

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Friday, September 24, 2021 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **SUMMARY OF 2021 TRCA POLICY CONSULTATION SUBMISSIONS ON RECENT FEDERAL AND PROVINCIAL POLICY INITIATIVES**

KEY ISSUE

Summary of Toronto and Region Conservation Authority (TRCA) policy consultation submissions on federal and provincial legislative, regulatory and policy initiatives relevant to TRCA interests from January to September 2021, for the information of TRCA Board of Directors.

RECOMMENDATION

WHEREAS to date in 2021, the Province of Ontario posted several legislative, regulatory and policy initiatives on the Environmental Registry of Ontario (ERO) relevant to Toronto and Region Conservation Authority's (TRCA) interests;

WHEREAS from time to time, the federal government requests comments on federal policy initiatives and technical guidance documents relevant to TRCA interests;

WHEREAS TRCA staff submitted letter responses to the provincial and federal governments on their initiatives;

THEREFORE, LET IT BE RESOLVED THAT the TRCA staff report on a summary of completed TRCA policy submissions through September 2021, be received;

AND FURTHER THAT the Clerk and Manager, Policy, so advise municipal partners and Conservation Ontario.

BACKGROUND

Since January 1, 2021, the Province of Ontario released for consultation a number of legislative, policy, and regulatory proposals of interest to TRCA, the majority of which were posted on the Environmental Registry of Ontario (ERO). The Planning Policy and Regulation Business Unit within the TRCA Policy Planning Division is primarily responsible for leading internal reviews of government proposals on a range of matters relevant to TRCA interests.

As in 2020, government initiatives and consultations continued at a steady pace from January 2021 and throughout the spring and summer, despite the COVID-19 Pandemic. During this time, TRCA staff have maintained business continuity in providing digital submissions that integrate the expertise and inter-disciplinary perspectives of TRCA's teams, informed by the successes and challenges staff experience in their day-to-day work with municipalities, proponents and other stakeholders, with emphasis on shared provincial, municipal and TRCA objectives.

Examples of ERO postings have included consultation on Growing the Greenbelt, changes to the *Planning Act* related to Minister Zoning Orders (MZO), strategies and regulations related to invasive species and fisheries management, and updates to Ontario's Water Quantity

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Management Framework. These postings were in addition to the *Conservation Authorities Act* (CA Act) ERO posting #019-2986 by the Ministry of Environment, Conservation and Parks (MECP) on the Phase 1 Regulatory Proposals under the CA Act, as reported to the Board of Directors in May and June of 2021. All TRCA provincial policy submissions are vetted through senior staff, approved and signed by the Chief Executive Officer, or designate, prior to submission to ensure alignment with corporate strategic priorities and objectives.

RATIONALE

The outcomes of senior government initiatives can have implications on TRCA's day-to-day work in multiple roles as a resource management agency, a regulator, a public commenting body with delegated authority to represent the provincial interest for natural hazards, a service provider to municipalities and other public agencies, and landowner, in a region experiencing significant growth and associated land use and environmental challenges. Therefore, it is important for TRCA to provide input on government proposals in order to encourage provincial initiatives to align with and support TRCA and municipal partner objectives and interests.

The policy work undertaken to respond to consultations is also important for strengthening relationships and coordination between TRCA and provincial and municipal partners. Provincial government proposals are commonly based on the themes of streamlining and finding efficiencies to stimulate and expedite business activities such as major plans and projects. This has become an even stronger focus given the ongoing economic recovery from the COVID-19 Pandemic. At the same time, the importance of protected greenspace for both physical and mental health has become evident. It is vital for TRCA to highlight its expertise, experience and shared provincial and municipal objectives and issues, to demonstrate TRCA's valuable role in achieving efficiencies and effectiveness that support environmentally responsible and sustainable community building. Accordingly, federal, provincial and municipal staff sometimes reach out to TRCA for information and advice, in recognition of TRCA's expertise in watershed and ecosystem science, and depth of on-the-ground experience in development and infrastructure planning and detailed design.

Summary of Responses

Due to the volume and limited timeline of consultations established through the ERO process, (generally 30 to 45 days), only TRCA submissions on major initiatives are individually reported to the Board of Directors or Executive Committee, e.g., regulatory proposals under the *Conservation Authorities Act*.

For the Board's information, in Table 1 below is a list of provincial policy consultations for which TRCA completed and submitted responses from January to September 2021, with links to the ERO proposals. Recognizing that Board Members may have an interest in TRCA's submissions that are not brought to the Board, the corresponding TRCA letter responses to the ERO proposals are contained as the attachments to this report.

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Table 1-TRCA Submissions to the Environmental Registry of Ontario (ERO) Jan-Sept 2021

ERO Posting	Proposal Summary	Submission Date
Ontario Low-Carbon Hydrogen Strategy (ERO #019-2709) Link: https://ero.ontario.ca/notice/019-2709	The Ministry of the Environment, Conservation and Parks released a discussion paper for public consultation to help us develop Ontario's first ever hydrogen strategy so that we can create local jobs, attract investment and reduce greenhouse gas emissions.	January 18, 2021 Refer to Attachment 1
Proposed Implementation of Updates to Ontario's Water Quantity Management Framework (ERO #019-2017) Link: https://ero.ontario.ca/notice/019-2017	The Ministry of the Environment, Conservation and Parks is moving forward with guidance to help enhance the management of water takings in areas where quantity is a concern and where there are competing demands for water. MECP is also revoking the interim guidance on water bottling renewals at the same time that the enhancements to Ontario's water taking program will be put in place on April 1, 2021.	February 4, 2021 Refer to Attachment 2
Drainage Act Regulatory Proposal (ERO #019-2814) Link: https://ero.ontario.ca/notice/019-2814	The Ministry of Agriculture, Food and Rural Affairs is seeking feedback on a regulatory proposal that would implement the recent amendments to the Drainage Act. The new regulation would reduce burden, streamline approvals and address stakeholder concerns while maintaining environmental standards.	February 7, 2021 Refer to Attachment 3
Statement of Environmental Values for the Ministry of the Environment, Conservation and Parks (ERO #019-2826) Link: https://ero.ontario.ca/notice/019-2826	As committed to in our Made-in-Ontario Environment Plan, the MECP is proposing an amendment to its Statement of Environmental Values (SEV) in order to reflect changes in its mandate, to fulfill a commitment in the Made-in-Ontario Environment Plan with the addition of a climate change section, and to add a five-year review period.	February 20, 2021 Refer to Attachment 4

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Proposed changes to Minister's zoning orders and the Planning Act (ERO #019-3233) Link: https://ero.ontario.ca/notice/019-3233	The Ministry of Municipal Affairs and Housing has made changes to the Planning Act so that zoning orders are not subject to the legislative requirement to be consistent with the Provincial Policy Statement.	April 2, 2021 Refer to Attachment 5
Consultation on growing the size of the Greenbelt (ERO #019-3136) Link: https://ero.ontario.ca/notice/019-3136	The Ministry of Municipal Affairs and Housing is seeking feedback on ways to grow the size of the Greenbelt.	April 19, 2021 Refer to Attachment 6 Report to Regional Watershed Alliance, May 2021
Update to the Ministry of Transportation's Statement of Environmental Values (ERO # 019-3422) Link: https://ero.ontario.ca/notice/019-3422	The Ministry of Transportation (MTO) is proposing to update its Statement of Environmental Values (SEV) in order to reflect its current vision, mandate and business, acknowledge the priority of addressing climate change and ensure up-to-date references.	May 10, 2021 Refer to Attachment 7
Proposed changes to certain land division provisions in the Planning Act (ERO #019-3495) Link: https://ero.ontario.ca/notice/019-3495	The Ministry of Municipal Affairs and Housing is proposing changes to the Planning Act related to control of the division of land (subdivision control, plans of subdivision, consents and validations), as well as other housekeeping or consequential changes to the Act.	May 25, 2021 Refer to Attachment 8
Ontario's Strategy to Address the Threat of Invasive Wild Pigs (ERO #019-3468) Link: https://ero.ontario.ca/notice/019-3468	The Ministry of Natural Resources and Forestry has drafted Ontario's Strategy to Address the Threat of Invasive Wild Pigs which outlines a proactive approach to prevent the establishment of invasive wild pigs in the province.	June 4, 2021 Refer to Attachment 9
Regulating 13 invasive species and watercraft as a carrier of invasive species under Ontario's Invasive Species Act, 2015 (ERO #019-3465) Link: https://ero.ontario.ca/notice/019-3465	The Ministry of Natural Resources and Forestry has developed a regulation proposal under the Invasive Species Act, 2015 that would classify 13 species as either prohibited or restricted invasive species, make related changes as a result of the classification of these species, and regulate watercraft as a carrier of invasive species.	June 4, 2021 Refer to Attachment 9 (responses for 019-3468 & 019-3465 were submitted in one letter)

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Regulatory Proposals (Phase 1) Under the Conservation Authorities Act (ERO#019-2986) Link: https://ero.ontario.ca/notice/019-2986	The Ministry of the Environment, Conservation and Parks is proposing new regulations to focus conservation authorities on their core mandate by prescribing mandatory programs and services they must provide, give municipalities greater control over what conservation authority programs and services they will fund, consolidate “Conservation Areas” regulations and to require community advisory boards.	June 26, 2021 Refer to Attachment 10 Reports to Board of Directors, May and June 2021
Fisheries Management Zone 16 – Consultation on Planning Approaches (ERO #019-3564) Link: https://ero.ontario.ca/notice/019-3564	The Ministry of Natural Resources and Forestry is seeking feedback on proposed approaches and concepts to inform fisheries management planning for Fisheries Management Zone 16 in southwestern Ontario.	June 28, 2021 Refer to Attachment 11
York Region Wastewater Act (ERO #019-3802) Link: https://ero.ontario.ca/notice/019-3802	The Ministry of the Environment, Conservation and Parks is proposing to put on hold the Environmental Assessment application for the Upper York Sewage Solution. The government intends to establish an Expert Advisory Panel to provide advice on options to address wastewater servicing capacity needs in York Region.	July 2, 2021 Refer to Attachment 12
Greater Golden Horseshoe Transportation Plan - Discussion Paper (ERO #019-3839) Link: https://ero.ontario.ca/notice/019-3839	The Ministry of Transportation released a discussion paper to inform the development of a long-term transportation plan for the Greater Golden Horseshoe. The paper proposes a 30-year vision for mobility in the region, designed to meet collective goals and the transportation challenges of the future, and near-term actions that can be taken now to achieve this vision.	August 28, 2021 Refer to Attachment 13

Also provided for the information of the Board are the following summaries of select provincial and federal policy initiatives and submissions related to TRCA interests.

Federal Consultations

Consultation on the Creation of a Canada Water Agency

Environment and Climate Change Canada (ECCC) released a public Discussion Paper entitled, “Toward the Creation of a Canada Water Agency” in December 2020. In creating a Canada Water Agency (CWA), the Government of Canada acknowledged that freshwater management is a shared responsibility and committed to ensuring that each jurisdiction is respected but that duplication is avoided. Broad input from provinces, territories, Indigenous peoples, stakeholders

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and the public, was sought. The results of this engagement process were to inform the Government's next steps in implementing the commitment to create a CWA. The Government was not embarking on legislative or regulatory changes through the Discussion Paper.

TRCA submitted comments to ECCC on March 29, 2021, (refer to Attachment 14), in response to the Discussion Paper. Comments centred around TRCA roles as a conservation authority (watershed and partnership-based approach), CWA objectives and opportunities. With respect to coordination, TRCA commended the federal government for extensive work along the Oak Ridges Moraine over the past 20 years. For example, great partnerships were established with the Ontario Geological Survey, conservation authorities and municipalities; we remarked that this work had diminished in recent years and should be re-energized. As well, we commented that the government should provide guidance and financial support to ensure that work is coordinated and optimized and that a robust framework is in place to share data, knowledge, and wisdom with respect to the geology and hydrogeology of Canada. The comments also conveyed that the government should provide standards that should be met by each jurisdiction regarding ecosystem protection, flood management, water quality, etc., and the funding mechanisms to support local authorities in achieving those standards. For example, an update to "How Much Habitat is Enough?" is needed, especially with respect to urban area targets. The amount of natural cover and impervious surface in TRCA watersheds is directly tied to the health of its freshwater waterbodies and hydrologic systems.

The comments described water issues in TRCA's jurisdiction, such as too much water, having experienced record high water levels in the Great Lakes over the past five years, and the expectation that this will continue. At the same time, Ontario has undergone significant drought events over the past 20 years. It was suggested that investment is needed in water storage for use in times of drought; increased water stress is one prediction of a future climate but will not be the main concern based on current science. Better understanding is needed of long-term trends and influences, regional aquifer systems and the annual water budgets of the Great Lakes, so that governments can more accurately assign water use permits that match the available supplies.

Our comments also opined that Canada should be a leader in innovative water treatment technologies that make better use of the additional stormwater generated by urbanization, thereby managing stormwater as a resource rather than a liability. In addition, better understanding of the requirements of the growing aquaculture industry is needed to ensure that freshwater availability does not limit their success. One positive example cited was a successful stormwater treatment at a GTA golf course that produces high-quality irrigation water from a waste product that had previously impacted the natural hydrologic system with excess nutrients.

Responding to unique regional water management challenges by supporting regional centres of expertise was another welcome idea presented in the Discussion Paper that would bring expertise together to focus on issue-specific freshwater science. For example, more study is needed on how future climate will affect water resources. We remarked that TRCA is starting to tackle these issues through watershed planning and suggested that regional forums for discussing these priorities as a Community of Practice would be a helpful role for the CWA to take on. Official endorsement and support of the cross-jurisdictional work done by hydrologic and hydrogeologic practitioners across the Country are needed. TRCA suggested that more opportunities are necessary for these professionals to interact with each other and the academic community to ensure that ongoing research addresses issues that are identified by those who make use of freshwater resources and those that regulate such uses.

Provincial Consultations

Consultation on Growing the Size of the Greenbelt (ERO #019-3136)

This MMAH posting consulted on expanding the size of and enhancing the Greenbelt identifying priorities to:

- Expand the Greenbelt to include lands in and around the Paris Galt Moraine
- Add, expand, and further protect the region's Urban River Valleys

Through our comments, (refer to Attachment 6), TRCA supported in principle, the proposed Study Area of the Paris Galt Moraine being added to the Greenbelt, but as it is located outside of the TRCA's jurisdiction, we deferred to the local CAs in partnership with affected municipalities.

TRCA generally supported the Province's intent to expand Urban River Valleys (URVs). We stated our continued support for the provisions of Section 5.6.1 of the Greenbelt Plan that would enable addition of future lands acquired/dedicated into public ownership that meet provincial criteria for Greenbelt/URV expansion.

TRCA also identified additional potential Greenbelt expansion areas we believe generally align with the Province's criteria for expansion and would be in keeping with the Greenbelt Plan's objectives, vision and goals while further enhancing the quality and extent of existing protections. Examples include major watercourses in our jurisdiction currently excluded from the Greenbelt but linked to existing Greenbelt areas, URVs with direct connections through the Plan's natural heritage, and water resource systems linked through Lake Ontario. We affirmed that substantive consultation with our municipal partners is critical regarding any such expansions, and that these expansions should be considered in the context of the municipal comprehensive review (MCR) process. We offered that should expansions within our jurisdiction be proposed, (ideally after the MCR conformity deadline), TRCA would welcome the opportunity to help delineate the most appropriate boundary expansions based on science and in consultation with affected municipalities.

The comments also included that TRCA has been developing Water Resource System (WRS) data layers to help our municipal partners conform to new provincial policies requiring identification of the WRS. These scientific and systems-based areas (or portions thereof) would more effectively inform future Greenbelt expansions once the Natural Heritage System (NHS) and WRS frameworks are in place and related components of MCR work conclude. In response to the discussion question, "How should the Province balance or prioritize any potential Greenbelt expansion with the other provincial priorities (Growth Management, Natural Heritage and Water Resource Systems, Agriculture, Infrastructure)?" it was TRCA's recommendation that Greenbelt expansions should be informed by science and considered in the context of ongoing MCR processes.

Invasive Species EROs

Under ERO postings for regulating 13 invasive species and watercraft as a carrier of invasive species under Ontario's *Invasive Species Act*, 2015 (ERO #019-3465), and Ontario's Strategy to Address the Threat of Invasive Wild Pigs (ERO #019-3468), the Ministry of Natural Resources and Forestry (MNRF) determined a variety of species to have the potential to, or are already, causing negative impacts to Ontario's natural environment and that regulation under the *Invasive Species Act*, would improve Ontario's ability to prevent their introduction or spread. Under the *Invasive Species Act*, decisions to recommend species for regulation are based on the risk that a species poses to Ontario's natural environment and socio-economic well-being.

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Overall, TRCA generally supported the proposals for invasive species management as described in the ERO postings and in the draft Strategy on Invasive Wild Pigs (Refer to Attachment 9). In TRCA's experience, proactive assessment and management of invasive species is required to avoid ecological, economic and societal impacts of these species, particularly in the face of a changing climate. In addition to the proposed species regulation, carrier specific rules and the draft Strategy on Invasive Wild Pigs, TRCA recommended the Ministry undertake ecological risk assessments to determine the appropriate approach for managing 33 species that pose immediate threats to the environmental, social, and economic resilience of Ontario.

Greater Golden Horseshoe Transportation Plan - Discussion Paper (ERO #019-3839)

On June 29, 2021, the Ministry of Transportation (MTO) released the Greater Golden Horseshoe (GGH) Transportation Plan Discussion Paper ("the Paper") for comment. The Paper proposes a 30-year vision for mobility designed as a safe, seamless, and accessible transportation system for all Ontarians. It also sets out current and future transportation challenges and illustrates and describes ongoing and conceptual actions to help overcome them, including innovative approaches to policy solutions and new ways to partner, procure and deliver infrastructure and related services. Feedback from the ERO posting will inform the development of the forthcoming GGH Transportation Plan ("the Plan"), which is targeted for release later in 2021.

TRCA commented that we generally support the Paper's long-term vision for mobility across the GGH, particularly as it relates to a more resilient and environmentally sustainable transportation system that will mitigate environmental impacts and adapt and respond to climate change risks (refer to Attachment 13). We conveyed that we believe that to optimize transportation infrastructure investments requires an integrated approach of complete community building that employs active transportation, avoids, or mitigates and remediates natural hazards, and conserves and enhances greenspace, thereby improving mobility and reducing transportation-related environmental and human health impacts. In addition to detailed commentary specific to sections of the Paper, TRCA provided comments organized under the following themes and recommendations:

- integrate or cross-reference policies and objectives of the proposed Plan with other provincial policy goals to ensure transportation system planning, land use planning and transportation investment are coordinated effectively
- consider additional innovative, sustainable transportation solutions such as integrating transit hubs with linkages to active transportation in areas outside highly urban areas, and exploring opportunities to improve the state of natural hazards or natural heritage connectivity through new infrastructure projects
- emphasize protection of the natural system to avoid and mitigate climate change impacts
- codify an ecosystem compensation process to ensure no net loss of the natural heritage system and strive, where possible, for a net gain (e.g., TRCA's Guideline for Determining Ecosystem Compensation which has been incorporated into the Metrolinx Vegetation Guideline, 2020)
- reference the importance of managing the risk associated with natural hazards and require that, where possible, new, replaced, upgraded and/or transportation infrastructure be carefully site and designed to avoid, mitigate and remediate risks associated with flooding, erosion or slope instability
- enable implementation of sustainability initiatives, cross-referencing future policies with

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actions and associated impacts and/or co-benefits to help ensure policies are comprehensive and inclusive (e.g., referencing the Metrolinx Sustainability Strategy)

- promote a connected/integrated active transportation network: TRCA's Trail Strategy for the Greater Toronto Region (and Trail Strategy Data) can help provide the foundation for existing and planned active transportation routes across our jurisdiction, as well as potential strategic points of synergy with broader trail networks and major transportation infrastructure projects and mobility hubs.
- that MTO commit to TRCA's Voluntary Project Review (VPR) process for transportation projects in our jurisdiction.

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 are 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. No additional funding is proposed to support the policy analysis work associated with the preparation of these comments.

DETAILS OF WORK TO BE DONE

TRCA staff will continue to monitor federal policy consultations, the Environmental Registry of Ontario and the Province of Ontario News' Website to ensure TRCA is aware of, and where appropriate, participates and comments on legislative, regulatory, policy and technical guidance initiatives affecting TRCA interests.

Staff will keep the Board of Directors and Committees of the Board informed of TRCA submissions at regular intervals and will monitor the outcomes of future decision notices, and report on the implications of legislative, regulatory and policy initiatives as appropriate. Staff will also update TRCA policies and procedures as required and facilitate training to reflect legislative and policy changes affecting TRCA.

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Attachments: 14

Attachment 1: TRCA Submission on ERO#019-2709

Attachment 2: TRCA Submission on ERO#019-2017

Attachment 3: TRCA Submission on ERO#019-2814

Attachment 4: TRCA Submission on ERO#019-2826

Attachment 5: TRCA Submission on ERO#019-3233

Attachment 6: TRCA Submission on ERO#019-3136

Attachment 7: TRCA Submission on ERO#019-3422

Attachment 8: TRCA Submission on ERO#019-3495

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Attachment 9: TRCA Submission on ERO#019-3468 and 019-3465

Attachment 10: TRCA Submission on ERO#019-2986

Attachment 11: TRCA Submission on ERO#019-3564

Attachment 12: TRCA Submission on ERO#019-3802

Attachment 13: TRCA Submission on ERO#019-3839

Attachment 14: TRCA Submission on Creation of a Clean Water Agency