

Attachment 7: TRCA Submission on ERO#019-3422

Chief Executive Officer



May 10, 2021

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BY EMAIL ONLY (cheryl.davis@ontario.ca)

Re: Update to the Ministry of Transportation's Statement of Environmental Values (ERO # 019-3422)

Thank you for the opportunity to comment on the Ministry of Transportation's (MTO) proposed new Statement of Environmental Values. We understand that MTO is proposing to update its Statement of Environmental Values in order to reflect its current vision, mandate and business, acknowledge the priority of addressing climate change, and ensure up-to-date references.

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, and as stated in the Made-in-Ontario Environment Plan, conservation authorities work 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) that the ministry must consider when making decisions that might significantly affect the environment. The EBR requires that the ministry's SEV explain:

- 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. MTO is proposing to amend their SEV to:

- update the ministry's vision, mandate and priorities;
- including reference to consider mobility, connectivity and access related impacts and measures to better assess alternatives and provide more evidence-based recommendations;
- reference that states the ministry will examine the Statement of Environmental Values every five years and/or whenever there is a significant change in mandate;
- a section to acknowledge the priority of addressing climate change;
- updated Indigenous section to recognize the perspectives and contributions of Indigenous peoples to a healthy environment;
- update language to ensure consistency with other OPS SEV documents; and,
- ensure all language and references are up-to-date and current.

General Comments

TRCA routinely advises major public infrastructure providers who are exempt from TRCA's regulation through a voluntary review process for environmental guidance on planning and designing infrastructure projects in TRCA's watersheds. It is this experience of applying TRCA's expertise in natural hazards, natural heritage, and water resource management for protection of the infrastructure and the environment, which informs our comments on the MTO SEV.

Generally, TRCA supports the proposed SEV as it espouses principles of environmental sustainability that align with TRCA's vision, mission and objectives for The Living City. The SEV could benefit, however, from more specifics about how MTO can put into action its view that the environment is an integral component of transportation planning, policy, and management of the provincial highway system (section 2, p.3 of the SEV)

Detailed Comments

For the Ministry's consideration, TRCA recommends the following revisions to selected sections of the proposed SEV with suggested deletions in strikethrough ~~text~~ and suggested additions in **bolded text**.

2. Ministry Vision and Priorities

*"The Ministry is focused on delivering the following specific priorities: increasing transit ridership **and use of active transportation facilities**; promoting **an integrated** multi-modal transportation network that supports the efficient movement of goods and people."*

A. The Natural Environment

*"Advance key priorities such as improving public transit **and active transportation networks** in order to make it a **more** viable alternative to the single-occupant passenger car thereby helping to manage congestion and reduce gridlock and reducing transportation-related air emissions."* This comment is in recognition of the fact that public transit is already a viable alternative to the passenger car. We appreciate the likely intent of the statement is to improve transit to make it an *attractive* alternative to the car. Therefore, another suggestion would be to replace "(more) viable" with "**more attractive**".

This section also states that the Ministry will strive to, "*advance key priorities such as modernizing our environmental approach to all construction/maintenance activities to: reduce transportation-related discharges of contaminants to water; improve salt management practices; promote the efficient and prudent use of water and energy in our activities; conserve resources by using recycled and non-traditional construction materials; **avoid impacts on natural features and functions; proactive maintenance of erosion and sediment controls; require construction timing that is proactive to avoid congestion.***"

*“When planning or facilitating the development of transportation facilities, the Ministry will strive to **avoid natural hazards (flood and erosion) and seek opportunities for natural hazard mitigation and remediation where avoidance is not possible**; protect **natural habitats** in support of conserving biodiversity, whenever possible and practical **and apply the mitigation hierarchy to avoid, minimize, mitigate and compensate for any unavoidable impacts to natural features and functions.**”*

B: Environmental Concerns in Decision-Making

This section outlines that the Ministry believes, “*environmental considerations are integral to its activities, including policy and project development, and the operation and maintenance of **multi-modal** transportation systems and facilities. Consideration of environmental impacts will be integral to provincial transportation planning, design, construction, operation, and maintenance process, **and recognized as a priority through effective implementation of the results of environmental assessment processes implemented through an EA process.**”* This section also outlines that “*the purposes of the EBR will be integrated into the Ministry’s strategic planning, day-to-day activities, **and day-to-day** and long-term decision-making, as a commitment to environmental protection.*” We also recommend adding that, “***The Ministry will collaborate with partner ministries, municipalities, conservation authorities and other public agencies for achieving shared objectives of developing an environmentally responsible, integrated and connected multi-modal system.***” This would complement the SEV section on Public Engagement that commits to a planning process that is open to comment by the public, stakeholders, and transportation partners.

D: Research and Development

This section outlines that the Ministry believes, “*research and development ~~is~~ **are** important to the protection, enhancement and care of the environment. To put this value into action, the following measures will be taken: the Ministry will continue to research and develop environmentally compatible transportation technologies and methods; and the Ministry will continue to develop environmentally sensitive procurement, design, construction, and maintenance techniques.*” We also recommend adding: “***To leverage the research and development of partner public agencies with shared interests and thereby optimize the use of sound environmental data that assists in planning and designing sustainable transportation infrastructure.***”

E: Education and Promotion

*“The Ministry believes that environmental considerations are integral to its activities, including the operation of transportation facilities. Raising the awareness of its partners and the general public regarding environmental issues is an important component of environmental protection. The Ministry will: strive to create an environmentally skilled and informed workforce **and ensure qualified environmental professionals are employed as appropriate.**”* “Seek to influence its partners (federal, provincial, municipal, business, etc.) to be aware of the environment in their respective decision-making processes.” The underlined phrase could be modified to be clearer; perhaps revise to: “***Seek to promote the importance of the environment in collaborative decision-making with partners (federal, provincial, municipal, conservation authorities, business, etc.).***”

3. Application of the SEV

This section states that the Ministry will apply the following principles as it develops Acts and policies for a sustainable transportation system that is: “*affordable, operates efficiently, offers choice of transportation mode, and supports a vibrant economy **and healthy and active lifestyles.**”* And, “***avoids, minimizes, mitigates and compensates for the environmental impacts of transportation infrastructure and operations.***”

4. Integration with other Considerations

The section states that, “the Ministry is committed to delivering infrastructure improvements through strategic investments and creating a policy environment that encourages all modes of transportation to contribute to Ontario’s economic growth **and the health and well-being of Ontarians** in an environmentally responsible way. The Ministry will encourage mitigating pollution, **protecting natural** habitat preservation, **conserving** energy and resources ~~conservation~~ in those sectors where it provides policy direction or programs.” **The Ministry will similarly follow a collaborative partnership approach that seeks opportunities for co-locating transportation systems with other infrastructure or development projects to minimize environmental impacts, enhance efficiencies and reduce costs.**

8. Climate Change

This section outlines that the Ministry, “will continue to work with individuals, businesses, communities, municipalities, **conservation authorities**, non-governmental organizations and Indigenous communities to identify the threats from climate change to Ontario’s transportation infrastructure, **reduce greenhouse gas emissions, and mitigate and adapt for climate change impacts**, while fostering a prosperous economy, ~~and society~~ **and enhance climate resiliency in the face of climate change.**”

9. Greening of Internal Operations and Energy Conservation

This section includes that, “The Ministry believes in the environmentally responsible conservation and consumption of natural resources. The Ministry will support the Government of Ontario’s initiatives to conserve energy, ~~and water~~, **air quality** and ~~to wisely use our air and land~~ **natural** resources in order to generate environmental, health, and economic benefits for present and future generations.” **To this end, the Ministry will follow the [Envision](#) (or similar) platform in the design, construction and operation of its facilities and will report on achievements through a publicly available annual report.**

Thank you once again for the opportunity to provide comments on the Statement of Environmental Values for the Ministry of Transportation. 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>

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Chief Executive Officer

BY E-MAIL

cc:

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