

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Friday, February 11, 2022 Meeting

FROM: Sameer Dhalla, Director, Development and Engineering Services

RE: **VOLUNTARY PROJECT REVIEW**
Works Undertaken by Organizations Exempt from Ontario Regulation 166/06, As Amended

KEY ISSUE

Summary report on the Voluntary Project Review of works undertaken by organizations exempt from Ontario Regulation 166/06, as amended – Regulation of Development, Interference with Wetlands and Alteration to Shorelines and Watercourses, through VPR letters issued up to and during 2021, and an amendment to approved signing officers for this purpose.

RECOMMENDATION

THE EXECUTIVE COMMITTEE RECOMMENDS THAT the summary information related to provincial and federal Crown Corporation projects reviewed through the Toronto and Region Conservation Authority (TRCA) Voluntary Project Review in accordance with Section 28 of the *Conservation Authorities Act*, be received;

THAT TRCA staff continue to advocate that Crown corporations undertaking environmental assessments for infrastructure projects consider working with TRCA through its VPR process during the detailed design phase for projects located within TRCAs regulation limit to ensure potential issues related to the control of flooding, erosion, pollution, conservation of land and dynamic beaches, are addressed;

THAT TRCA Administrative Enforcement Officers be given permission to sign Voluntary Project Review letters once staff is satisfied that a review in accordance with the TRCA Living City Policies has been achieved;

AND FURTHER THAT TRCA staff report back to the TRCA Board of Directors through the Executive Committee on projects that completed the Voluntary Project Review process in 2022.

BACKGROUND

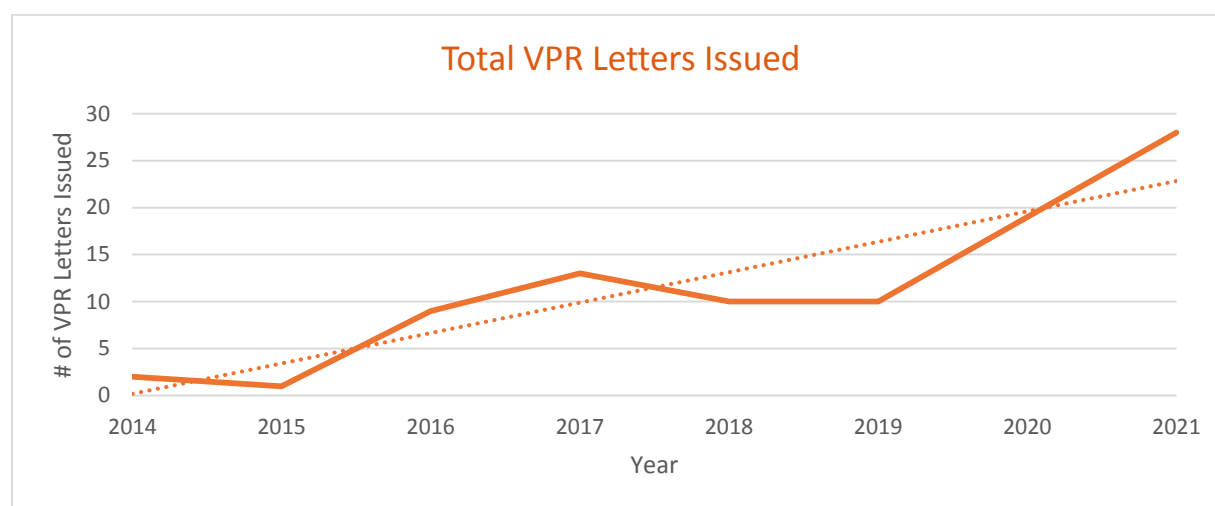
Since 2014, TRCA has provided an option for provincial and federal government ministries and Crown corporations exempt from the *Conservation Authorities Act* to apply for voluntary project review under the requirements of Section 28 regulatory approval processes. The intent of this application process is to assist ministries and government agencies in reducing risk from natural hazards and to better protect the natural environment as related to flooding, erosion, conservation of land, pollution, and dynamic beaches.

To achieve this, greater certainty for provincial and federal government proponents, TRCA developed a process whereby the exempt ministry or crown corporate may voluntarily request TRCA to review and comment on detailed design activities to confirm that TRCA policies and

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procedures are being addressed. Once TRCA concerns are satisfied, a VPR letter is provided by TRCA staff at the design stage confirming TRCA objectives and requirements have been satisfied as set out in The Living City Policies and Ontario Regulation 166/06, as amended. Please refer to the attachment for a summary of the 28 VPR letters staff issued in 2021.

The program began with issuing two (2) VPR letters to Metrolinx in 2014. Since then, TRCA has expanded the program to meet the needs of service partners, and a total of 92 letters have been issued overall. Over this time, 89 per cent of VPR letters have been issued to Metrolinx or project consortiums related to Metrolinx projects in accordance with the terms of our Metrolinx/TRCA service level agreement (SLA).



In terms of Metrolinx specifically, the SLA includes the review of projects related to GO Expansion, Bus Rapid Transit, Light Rail Transit and Subway projects. Applications are made at the discretion of Metrolinx itself and include works such as retaining walls, bridges and culverts, track expansions, station and parking facilities, staging, storage and access, erosion and sediment controls, restoration, and utility relocations. Additional discussions are underway with Metrolinx operations, who do not generally apply for VPR review. While most VPR letters issued have been to Metrolinx, other VPR letters have been issued to 407 ETR, for works on Parks Canada lands, Infrastructure Ontario, Hydro One (no longer a Crown corporation), and Ontario Power Generation.

In addition to the agencies and Crown corporations noted above, staff continues to advocate the VPR application review process to others, including Metrolinx Operations and the Ministry of Transportation (MTO). Notably, in 2021, MTO provided TRCA staff with written correspondence that should the GTA West/Highway 413 project environmental assessment be approved, that MTO will pursue the TRCA VPR application process as a pilot initiative.

Finally, at present and in accordance with the approved TRCA Fee Schedule, VPR letters can only be signed by the Associate Director, infrastructure Planning and Permits or Director, Development and Engineering Services, who are also approved TRCA administrative enforcement officers. To streamline the process, it is recommended that any approved TRCA administrative enforcement officer be able to sign VPR letters, following departmental standard

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operating procedures for the signing of permit applications.

NEXT STEPS

1. TRCA staff will continue to work with partners advocate for and review projects submitted under the TRCA VPR process.
2. In the 2023 update to the TRCA Fee schedule, staff will ensure the text is edited to reflect VPR letters being signed by a TRCA Administrative Enforcement Officer.
3. TRCA will report back to the TRCA Board of Directors through the Executive Committee on VPR letters issued in 2022.

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Attachment: Summary of 2021 Voluntary Project Review Projects