

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Meeting #8/18, Friday, October 26, 2018

FROM: Carolyn Woodland, Senior Director, Planning and Development

RE: **ENVIRONMENTAL REGISTRY OF ONTARIO SUBMISSIONS**
Summary of TRCA Responses

KEY ISSUE

Summary of TRCA's responses on provincial legislative, policy, regulatory and guidance document proposals submitted between January 2017 and August 2018.

RECOMMENDATION

WHEREAS Toronto and Region Conservation Authority (TRCA) staff reviewed and submitted comments on numerous Environmental Registry postings on legislative, policy, regulatory and guidance proposals in 2017 and 2018;

THEREFORE IT IS RECOMMENDED THAT the staff report summarizing TRCA submissions on provincial postings be received;

AND FURTHER THAT staff report back to the Board of Directors on TRCA responses to future provincial consultations on legislative, policy, regulatory and guidance proposals relevant to TRCA.

BACKGROUND

Over the past few years, the Province of Ontario released for consultation a number of legislative, policy, and regulatory proposals of interest to TRCA, the vast majority of which were posted on the Environmental Registry of Ontario (ERO). TRCA staff provided written comments, within specified commenting periods, on those proposals that directly or indirectly affect the work of TRCA.

TRCA Response Development

TRCA Policy staff in the Planning and Development Division led a large number of responses to proposals on a range of matters relevant to TRCA interests, including Provincial Plan updates, excess soil regulations, guidance on cultural heritage policies and amendments to the *Conservation Authorities Act* (CA Act). The process typically involves circulating the provincial posting materials to staff within the organization with experience in the subject matter, facilitating interdivisional dialogue and discussion sessions, coordinating comments with Conservation Ontario and other Conservation Authorities, conducting additional research and analysis as needed, and preparing written correspondence that synthesizes staff comments and recommendations. Staff may also attend any available training or consultation meetings to learn more about the proposal and have preliminary questions addressed by provincial staff.

By engaging staff from different divisions within the organization, TRCA's responses integrate the expertise and multi-disciplinary perspectives of TRCA's teams from planning, ecology, water resources engineering, and hydrogeology to watersheds, climate change, agriculture, archaeology, and others, depending on the scope of the proposal. Submissions are informed by the trends and issues staff experience in their day-to-day work and emphasize TRCA's priorities with regard to natural heritage protection, minimizing risk associated with natural hazards, climate

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change mitigation and adaptation, and development and infrastructure planning in a way that maintains and enhances the health of TRCA's watersheds.

Overall, the Policy team has led or co-led responses on over 30 consultations since May 2015. Policy staff also contributed comments through a planning lens on postings of a more technical and science-based nature where responses were led by another TRCA team – for example, draft Watershed Planning Guidance posted by the (then) Ministry of the Environment and Climate Change; this response was led by the Watershed Planning and Reporting team in TRCA's Watershed Strategies Division. Other ERO postings on provincial climate change initiatives were led by Watershed Strategies' climate change programs staff.

Summary of Responses

Due to the volume and limited timeline of consultations, only those comment letters with significant implications are provided to the Board of Directors or Executive Committee prior to submission to the respective ministry or provincial agency. In 2017, they included responses to Bill 139 (the *Conservation Authorities Act* review and Ontario Municipal Board reform) and the draft Natural Heritage System and Agricultural System mapping for the Greater Golden Horseshoe.

Recognizing that Board Members may have an interest in TRCA's comments that were not brought to the Authority at the time of submission, Attachment 1 lists all TRCA submissions from 2017 and 2018. Submissions that were reported to the Board are accompanied by a link to the corresponding staff report. However, it should be noted that all TRCA submissions, regardless of having gone to the Board or not, are vetted through senior staff before release to ensure alignment with corporate positioning. Several of the proposals followed from landmark planning initiatives including Ontario Municipal Board reform through Bill 139, and the update of the Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Oak Ridges Moraine Conservation Plan and Niagara Escarpment Plan. Others pertain to consultations led by various ministries or Metrolinx, with a number related to infrastructure or transportation planning, climate change and watershed planning.

Should a Board Member wish to view any of the submissions or discuss any of the comments, a member of the Policy team would be happy to assist.

RATIONALE

It is important for TRCA to provide input on provincial proposals in order to encourage provincial initiatives to align with and support TRCA objectives and interests. The outcomes of such initiatives have implications on TRCA's day-to-day work in TRCA's multiple roles as a regulatory agency, public commenting body with delegated authority to represent the provincial interest for natural hazards, resource management agency, and landowner in a region experiencing significant growth and associated land use and environmental challenges. Staff works closely with not only the Ministry of Natural Resources and Forestry (MNRF) but also the Ministry of Municipal Affairs and Housing, Ministry of Environment, Conservation and Parks, and other ministries and provincial agencies. Staff at these ministries often reach out to TRCA for information and advice, in recognition of TRCA's expertise in watershed science and depth of on-the-ground experience. For example, during the coordinated review of the four Provincial Plans and Greenbelt Plan boundary reviews, Ministry of Municipal Affairs and Housing staff and the expert Advisory Panel requested various information gaps to be filled by TRCA. Specifically, TRCA staff co-led a tour of the Greenbelt, provided comprehensive presentations on watershed planning and the roles of conservation authorities (CAs), submitted graphics and report card findings for the Panel's report, and conducted detailed mapping analysis to support provincial decisions on changes to the Greenbelt boundary.

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This policy work in responding to consultations is also important for strengthening relationships and coordination between TRCA and our municipal partners and other agencies. On major initiatives, such as the recent Ontario Municipal Board and CA Act reviews, TRCA policy staff review comments from municipalities and other CAs to inform TRCA's own comments, and sometimes collaborate with neighboring CAs and TRCA municipal partners on positioning. Many times, the formulation of TRCA responses coincides with response to Conservation Ontario's (CO) request for comments from CAs in the Greater Golden Horseshoe on provincial postings. CO often relies on substantive comments from TRCA given the volume and breadth of work TRCA undertakes related to provincial interests. In addition, TRCA's perspective can be unique among Ontario CAs given that TRCA is situated in the highly urbanized watersheds of the Greater Toronto Area and experiencing the highest rates of growth and redevelopment in the Province. Staff has also provided input on Ontario Professional Planners Institute submissions in the past.

Not uncommonly, TRCA response submissions have succeeded in having some of the key recommendations realized in initiatives such as the coordinated review of the four Provincial Plans, where the final versions of the Plans contained strengthened policies for environmental feature protection and a stronger commitment to watershed planning. Similarly, under the CA Act review and amendments, the objects and powers of conservation authorities were kept broad as TRCA had advocated and the added purpose of the Act continued to enable TRCA to undertake, with partners, its wide range of programs and services for conserving and managing natural resources in an urban context.

While staff recognizes that not all of the recommendations provided through TRCA comment letters are incorporated into further stages or the final outcome, staff sees value in seizing these opportunities as part of TRCA's advocacy role, particularly if a proposal has the potential to limit TRCA's roles or ability to effectively deliver services. In all cases, staff takes this opportunity to ensure that TRCA staff are informed and trained appropriately with regard to any legislative, policy or procedural changes that may affect their day-to-day-work. For many of the recent initiatives summarized in the Attachment 1, the final products are still forthcoming, so the impact of TRCA submissions on those initiatives remains to be seen.

FINANCIAL DETAILS

Funding to support policy and planning input is provided by funding from TRCA's participating municipalities to account 120-12.

DETAILS OF WORK TO BE DONE

New legislation and regulation changes are expected to come forward as a result of the change with the provincial government. TRCA staff will continue to monitor the Province's Environmental Registry to ensure TRCA participates and comments on legislative, regulatory, policy and guidance initiatives affecting our roles and responsibilities. Staff will also keep the Board of Directors informed of TRCA comments submitted through the ERO and will monitor the outcomes and report on the implications of policy initiatives when appropriate. Staff will also update TRCA policies and procedures as required and facilitate training to reflect legislative and policy changes as appropriate.

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Date: October 26, 2018

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