

Attachment 11: TRCA Submission on ERO#019-3564



Chief Executive Officer

June 28, 2021

BY E-MAIL ONLY (FMZ16@ontario.ca)

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RE: Fisheries Management Zone 16 – Consultation on Planning Approaches (ERO #019-3564)

Thank you for the opportunity to comment on the Ministry of Natural Resources and Forestry (MNRF) Environmental Registry of Ontario (ERO) posting “Fisheries Management Zone 16 – Consultation on Planning Approaches.”

TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities under the *Conservation Authorities Act* and MNRF Procedural Manual chapter on CA policies and procedures for plan review and permitting. TRCA is:

- 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,” 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. Through Memorandums of Understanding and Service Level Agreements, TRCA provides technical support to its provincial and municipal partners in implementing municipal growth management policies. Our municipal partners rely on TRCA’s assistance for implementing the natural heritage and water resource policies of the Provincial Policy Statement and provincial plans, including for fish and fish habitat, by conserving and restoring natural resources through our mandate under the *Conservation Authorities Act*. Further, TRCA’s Regional Watershed Monitoring Program has collected long-term data since 2001 on water quantity and quality as well as biological and habitat data. Each of TRCA’s nine watersheds are surveyed for fish communities and habitat features on a

regular basis to evaluate the health of fish communities and how they are changing over time. TRCA previously assisted MNRF in the development of Fisheries Management Plans and can continue to support the Ministry by providing data that can be used to inform the Ministry's development of strategies for Fish Management Zones within TRCA's jurisdiction. TRCA is pleased to provide input on the current proposal to meet shared provincial-municipal-CA objectives for sustaining healthy aquatic resources.

GOVERNMENT PROPOSAL

TRCA understands that the primary unit for fisheries planning, management and monitoring are Fisheries Management Zones, and that fisheries management planning aims to document the current state of the fisheries as well as the goals, objectives and management actions intended to maintain or move the zone closer to a desired future state.

We further understand that for this initiative, public consultation is not required but that MNRF is seeking public feedback on planning approaches to inform fisheries management in Fisheries Management Zone (FMZ) 16. In particular, the focus of this proposal is on how to develop the administrative and consultation framework needed to move forward with fisheries management planning in FMZ 16.

Across the province, 20 FMZs have been established based on biological, climatic, and social considerations. The April 2021 Discussion Paper accompanying the ERO posting, "Towards a Planning Approach for Fisheries Management Zone (FMZ) 16," states that, "Planning at the FMZ level enables sustainable management of fisheries in Ontario through a planning process that is responsive to the individual needs and nature of each zone. Long-term goals for recreational fisheries are typically established at the FMZ level and supported by objectives and management actions for the fisheries within each zone." Situated in southwestern Ontario and encompassing the Greater Toronto Area, the ERO posting acknowledges that fisheries management is a unique challenge in FMZ 16 as it supports the largest urban population of any zone, along with the highest proportion of resident anglers of any zone in Ontario.

The current provincial approach to fisheries management at the zone level focuses on developing an FMZ fisheries management plan. Key planning components include the formation of an advisory council, writing of a background report and development of an FMZ plan. In the Fall of 2017, MNRF conducted Listening Sessions to launch fisheries management planning in FMZ 16. The intent of the sessions was to ask interested parties for advice on what planning for FMZ 16 should include and consider.

TRCA COMMENTS

In addition to providing a summary of feedback heard at the Listening sessions, the Discussion Paper presents several concepts that build on the feedback received through the Listening Sessions. The concepts are described to stimulate discussion and solicit feedback that will help inform government direction toward developing a planning approach for FMZ 16. As the Paper states, there are 19 CAs within FMZ 16. FMZ 16 includes the majority of TRCA's jurisdiction excepting the Duffins and Carruthers watersheds. In response to the Discussion Paper Questions (*questions are italicized*), TRCA provides the following responses for MNRF's consideration. Where **main points or recommendations are stated, we have bolded the text** for your reference.

Q.1 Do you feel that this Discussion Paper captures the key themes or priority areas for consideration with respect to fisheries management in FMZ 16? a) Yes or no b) If not, why? Do you have any other suggestions to improve Fisheries Management in FMZ 16?

Subsequent to MNRF listening sessions in late 2017, TRCA sent correspondence dated January 5, 2018, to Ms. Emily Gryck of the Ministry's Regional Operations Division (enclosed), outlining TRCA's comments and opinions. Many of these have been summarized in Table 1 of the Discussion Paper and we appreciate that our comments were considered, however, it is unclear how some of these themes will be dealt with moving forward.

There are also concerns that were raised that have been deemed outside of the FMZ planning process as per the "additional information" section of the Discussion Paper. None the less, the success of the implementation of the FMZ management recommendations rests on addressing these concerns. In our January 2018 memo, TRCA noted that developing a Terms of Reference for FMZ 16 planning would be helpful in determining the scope of an FMZ Plan. There is little mention in the Discussion Paper about the specific goals MNRF would like to accomplish as part of these plans. Regarding FMZs in general, the provincial webpage states:

FMZs help the province manage the individual needs and nature of each zone by customizing catch limits and seasons to:

- *allow more fishing in thriving fisheries*
- *protect vulnerable fisheries*
- *re-establish fish populations*
- *adjust fishing seasons for different climates*

It would be helpful for stakeholders to provide better informed input if the discussion paper included these or other goals or objectives specific to FMZ 16 intended to be met through implementation of a plan. As well, it would be helpful to relate the objectives to the concepts presented in the Paper and to explain how each stakeholder, in their various roles, could contribute to meeting the objectives. For example, **conservation authority watershed plans could provide useful data to inform the first three bullets above but could also speak to conditions and issues specific to the watersheds of the FMZ and any associated objectives.**

Further, a description is needed as to how the Zone 16 Fish Management Plan's goals relate to and/or could be implemented through other relevant provincial, municipal, and federal initiatives. This would assist stakeholders in understanding how the proposed concepts would work within the policy and regulatory framework affecting fish and fish habitat such as:

- The recent federal proposal for a Canada Water Agency with possible watershed-based regional centers.
- Municipal and conservation authority watershed and sub-watershed planning to inform development and infrastructure planning as required in the provincial Growth Plan.

An FMZ Plan applies to a vast area with a number of related management plans already in place, so it should align with related federal and provincial initiatives as well as more local scale planning documents such as watershed plans and existing fisheries management plans that were done for smaller areas. Management recommendations in the FMZ Plan, should echo those listed in local scale plans and describe how the differently scaled plans interact, similar to how watershed plans help to inform municipal official plans and work together to achieve common goals and objectives. This would encourage consistent approaches, enhance clarity and certainty for stakeholders, and work to strengthen adherence to the FMZ Plan.

This discussion paper refers to key themes affecting the health of the fishery such as good quality habitat for fish populations, including water quality, however, it is unclear how some of these themes will be addressed. For example, **future direction is needed to agencies collecting water quality data about what their roles would be in addressing water quality issues as part of fisheries management.**

Further information is required about Science and Monitoring for FMZ16. For example, does MNRF consider their broad-scale monitoring program sufficient to assess the fishery across FMZ16? Does the broad-scale monitoring program have a stream monitoring component? If not, how will additional fisheries information be incorporated into the planning?

Q.2 Of the themes identified in Table 1 (Summary of Listening Session Feedback), which themes in your opinion are most important for consideration with respect to fisheries management in FMZ 16? Please list your top three choices. Are there any other important themes that should be considered? If yes, please list the concept and explain why it is important.

They are all important. This is difficult to answer without knowing how all of the various roles and responsibilities would be distributed, as indicated in our responses to question 1.

There are comments that were raised that have been deemed outside of the FMZ planning process as per the “additional information” section of the discussion paper. None the less the success of the implementation of the FMZ management recommendations rests on addressing these concerns. For example, **the recommendation of greater enforcement presence is imperative for managing fisheries given that contraventions of fisheries legislation, either on an individual or cumulative basis, can cause irreparable harm.** The Discussion Paper summarizes the concerns that will not be addressed through this FMZ planning process but does not provide an alternative to addressing these concerns.

Although some of the following is captured in the table under various headings, **we recommend more specifics be considered on these topics.**

- **Water quality** (including water temperature): Non-point source stormwater runoff, from both rural and urban areas, is impacting the quality of fish habitat. Excess nutrients from agriculture and road salt from urban areas, and increased water temperatures due to impervious cover and tree removal are some of the main concerns for this FMZ. The salinization of freshwater in urban areas is happening at a rapid rate; it threatens not only fish habitat but drinking water supplies. Water quality is essential to fish management.

- **Species-at-risk:** The discussion paper is focused on recreational fisheries, but the entire fish community needs to be considered as part of a management plan. Most species-at-risk are not part of the recreational fishery and therefore will not receive benefits from a plan focused on recreational fishing. The impacts of recreational fishing (including stocking) on species-at-risk need to be considered. Also, we should not wait for species to have an official species-at-risk designation. Brook Trout is an example of a fish which does not have a species-at-risk title, but it is rapidly losing its habitat in FMZ16.
- **Science and Monitoring:** Conservation authorities conduct a large amount of local fisheries monitoring. This data needs to be considered in the development of the FMZ16 plan. Further clarification regarding MNRF's role and future planning with regard to data collection, storage (e.g., database) and consolidation would be helpful.
- **Wetlands:** Though loosely captured in the Ecosystem Approach theme, wetlands and their management should be more prominent in the development of the plan. Overall ecosystem health as well as the specific health of the aquatic system and fishery is dependent upon wetlands and the functions they provide. Strong connections between the plan and current and future directions in wetland management within FMZ16 should be made. As with other issues impacting the fishery in FMZ16, wetlands and links to their management should be made at a scale based on the threats at hand. For example, total wetland cover and rates of historical loss are extremely variable throughout FMZ16. The impact of urbanization and infrastructure development is largely driving these differences.

Q.3 In this discussion paper, MNRF has presented concepts to address the feedback received with respect to the appropriate scale for fisheries management in FMZ 16:

- a) Planning at a zone level*
- b) Planning at a Great Lakes watershed level*
- c) Planning at a scale reflective of the management issue*

Which concept do you think is best suited for fisheries management in FMZ 16? Are there other concepts that could also be considered? What are some of the opportunities of these other concepts?

Option c, "planning at a scale reflective of the management issue" is best suited for fisheries management in FMZ 16. Options a and b would create an area so large that it would be difficult to manage effectively; management decisions created to address an issue in one location may be unnecessary or disruptive in another location. A risk with option c, however, may be that if there are so many different fishing regulations on a small scale, the public might be challenged to understand which regulations apply where.

It is noted in Table 1 Summary of Listening Session feedback (Watershed Management and Scale of Planning) that the Discussion Paper is seeking confirmation and additional feedback on how to best manage the fisheries in FMZ 16. **One concept that aligns with management reflective of the scale of the issue is to manage the resources at a watershed scale, or alternatively, at the conservation authority jurisdictional scale.** Conservation authorities have established linkages and channels of communication with stakeholders at the local watershed and sub-watershed scales and are uniquely positioned to apply

FMZ recommendations in the Plan Input, Plan Review and CA permitting processes, including infrastructure planning and design review that falls under an environmental assessment process. As a result of their monitoring, CAs often have a high-level understanding of the concerns and opportunities affecting fisheries at the watershed scale, so that directly or indirectly, some CAs are typically involved with all of the topics listed in Table 1. **The monitoring data that CAs collect, study of our watersheds, our established network of communication and partners, and integration into the broader land use process, can all be used to engage stakeholders for watershed scale solutions.** Operating at this smaller scale would also likely make it easier to develop a governance model and implement the proposed FMZ plan.

Working at a watershed scale may also lend itself to helping establish adherence to the FMZ and its enforcement. This smaller scale, compared to an entire zone level or great lakes watershed level approach, often results in higher uptake from local stakeholders as they may be experiencing issues and concerns firsthand. In turn, the solutions affect the stakeholders at the local scale where the effects of their decisions and the benefits of the solutions are more visible and directly impact where the stakeholders operate day to day. The CA or watershed scale approach would also recognize the socio-economic diversity of FMZ 16, its unique planning environment that encompasses a variety of stakeholders.

Some issues/concerns operate at broader scales than the watershed and span multiple CA jurisdictions. However, operating at the watershed scale with cross organizational communication can help illuminate how different jurisdictions are affected by a common problem and therefore lead to a more holistic solution. Operating at higher scales may leave local scale concerns unaddressed.

As part of their watershed planning processes, CAs assess future conditions and stressors (e.g., urbanization and climate change), which would be helpful to informing the climate change component of Table 1. The Background Report referenced in the Discussion Paper seems to be focused on existing conditions; there does not appear to be a clear way of assessing future stressors through the proposed FMZ planning process presented thus far, although it is noted to be in scope.

Overall, operating at a watershed scale and integrating this FMZ into more local scale land use planning process, policies, and guidance documents would provide a direct mechanism to implementing the FMZ plan. In 2017, the MNRF published a document titled, “The Brook Trout in Ontario” that outlined the current and future threats to the fishery. These threats can also be applied more broadly to the fisheries present in FMZ 16. Most of these threats are anthropogenic and have roots in land use planning, such as habitat fragmentation. There is an opportunity to have this FMZ influence the aquatic ecosystem if it aligns itself with more local scale documents that influence the land use planning and infrastructure review processes.

Q.4 In this discussion paper, MNRF has also presented concepts to address the feedback received to help establish an effective method to engage and collaborate with interested parties in FMZ 16:

- a. Collaborative advisory committee*
- b. Inter-agency Committee*

Which concept do you think is best suited for fisheries management in FMZ 16? Are there alternative concepts that could also be considered? What are some of the opportunities of these other concepts?

An inter-agency Committee would be best suited as it would allow for long term partnerships, timely coordination of roles and responsibilities, and information exchange that will enable effective and efficient planning and implementation across multiple spatial and temporal scales.

An Inter-agency Committee would be appropriate given some of the shared roles outlined above and in the discussion paper, particularly now that MECP is responsible for species-at-risk. In addition, connections to other Ministry decision-making could also be beneficial. An example is the Carruthers Creek watershed, where TRCA developed a watershed plan to inform how the watershed (and associated Redside Dace population) would respond, in part, to a settlement area boundary expansion in the headwaters of the watershed. This is a planning decision that could have an impact on fisheries, so these decisions need to be coordinated at the provincial and municipal scales. Perhaps periodically, the Inter-agency Committee could be brought together with a broader Collaborative Advisory Committee to discuss issues and how best to address them.

Thank you once again for the opportunity to provide comments on the Ministry of Natural Resources and Forestry Environmental Registry of Ontario posting “Fisheries Management Zone 16 – Consultation on Planning Approaches”. 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.(PI) MCIP, RPP
Chief Executive Officer

Enclosure

BY E-MAIL

cc:

TRCA: Laurie Nelson, Director, Policy Planning
Sameer Dhalla, Director, Development and Engineering Services
Laura Del Giudice, Associate Director, Watershed Planning & Ecosystem Science
Brad Stephens, Senior Manager, Planning Ecology

January 5, 2018

BY E-MAIL: FMZ16@ontario.ca

Ms. Emily Gryck
Regional Planning Biologist
Regional Operations Division, Southern Region
Ministry of Natural Resources and Forestry
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Dear Ms. Gryck:

Re: TRCA comments regarding the proposed MNRF FMZ 16 Plan

Thank you for the opportunity to provide input on the proposed Fisheries Management Zone (FMZ) 16 Plan. For many decades, Toronto and Region Conservation Authority (TRCA) has been involved in a diversity of programs and projects throughout its nine watersheds and the coastal area of Lake Ontario that are located within FMZ 16 as well as FMZs 17 and 20. These programs and projects include (but are not limited to) watershed monitoring and research initiatives, watershed planning and reporting functions, engagement and outreach programs, remediation and restoration projects, and development application review and approvals. Since 1989 as per Lake Ontario Monitoring Programs, and since 2001 as part of our Regional Watershed Monitoring Program (RWMP), TRCA has been providing data to the province. Having a deep understanding of our watersheds and coastal Lake Ontario ecosystems and the issues that they face, such as increased growth pressures and climate change, we can offer a great deal of knowledge and experience on the merits of the FMZ 16 planning initiative.

TRCA is located in the Greater Golden Horseshoe, which is subject to the policies of the Growth Plan, including the requirement for watershed plans. TRCA is one of the Conservation Authorities that is fortunate to have existing watershed plans and fisheries management plans, the development of which was financially supported by our municipal partners. It is important to note that TRCA is currently planning to develop new or updated watershed plans to assist our municipal partners in meeting the obligations of the amended Growth Plan (2017), which also requires the inclusion of aquatic systems planning.

Staff from TRCA were pleased to be able to attend the listening session held in December 2017. In addition to the comments provided at that listening session, attached are some additional comments from staff at TRCA in response to the questions you posed.

Watershed Planning Linkages:*1) How do you view watershed-based fish plans aligning with an FMZ 16 Plan?*

- The FMZ 16 Plan needs to support the goals and objectives of local watershed-based fish plans (FMPs) and watershed plans and defer to local scale planning processes in order to address localized scale issues.

2) In areas with no watershed fish plans, how do we manage the watershed/zone together?

- In the absence of a watershed fish plan, the utility of a broad scale FMZ 16 Plan is limited for local decision making relevant to a watershed. If possible, we might manage together by advocating the need to develop a local watershed fish plan. Alternatively, co-management might be achieved if the FMZ 16 Plan provided a framework that helped support the management decisions made locally.

3) Do you see the watershed plans staying the same OR is there a need to modify the focus?

- It was unclear through the discussion session if this question was referring to specific watershed plans or the fisheries management plans. Regardless of which plan this is referring, the focus of the fisheries management plans or watershed plans should not change.

Issues and Concerns:*4) What challenges do you see in the development of an overarching plan?*

- The FMZ 16 encompasses a large geographical area, and one of the challenges this plan will face is how it can be structured to address watershed or more local scale issues regarding fisheries management. For example, TRCA's RWMP data shows that fish communities change within a stream by a distance as small as 100 meters. At the large scale that being proposed, it will be a challenge to address concerns at more local scales (e.g. management of drains, land use changes, establishment of stormwater criteria, prioritizing remedial / restoration works, etc.).
- FMZ 16 encompasses not only lotic systems but the lentic coastal portion of several great lake systems. One of the challenges facing this plan is how to manage this fishery consistently across overlapping FMZs while still incorporating the influences, concerns, and local scale issues arising from the adjacent great lake FMZs. For example, migratory fish such as Salmonids use both the lentic and lotic systems which transgress FMZ 16 into other FMZs. Since FMZ 16 also includes portions of Lake Ontario within the TRCA jurisdiction it is imperative that the FMZ 16 Plan takes into account the coastal influences of Lake Ontario on the watersheds and vice versa.
- TRCA has concerns of the utility of this plan for the purposes of decision making at the local scale. Conversely, we see great value in local information being available to inform more broad scale planning. Through this process, we feel it is important to ensure that the broad scale FMZ 16 Plan does not hinder or constrain more local scale planning.
- Another challenge will be to integrate this plan into existing plans, policies, and guidance, such as fisheries management plans and watershed plans. The connection to the new provincial Watershed Planning Guidance document currently being developed

by MOECC and MNRF is not clear and further explanation of the connections and linkages would help provide guidance regarding more local scale aquatic ecosystem management concerns.

- Another challenge is the availability and quality of the data across the zone and inconsistency between sampling methods and protocols used. Efforts should be made to advocate for standardized approaches for data collection following recognized Provincial standards and to support the collection of as much data as possible at the watershed or local scale to aid in effective decision making.
- Similarly, the apparent lack of Provincial support for robust data management processes for storing, managing, and analyzing local data for use in broad scale analysis and communication (e.g. data storage tool) is concerning. An example currently exists (i.e. the Flowing Waters Information System (FWIS)) that could be enhanced or accelerated to facilitate this process through direct support from MNRF.
- At such a broad scale, there may be challenges in developing a governance model to develop and implement the proposed plan.

5) *What opportunities do you see for better fisheries management?*

- This planning initiative provides the opportunity to build this plan using the most recent local fisheries monitoring data, which would ensure that local scale issues are considered within the context of this plan.
- An opportunity exists for this new FMZ 16 Plan to align with and support the goals, objectives, and recommendations set out in more local scale planning documents, such as watershed plans or fisheries management plans. Furthermore, this plan can advise of best management practices that, if implemented, would assist in meeting the goals and objectives outlined in local scale resource planning documents.
- The proposed FMZ 16 Plan provides the opportunity to undertake broad scale analysis, and share the results to help fill knowledge gaps and improve our understanding of local scale aquatic system responses and relationships to various pressures and management actions. This would be in keeping with the Provincial Fish Strategy goal #4 *policy and management informed by science and information*, and ultimately improve the scientific basis and longevity of this plan. In addition, broad scale analysis and communication would achieve a number of other goals listed in the Fish Strategy, including *healthy ecosystems* and *public awareness / understanding*.
- This plan can be a warehouse for communicating the various provincial management regulations and tools that apply across this scale. For example, fisheries timing windows, fishing regulations, species at risk regulated habitat zones, and stocking locations could be consolidated in this plan to allow for easy referencing. It would also be very useful if the data and findings of this FMZ 16 Plan were included in an online mapping platform that enables reference at multiple scales.
- Other opportunities for the plan include strategically planning for how and who will be implementing this plan and whether or not additional resources or tools are required to ensure adherence to the plan. For example, fishing regulations may be a specific tool for fisheries management in FMZ 16. TRCA receives a lot of public complaints

regarding individuals violating the rules set out in the current fishing regulations in this zone. Specifically, TRCA receives complaints in areas of the Humber River and Rouge River watersheds during salmon and trout spawning seasons. However, as a Conservation Authority, TRCA does not have the authority to enforce fishing regulations. The success of implementing the FMZ 16 Plan is tied to the resources available to enforce it.

6) *How do you see a broad scale plan addressing these issues?*

- Please refer to question five above.

Watershed Monitoring and Data Collection:

7) *What data monitoring information can be shared for the background document development?*

TRCA has watershed specific data collected through the RWMP. This data is collected on a three-year rotation following the Ontario Stream Assessment Protocol. TRCA also has Lake Ontario waterfront data which is collected yearly. The data includes fish community presence data, habitat data, benthic macroinvertebrate data, and water temperature data. TRCA submits its fish collection data every year back to MNRF according to the fish collection license obligations. Water quality data also exists for our nine watersheds. Further data sharing or collection needs can be discussed at a future date should the need arise. TRCA would like the opportunity to enhance our partnership with MNRF regarding monitoring and support the mutually beneficial monitoring needs of MNRF Aurora and other conservation authorities.

Engagement:

8) *How do CAs wish to be engaged throughout the FMZ 16 planning process?*

TRCA appreciated the opportunity to participate in the FMZ 16 Plan listening sessions on December 14 2017. Moving forward, TRCA would like to continue to be engaged in consultation processes relating to this initiative, including the *discussion paper, the draft and final background report, and the council member selection process*. For the discussion paper and background document, TRCA suggests that a “terms of reference” or table of contents be shared and agreed upon prior to the writing process of these documents.

Thank you for your time and consideration. TRCA is eager to continue to be engaged in order to help ensure the development of the FMZ 16 Plan proceeds in conjunction with the development of local watershed plans and aquatic management plans in a mutually supportive way. TRCA looks forward to the opportunity to discuss this further and be of any further assistance to MNRF throughout this process.

Sincerely,

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