Attachment 10: TRCA Submission to ERO#019-1712

August 21, 2020

BY E-MAIL ONLY (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	• Hydro One recently acknowledged that as a non-Crown entity, conservation authority (CA) permits under Section 28 of the *Conservation Authorities Act* (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. • **TRCA staff recommend that specific references to CA permits should be included in the Schedules.** 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.
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 **request that "other approvals" be specific to the section 28 *Conservation Authorities Act* regulations.**
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	**TRCA recommends the amendment be modified to recognize requirements for permits for emergency works from other agencies such as CAs.** 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: • Regarding the HONI environmental data used to inform the Environmental Management Plans (EMPs):

2A. Hydro One Amendment Proposal Table	
Proposal	**Comments**
	○ **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** ○ **Require that data gaps be filled in by specialized studies when needed, especially when a CA permit is required.** • Environmental Protection Plan (EPP)/EMP Rationale: ○ **TRCA staff recommend including a requirement to also consult with CAs in order to obtain the best available data.** • 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. **It should be noted in the document that construction within CA-regulated areas requires a permit prior to commencement.** 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.
Amendment #5 Screening Criterion 'h', Section 3.3.3	• TRCA staff support the proposed amendment, which provides much-needed clarification.
Amendment #6 Telecommunication Stations, Section 6.3	• 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. ○ **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).**
Amendments #8, 9 Part II Order Process, Section 3.4.4 & Procedures, Section 5.1	• **TRCA staff request that MECP provide the standardized wording of these sections for review once available.**

Municipal Class Environmental Assessment (Municipal Engineers Association)

Number/Section	Proposed Amendment	Comments
3A. Municipal Class EA Amendment <u>Table 1 Proposed Changes to Road Schedules</u>		
R1/Appendix 1	2. Shaping and cleaning existing roadside ditches	• Regarding the term "roadside ditches," some urban drainage features may be watercourses under the *Conservation Authorities Act* section 28 regulation. **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.**
R7/Appendix 1	14b. Construction of a collector or arterial road[…]	• **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.** • 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. • It is also important to maintain roadways as Schedules B or C given that crossing structures sized under the *Planning Act* 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 *Planning Act*. • TRCA staff appreciate the coordination of *Planning Act* and EA Act processes to reduce duplication, but are concerned that road projects under the purview and the *Planning Act* 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. **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.**

Number/Section	Proposed Amendment	Comments
		Therefore, TRCA recommends that the exemption for roadway works only apply if the *Planning Act* process will address alternative alignments and proper sizing for bridges and culverts.
R17 and R18/Appendix 1	23a. and 23b.	• 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.
R30/Appendix 1	38. Any undertaking listed […]	• **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).** 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.
R33/Appendix 1	Schedules – Overlap Between EA Approvals	• 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. **We request a note be added to this section that stipulates how to address projects that are also under the purview of the *Planning Act.*** • Further to the above, in the case of public infrastructure projects proceeding through a *Planning Act* process, and where an EA process applies, **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.**
R33/Appendix 1	Schedules – Background Studies	• 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. **There should be a stipulation that background studies, although exempt, remain as part of the public review process.**

Number/Section	Proposed Amendment	Comments
General	N/A	• **TRCA staff recommend provisions for including Low Impact Development (LID)/green infrastructure be added to the Municipal Class EA.** 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. **For expanding infrastructure, both the existing portion of pavement as well as the new should require SWM controls.**
3B. Municipal Class EA Amendment Table 2 <u>Proposed Changes to Water/Wastewater Schedules</u>		
W58 to W68/Appendix 1	(Multiple)	Please see comments above for same sections in Road Schedules
W72/Appendix 1	76 Construction of the following infrastructure […]	• TRCA staff appreciate this amendment, however, **recommend that it should be expanded to include green infrastructure** (i.e. provisions to address urban biodiversity as well as water management).
W75	Overlap Between EA Approvals	• Please see comments above for same section in Roads Schedules.
W75	Background Studies	Please see comments above for same section in Roads Schedules.
W75		• **As this section references dams and weirs, it is especially important to identify CA regulations.**

Number/Section	Proposed Amendment	Comments
3C. Municipal Class EA Amendment Table 3 Proposed Changes to Municipal Class EA Manual		
2. Executive Summary	Description of the Class of Undertakings	• **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.**
4. Glossary of Terms	Subject to Planning Act Requirements	• 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.**
4. Glossary of Terms	N/A	• 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.** • This should also be defined in #10, A.1.3 Proponency.
10.	A.1.3 Proponency	• Same comments as above for municipal oversight of private proponents
12.	A.1.5.1 Monitoring of Municipal Class EA	• **This record of filing should be publicly available. Proponents should use the same naming convention for all applications and public notices to avoid confusion.**
16.	A.1.7 MECP Codes of Practice and Climate Change	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**

Number/Section	Proposed Amendment	Comments
		well as natural hazards management. 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.
18.	A.2.7 Master Plans	• TRCA staff appreciate the additions to this section describing the process and approaches in more detail. **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.** • **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.** 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.

Number/Section	Proposed Amendment	Comments
21.	A.2.9.1 - A.2.9.4	• TRCA staff appreciate the additional text describing the integration of the *Planning Act* and Class EA Act processes. **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.** 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). • This section could also reference other infrastructure (telecommunications, etc.) required for city planning. • **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.** • 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. **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.** • 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

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, **an additional amendment should require addendum documentation for missing technical information where needed.**
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. **Therefore, CA regulations should be included in the list.**
25.	A.2.10.6 The Clean Water Act	• 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 **bold**): o "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 **update** the vulnerable areas and potential drinking water threats be undertaken concurrently with the Municipal Class EA process." o "For further information on source protection requirements, the proponent should contact source protection staff at the **local** Source Protection Authority **or Source Protection Region."**
31.	A.3.1 General Consultation	• **TRCA requests that this section include CAs as a stakeholder**; for instance, where "review agencies" are mentioned, CAs could be referenced as an example.

Number/Section	Proposed Amendment	Comments
39.	D.1 and D.1.1	• 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. • 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.
41.	D.3 Glossary of Terms	• **The "ancillary features" definition for landscaping should also include LID, green infrastructure, and other green design/sustainable design elements.**

42.	D.1.4 and D.1.5	• 2. Natural Heritage Features - Where the additions in this section reference municipal policies for environmental protection, **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.**
		• **Please add a section on natural hazards since this is also a key consideration in generating and evaluating alternative transit improvement solutions.**
		• 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:
		  • **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.
		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

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

General		• With regard to consultation requirements, **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.** This will help expedite the review process by a considerable amount of time, especially with complex projects.

Remedial flood and erosion control projects (Conservation Ontario)

4. Conservation Ontario (CO) Amendment Proposal Table	
Proposal	**Comments**
General	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**
Exempt Projects	• 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.

8A. Draft Amended MTO Class EA	
Section	**Comments**
	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. • **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**. • 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. • **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.**
Detail Design	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. **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.**

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.

Sincerely,

<Original signed by>
John MacKenzie, M.Sc.(Pl) MCIP, RPP
Chief Executive Officer

BY E-MAIL
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