

Items for the Information of the Regional Watershed Alliance

TO: Chair and Members of the Regional Watershed Alliance
Meeting #3/19, Wednesday, September 11, 2019

FROM: Laurie Nelson, Director, Policy Planning

RE: **TRCA Responses to Conservation Authorities Act Review and Amendments, Provincial Policy Statement Review and Great Lakes Canada-Ontario Agreement Update**

KEY ISSUE

To update and inform the Regional Watershed Alliance on TRCA responses to the *Conservation Authorities Act* review and amendments, the Provincial Policy Statement review, and the new draft Great Lakes Canada-Ontario Agreement.

RECOMMENDATION

THAT the Regional Watershed Alliance accept this report for information purposes.

BACKGROUND

Toronto and Region Conservation Authority (TRCA) has an interest in legislation, regulations and policy related to land use planning affecting watersheds and Lake Ontario, and in TRCA's mandate, roles and responsibilities as a conservation authority. As such, TRCA frequently provides responses to governments' proposed updates and amendments that may affect these interests. TRCA staff previously reported to the Regional Watershed Alliance (RWA) on a number of these responses to provincial initiatives: "A Place to Grow: Growth Plan for the Greater Golden Horseshoe", "A Made-In-Ontario Environment Plan," Bill 66 (*Restoring Ontario's Competitiveness Act*), and the consultation on "Increasing Housing Supply in Ontario" (Item 10.1, Meeting #2/19, February 13, 2019).

The RWA also heard from staff on modernizing the *Conservation Authorities Act* and its development permit regulation (Item #9.2, Meeting #2/19, May 22, 2019). At RWA Meeting #2/19, TRCA staff reported that the then proposed Bill 108 (now the *More Homes, More Choice Act*), contained proposed wording of the amendments to the *Conservation Authorities Act* (Bill 108, Schedule 2), and that TRCA staff would provide additional comments to the Province. The summary below of TRCA submissions to the Province pertains to all of the recent postings on conservation authorities, including the amendments made to the *Conservation Authorities Act* through Schedule 2 of Bill 108.

Also summarized below are TRCA's responses to more recently posted provincial proposals regarding the Great Lakes Canada-Ontario Agreement (review complete) and the Provincial Policy Statement (review still in progress).

RATIONALE

Conservation Authorities Act Review and Amendments (ERO#013-5018, #013-4992, Bill 108 – Schedule 2)

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On April 5, 2019, the Government of Ontario had proposed updates to the *Conservation Authorities Act* and associated regulations. The proposed amendments were described and posted online on the Environmental Registry of Ontario (ERO) for the public to provide comment:

- **Modernizing Conservation Authority Operations – *Conservation Authorities Act***
[ERO #013-5018](#)
(Comment period now closed)
- **Focusing Conservation Authority Development Permits on the Protection of People and Property**
[ERO #013-4992](#)
(Comment period now closed)

TRCA reviewed the proposed amendments and consulted with its municipal partners, Conservation Ontario and other stakeholders to consider the implications of what was proposed. TRCA submitted comments to the Province through the ERO:

- [TRCA Comments: Modernizing Conservation Authority Operations – *Conservation Authorities Act*](#)
- [TRCA Comments: Focusing Conservation Authority Development Permits on the Protection of People and Property](#)

On May 2, 2019, the Province introduced [Bill 108](#), entitled the *More Homes, More Choice Act*, as part of its [Housing Supply Action Plan](#). Schedule 2 of this omnibus bill contained proposed revised wording of the amendments to the *Conservation Authorities Act*. (Comment period now closed).

As such, TRCA provided additional comments by separate letter (Attachment 1), which can also be viewed here:

- [TRCA Comments: Modernizing Conservation Authority Operations – *Conservation Authorities Act*; Bill 108, *More Homes, More Choice Act*, Schedule 2, 2019](#)

Passing of Bill 108

On June 6, 2019, Bill 108 passed Third Reading and received Royal Assent. A final version of the *More Homes, More Choice Act* can be found [here](#).

Next Steps: Enacting Regulations

While Bill 108 is now law, its provisions will come into effect at various times. This includes the amendments to the *Conservation Authorities Act*.

Some provisions came into force when the Bill received Royal Assent, while others will come into force on a day to be proclaimed by the Lieutenant Governor (through Cabinet) or by the

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Minister through regulation(s). (See the grey shaded portions of the Act [here](#), which need to be proclaimed to be enacted.)

The key legislative amendments (not yet enacted) for conservation authorities can be found in section 21.1 (1) of the amended [Conservation Authorities Act](#). They require conservation authorities to provide programs or services that meet the following descriptions and that have been prescribed in regulations:

- i. Programs and services related to the risk of natural hazards
- ii. 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
- iii. Programs and services related to the authority's duties, functions and responsibilities as a source protection authority under the [Clean Water Act, 2006](#)
- iv. Programs and services related to the authority's duties, functions and responsibilities under an Act prescribed by the regulations

This same section also enables conservation authorities to provide a program or service other than those listed above, but it must first be prescribed in a provincial regulation. Thus far, the Province has not indicated definite timelines for the new regulations or enactment of the new provisions.

The changes to the Act are primarily focused on clearly defining the core mandatory programs and services provided by conservation authorities, in addition to a number of other administrative and governance amendments.

Significant advocacy efforts by [Conservation Ontario](#) and conservation authorities (CAs), including TRCA, were put into highlighting the critical role that CAs play as watershed and natural resource management agencies and the need for the addition of "conserving natural resources" as a core mandatory program.

Although this wording was not chosen, a partial "win" was achieved with the Province's late inclusion of the last category of mandatory programs and services, allowing for any programs or services not otherwise covered in clauses (i) to (iv) in section 21.1(1) to be potentially included in a regulation.

Provincial Policy Statement Review - Proposed Revisions (ERO#019-0279)

On July 22, 2019, the Ministry of Municipal Affairs and Housing posted proposed changes to the Provincial Policy Statement, 2014 on the Environmental Registry of Ontario (ERO) for a 90-day review period (comments due October 21st). The stated intent of the revisions is to:

- Encourage the development of an increased mix and supply of housing
- Protect the environment and public safety
- Reduce barriers and costs for development and provide greater predictability
- Support rural, northern and Indigenous communities
- Support the economy and job creation

Under the theme of protecting the environment and public safety, the government's objectives are to:

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- Enhance direction to prepare for impacts of a changing climate
- Enhance stormwater management policies to protect water and support climate resiliency
- Promote the on-site local reuse of excess soil
- Maintain current policies related to natural and human made hazards which directs development away from hazardous areas including flood-prone areas in order to protect public health and safety, while work by the Special Advisor on Flooding is underway
- Maintain current policies that require municipalities in southern Ontario to identify natural heritage systems, and provide flexibility as to how to achieve this outcome
- Maintain protections for the Greenbelt

TRCA Policy Planning staff are coordinating comments from various divisions at TRCA to respond to the [proposed changes](#) as well as the following questions from the ERO posting:

- Do the proposed policies effectively support goals related to increasing housing supply, creating and maintaining jobs, and red tape reduction while continuing to protect the environment, farmland, and public health and safety?
- Do the proposed policies strike the right balance? Why or why not?
- How do these policies take into consideration the views of Ontario communities?
- Are there any other policy changes that are needed to support key priorities for housing, job creation, and streamlining of development approvals?
- Are there other tools that are needed to help implement the proposed policies?

Some preliminary observations on the proposed changes to the Provincial Policy Statement are:

- Changes generally reflect the numerous provincial initiatives for legislative and policy changes posted on the ERO over the past several months.
- There is more emphasis on climate change adaptation and that it be done at the watershed level.
- A policy on municipal management of non-provincially significant wetlands has been added, though it is unclear what provincial guidelines will guide their management.
- Planning authorities *will* engage Indigenous communities, instead of encouraging consultation only.
- Extraction of aggregates could be considered within natural heritage features outside the Greenbelt, subject to certain criteria.
- Policies in the health and safety section (including Natural Hazards) are still subject to ongoing review by the Province's Special Advisor on flooding (for which TRCA will recommend further engagement, given the development pressures in our jurisdiction, and the need to update the provincial guidelines on natural hazards and Special Policy Areas).
- Thus far, the only change to the sub-sections on natural hazards is minor text edits around climate change and risk from natural hazards.
- Specific definitions for housing options and impacts of a changing climate have been added.

TRCA staff will bring forward a draft submission to the Board of Directors at their meeting of September 27, 2019 for members' input and endorsement, before finalizing and submitting a final letter response to the ERO.

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Great Lakes Canada-Ontario Agreement – Proposed Draft Update (ERO#019-0198)

On July 5, 2019, the Ministry of the Environment, Conservation and Parks posted on the Environmental Registry of Ontario for a 61-day review period (comments due September 4th), a proposed new agreement between Canada and Ontario to restore, protect and conserve Great Lakes water quality and ecosystem health. The stated intent of the revisions is to restore, conserve and protect the Great Lakes in accordance with the Province's [Made-in-Ontario Environment Plan](#).

The current Canada-Ontario Agreement expires in December 2019. To support the continued partnership on Great Lakes restoration, Canada and Ontario have negotiated a [draft new Canada-Ontario Agreement](#). This would be the ninth agreement between the two levels of government. It is designed to advance action on key challenges facing the Great Lakes such as improving wastewater and stormwater management and reducing pollution, including a new focus on road salt and plastic pollution.

Once finalized, the new Canada-Ontario Agreement would be signed by:

- the Ontario Minister of the Environment, Conservation and Parks
- the Ontario Minister of Natural Resources and Forestry
- the Ontario Minister of Agriculture, Food and Rural Affairs
- six federal ministers

Commitments in the draft new Canada-Ontario Agreement would:

- support the implementation of Great Lakes-related commitments in the Province's [Made-in-Ontario Environment Plan](#) (draft released November 2018)
- advance the purposes of the Province's [Great Lakes Protection Act, 2015](#)
- align with the goals of [Ontario's Great Lakes Strategy](#) (2012, currently under review)
- support Canada's commitments under the [Canada-United States Great Lakes Water Quality Agreement](#)
- respond to priorities raised by many Great Lakes partners in recent discussions with federal and provincial agencies

The draft new Canada-Ontario Agreement is comprised of a Framework Agreement and 13 annexes. The Framework Agreement has 13 Articles which describe the purpose, principles and administration of the Canada-Ontario Agreement. An Executive Committee will oversee the Canada-Ontario Agreement and consist of senior representatives from the ministries, departments and agencies of the Parties who are responsible for commitments in the Canada-Ontario Agreement.

Each annex of the Canada-Ontario Agreement includes:

- a preamble describing what Canada and Ontario will strive to achieve
- intended results for the Great Lakes specific to each annex
- commitments Canada and Ontario will deliver jointly or separately to achieve the intended results

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The 13 annexes of the draft new Canada-Ontario Agreement are as follows:

Protecting Waters

Annex 1: Nutrients

Annex 2: Harmful Pollutants

Annex 3: Wastewater and Stormwater

Annex 4: Discharges from Vessels

Improving Coastal Areas

Annex 5: Areas of Concern

Annex 6: Lakewide Management

Protecting Habitat and Species

Annex 7: Aquatic Invasive Species

Annex 8: Habitat and Species

Enhancing Understanding and Adaptation

Annex 9: Groundwater Quality

Annex 10: Climate Change Impacts and Resilience

Engaging Communities – From Awareness to Action

Annex 11: From Awareness to Action

Annex 12: Métis and the Great Lakes

Annex 13: First Nations and the Great Lakes

TRCA Policy Planning staff coordinated comments from various divisions at TRCA to respond to the proposed new agreement, drafted and submitted a final letter response to the ERO by its deadline of September 4, 2019 (Attachment 2). Staff will report to the Board of Directors at their September 27, 2019 meeting to summarize the proposal and TRCA's response.

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

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

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

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

Strategy 8 – Gather and share the best sustainability knowledge

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

Staff is 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.

DETAILS OF WORK TO BE DONE

TRCA response to the Provincial Policy Statement review will be compiled and developed by staff and brought forward to the TRCA Board of Directors and subsequently shared with the Regional Watershed Alliance. The TRCA response to the Great Lakes Canada-Ontario Agreement will be shared with the Board of Directors.

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Date: August 19, 2019

Attachments: 2

Attachment 1: TRCA Response to Schedule 2 of Bill 108

Attachment 2: TRCA Response to Great Lakes Canada-Ontario Agreement