



May 25, 2020

BY EMAIL ONLY (Alessya.d'anna@ontario.ca)

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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.

Proposed Statement of Environmental Values (SEV)	TRCA comments
<p>2. MINISTRY VISION, MANDATE AND BUSINESS</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"> • Leading the province's infrastructure plan to deliver effective and resilient infrastructure, while protecting the things that matter most to people. • Implementing the Infrastructure for Jobs and Prosperity Act, 2015. • Supporting the expansion of broadband and cellular connectivity across the province by implementing the province's five-year Broadband and Cellular Action Plan. • Working with the Federal Government to deliver the Investing in Canada Infrastructure 	<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"> • Promoting the effective management of public infrastructure by: <ul style="list-style-type: none"> - Working with partner ministries to ensure decisions concerning provincial assets are integrated, timely and based on the best available evidence, including data analytics. - 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. - The regulation requires Ontario municipalities to consider opportunities to undertake adaptation and mitigation measures to address the impacts of climate change on infrastructure. • Developing policies and initiatives by working with Infrastructure Ontario to enhance infrastructure delivery including through public-private partnerships (P3) and other programs. <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: https://www.ontario.ca/page/ministry-infrastructure</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, TRCA recommends 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>TRCA recommends modifying the text as follows: “The regulation requires Ontario municipalities to consider opportunities to build resilient infrastructure, as well as to undertake adaptation and mitigation measures to address the impacts of climate change on infrastructure.”</p> <p>TRCA recommends 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 resilience, mitigation and adaptation.”</p>
<p>4. INTEGRATION WITH OTHER CONSIDERATIONS</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, TRCA recommends 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"> - 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. TRCA recommends that the statement be modified to make clear that the first choice is to avoid, then mitigate, and as a last resort compensate. - 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. TRCA recommends 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. - 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. TRCA recommends that the language be strengthened to be more direct that decisions about a project <i>shall</i> be climate-informed. <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 that lead to more sustainable choices, including to reduce greenhouse gas emissions and improve energy efficiency.” Further, TRCA recommends that 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>6. CONSULTATION</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>- TRCA recommends 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 conservation authorities.</p>
<p>7. CLIMATE CHANGE</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"> • Ensuring policies and programs consider the impacts of a changing climate and promote opportunities to build resilience; • 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. <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"> • 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. • 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. 	<p>-TRCA recommends 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>-TRCA recommends revising the first bullet as follows: "Ensuring policies and programs consider the impacts of a changing climate and promote implement opportunities to build resilience"; and revising the second bullet to: "Build partnerships across government, the broader public sector and with our external stakeholders to consider incorporate climate change mitigation and resilience into as part of 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>9. GREENING OF INTERNAL OPERATIONS AND ENERGY CONSERVATION</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. TRCA recommends 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.

Sincerely,

<Original signed by>

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BY E-MAIL

cc:

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