

Attachment 4: TRCA Submission on ERO#019-2826

February 20, 2021

BY EMAIL ONLY (Diane.Blachford@ontario.ca)

Diane Blachford
Strategic Policy and Partnerships Branch
438 University Avenue, 15th Floor
Toronto, Ontario M7A 1N3

Dear Ms. Blachford:

Re: Statement of Environmental Values for the Ministry of the Environment, Conservation and Parks (ERO #019-2826)

Thank you for the opportunity to comment on the Ministry of the Environment, Conservation and Parks' (MECP) proposed new Statement of Environmental Values (SEV). We understand MECP is proposing an amendment to its SEV in accordance with the Made-in Ontario Environment Plan to reflect changes in its mandate, to add a climate change section, and a five-year review period.

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 Ministry of Natural Resources and Forestry Procedures 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 ERO posting explains that the *Environmental Bill of Rights, 1993* (EBR) requires each prescribed ministry to develop and publish a Statement of Environmental Values (SEV) which the ministry must consider when making decisions that might significantly affect the environment. The EBR requires that the ministry's SEV explain:

Attachment 4: TRCA Submission on ERO#019-2826

- how the purposes of the EBR are to be applied when decisions that might significantly affect the environment are made in the ministry, and
- how consideration of the purposes of the Act should be integrated with other considerations, including social, economic, and scientific considerations, that are part of decision-making in the ministry.

The EBR provides that the Minister may amend the SEV from time to time. The Ministry of the Environment, Conservation and Parks is proposing to amend their SEV to:

- fulfill a commitment in the Made-in-Ontario Environment Plan with the addition of a new section on climate change
- ensure the SEV remains up to date with the addition of a five-year review period
- update the ministry name, vision, and mandate to reflect the ministry's expanded responsibilities for parks and conservation reserves, conservation authorities and species at risk and their habitat
- make minor administrative changes to align SEV language with language in the EBR, improving language throughout, and updating the prescribed ministries and MECP website links
- make additional language changes in some sections to be more consistent with Environment Plan language
- update language from "Aboriginal" to "Indigenous" to reflect current terminology used in the United Nations Declaration on the Rights of Indigenous Peoples, by the Ministry of Indigenous Affairs (Ontario), and by Indigenous and Northern Affairs Canada.

General Comments

TRCA supports the legislative requirements of the *Environmental Bill of Rights, 1993* (EBR) and its established processes to ensure the public is informed, engaged, and consulted on matters of environmental significance, and provide for government accountability in environmental decision making. Another key stipulation of the EBR is each Minister's responsibility to take every reasonable step to ensure that the SEV is considered whenever decisions that might significantly affect the environment are made in the Ministry (s.11), and referenced in section 3 of the SEV. In addition to the foundational components of the SEV, we welcome the proposed new amendments, particularly the monitoring section to enhance consistent application of the SEV and the consultation section to ensure robust public engagement processes.

Detailed comments

For the Ministry's consideration, TRCA staff offer the following detailed comments specific to some of the sections of the proposed SEV. Key points are in **bolded** text.

3. Application of the SEV

As it develops Acts, regulations, and policies, MECP will apply a principle that, *"...considers the cumulative effects on the environment; the interdependence of air, land, water and living organisms; and the relationships among the environment, the economy and society."* TRCA appreciates the objectives to consider cumulative effects and the synergistic connections between environment,

Attachment 4: TRCA Submission on ERO#019-2826

economy, and society, however, the statements could benefit from more detail on how cumulative effects in particular will be considered. In addition, given the importance of avoiding cumulative impacts to the environment and the Ministry's scope of review for all projects in Ontario under its purview, it is in an ideal position to assess cumulative impacts and therefore, could go beyond consideration to adopt a stronger approach. **TRCA recommends the statements in the SEV for considering cumulative effects be more directive to Ministry staff on how to assess cumulative impacts, e.g., noting location, scale, and timing of a project relative to other projects in the same sub-watershed, sensitivity of the local environment vs. adjacent environments, comparing the predicted effects of a proposed Ministry initiative relative to others' initiatives affecting the same projects or processes.**

MECP indicates that, *"in the event that significant environmental harm is caused, the Ministry will work to ensure that the environment is rehabilitated to the extent feasible."* A more robust description of what constitutes feasible rehabilitation work would enhance this commitment, especially given the subjectivity of the terminology. **TRCA recommends striving for rehabilitation to be undertaken to a high functioning state where appropriate, or at minimum, to an improved state over the previous condition.**

The section lists a number of ways the Ministry works to protect, restore, and enhance the natural environment. **TRCA recommends adding reference to how the Ministry is managing Ontario's provincial parks and conservation reserves in a manner that protects, restores, and enhances the natural environment.** This list also states that policies, legislation, regulations, and standards will be developed to protect the environment and human health. In the interest of achieving shared objectives, **TRCA recommends adding a point on collaboration with other ministries with closely related mandates (e.g., MNRF) and those with mandates that have potential to affect the environment (e.g., MMAH, MTO, MOI).**

7. Climate Change

TRCA is pleased to see the new section on reducing greenhouse gas emissions and building partnerships to improve local climate resilience and ensure climate mitigations and resilience are reflected in relevant policies and programs. We firmly believe that a comprehensive approach is needed to support our communities and partners in dealing with climate change. We support MECP's commitment to work collaboratively to enhance local efforts and ensure the impacts of climate change will be addressed through relevant policy and programs and would welcome opportunities for working with MECP to achieve common values and optimize efficiencies. TRCA has demonstrated leadership in both climate change mitigation (e.g., reducing harm to individuals, and building resilient natural systems and watersheds) and adaptation (e.g. conservation, eco-efficiencies and human health benefits), as part of the [Ontario Climate Consortium](#), and through our work on the [Don Mouth Naturalization and Flood Protection Project](#), our [Partners in Project Green](#) and [Sustainable Neighbourhood Action Program](#) (SNAP) initiatives.

The section states that MECP will, *"work with individuals, businesses, communities, municipalities, non-governmental organizations and Indigenous communities to identify the threats from climate change to Ontario's environment and evaluate opportunities to advance the province's core climate*

Attachment 4: TRCA Submission on ERO#019-2826

change goals while fostering a prosperous economy and society in Ontario.” TRCA recommends that conservation authorities be added to the list of partners in this section given our roles, tied closely to climate change, of protecting people and property from natural hazards and conserving natural resources.

Thank you once again for the opportunity to provide comments on the Statement of Environmental Values for the Ministry of the Environment, Conservation and Parks. 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 -

Laurie Nelson, MCIP, RPP
Director, Policy Planning

BY E-MAIL

cc:

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