Girls Can Too Program).

### **Watershed Engagement**

- Develop and lead compelling experiences for various audiences within the watershed.
- Serve as stakeholder liaison for key projects, programs and initiatives.

## **Attachment 2 - Sample of Municipal Services and Supports**

The items listed below are examples of the type of services and supports that may be offered by some municipalities within TRCA's jurisdiction and that TRCA may wish to obtain through the MOU and SLA process. While some of these services may be procured on a fee for service basis, many may be in-kind. This list of services and supports is for illustrative purposes and is not intended to be comprehensive at this point.

### **1. Communications and Outreach**

- Support the promotion of TRCA activities, projects and updates which are of interest to municipal residents and stakeholders through special events, social media, municipal websites, newsletters, etc.
- Coordinate responses with TRCA any responses to elected officials and media which are of both municipal and TRCA interest.

### **2. Citizen Advisory Committees**

- Provide a forum for TRCA to bring projects and initiatives for input and regular updates to relevant citizen advisory committees, i.e., environmental, sustainability, agriculture and agri-food, heritage, etc.

### **3. TRCA Regional Watershed Alliance**

- Continue to support the work of TRCA's Regional Watershed Alliance (RWA) through regular participation of municipal staff and elected officials on the RWA.

### **4. Indigenous Engagement**

- Provide expertise and advice to TRCA on matters related to Indigenous engagement.
- Where opportunities may exist, facilitate opportunities for relationship building between TRCA and Indigenous communities.

### **5. Knowledge, Information, Data and Resource Sharing**

- Sharing of data sets and GIS layers
- Translation services for TRCA materials and communications
- Provide office hoteling options for TRCA staff who visit municipal offices frequently.
- Where opportunities exist, municipal staff to share knowledge to assist with the carrying out of TRCA projects and initiatives.

### **6. Staff Training and Development Opportunities**

- Extend training or staff development opportunities offered to municipal staff (i.e., workshops, courses, webinars, etc.) to TRCA staff as well.

### **7. Operations and Maintenance Support**

- Land management and maintenance of certain TRCA-owned properties, including TRCA properties adjacent to City/Town owned or managed properties (i.e., mowing of street boulevards).
- Assist with the enforcement of non-permitted uses on TRCA properties

## Attachment 3 - Template Corporate Report for Council

**TO: Mayor and Members of Council**

**REPORT FROM:**

**DATE:**

**TITLE/SUBJECT: Procurement of Toronto and Region Conservation Authority Programs and Services as part of the preparation of an updated Memorandum of Understanding and Service Level Agreements in support of shared objectives**

**OBJECTIVE/SUBJECT:** To seek Council approval to amend by-law/policy (INSERT NAME/NUMBER OF BY-LAW/POLICY) to allow for sole/single sourcing of Toronto and Region Conservation Authority (TRCA) for municipally requested specialized environmental programs and services and further, to enter into an updated Memorandum of Understanding and Service Level Agreements with TRCA to advance our shared priorities.

### **RECOMMENDATIONS:**

1. That Council approve an amendment to City/Town/Region of XXX by-law/policy (INSERT # AND NAME) to allow single/sole sourcing of TRCA/conservation authority programs and services and name TRCA/conservation authorities as an exempt organization(s) for procurement purposes for programs and services of municipal interest.
2. That Council approve City/Town/Region staff to enter into a Memorandum of Understanding (MOU) with TRCA/conservation authorities for municipally requested programs and services, in accordance with the Conservation Authorities Act.
3. That Council approve an amendment to the City/Town of XXX INSERT PROCUREMENT BY-LAW/POLICY to allow single/sole sourcing of TRCA programs and services and name TRCA as an exempt organization for procurement purposes for programs and services of municipal interest, including programs that exceed the \$XXX threshold which require Council approval.
4. That Council authorize the City/Town of XXX, or their designates, to negotiate and enter into a Memorandum of Understanding (MOU) and Service Level Agreement (SLA) with TRCA for the delivery of municipally requested and approved capital projects, operating programs, services, and partner funded projects that meet the following conditions:

- a. that the work to be performed by the TRCA on behalf of the **City/Town** relate to the types of projects, work and services set out in Attachment 1 of this report, unless otherwise approved by single sourcing or Council direction;
  - b. that the TRCA utilize an open, competitive bidding process consistent with the **City's/Town's** procurement policies and processes;
  - c. that the vendors hired by the TRCA comply with all relevant **City/Town** policies and guidelines;
  - d. that the TRCA shall undertake the work on a cost recovery basis provided however, that TRCA may charge a reasonable administration fee associated with project management, preparation of reports and permit applications, negotiation of easements, land acquisition, access agreements and similar types of activities subject to approval by the CEO and or CFOO of TRCA and **City Manager/CAO and or relevant Deputy City Manager** in the **City/Town of XXX**;
  - e. that the agreements be in a form and content satisfactory to the CEO and or CFOO of TRCA and **City Manager/CAO and or relevant Deputy City Manager in the City/Town of XXX.**
5. And that staff report back by Q1 2021 on efforts to achieve a comprehensive MOU and SLA between the **City/Town** and TRCA once additional details are known.

#### **REPORT HIGHLIGHTS:**

- The **City/Town of XXX** has a history of collaboration with Toronto and Region Conservation Authority (TRCA), which includes **INSERT RELEVANT PROJECT AND WORK**. For many years, TRCA has undertaken a variety of projects on behalf of the **City/Town**. TRCA owns **INSERT NUMBER OF ACRES** in the **City/Town of XXX**, including **INSERT RELEVANT SITES**.
- The **City/Town** and TRCA share responsibility for delivering services, and funding is provided from each respective budget as appropriate. Region of XXX Councillors including **INSERT MUNICIPAL ELECTED REPRESENTATIVES** serve on the TRCA Board of Directors to provide oversight and direction on the many programs services of common interest.
- The purpose of this report is to clarify the relationship between TRCA and the **City/Town** and to obtain authorization for the procurement of certain services by TRCA on behalf of the **City/Town** on a **sole/single** source basis and to enter into an updated MOU and SLAs to advance shared priorities including programs and projects.
- There is value to the **City/Town** in having TRCA provide services on behalf of the **City/Town** on projects that eliminate or reduce risk to life and property in a prompt, cost-effective and environmentally responsible manner. TRCA is able to provide cost-effective management of natural environment projects using their highly specialized expertise and ability to expedite required approvals, facilitate community involvement, meet tight timelines, and satisfy federal and provincial environmental standards particularly on TRCA land and in regulated areas such as valleylands and around watercourses and wetlands in the **City/Town of XXX** where TRCA approvals are required.
- It is also expected that Provincial changes to the Conservation Authorities Act (the Act) will further encourage and allow for conservation authorities to enter into agreements with municipalities within their jurisdictions, in respect to programs and services that the

authority will provide on behalf of the municipality. These initiatives are in addition to the mandatory programs and services that conservation authorities provide to their municipalities, which are required by regulation. Related regulations have not yet been made public, in order for conservation authorities and municipalities to assess what programs and services are required and which would require agreements.

- Due to the many areas of mutual interest including City/Town initiatives that cross over TRCA lands and within regulated areas, and TRCA's long term relationship with the City/Town and Region (IF RELEVANT) for monitoring and maintenance of infrastructure, City/Town of XXX staff wish to formalize the relationship between the City/Town and TRCA, as well as the services that may be procured from TRCA, by entering into an agreement with TRCA and amending City/Town of XXX INSERT PROCUREMENT POLICY/BY-LAW to allow for single/sole sourcing of TRCA services, in order to streamline the current procurement process for TRCA services, to document the services provided to the City/Town by TRCA, and satisfy the expected requirements to be laid out in the Conservation Authorities Act regulations that are expected to be released later this year.

## BACKGROUND

The City/Town of XXX has a history of collaboration with TRCA. For many years, the TRCA has undertaken a variety of projects in partnership with, and on behalf of, the City/Town and which are of common interest to both organizations. A selection of projects undertaken in partnership with, or with the support of, TRCA include:

- INSERT PROJECTS

Various City/Town departments and divisions have worked with, and continue to work with, TRCA in accordance with their respective business areas. There is value to the City/Town in having TRCA provide services on behalf of the City/Town on projects that eliminate or reduce risk to life and property in a prompt, cost-effective and environmentally responsible manner. TRCA is able to provide cost-effective management of natural environment projects using their highly specialized expertise, and ability to expedite required approvals, facilitate community involvement, meet tight timelines, and satisfy federal and provincial environmental standards.

Furthermore, amendments made to the Conservation Authorities Act ("the Act") in 2018, which are intended to increase the transparency of the relationships between conservation authorities and municipalities to the public, and also to allow for conservation authorities to enter into agreements with municipalities within their jurisdictions in respect to programs and services that the authority will provide on behalf of the municipality. These initiatives are in addition to the mandatory programs and services that conservation authorities provide to their municipalities, which are required by regulation. Specifically, the following wording was added to the Act as part of the 2018 amendments:

### Programs and services

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

1. Mandatory programs and services that are required by regulation.
2. Municipal programs and services that the authority agrees to provide on behalf of municipalities situated in whole or in part within its area of jurisdiction under a memorandum of understanding referred to in subsection (3).
3. Such other programs and services as the authority may determine are advisable to further its objects. 2017, c. 23, Sched. 4, s. 20 (1).

### **Mandatory Programs and Services**

(2) Programs and services referred to in paragraph 1 of subsection (1) shall be provided in accordance with such standards and requirements as may be set out in the regulations. 2017, c. 23, Sched. 4, s. 20 (1).

### **Memorandum of Understanding with Municipalities**

(3) An authority may enter into a memorandum of understanding with a municipality situated in whole or in part within its area of jurisdiction in respect of programs and services that the authority will provide on behalf of the municipality. 2017, c. 23, Sched. 4, s. 20 (1).

To date, no updated regulations have been made public to support the delineation between 'mandatory programs and services' and 'programs and services that the authority will provide on behalf of the municipality. However, it is anticipated that once the regulations are provided, the **City/Town** will be required to enter into an agreement in order to have TRCA provide municipally requested programs and services.

An amendment to the **City's/Town's** primary procurement mechanism, **INSERT POLICY/BY-LAW**, would further aid in streamlining the procurement process for municipal staff.

### **COMMENT/ DISCUSSION/ RATIONALE**

Given the large number of projects and the benefits from working with the TRCA, staff recommend that TRCA be engaged to undertake certain projects as set out in this report rather than putting this work out through the competitive procurement process.

**City/Town of XXX** staff have identified several benefits to the **City/Town** as a whole to enter into an agreement with TRCA and to amend the **City/Town of XXX's INSERT POLICY/BY-LAW** to allow for **single/sole** sourcing TRCA services. These include:

- Where work is taking place in unique, complex and/or sensitive areas. This can include, but not be limited to, valley lands, areas with ecological sensitivities or with species at risk;
- Where work taking place on TRCA lands, including those under management agreement with the municipality or where a hazard is present on municipal lands but work must be



carried out on TRCA lands. In all cases where work is carried out on TRCA lands, TRCA must be involved;

- Where the City/Town and TRCA enter into a partnership together on a project or program. Frequently such partnerships are tied to a system of follow-up maintenance, monitoring, assessment and evaluation of practices utilized following implementation of the project. Such partnerships exceed the services and timelines of what a private contractor would undertake;
- Where it makes sense to manage both TRCA and municipal assets together in a more comprehensive manner;
- In some cases, where TRCA can contribute funds to a project that will provide for a larger net benefit upon completion;
- Where TRCA can leverage opportunities from other programming with municipal partners (e.g. Region of XXX, Infrastructure Ontario) to coordinate integrated and potentially larger scale solutions than might be otherwise possible;
- Where TRCA offers highly unique or specialized existing services or programs that align with municipal needs, such as managing specialized consultants that require first-hand knowledge and experience in the area of expertise, for example, geotechnical engineering.

Also, TRCA has moved forward in close cooperation with the City/Town of XXX to increase communications and coordination on development applications in the City/Town. Some major successes have included coordination to ensure timely review and approval of INSERT RELEVANT PROJECTS/DEVELOPMENTS. Staff from TRCA and the City/Town involved in the development review process have regular meetings to ensure timely review and issue management related to development files.

In an effort to streamline the procurement approval process for City/Town staff and to more effectively move forward projects of municipal importance, it is recommended that Council approve the City/Town entering into an agreement with TRCA to allow the provision of services outlined in Attachment 1 and in accordance with the conditions outlined in Recommendation 1 and that INSERT POLICY/BY-LAW be amended as needed to allow this agreement to be carried out and to allow single sourcing of TRCA for goods and services required by the City/Town.

## Attachment 4 – Template Memorandum of Understanding

THIS MEMORANDUM OF AGREEMENT (“MOU”) is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2020 (the “Effective Date”).

**BETWEEN:**

**“MUNICIPALITY”**  
(hereafter, “Municipality”)

**AND:**

**TORONTO AND REGION CONSERVATION AUTHORITY**  
(hereinafter, “TRCA”)

**WHEREAS** TRCA is a conservation authority established under the *Conservation Authorities Act* (“Act”) and is governed by its participating municipalities in accordance with the Act;

**AND WHEREAS** Municipality is a lower-tier municipality in the Regional Municipality of \_\_\_\_\_, located wholly or partly within the area under the jurisdiction of TRCA;

**AND WHEREAS** TRCA provides services to and on behalf of Municipality through individual agreements in a variety of service areas;

**AND WHEREAS** recent amendments to the Act require conservation authorities to provide programs and services on behalf of municipalities under a memorandum of understanding or such other agreement as may be entered into with the municipality in respect of the programs and services;

**AND WHEREAS** the Act requires such memorandum of understanding or other agreement to be reviewed at regular intervals and to be made available to the public as may be determined in the memorandum or agreement;

**AND WHEREAS** TRCA and Municipality recognize the need for, and the benefits of, entering into Service Level Agreements to govern the delivery of programs and services by TRCA on behalf of Municipality, and to continue to work together to identify opportunities for further collaboration to the benefit of both parties and ensure efficiency, transparency and accountability in the use of public sector resources;

**AND WHEREAS** TRCA and Municipality intend to enter into a Service Level Agreement to govern the delivery of certain programs and services by TRCA on behalf of Municipality;

**AND WHEREAS** each of TRCA and Municipality are entering into this MOU to guide the development of the Service Level Agreement;

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration the sufficiency of which is hereby acknowledged by the parties, the parties hereto agree as follows:

1. This MOU shall commence on the Effective Date and shall continue for one (1) year (the “**Initial Term**”). Thereafter this MOU shall continue for additional one year periods (each a “**Renewal Term**”) unless either party provides written notice of termination to the other party at least thirty (30) days prior to the expiry of the Initial Term or Renewal Term, as the case may be.
2. The following principles shall guide the development of a Service Level Agreement between TRCA and **Municipality**:
  - a. TRCA and **Municipality** will meet regularly to review existing agreements and new areas of services, including partnership and event agreements, fee-for-service agreements, and data-sharing agreements, and identify programs and services to be provided under the Service Level Agreement, including program and service areas listed in Schedule “A”.
  - b. The Service Level Agreement will provide overarching terms and conditions for the delivery of municipal programs and services by TRCA.
  - c. The cost structure for services provided under the agreements shall reflect both direct cost and administration costs for providing the services.
  - d. Subject to complying with procurement and purchasing policies, **Municipality** will give due consideration to TRCA when procuring services which are a core competency of TRCA.
  - e. Programs and services under the Service Level Agreement will be implemented through individual Letter Agreements. Templates for each project/program/service Letter Agreement will be developed and attached as a separate schedule to the SLA.
3. The following principles shall guide the efforts of the parties to identify opportunities for further collaboration to the benefit of both parties and ensure efficiency, transparency and accountability in the use of public sector resources:
  - a. It is recognized that there are opportunities for collaboration between the parties outside of the Service Level Agreement, including in-kind services and assistance, coordination of complementary policy and program initiatives, organization of group purchasing/municipal vendor of records, as well as projects involving third parties.
  - b. In recognition that TRCA lands and facilities are often used for a service or function that may be provided by a municipality for the purposes of the municipality and for

public use, **Municipality** will work with TRCA to identify lands and facilities that qualify as municipal capital facilities for the purposes of providing tax exemptions for such lands and facilities, and enter into agreements with TRCA and any person, including another municipality, for the provision of municipal capital facilities.

- c. It is recognized that collaboration and sharing of geographic information system (GIS) data and other OpenData opportunities increase efficiencies and capacity, and the sharing of data is encouraged whenever reasonably possible.
- 4. This MOU shall be reviewed by the Parties prior to the expiry of the Initial Term and each Renewal Term. It is TRCA’s responsibility to initiate the review with **Municipality** at least sixty (60) days prior to the expiry of the Initial Term or Renewal Term, as the case may be.
- 5. Each of TRCA and Municipality will strive to facilitate open and timely communication at all levels.
- 6. This MOU is not intended to be a legally binding agreement and is not intended to create any legally binding obligation between the parties.
- 7. This MOU shall be made available to the public on request.
- 8. This MOU may be executed in counterparts and when each party has executed a counterpart, each of such counterparts shall be deemed to be an original and all of such counterparts, when taken together, shall constitute one and the same agreement.

**IN WITNESS WHEREOF**, the parties have entered into this MOU as of the Effective Date.

**TORONTO AND REGION CONSERVATION  
AUTHORITY**

Per: \_\_\_\_\_  
Name:  
Title:

Per: \_\_\_\_\_  
Name:  
Title:

**MUNICIPALITY**

Per: \_\_\_\_\_

Name:

Title:

Per: \_\_\_\_\_

Name:

Title:

**Schedule “A” to the MOU between  
TRCA and Municipality**

**DESCRIPTION OF AREAS FOR SERVICE AGREEMENTS**

**Schedule “A”**

Service Areas Included in this Agreement &  
Possible Scope of Work that may be Provided the TRCA for each Service Area

TRCA Service Areas

- Service Area 1 – Watershed Studies and Strategies
- Service Area 2 – Water Risk Management
- Service Area 3 – Regional Biodiversity
- Service Area 4 – Greenspace Securement and Management
- Service Area 5 – Tourism and Recreation
- Service Area 6 – Planning and Development Review
- Service Area 7 – Education and Outreach
- Service Area 8 – Sustainable Communities

Scope of Work Available for each Service Area

- Service Area 1 – Watershed Studies and Strategies

Watershed Plans and Strategies

Report Cards

Emerging and Integrative Climate Science

- Service Area 2 – Water Risk Management

Groundwater Strategies

Source Protection Strategies

Regional Monitoring – Water

Hydrology

Flood Plain Mapping

Flood Forecasting and Warning

Flood Risk Management

Flood Infrastructure and Operations

Erosion Management Capital Works

Hazard Monitoring

- Service Area 3 – Regional Biodiversity
  - Aquatic System Priority Planning
  - Terrestrial (and Integrated) Ecosystem Planning
  - Nature Channel Design
  - Restorations Opportunities Bank
  - Regional Monitoring – Biodiversity
  - Activity Based Monitoring
  - Terrestrial Inventory and Assessment
  - Watershed Restoration
  - Shoreline Restoration
  - Wetlands Restoration
  - Riparian and Flood Plain Restoration
  - Natural Channel and Stream Restoration
  - Wildlife Habitat Management
  - Inland and Lakefill Soil Management
  - Compensation Restoration
  - Forest Management Planning
  - Forest Management Operations
  - Managed Forest Tax Incentive Planning
  - Invasive Species Management
  - Hazard Tree Management
  
- Service Area 4 – Greenspace Securement and Management
  - Greenspace Planning
  - Greenspace Land Acquisition
  - Resource Management Planning
  - Inventory and Audit
  - Implementation
  - Hazard Management
  - Archaeology
  - Property Taxes and Insurance
  
- Service Area 5 – Tourism and Recreation
  - Conservation Parks
  - Waterfront Parks
  - Trail Planning, Development and Management
  - Events and Festivals
  
- Service Area 6 – Planning and Development Review
  - Policy Development and Review
  - Development Planning and Regulation Permitting
  - Environmental Assessment Planning and permitting
  
- Service Area 7 – Education and Outreach
  - School Programs
  - Family and Community Programs



## Newcomer Employment and Education

- Service Area 8 – Sustainable Communities
- Living City Transition Program  
Sustainable Neighbourhoods  
Community Transformation  
Partners in Project Green  
Urban Agriculture  
Sustainable Technology Evaluation Program  
Climate Consortium  
Green Infrastructure Ontario  
Community Engagement  
Citizen Based Regeneration  
Stewardship  
Watershed Engagement

## Attachment 5 – Template Service Level Agreement

THIS SERVICE LEVEL AGREEMENT made the     day of     , 20\_\_.

B E T W E E N:

REGION/CITY/TOWN/TOWNSHIP OF \_\_\_\_\_

(“Municipality”)

OF THE FIRST PART

- and -

TORONTO AND REGION CONSERVATION AUTHORITY

(“TRCA”)

OF THE SECOND PART

### RECITALS

WHEREAS TRCA is a conservation authority established under the Conservation Authorities Act (“Act”) and is governed by its partner municipalities in accordance with the Act;

AND WHEREAS a Partner Municipality is located wholly or in part within the area under the jurisdiction of TRCA;

AND WHEREAS the Act permits TRCA to provide non-mandatory programs and services on behalf of a Municipality under a memorandum of understanding or such other agreement as may be entered into with the Municipality;

AND WHEREAS a Municipality is requesting TRCA to deliver programs and services on behalf of the Municipality, within TRCA’s areas of expertise and jurisdiction, that fall within the Service Areas attached hereto as **Schedule “A”**;

AND WHEREAS the Council of the Municipality has authorized the Municipality to enter into this service level agreement with TRCA for the delivery of municipal programs and services;

AND WHEREAS the Municipality and TRCA wish to enter into this Agreement to document the terms and conditions for the municipal programs and services to be performed by the TRCA on behalf of the Municipality;

AND WHEREAS where it is mutually desirable to further specify the details of programs or services, such details shall be set out in separate Letter Agreements to be signed by authorized staff of each Party, from time to time;

**NOW THEREFORE** the parties hereto agree and covenant with one another as follows:

## **PART I – INTERPRETATION**

### **Definitions**

1. For the purposes of this Agreement, including the preceding recitals:

- a) **“Agreement”** means this Service Level Agreement, including the Schedules attached hereto;
- b) **“Completion Date”**, in relation to a time-limited Program or Service, such as a Construction Project, shall mean the date it is completed, as agreed to by the parties and set out in the applicable Letter Agreement;
- c) **“Construction Project”** means any program or services involving construction or restoration works;
- d) **“Consulting and Design Project”** means any program or services involving construction or restoration works;
- e) **“Contractor”** means any contractor or consultant retained by the TRCA in relation to any specific Program or Service, and includes professional consultant, including any architect, engineers, landscape consultant, project or construction manager, and any other consultants or entities retained by TRCA;
- f) **“Force Majeure”** has the meaning set out in section 12 of this Agreement;
- g) **“Letter Agreement”** and **“Memorandum of Understanding”** means a separate agreement to be entered into by the TRCA and the Municipality in relation to certain Programs and Services setting out further details and specific requirements, including roles and responsibilities, workplans, payment terms and timelines for deliverables;
- h) **“Programs and Services”** means work within a Service Area to be provided by the TRCA on behalf of the Municipality, and **“Program”** and **“Service”** has a corresponding meaning;
- i) **“Responsible Municipal Official”** means the Municipality’s Senior Manager or Manager responsible for a particular Project, and includes his or her designate or successor;
- j) **“Service Area”** means any Program or Service area identified in Schedule “A”;

2. (1) In this Agreement:

- a) grammatical variations of any terms defined herein have similar meanings to such defined terms;
- b) words in the singular include the plural and vice-versa; and
- c) the insertion of headings are for convenience of reference only and shall not affect the construction or interpretation of this Agreement, or be used to explain or clarify the clauses or paragraphs below which they appear.

3. The attached Schedules form part of this Agreement.

## **PART II – GENERAL TERMS**

### **Term of Agreement**

4. (1) The term of this Agreement will be for a period of four (4) years commencing on the date the Agreement is made (“**Initial Term**”).

(2) The parties may extend this Agreement for additional four (4) year terms (“**Extension Term**”), provided the Agreement is reviewed prior to any extension of the Agreement.

### **Review of Agreement at Regular Intervals**

5. (1) This Agreement shall be reviewed by the Parties on an annual basis.

(2) It shall be TRCA’s responsibility to initiate the annual review with the Municipality.

### **Agreement Available to the Public**

6. This Agreement shall be made available to the public on request.

### **Communications Protocol**

7. As applicable, the Parties shall establish a communications protocol in respect of the programs and services governed by this Agreement.

### **Service Delivery Standards**

8. Each Letter Agreement and Memorandum of Understanding will set out service delivery standards that TRCA is required to meet.

### **Municipality Responsibility to Consult on Budget Changes**

9. The Municipality shall consult with TRCA 180 days, or as soon as reasonably possible, in advance of a proposed change to approved budgets related to this Agreement.

### **Records**

10. (1) The TRCA shall prepare and maintain proper and accurate books and records respecting Programs and Services provided under this Agreement and any Letter Agreement.

(2) In order to provide data for the calculation of fees on a time basis (where applicable), the TRCA shall keep a detailed record of the (where applicable) time spent by and the salaries paid to its staff working on the Programs and Services.

(3) The Municipality at its own cost may audit all financial and related records associated with the terms of this Agreement and the Letter Agreement including timesheets, reimbursable out of pocket expenses, materials, goods, and equipment claimed by the TRCA. The TRCA shall at all times during the term of this Agreement and any Letter Agreement, and for a period of seven (7) years following completion or termination, keep and maintain records of the Programs and Services performed. The TRCA shall at its

own expense make such records available for inspection and audit by the Municipality at all reasonable times.

## **Release and Indemnity**

**11.** (1) The TRCA hereby releases and shall indemnify, defend and hold harmless the Municipality, its agents, officers, employees, contractors and elected and appointed officials of, from and against all losses, costs, liens, proceedings, actions, suits, claims and demands whatsoever in any way arising out of the failure of the TRCA to fulfill its obligations under this Agreement or a Letter Agreement, however, the TRCA's obligation to indemnify, defend and hold harmless the Municipality shall not extend to the Municipality's negligence, or that of any of its employees, servants, agents or persons for whom it is responsible.

## **Insurance**

**12.** (1) As required by the Municipality, acting reasonably, the TRCA shall obtain, maintain and provide to the Municipality, Certificates of Insurance of the following insurance policies issued by an insurance company licensed to write in the Province of Ontario, and shall ensure that the following insurance policies are maintained and kept in force at all times during the currency hereof, unless otherwise set out in the Letter Agreement:

(a) Commercial General Liability Insurance as follows:

(i) is in the amount of not less than Five Million Dollars (\$5,000,000.00) per occurrence;

(ii) adds the Municipality, its boards, agencies and commissions and subsidiary operations, as applicable, as additional insured(s) but only with respect to liability arising out of the operations of the TRCA;

(iii) has provisions for cross-liability and severability of interests, blanket form contractual liability, owners' and contractors' protective liability, broad form property damage, products and completed operations, non-owned automobile liability and any other provision relevant as detailed in the Letter Agreement or this Agreement, and if applicable, coverage for blasting, shoring, pile driving and collapse;

(b) Standard Automobile Liability Insurance for all owned or leased/licensed vehicles used in connection with the Project, in the amount of not less than Two Million Dollars (\$2,000,000.00) per occurrence;

(c) Professional liability (errors & omissions) insurance in the amount of One Million Dollars (\$1,000,000.00) and/or cause the Contractor in relation to any services, where such Contractor is under a professional obligation to maintain the same, and with proof of such insurance to be provided to the Municipality no later than the execution of this agreement with the vendor. Notwithstanding anything to the contrary contained in the Letter Agreement, the policy will be kept in full force and effect for a period of time ending no sooner than two (2) years after the termination or expiry of the Letter Agreement or completion of the work, as the case may be; and

(d) Pollution liability insurance with a limit of two million (\$2,000,000) for sudden and accidental and gradual pollution claim incidents associated with the Project.

(2) All policies of insurance required to be provided pursuant to this section shall contain or be subject to the following terms and conditions:

- (a) each Certificate shall contain provision requiring the insurers to notify the Municipality in writing at least thirty (30) days before any cancellation of the insurance required under this clause;
- (b) the parties agree that insurance policies may be subject to deductible amounts, which deductible amounts shall be borne by the TRCA;
- (c) before the expiry of the policies of insurance, original signed certificates evidencing renewal will be provided to the Municipality without notice or demand.

## **Notice**

**13.** Any notice in respect of this Agreement shall be in writing and shall be sufficiently given or made if made in writing and either delivered in person during normal business hours of the recipient on a business day to the party for whom it is intended to the address as set out below, or sent by registered mail or by email addressed to such party as follows:

- (1) in the case of Municipality, to:

Attention:

- (2) in the case of the TRCA, to:

Toronto and Region Conservation Authority  
101 Exchange Avenue Concord ON L4K 5R6

Attention: John MacKenzie, Chief Executive Officer

Email. John.MacKenzie@trca.ca

or to such other addresses as the parties may from time to time notify in writing, and any notice so made or given shall be deemed to have been duly and properly made or given and received on the day on which it shall have been so delivered or, if mailed, then, in the absence of any interruption of postal service affecting the delivery or handling thereof, on the third business day after the date of mailing.

## **Force Majeure**

**14.** (1) Neither party shall be in default with respect to the performance or non-performance of the terms of the Letter Agreement or this Agreement resulting directly or indirectly from causes beyond its reasonable control (other than for financial inability) including, without limitation, any delay caused by strike, lock-out, inability to procure material, restrictive laws or governmental regulations or other cause beyond the reasonable control of such party and not caused by the act or omission of such party and the Completion Date shall be extended by any such period of delay.

(2) The TRCA acknowledges and agrees that it shall not receive any compensation whatsoever in the event that a strike, lock-out or other labour disruption prevents, delays or otherwise interferes with the TRCA's ability to deliver the Programs and Services, and the Municipality shall not be liable for any loss whatsoever suffered as a result thereof.

## **Governing Law**



15. This Agreement and any Letter Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein, and shall be treated in all respects as an Ontario contract.

### **Approvals in Writing**

16. Any approval or consent required of the Municipality under a Letter Agreement may be given by the Responsible Municipal Official or any person specifically authorized by them in writing to do so.

### **No Agency**

17. Nothing herein contained shall make, or be construed to make the Municipality or the TRCA a partner of one another nor shall this Agreement or a Letter Agreement be construed to create a partnership, joint venture or employment relationship between any of the parties hereto or referred to herein.

### **Invalidity of any Provision**

18. If any provision of this Agreement or any Letter Agreement is invalid, unenforceable or unlawful, such provision shall be deemed to be deleted from this Agreement and all other provisions of this Agreement shall remain in full force and effect and shall be binding in all respects between the parties hereto.

### **Dispute Resolution**

19. In the event any dispute that arises in respect of the implementation of this Agreement, the Parties will endeavour to resolve the matter through negotiation without the use of formal mediation or adjudication.

### **Further Assurances**

20. The Parties agree to execute and deliver to each other such further written documents and assurances from time to time as may be reasonably necessary to give full effect to the provisions of this Agreement.

### **Entire Agreement**

21. This Agreement embodies and constitutes the sole and entire Agreement between the Parties. This Agreement cannot be altered, amended, changed, modified or abandoned, in whole or in part, except by written agreement executed by the parties, and no subsequent oral agreement shall have any validity whatsoever.

### **Acknowledgement**

22. Each party hereto acknowledges that it and its legal counsel have reviewed and participated in settling the terms and this Agreement.

### **Binding Agreement**

22. This Agreement shall enure to the benefit and be binding upon the parties hereto and their respective heirs, executors, representatives and successors permitted hereunder.

« SIGNATURE LINES ON NEXT PAGE »

Draft for comment

**IN WITNESS WHEREOF** the Municipality and the TRCA have signed this Agreement.

**MUNICIPALITY**

\_\_\_\_\_  
Name  
Position

\_\_\_\_\_  
Name  
Position

I / We have authority to bind the Municipality.

**TORONTO AND REGION CONSERVATION AUTHORITY**

\_\_\_\_\_  
John MacKenzie  
Chief Executive Officer

I have authority to bind the TRCA.

## **LIST OF SCHEDULES**

### **Schedule “A”**

TRCA Service Areas

### **Schedule “B”**

Specific Programs and Services to be Provided by TRCA &  
Approved Scope of Work and Budget

### **Schedule “C”**

Additional Terms of Agreement for Construction Projects  
Form of Letter Agreement for Construction Projects

### **Schedule “D”**

Additional Terms of Agreement for Construction Consulting and Design Projects  
Form of Letter Agreement for Consulting and Design Projects

### **Schedule “E”**

Additional Terms of Agreement for Environmental Assessment Review Services  
Form of Letter Agreement for Environmental Assessment Review Services

### **Schedule “F”**

Additional Terms of Agreement for Development and Engineering Services  
Form of Letter Agreement for Development and Engineering Services

## Schedule “A”

### TRCA Service Areas

- Service Area 1 – Watershed Studies and Strategies
- Service Area 2 – Water Risk Management
- Service Area 3 – Regional Biodiversity
- Service Area 4 – Greenspace Securement and Management
- Service Area 5 – Tourism and Recreation
- Service Area 6 – Planning and Development Review
- Service Area 7 – Education and Outreach
- Service Area 8 – Sustainable Communities

### Scope of Work Available for each Service Area

- Service Area 1 – Watershed Studies and Strategies
  - Watershed Plans and Strategies
  - Report Cards
  - Emerging and Integrative Climate Science
- Service Area 2 – Water Risk Management
  - Groundwater Strategies
  - Source Protection Strategies
  - Regional Monitoring – Water
  - Hydrology
  - Flood Plain Mapping
  - Flood Forecasting and Warning
  - Flood Risk Management
  - Flood Infrastructure and Operations
  - Erosion Management Capital Works
  - Hazard Monitoring
- Service Area 3 – Regional Biodiversity

Aquatic System Priority Planning

Terrestrial (and Integrated) Ecosystem Planning

Nature Channel Design

Restorations Opportunities Bank

Regional Monitoring – Biodiversity

Activity Based Monitoring

Terrestrial Inventory and Assessment

Watershed Restoration

Shoreline Restoration

Wetlands Restoration

Riparian and Flood Plain Restoration

Natural Channel and Stream Restoration

Wildlife Habitat Management

Inland and Lakefill Soil Management

Compensation Restoration

Forest Management Planning

Forest Management Operations

Managed Forest Tax Incentive Planning

Invasive Species Management

Hazard Tree Management

- Service Area 4 – Greenspace Securement and Management

Greenspace Planning

Greenspace Land Acquisition

Resource Management Planning

Inventory and Audit

Implementation

Hazard Management

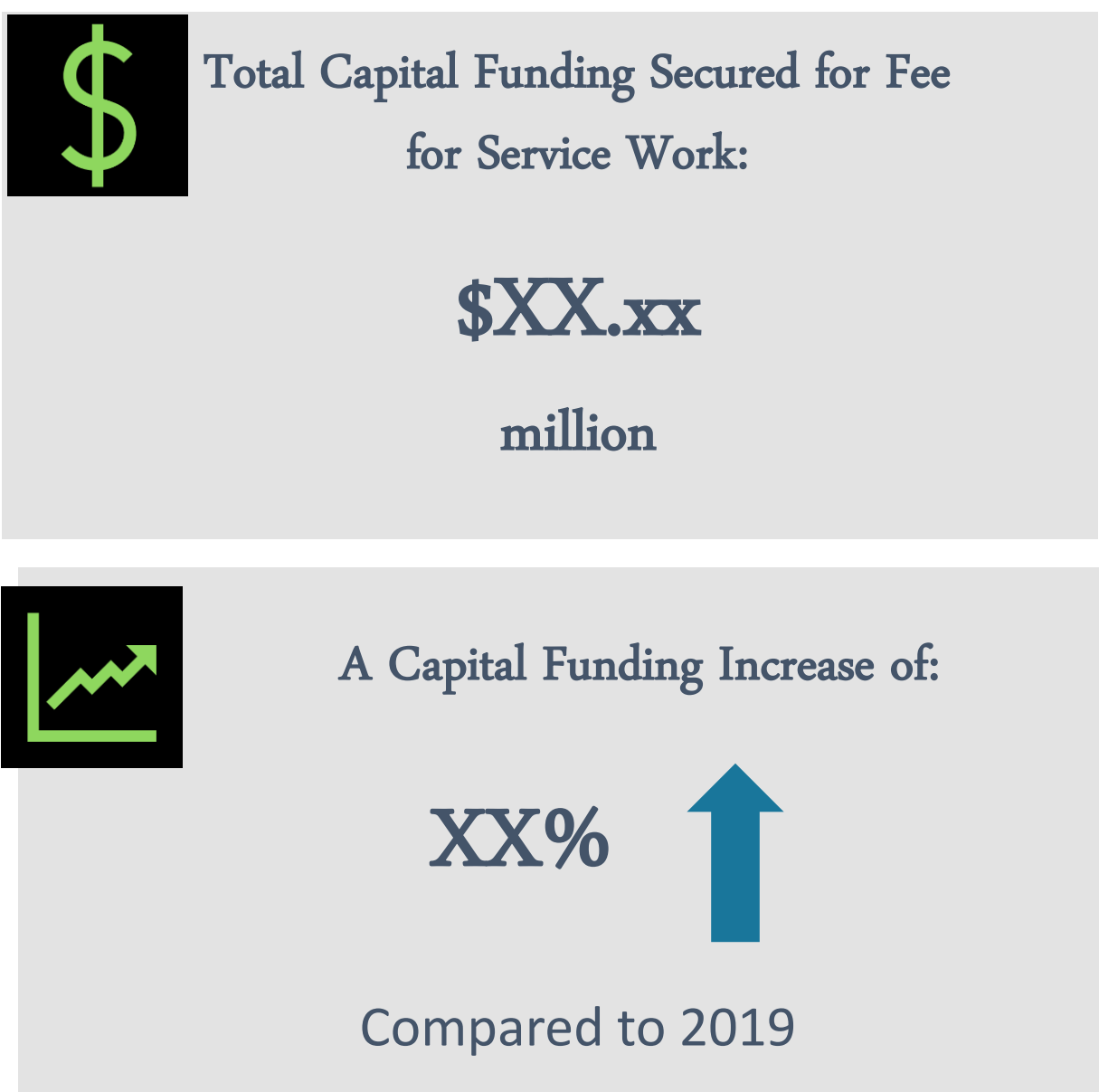
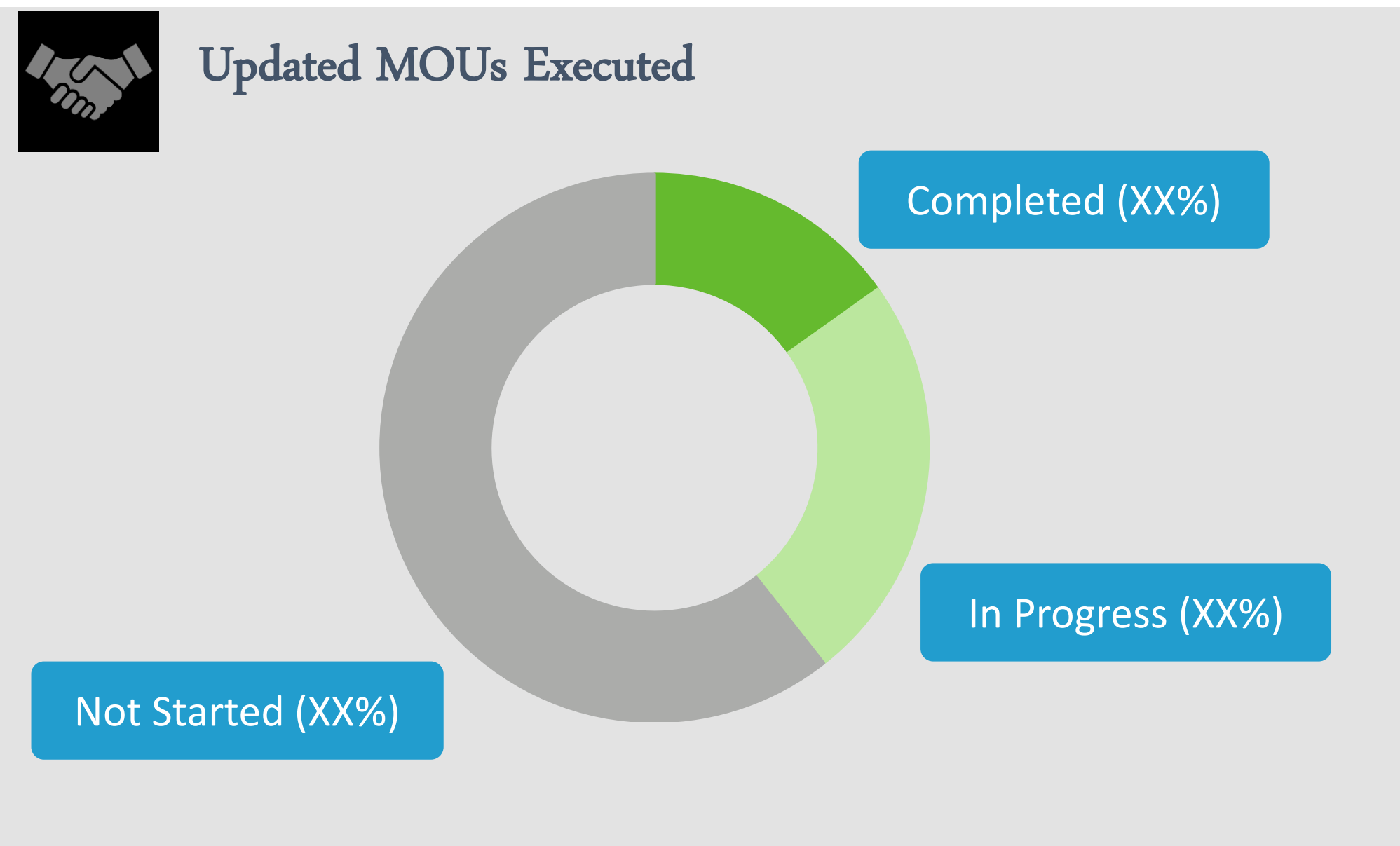
Archaeology


Property Taxes and Insurance



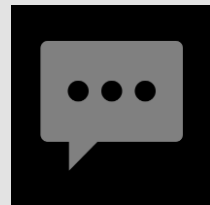
- Service Area 5 – Tourism and Recreation
  - Conservation Parks
  - Waterfront Parks
  - Trail Planning, Development and Management
  - Events and Festivals
  
- Service Area 6 – Planning and Development Review
  - Policy Development and Review
  - Development Planning and Regulation Permitting
  - Environmental Assessment Planning and permitting
  
- Service Area 7 – Education and Outreach
  - School Programs
  - Family and Community Programs
  - Newcomer Employment and Education
  
- Service Area 8 – Sustainable Communities
  - Living City Transition Program
    - Sustainable Neighbourhoods
    - Community Transformation
    - Partners in Project Green
    - Urban Agriculture
    - Sustainable Technology Evaluation Program
    - Climate Consortium
    - Green Infrastructure Ontario
  - Community Engagement
    - Citizen Based Regeneration
    - Stewardship
    - Watershed Engagement

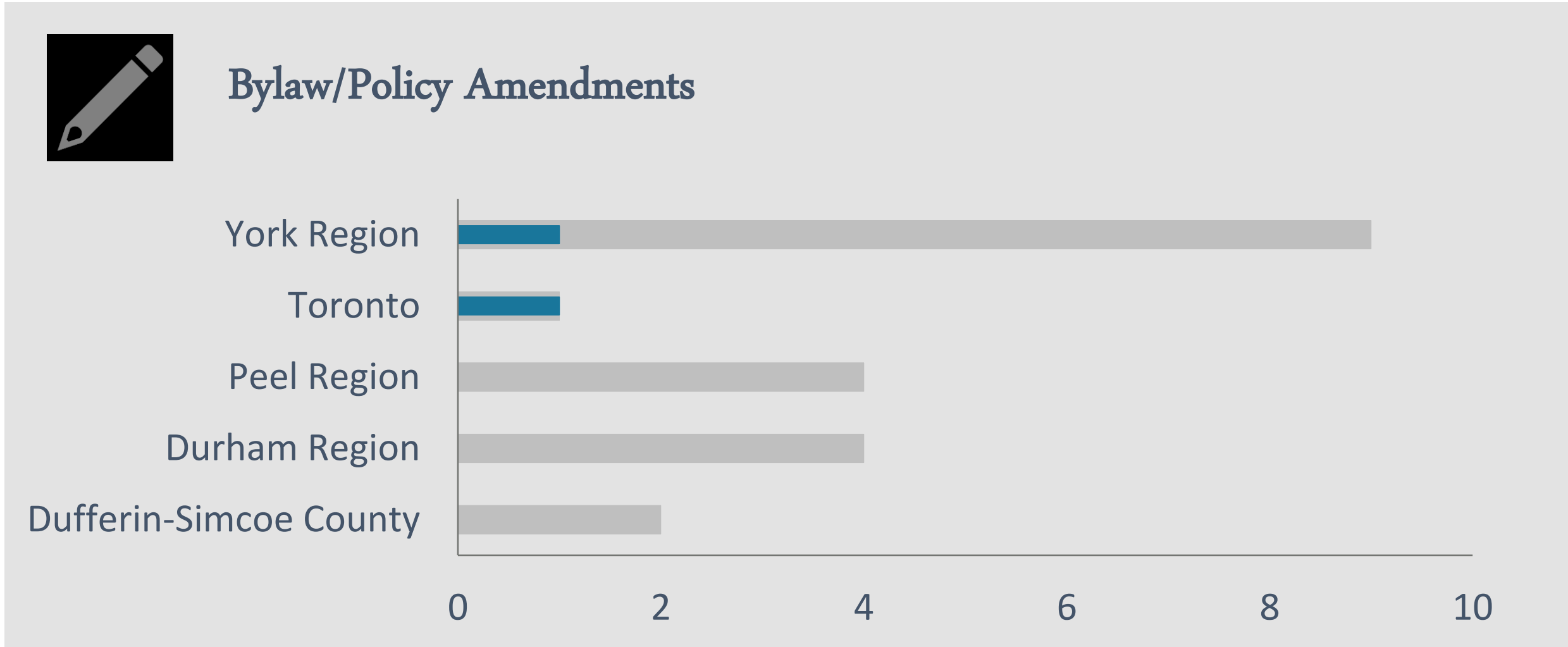
# Attachment 6 - Updated MOUs/SLAs with Partner Municipalities Dashboard



 Next Steps

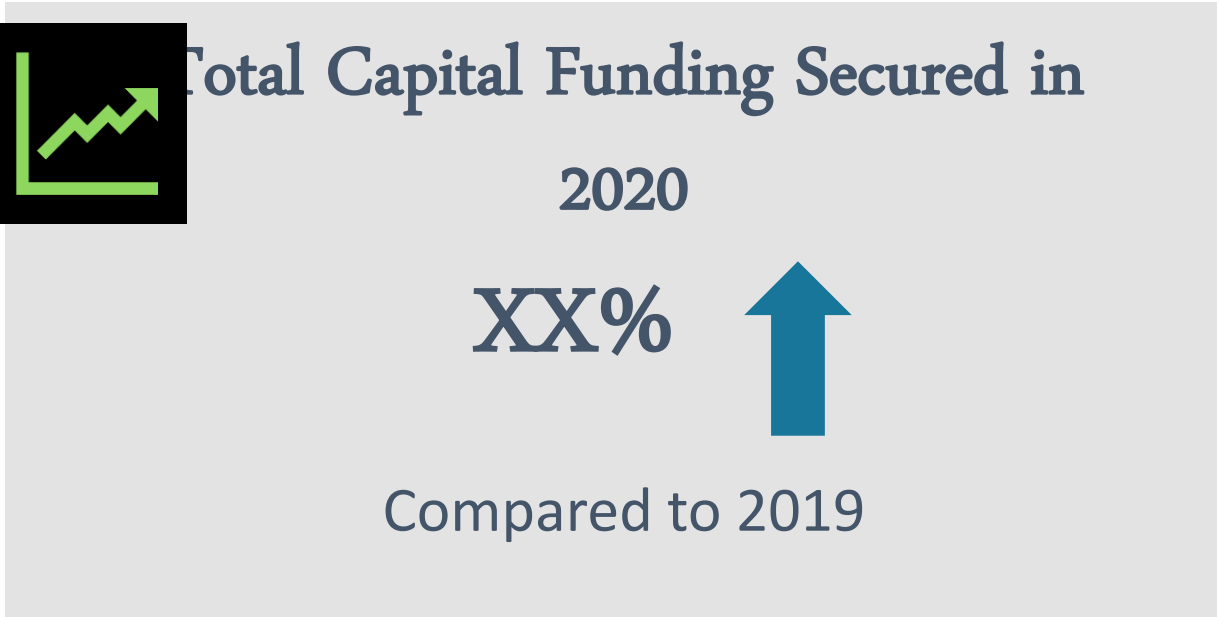
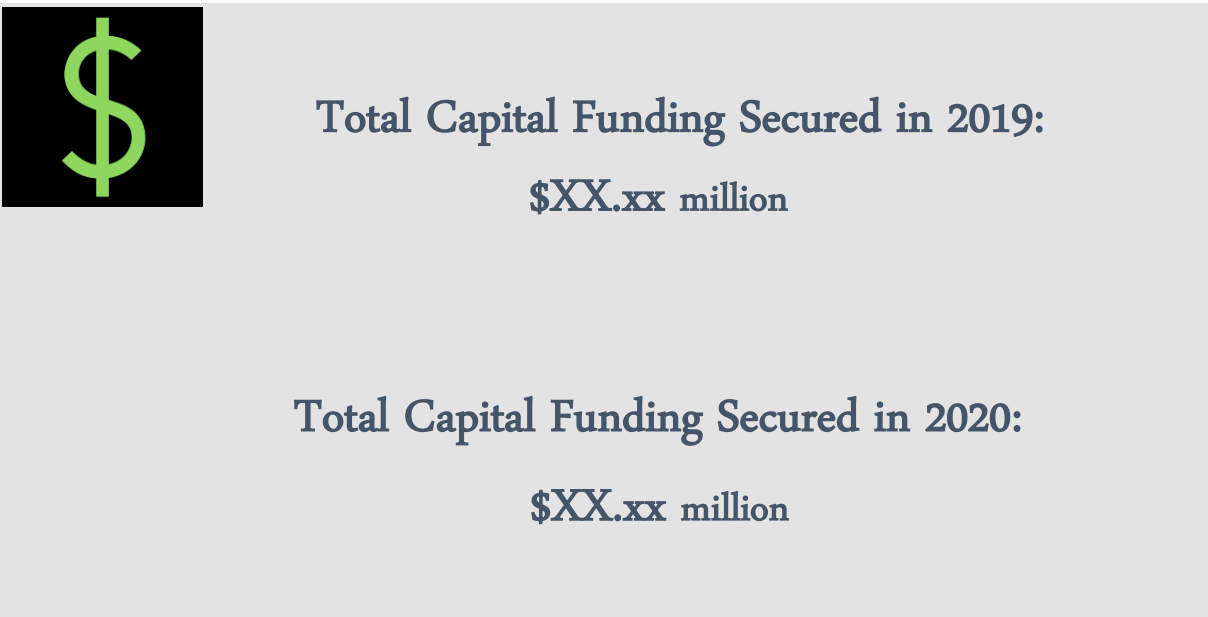
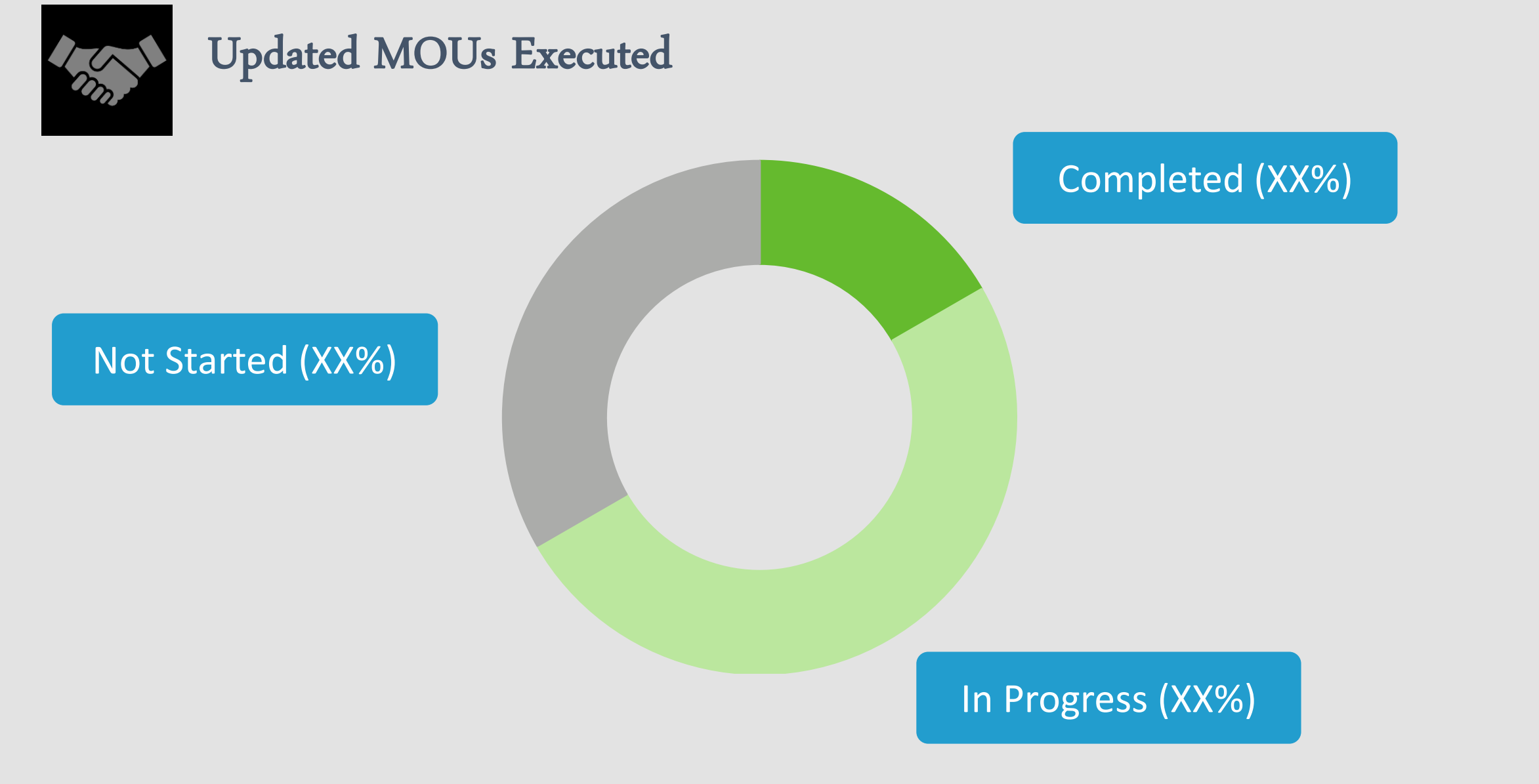
Task	Timing
Continue meetings/discussion with partner municipalities to determine MOU/SLA scope and details	Q2 – Q4 2020
Prepare draft reports and draft MOU’s for partner review and Council consideration	Q2 2020 – Q1 2021
Updates to TRCA Board of Directors, MECP, and municipal Councils on status of TRCA and partner MOUs/SLAs	Q2 2020 – Q2 2021


-  Project Updates
- Update on Memorandums of Understanding and Service Level Agreements with Partner Municipalities report presented at TRCA Executive Committee Meeting #11/19
  - Update on Planning Act Related Memorandums of Understanding and Service Level Agreements with Partner Municipalities report presented at TRCA Board of Directors Meeting #3/20
  - Meetings occurred with municipal partners from Q1-Q2 2020.
  - Detailed scan of partner municipality single/sole-source bylaw/policy completed March 2020.



The *Conservation Authorities Act* was amended on June 6, 2019 as part of Schedule 2 of Bill 108, which was entitled the “More Homes, More Choice Act”. It is anticipated that partner municipalities will be required to enter in to a separate MOU with TRCA to obtain certain types of services currently provided. While Bill 108 is now law, the final regulations have not been issued by MECP at this time.


# Updated MOUs/SLAs with Partner Municipalities Dashboard - Durham





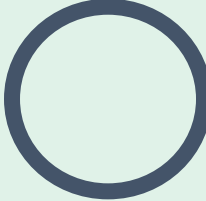
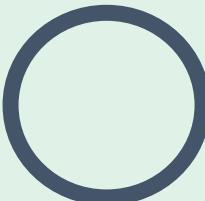


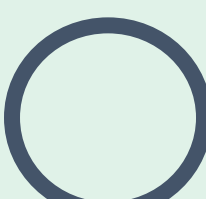
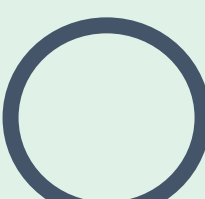


### Total Number of MOUs and SLAs in Place

Municipality	2019	2020
Pickering	x	y
Ajax	x	y
Uxbridge	x	y
Durham Region	x	y



### Submitted for Municipal Review

	Pickering	Ajax	Uxbridge	Durham Region
Draft Updated MOU				
Draft Council Report Template				



### Fee for Service Work

Examples of fee for service work for partners in Durham include:

- Carruthers Creek Watershed Plan
- Paradise Park Wetland Restoration
- Seaton Lands Restoration and Invasive Species Strategy
- Seaton Development Watershed Monitoring Program
- Pickering-Ajax Dyke Rehabilitation Environmental Assessment