



THE TORONTO AND REGION CONSERVATION AUTHORITY

Watershed Management Advisory Board Meeting #4/06

Chair: Dave Ryan
Vice Chair: Nancy Stewart
Members: Maria Augimeri
Gay Cowbourne
Frank Dale
Elaine Moore
Shelley Petrie
Dick O'Brien - Chair, Authority

September 15, 2006
10:30 A.M.

SOUTH THEATRE, BLACK CREEK PIONEER VILLAGE

AGENDA

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1. MINUTES OF MEETING #3/06, HELD ON JULY 14, 2006 (Enclosed herewith on <u>BLUE</u>)	
2. BUSINESS ARISING FROM THE MINUTES	
3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF	
4. DELEGATIONS	
5. PRESENTATIONS	
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9. NEW BUSINESS

NEXT MEETING OF THE WATERSHED MANAGEMENT ADVISORY COMMITTEE #5/06
OCTOBER 20, 2006 AT 10:30 A.M. IN THE SOUTH THEATRE,
BLACK CREEK PIONEER VILLAGE

Brian Denney
Chief Administrative Officer

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TO: Chair and Members of the Watershed Management Advisory Board
Meeting #4/06, September 15, 2006

FROM: Deborah Martin-Downs, Director, Ecology

RE: TERRESTRIAL NATURAL HERITAGE SYSTEM STRATEGY

KEY ISSUE

Approval of the strategy document.

RECOMMENDATION

THE BOARD RECOMMENDS TO THE AUTHORITY THAT the Terrestrial Natural Heritage System Strategy (herein 'the Strategy') be approved;

THAT staff publish the Strategy and provide it to member municipalities, stakeholder watershed councils and task forces, the Urban Development Institute, the Aggregate Producers Association of Ontario, contributing private foundations, the Ministry of Natural Resources, the Ministry of Municipal Affairs, Canadian Wildlife Service, local universities and colleges, Conservation Ontario, the South Central Ontario Conservation Authorities (SCOCA) Natural Heritage Discussion Group, and participating or interested non-governmental organizations, citizens and professionals;

THAT staff use the Strategy in their permitting, plan input and review activities to promote the expanded terrestrial system and improve regional biodiversity;

THAT staff be directed to promote the use of the Strategy and provide support to local and regional municipalities in its interpretation and application in official plans and site-level plans to assist them in setting and achieving natural heritage protection and restoration goals;

THAT staff use the Strategy for Toronto and Region Conservation Authority (TRCA) activities including watershed planning, land securement, land stewardship, conservation land planning, restoration planning and education;

AND FURTHER THAT staff monitor and report on progress toward achieving the Strategy's target system, and continue research and monitoring to provide leadership in advancing the science in sustainable ecosystem management for regional biodiversity.

BACKGROUND

As part of The Living City vision, TRCA has established objectives for Healthy Rivers and Shorelines, Regional Biodiversity, Sustainable Communities and Business Excellence. The Terrestrial Natural Heritage System Strategy is a significant undertaking toward achieving the objective for Regional Biodiversity, which is to protect and restore a regional system of natural areas that provide habitat for plant and animal species, improve air quality, contribute to livable environments and neighbourhoods and provide opportunities for enjoyment of nature.

The Strategy is designed to protect and improve biodiversity by increasing the quality and amount of forest and wetland habitats in a system that builds upon the existing terrestrial system and optimizes the opportunities for native species diversity. It uses ecologically-based analytical tools to identify an expanded (target) terrestrial natural heritage system. The Strategy incorporates the current thinking on terrestrial natural heritage protection and restoration as well as comprehensive data on the terrestrial natural heritage assets of the TRCA's jurisdiction.

The Strategy represents over 5 years of work including on-going input from the scientific community, municipalities, the development community, watershed councils and other key stakeholders. The draft Terrestrial Natural Heritage System Strategy was presented at Authority Meeting #4/04, held on April 30, 2004. Resolution #A123/04 was approved as follows:

THAT the draft Terrestrial Natural Heritage System Strategy (April 2004) be circulated to its member municipalities, the Ministry of Natural Resources, the Ministry of Municipal Affairs, Conservation Ontario, South-central Ontario Conservation Authorities Natural Heritage Discussion Group (SCOCA NHDG), non-governmental organizations, the Urban Development Institute, the Aggregate Producers Association of Ontario, watershed councils and task forces, and interested professionals for comment;

THAT the draft Strategy be provided to the Greenbelt Advisory Panel and the Smart Growth Secretariat for consideration;

THAT staff be directed to implement a consultation process to facilitate the review of the draft Strategy document;

AND FURTHER THAT staff report back to the Authority on the comments received regarding the proposed Strategy to enable finalization and adoption.

Consultation

Staff distributed copies of the draft Strategy to approximately 250 stakeholders with a request to comment on the document and to attend one of two facilitated workshops held on June 14 and 15, 2004. Participation was solicited from municipal staff, government (provincial and federal) staff, watershed advisory group members, public interest groups, non-government organizations (NGOs), the consulting industry, development industry, professional associations and academics. The objectives of the workshops were to provide an overview of the Strategy and its content in terms of other TRCA programs; to answer questions on the Strategy; and to receive feedback on the strategic directions outlined in the Strategy. Each of the two half-day workshop sessions (one daytime, one evening) were open to all. Forty-seven individuals participated in the daytime workshop and 21 in the evening workshop. Staff presented the

rationale and methodology behind the Strategy and participants were then separated into small roundtable discussion groups, each with a facilitator. TRCA staff was available to answer questions that participants raised about the Strategy and related TRCA initiatives. Participants were posed the following questions:

1. Do you support an expanded Terrestrial Natural Heritage System?
2. Do you generally support the strategic directions?
3. Are there any strategic directions that you think should be changed?
4. Is there anything that you think is missing?

Following the workshops, stakeholders were encouraged to continue providing comments. The draft Strategy was posted on the TRCA website to solicit additional comments. To date TRCA has distributed nearly 500 printed copies and 50 CDs of the draft Strategy. Staff sought opportunities to present the Strategy and accepted invitations to attend individual meetings to continue the dialogue on stakeholder needs and discuss constraints and opportunities to achieve the target system. This included presentations to the Regional Municipality of Peel Council, Ministry of Natural Resources Aurora District staff, the province's Natural Heritage Dialogue Group and Ontario Nature's (FON) workshop entitled 'New Directions in Natural Heritage Planning for Southern Ontario' held in Port Hope. Staff met with City of Toronto staff for a half day workshop on July 20, 2004 and presented to Caledon Council on August 10, 2004. Meetings were also held with the Regional Municipality of York, City of Mississauga and City of Pickering. Staff met on three occasions with the Urban Development Institute (UDI) and their technical advisory team.

Staff met with Ministry of Municipal Affairs and Housing (MMAH) staff on July 7, 2004 to present the Strategy, its underlying data layers and to promote its benefit to the Greenbelt planning and implementation process. The target system map provided support for the Ministry's delineation of the Greenbelt boundary and in some cases provided rationale for additional extensions (e.g. Boyd Conservation Area and Pine Valley Forest on the Humber River in the City of Vaughan). The final Greenbelt plan also included text reference to the importance of identifying sub-provincial natural heritage systems to support and maintain the provincial system defined in the Greenbelt Plan. TRCA's Strategy provides a comprehensive regional-scale plan to assist in that regard.

TRCA also met with the Ministry of Public Infrastructure Renewal (MPIR) to discuss the provincial Growth Plans for the Greater Golden Horseshoe and TRCA's local work. Discussions were also held regarding the province's own work in the protection of natural systems, specifically the Natural Spaces program. Staff introduced how the Strategy's target system plays an important role in TRCA's integrated watershed planning process and the development of watershed plans. It is expected that watershed plans and the Terrestrial Natural Heritage System Strategy will continue to provide municipalities with local level, detailed data and analysis for the update of official plans, planning for new urban areas and redevelopment within existing urban areas as part of the province's growth planning process. This local information will also be available to complement provincial scale information in the implementation of the Greenbelt Plan and Oak Ridges Moraine Conservation Plan.

Summary of Feedback

Through the consultation there was clear support for the need to protect, improve and expand the terrestrial natural heritage system within TRCA's jurisdiction. There was a general agreement that the Terrestrial Natural Heritage System Strategy is a positive, science-based step towards improving the natural environment and the quality of life for citizens in TRCA's jurisdiction. There is also general support for the strategic directions that inform the Strategy. However, areas were identified where the Strategy could be improved and strengthened. Some common themes raised by the stakeholders included:

- the implementation approaches and the potential inability to achieve the system (municipalities);
- cost and equity issues associated with the plan for an expanded terrestrial system;
- the apparent level of rigidity in the target system implementation through the planning process (UDI);
- clarification on the intent for implementation through TRCA mandate/policy;
- the ability to coordinate with other initiatives of other levels of government such as the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan and the Provincial Policy Statement;

- the need for cooperation between municipalities, NGOs and upper levels of government;
- inability of practitioners to use the models to design natural cover scenarios to assist in planning;
- the need to set interim targets and review and monitor the terrestrial natural heritage system on an ongoing basis; and,
- the need to strengthen the link between an enhanced natural system and human health, quality of life and a more natural water cycle, including source water protection.

The results of the 2004-2005 consultation process have been compiled into a table that lists the questions/comments and provides the responses. As well, a summary report of the workshop discussions was prepared and distributed to the participants and others that requested it. A copy of this table and the workshop summary will be available at the September 15th Watershed Management Advisory Board Meeting for those interested in receiving a copy.

The Strategy was revised to respond to the comments received wherever possible and appropriate. Although the modeling approach to derive the target system did not change from the 2004 draft, the system design process was updated to use the more recent 2002 aerial photographs (the 2004 draft relied on 1999 photography). This has resulted in some minor changes in the target system map, largely as a result of urban areas that were built post 1999.

The key changes to the Strategy document are summarized below:

- The inclusion of a summary of the legislative mandate behind this Strategy;
- A better explanation of the level of flexibility and a recognition of the collaboration and negotiation that will be necessary for the implementation of the Strategy (e.g. the proposed policies were clearly identified as 'model' policies and moved from the body of the Strategy to an appendix);
- A better depiction of how field-collected species data and the regional distribution of species assisted in setting targets for, and designing, the target system;
- A fuller discussion of the link between the terrestrial natural system, ecosystem services and quality of life;

- A clearer description of how the target terrestrial natural system will be integrated and evaluated with the hydrologic and aquatic systems through the development of the watershed plans, with special attention to multiple benefits.;
- The inclusion of an introduction to economic benefits of an improved terrestrial natural system; and
- The inclusion of technical appendices, including detailed descriptions of the methodologies that were employed and the rationales for their use.

DETAILS OF WORK TO BE DONE

Implementation of the Strategy depends on securing, protecting and ultimately restoring the land base identified for the target system. The Strategy contains a number of strategic directions including model policies for land use and infrastructure planning as well as directions for land management, stewardship, outreach and monitoring.

The improvement of the terrestrial natural heritage system offers many benefits beyond biodiversity. The target system based on 2002 aerial photography is being refined through watershed plans to link with water and aquatic ecosystem management benefits. Revisions to the target system at the watershed scale are now well underway for the Rouge, Humber and Don watersheds.

TRCA is currently awaiting final comments from the development community through UDI. Once approved by the Authority, the final Strategy will be sent to TRCA's design group to be finalized for publication, and the published version will be made available to municipalities and stakeholders. Work will continue to ensure that the needs of municipalities and stakeholders in terms of terrestrial natural heritage protection and management are met. This will be done by:

- improving the accessibility and adaptability of the Geographic Information System (GIS) modeling tools for use by practitioners in decision-making at smaller/site scales;
- developing implementation guidelines and/or decision making frameworks for restoration, stewardship and recovery planning for species and vegetation communities of concern;
- providing support for the inclusion of the Strategy target system in municipal and TRCA projects;
- assisting in the watershed report card process in reporting progress toward implementing the Strategy; and,
- assisting the Regions of Peel and York in their growth planning process and continuing to assist the City of Toronto in support of its official plan implementation of the Natural Heritage System.

FINANCIAL DETAILS

Money has been allocated in the 2006 budget for publication of the Strategy. The work outlined above has been included in the TRCA 2007-2011 capital budget request. Staff continue to seek other funding partners for the implementation of the Strategy, for example, in the adaptation of a desktop tool to allow users to refine the regional system in site planning.

Report prepared by: Lionel Normand, extension 5327
For Information contact: Lionel Normand, extension 5327
Date: August 28, 2006
Attachments: Included in agenda package

TO: Chair and Members of the Watershed Management Advisory Board
Meeting #4/06, September 15, 2006

FROM: Carolyn Woodland, Director, Planning and Development

RE: **BILL 51**
Amendments to the Planning Act and Conservation Land Act

KEY ISSUE

Summary of proposals for two regulations under Bill 51.

RECOMMENDATION

THE BOARD RECOMMENDS TO THE AUTHORITY THAT the Toronto and Region Conservation Authority (TRCA) support the proposed regulation under Bill 51 with respect to “complete” Planning Act applications, the content of municipal official plans, and the information and materials developed in preparation of official plans;

THAT TRCA generally supports the proposed regulation under Bill 51 with respect to prescribed conditions for zoning approvals, provided that the fundamental issue of development feasibility of a site is addressed early in the planning process and that conditions of zoning approval be only for minor and detailed design items that can be cleared before final approval;

THAT municipalities consult with and incorporate the requirements of conservation authorities with respect to complete applications, official plan content and zoning with conditions, to enable conservation authorities to efficiently and effectively fulfill their responsibilities with respect to the Natural Heritage, Water and Natural Hazard policies of the Provincial Policy Statement;

AND FURTHER THAT the Minister of Municipal Affairs and Housing, TRCA's participating municipalities and Conservation Ontario, be so advised.

BACKGROUND

Bill 51 proposes reforms to the Ontario Municipal Board (OMB) and amendments to the Planning Act aimed at promoting sustainable development, intensification and brownfield redevelopment. Bill 51 received first reading on December 12, 2005 and second reading on April 26, 2006. TRCA provided comments to the provincial government on the proposed Bill 51 through Resolution #A303/05, as approved at Authority Meeting #11/05, held on January 27, 2006. Resolution #A303/05 commends the province for OMB reform and supports the proposed amendments to the Planning Act subject to the incorporation of minor amendments as set out in the staff report.

The province has now posted notice on the Environmental Bill of Rights (EBR) registry of its proposal for regulations to implement Bill 51. The purpose of the EBR notice is to inform the public, stakeholders and municipalities that the province is considering introducing regulations under the Planning Act, to provide the basic outline of the proposed regulations and to provide 90 days for comment on the proposed regulations. Among the seven regulations proposed, TRCA's interests lie with two. They are discussed here and accordingly, our comments and recommendations will be forwarded to the province by the due date of October 2/06.

SUMMARY AND ANALYSIS OF TWO BILL 51 REGULATIONS

1) Complete Application and Content of Official Plans - EBR# RF06E0003

The proposed content of one of the Bill 51 regulations would expand the information and material that is required by existing Ontario regulations for a 'complete' Planning Act application. The information and material in support of an application would be related to the subject site and impacts related to the development (unless the Provincial Policy Statement (PPS), a provincial plan or municipal official plan (OP), require a broader view). The information and material would include a planning justification report demonstrating that the application is:

- a) consistent with the PPS;
- b) that it conforms to, or does not conflict with, the applicable provincial plan or plans; and
- c) conforms to municipal OPs. This would be in addition to any technical reports or studies to meet the PPS or provincial plan(s) requirements.

TRCA staff support the proposed content of this regulation given that staff are, at times, circulated Planning Act applications lacking the appropriate technical reports required to assess the true environmental impact of a proposed development, and/or the applications are not consistent with the PPS on natural heritage, water quality and quantity or natural hazards. Examples of studies that TRCA recommends should be included as part of the definition of a complete application, where site-specific circumstances warrant, are geotechnical and flood studies to address erosion and flooding impacts and water budgets to address water quality and quantity issues.

Also in this regulation, it is proposed to prescribe additional matters to be contained in an OP (including performance monitoring policies) and to prescribe information and materials to be developed in the preparation of OPs, such as background studies and reports to demonstrate consistency with the PPS and conformity (or not in conflict) with provincial plan(s). TRCA staff support this provision of the proposed regulation also. Examples of studies that should be prescribed in the preparation of official plans or secondary plans include broad scale environmental studies such as (sub)watershed plans or Master Environmental Servicing Plans (MESPs).

Bill 51 would require that municipalities have policies in their official plans to address the matters in the regulations, as described above. TRCA has agreements with most of our municipalities to provide planning services and application review with respect to the Natural Heritage (2.1), Water (2.2) and Natural Hazard (3.1) policies of the Provincial Policy Statement. Staff therefore recommend that municipal official plan policies to address complete applications and background studies to the development of official plans incorporate the requirements of conservation authorities to enable them to fulfill their responsibilities with respect to sections 2.1, 2.2 and 3.1 of the PPS.

2) Zoning with Conditions - EBR# RF06E0004

A second proposed regulation under Bill 51 would set out the conditions that a municipality may impose as part of zoning approval, provided their OP contains relevant policies.

Proposed prescribed conditions include measures that:

- a) provide for energy conservation and alternative energy provisions, such as district energy;
- b) promote the maintenance, restoration and improvement of the diversity and connectivity of natural features, long-term ecological function and biodiversity of natural heritage systems; and
- c) that relate to open space (e.g. restrictions on impervious surface coverage).

TRCA staff generally support the proposed content of this regulation since these prescribed conditions on a zoning approval could contribute to protecting and enhancing natural systems by enabling municipalities to require energy conservation measures, restoration and maintenance planting plans and detailed stormwater management plans as conditions to be fulfilled before final zoning approval. However, staff caution that this regulation should not be used to 'push back' traditional zoning approval requirements to a later stage in the approvals process. Indeed, major, broad based plans and studies that help determine what portions of a land development parcel should be zoned for protection, (e.g. an environmental impact study or preliminary stormwater management scheme), should be submitted as requirements for a complete zoning application prior to conditions of zoning approval being issued. The fundamental issue of development feasibility of a site must be established early on in the planning process and not deferred to a condition of zoning approval. Hence, zoning conditions should only be for minor and detailed site-design issues that could be cleared after as-of-right zoning has been granted (e.g. a detailed planting plan or a detailed stormwater management report). In this way, streamlining the development review process will not be done at the expense of natural heritage protection.

Report prepared by: Mary-Ann Burns, extension 5374
For Information contact: David Burnett, extension 5361
Date: August 28, 2006

TO: Chair and Members of the Watershed Management Advisory Board
Meeting #4/06, September 15, 2006

FROM: Adele Freeman, Director, Watershed Management

RE: **INTERNATIONAL JOINT COMMISSION**
Options for Managing Lake Ontario and St. Lawrence River Water Levels and
Flows

KEY ISSUE

To report on the "Options for Managing Lake Ontario and St. Lawrence River Water Levels and Flows" - final report by the International Lake Ontario - St. Lawrence Study Board - March, 2006 and the recommendation adopted at the Conservation Ontario Council meeting of August 28, 2006.

RECOMMENDATION

THE BOARD RECOMMENDS TO THE AUTHORITY THAT the report on the three selected candidate plans labeled A+, B+ and D+ and other recommendations outlined in the final report "Options for Managing Lake Ontario and St. Lawrence River Water Levels and Flows" by the International Lake Ontario - St. Lawrence River Study Board to the International Joint Commission dated March, 2006 be received;

THAT the Toronto and Region Conservation Authority (TRCA) endorse Conservation Ontario Council's resolution from its August 28, 2006 meeting with emphasis on the strong support for Plan B+ - Balanced Environmental;

AND FURTHER THAT the International Joint Commission (by the end of the public comment period - September 15, 2006), Conservation Ontario and TRCA's waterfront municipalities be so advised.

BACKGROUND

The International Joint Commission (IJC) issued an Order of Approval on October 11, 1952, amended on July 2, 1956, for the construction of the St. Lawrence River Hydropower Project (Moses Saunders Dam, Cornwall). Regulation of Lake Ontario water levels and outflows in accordance with the Commission's orders began in 1960. The current plan, 1958-D, which has been in effect since October 1963, was designed for the hydrologic conditions experienced from 1860 to 1954. For that reason, 1958-D has not performed well under the extreme high and low water supply conditions experienced since that time. As a result, the IJC and its International St. Lawrence River Board of Control have had to deviate from the plan to better address changing needs and interests.

On December 11, 2000, the IJC issued a directive to the International Lake Ontario-St. Lawrence River Study Board, which it had appointed, to:

- i) review the current regulation of levels and flows in the Lake Ontario-St. Lawrence River system, taking into account the impact of regulation on affected interests;
- ii) develop an improved understanding of the system among all concerned; and
- iii) provide all the relevant technical and other information needed for the review.

Attachment 1 shows the Lake Ontario-St. Lawrence River Basin including the watersheds of the St. Lawrence and Ottawa rivers. The location of the St. Lawrence River control structures between Massena, New York and Cornwall, Ontario and the river through Montreal Harbour are also shown.

As part of the 5-year study and in preparation of the final report, the Lake Ontario-St. Lawrence (LOSL) Study Board released in mid-2005 three Candidate Plans for public and agency comment. After consideration of the staff report and Watershed Management Advisory Board recommendations, the Authority at Meeting #6/05, held on July 22, 2006, approved Resolution # A178/05 as follows:

THAT the report on the Candidate Plans recently released for public and agency comment by the International Lake Ontario-St. Lawrence Study Board be received;

THAT the Toronto and Region Conservation Authority (TRCA) support the study board's vision "to contribute to economic, environmental and social sustainability of the Lake Ontario and St. Lawrence System" and the integrated evaluation approach in developing the Candidate Plans for the six interests;

THAT comments contained in this report on the Candidate Plans be forwarded to the International Lake Ontario-St. Lawrence Study Board for their consideration in preparing the recommendations to the International Joint Commission;

AND FURTHER THAT Conservation Ontario, the conservation authorities on Lake Ontario and the St. Lawrence River and TRCA's waterfront municipalities be so advised.

Current Status

The International Lake Ontario-St. Lawrence River Study Board has prepared "Options for Managing Lake Ontario and St. Lawrence River Water Levels and Flows" (March 2006). The IJC has released the final report for public comment until September 15, 2006 and the IJC will develop a draft decision based on consideration of the final report, public comment and any other relevant information. The IJC will hold public hearings and invite written comments after the release of the draft decision and will consult with the governments of Canada and the United States to seek their concurrence before making a decision whether to change its Orders of Approval or the current regulation plan. The IJC's final decision will be released to the governments and to the public in print and online.

Summary of Lake Ontario Report

This summary borrows heavily from the Executive Summary of the Main Report. Copies of the Study Board Main Report and Annexes are available on-line at <http://www.losl.org/reports/finalreport-e.html>.

The document summarizes findings from the scientific and other undertakings of the study, describes three new candidate plans for IJC consideration, presents recommendations on public involvement and regulation-related matters and outlines some steps towards implementation of a new regulation plan. The study board indicates confidence that each of the three candidate plans performs better than the current operating regime (1958D) in terms of overall net economic and environmental benefits to interests throughout the system and that a plan selected from these three will satisfy most of the affected interest groups. The report notes that changes to the criteria and existing operating plan are not possible without harm to some interests and that the majority of board members do not consider these damages a “disproportionate loss.” It is indicated that the Study Team has identified all the significant trade-offs that have to be made among competing interests and quantified the relative benefits and costs. The result is an intensive, comprehensive and detailed analysis of the physical and ecological dynamics that are interacting with the human uses of the system. The study presents a comprehensive set of tools, models, supporting data and information that is intended to facilitate the ability of the IJC to make the final decision regarding regulation of Lake Ontario levels and outflows.

New Candidate Regulation Plans

The Study Team formulated and evaluated numerous possible regulation plans. It has selected three candidate plans labeled A+, B+ and D+, which address the range of interests and issues that emerged as part of an extensive evaluation effort. These plans have the designation + as they represent improvements over the versions of plans A, B and D that were made public during the study’s summer 2005 outreach activity. From an interest perspective, all three candidate plans benefit commercial navigation and hydropower and have no impact on municipal, industrial and domestic water use relative to Plan 1958-D with Deviations (1958-DD). The greatest difference between the plans is in how they address recreational boating, the shoreline flood and erosion or coastal interests and the environment or natural ecosystem. Attachment 2 shows a comparison for the three candidate plans and 1958-DD and represent average levels, the level exceeded 1% of the time and the level exceeded 99% of the time in each quarter-month of the year based on the 50,000 year stochastic sequence for Lake Ontario.

The report summarizes that Plan A+ is the most regimented of the three plans, striving to keep Lake Ontario within as narrow a range as possible. It provides the highest overall net economic benefit, the greatest economic benefit for recreational boaters, both upstream and downstream, and benefits in terms of shore protection maintenance and flood concerns on Lake Ontario. In comparison with Plan 1958-D with Deviations, higher erosion rates along unprotected Lake Ontario shoreline are of concern, as are increased flood damages on the lower St. Lawrence River. Plan A+ provides small improvements for the environment, but, of the three candidate plans, has the smallest gain in this regard when compared with Plan 1958-D with Deviations.

The report summarizes that Plan B+ strives to return the Lake Ontario-St. Lawrence system to a more natural regime, with conditions similar to those that existed prior to the St. Lawrence River Hydropower Project, while at the same time attempting to minimize damages to present interests. In comparison with Plan 1958-D with Deviations, it does indeed provide overall improvement for the natural environment on Lake Ontario and the upper St. Lawrence River (e.g. coastal wetlands). It also provides net benefits for hydropower and commercial navigation. Its downside is that it results in higher damages for Lake Ontario shoreline properties and is associated with increased flood damages on the lower St. Lawrence River. Although Plan B+ has some negative recreational boating numbers, at public meetings, many in the boating community, especially on the upper St. Lawrence, supported Plan B as presented at the summer 2005 public meetings prior to its final “fine tuning.” From their point of view, this plan has better St. Lawrence River and Lake St. Lawrence performance, generally higher Lake Ontario levels in spring and fall, and better overall performance for boaters more than half of the time than Plan 1958-D with Deviation. In the eyes of many, Plan B+ is the only candidate plan that consistently transforms and improves the diversity and productivity of the natural ecosystem (e.g. coastal wetlands), addresses species at risk legislation objectives, and represents an important step forward towards a level of ecological integrity that would otherwise be difficult to achieve.

According to the report, the intent of Plan D+ is to increase the net economic and environmental benefits of regulation, relative to Plan 1958-D with Deviations, without disproportionate losses to any interests. In this respect, this plan succeeds in achieving gains in net benefits for recreational boaters, hydropower and commercial navigation. Despite some small losses in the Lake Ontario shore protection category, Plan D+ is very close to 1958-D with Deviations in terms of shoreline property interests. Plan D+ also provides a general level of improvement for the environment across the range of performance indicators considered.

Summary of Study Board Recommendations

The study highlights that conditions and the priorities for lake level and flow regulation always change over time, and new scientific and technological advances will continue to be made. It is recommended that “An adaptive management process should support the selected regulation plan and incorporate performance tracking: an initial performance review of the new plan should be undertaken five years after its implementation; and a more in-depth evaluation should be carried out ten years from its implementation to include consideration of adaptive changes to the selected plan.”

The study indicates that they’ve considered in detail the trade-offs between interests, and this is reflected in the plan rules. The Study Board has agreed that long-term deviations from plan rules and flows have the effect of changing the intended performance of the plan(s) as designed and the benefits that flow from the plan(s). However, the Board recognizes and supports the need for short-term deviations from plan flows under specified emergency conditions but there would be a need for considerable public relations support at such times.

The Study Board indicated that a significant opportunity exists to move forward on longterm resolution of a few vexing issues related to fluctuating water levels, for example, shoreline flood and erosion problems. They recommend that: “During International Joint Commission consultations with governments, the Commission should act as a catalyst to promote and advance mitigation of persistent shoreline flood and erosion problems. For example, in light of the findings of this study, responsible state, provincial and municipal authorities could undertake a review of shoreline management practices and policies.

Shoreline management strategies and permitting processes could be revisited and renewed for critical reaches of the shoreline utilizing new data and information gathered during this study, including water level regime information for a new regulation plan. This review should help to identify options for dealing with problems affecting land use and existing structures within shoreline flood and erosion hazard zones.”. The report recommends that the IJC should consider applying the general planning approach used in this exercise (“Shared Vision Modeling”) in subsequent International Joint Commission studies.

The study suggests that the basic data and information collected, the research undertaken, the models developed and the body of knowledge accumulated during the study have many possible and potential uses beyond the review of the Commission’s Lake Ontario regulation criteria and plan. The report recommends that the IJC and the International St. Lawrence River Board take steps to make this information as accessible and useful as possible to a broad range of organizations and applications.

Additionally, the Study Board recommends that additional resources and personnel needed to meet new responsibilities of plan implementation by the International St. Lawrence River Board of Control be sought and provided. As a first priority, a full-time communications officer should be engaged to lead outreach activities relating to implementation of a new plan. Then, as a second priority, more science capacity should be added to develop links with science organizations, monitor regulation plan performance and assume responsibility for seeking out and identifying future adaptation actions and strategies.

Further recommendations derived from the outreach activities and experiences of the Study Board and Public Interest Advisory Group include the following:

- i) People living and working along Lake Ontario and the St. Lawrence River shorelines need to be educated and informed with respect to the basic hydrology of the Great Lakes-St. Lawrence system. An education program is necessary.
- ii) People affected by changing water levels and flows resulting from regulatory actions, in both the short term (hours) and the long term (years), need to understand and be informed of these conditions so that they can prepare for and adapt to them. It is recognized that shoreline development, infrastructure and regulatory programs have evolved with some dependence on the current Orders of Approval and regulation plan operations. Changes should be accompanied by education, outreach and help in accommodating a new water level regime and water management decision-making structure.

- iii) The International St. Lawrence River Board of Control should be restructured to better reflect the views of all interests and should incorporate a public advisory body. Consideration should be given to renaming the Board, deleting the term “Control.”; and,
- iv) For studies such as this, the Commission should appoint Public Interest Advisory Group members for their expertise and ability to reach out to local interest groups.

Publication of the results of Study Board and Commission research should be encouraged and supported by the Commission. In that vein, the Commission’s website could reference current and future study-related publications in order to broaden public awareness.

Scientific and Technological Advances

The report describes how the Study Board has introduced a new planning approach referred to as “Shared Vision Planning.” This approach combines scientific and public input in an interactive analytical framework that has helped the Study Team and public interest groups explore numerous plan formulation opportunities, operating nuances and performance impacts in an organized fashion.

The Shared Vision Planning approach used in the study integrates a hierarchy of advanced models. They include an ecosystem response model, shoreline dynamics models used for flood damage and erosion predictions, and a series of new economic models that provide the economic benefits and costs associated with recreational boating, hydropower and commercial navigation.

The report indicates that the Study Board used highly sophisticated hydrologic modeling to ensure the reliability, resilience and robustness of each plan under a stochastically generated 50,000-year sequence. Four different climate change scenarios were analyzed and used to thoroughly test candidate plans, ensuring that none had fatal flaws that would inhibit their performance under these extreme potential conditions. When choosing options, the Study Board decided that a legitimate comparative analysis of the benefits and costs associated with the various plans, should be based on the long-term stochastic hydrologic sequence rather than the 100-year historical record.

The report highlights that implementation of a candidate plan will impose a new set of requirements on the International St. Lawrence River Board of Control. The new requirements (including information management; greater public communication and outreach; model running, maintenance and upgrading; the analysis of monitoring data) must be addressed to enable the Board to remain aware of plan impacts and to know when and to what extent adaptive changes in policy should be considered.

Conservation Ontario Review and Recommendations

The study was reviewed by Conservation Ontario and the 11 authorities (Central Lake Ontario, Credit Valley Conservation, Ganaraska Region Conservation, Conservation Halton, Hamilton Conservation Authority, Lower Trent Conservation, Niagara Peninsula Conservation Authority, Quinte Conservation, Toronto and Region Conservation Authority, Cataraqui Region and Raisin Region Conservation Authority) along the Lake Ontario-St. Lawrence system.

The following recommendations on the Study Board's final report were adopted by Conservation Ontario Council at its meeting held on August 28, 2006

WHEREAS the International Joint Commission established in December 2000 the International Lake Ontario and St. Lawrence River Study Board to comprehensively evaluate options for regulating levels and flows in the Lake Ontario – St. Lawrence River System beyond the current plan 1958-D which has been in effect since October, 1963.

WHEREAS the Study Board adopted a Vision to contribute to the economic, environmental and social sustainability of the Lake Ontario and St. Lawrence River System and a Goal – to identify flow regulation plans and criteria that best serve the range of affected interests, and address climatic conditions in the basin.

WHEREAS the Study Board was directed to consider six interests – 3 interests under Plan 1958D (commercial navigation, municipal – industrial – domestic water uses and hydroelectric power generation) and 3 new interests (wetlands/environmental, recreational boating/tourism and coastal processes).

WHEREAS the International Joint Commission has initiated a five-step decision process and is requesting by September 15, 2006 public comment on the Lake Ontario-St Lawrence River Study to assist them in their deliberations towards a draft decision.

WHEREAS Conservation Ontario advocates the need for implementation of “integrated watershed approaches” and the continued preservation and restoration efforts of the environment to ensure the sustainability of the Great Lakes Basin.

AND WHEREAS Conservation Ontario will have further opportunity after development of a draft decision to participate in Commission hearings on the draft decision.

THEREFORE BE IT RESOLVED THAT Conservation Ontario strongly support Plan B+ – Balanced Environmental as the basis for regulation of out flows from Lake Ontario consistent with the Study Board's vision, goal and guidelines.

THAT predicted small increases in shoreline erosion and flooding under Plan B+ be managed, as discussed in the study, with measures employed by various levels of government, including the conservation authorities regulation of development within hazardous lands.

THAT Conservation Ontario supports the Adaptive Management recommendations as critical in maintaining the investment and benefit of data collection, scientific analysis and plan evaluation models to monitoring and performance review of a new operating plan and making informed adjustments in future.

THAT Conservation Ontario and the 11 Conservation Authorities along the Lake Ontario-St. Lawrence system will continue to support the Adaptive Management Approach and recommendations by providing monitoring information, analysis and commenting on future plan adjustments.

AND THAT this recommendation be forwarded to the International Joint Commission.

RATIONALE

The Study Board's approach in formulating the three candidate plans A+, B+ and D+ and the associated recommendations on mitigation actions, adaptive management including data management/sharing and changes to the Lake Ontario-St. Lawrence Board of Control and public outreach activities, etc. has provided a scientific based model for other Great Lakes work of the IJC. The IJC recently announced the initiation of a major study on the Upper Great Lakes (Superior, Michigan, Huron, and Erie) to investigate the factors affecting water levels and flows including physical changes in the St. Clair River and possible improvements to the regulation of outflows from Lake Superior.

The study and recommendations are very consistent with the summer 2005 resolutions passed by the Great Lakes and St. Lawrence Cities Initiative and Conservation Ontario's advocacy of "integrated watershed approaches and the continued preservation and restoration efforts of the environment to ensure the sustainability of the Great Lakes Basin."

Plan B+- Balanced Environmental is the preferred candidate plan as set out in Conservation Ontario's adopted recommendations but also "is the only candidate plan that consistently transforms and improves the diversity and productivity of the natural ecosystem (e.g. coastal wetlands), addresses species at risk legislation objectives, and represents an important step forward towards a level of ecological integrity that would otherwise be difficult to achieve." Any predicted small increase in erosion/flooding which for Lake Ontario are existing hazard concerns on the south shore can be managed by complimentary actions of different levels of government as recommended by the Study Board.

As important are the study's recommendations for 'adaptive management' in maintaining the investment and benefit of data collection, scientific analysis and plan evaluation models to monitoring and performance review of a new operating plan and making informed adjustments in future.

DETAILS OF WORK TO BE DONE

The comments and recommendations should be forwarded to the IJC by September 15, 2006 and also forwarded to Conservation Ontario and our member municipalities along Lake Ontario. As a result, TRCA staff will forward the recommendations of the Watershed Management Advisory Board after the meeting on September 15, 2006.

Once the IJC has made a draft decision on a plan, public hearings will be held. TRCA will work with our other conservation authorities along the Lake Ontario-St. Lawrence system and Conservation Ontario to recommend the appropriate participation at the future public hearings. We will report back to the Authority at a future meeting on the draft decision of the IJC.

Report prepared by: Larry Field, extension 5243
For Information contact: Larry Field, extension 5243
Date: August 30, 2006
Attachments: 2

Attachment 1

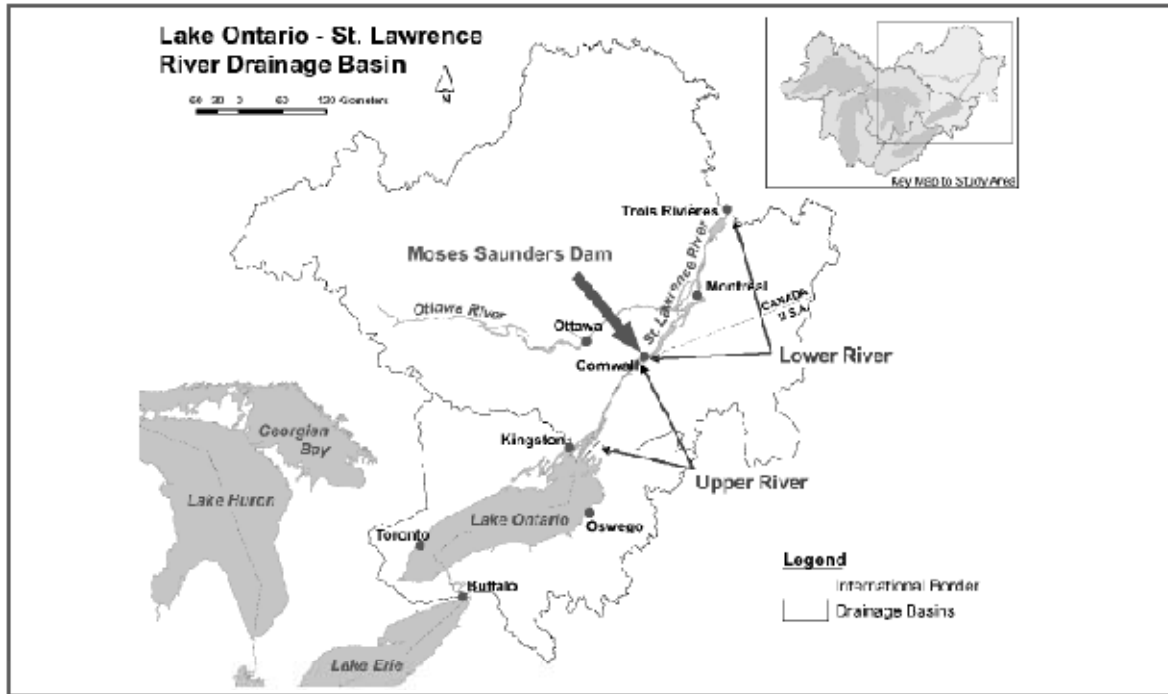


Figure 2: The Lake Ontario-St. Lawrence River Basin

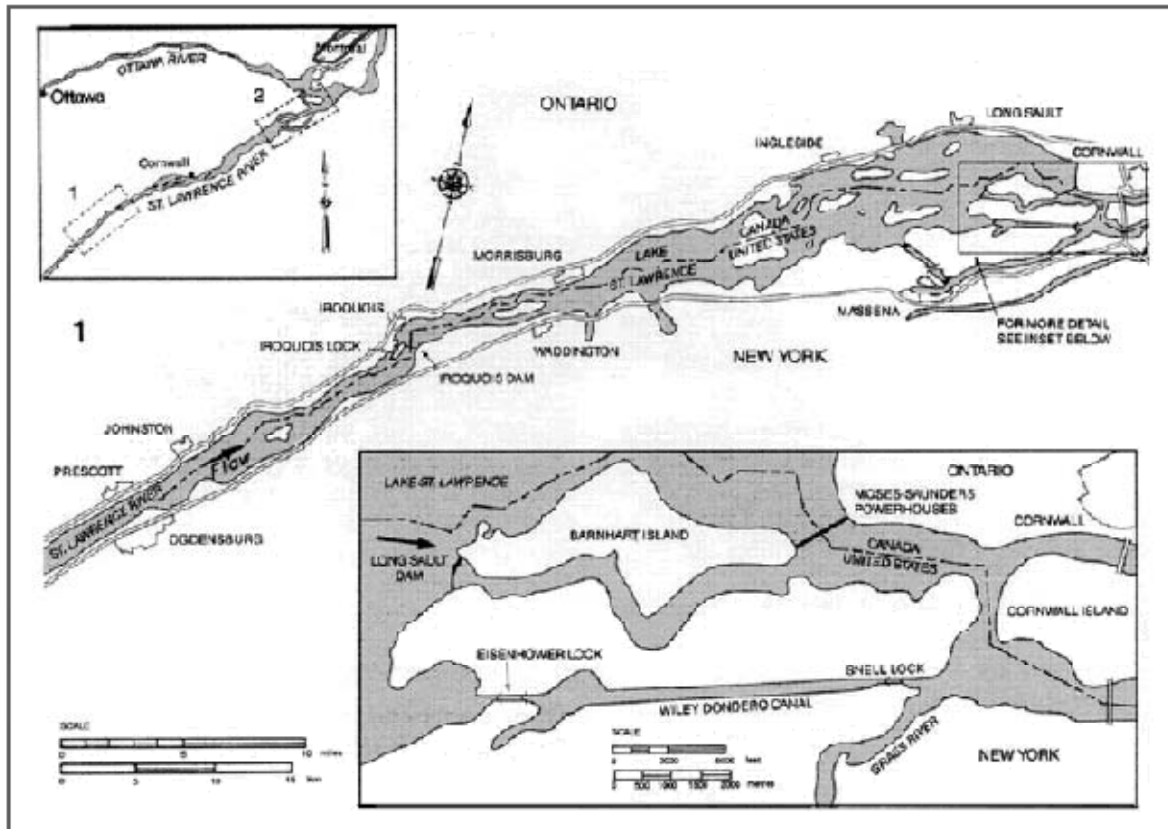


Figure 3: Location of the control structures in the St. Lawrence River and other features, to Montreal, Quebec

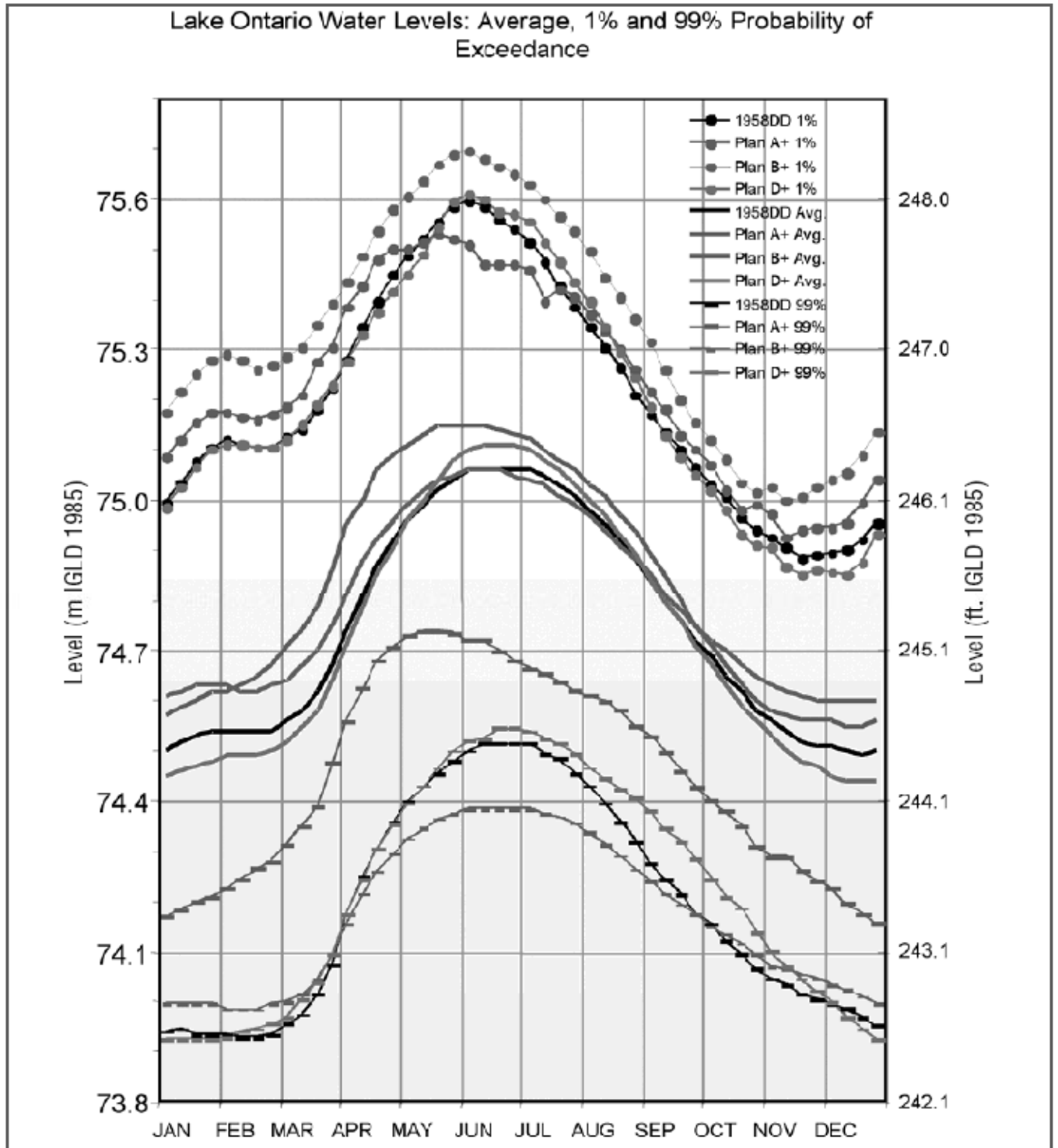


Figure 29: Lake Ontario water levels: average, 1% exceedance and 99% exceedance based on the 50,000-year stochastic simulation

TO: Chair and Members of the Watershed Management Advisory Board
Meeting #4/06, September 15, 2006

FROM: Nick Saccone, Director, Restoration Services

RE: **NITRO-SORB**
Regional Municipality of Durham

KEY ISSUE

Request from the Regional Municipality of Durham to support the region's appeal to the Minister of the Environment to provide a regulation outlining terms of reference for a certificate of approval for the production and use of Nitro-Sorb.

RECOMMENDATION

THE BOARD RECOMMENDS TO THE AUTHORITY THAT the Toronto and Region Conservation Authority support the Regional Municipality of Durham in its request to the Minister of the Environment to provide a regulation outlining terms of reference for a certificate of approval for the production and use of Nitro-Sorb.

BACKGROUND

A request has been received from the Region of Durham, in their letter to the Minister of the Environment - The Honourable Laurel Broten, dated July 6, 2006, requesting that the City of Toronto and the conservation authorities endorse part (c) of the region's resolution as follows:

"(c) THAT the Minister of the Environment be requested to provide a regulation outlining the terms of reference for a certificate of approval for the production and use of Nitro-Sorb."

Nitro-Sorb is a trade name for a material that is a combination of composted leaf and yard waste materials mixed with paper fibre bio-solids. The paper fibre bio-solid is a waste by-product of the recycled paper and paper industry consisting of unusable short fibres, inks and dyes, clay, glues and other residues. Nitro-Sorb is spread on agricultural land as a fertilizer or soil amendment.

The Ministry of The Environment's (MOE) Regulation 347 allows certain wastes to be exempt from control if they are to be transferred directly to a site, wholly used in a process for purposes other than waste management, and then offered as a product for sale. As a result, the 'product' Nitro-Sorb is not subject to supervision or control by MOE.

Public concern has been raised in a number of different municipalities in Ontario regarding the use of paper fibre bio-solid (PFB) mixtures. Concerns include the potential adverse effects of pathogens, heavy metals and chemicals on groundwater and surface run-off, as well as the possibility of airborne exposure to pathogens such as moulds and fungus spores from the decomposition of the materials. Nitro-Sorb has the potential to contain unknown ingredients in addition to paper fibre bio-solids since the composition of 'finished compost' is not known. As an unregulated product, compost producers are under no obligation to disclose what is in it or where it came from.

Studies and opinions regarding the benefits of Nitro-Sorb on agricultural production seem inconclusive in that there are varying reports whose findings are contradictory. The application of Nitro-Sorb seem to be beneficial in some crop/soil instances and of no value or detriment in others. There appears to be concern that the long-term effects of putting Nitro-Sorb (and other PFB's) on the land is not well understood.

When considered with the requests from several municipalities, conservation authorities and other individuals, it seems prudent to support Durham Region's call to the Minister for more regulatory control over the production and use of such 'products' be implemented, and that the use of Nitro-Sorb as an agricultural soil amendment be halted until such time that the concerns regarding potential adverse effects and environmental contamination issues are adequately addressed.

Report prepared by: Dave Rogalsky, extension 5378
For Information contact: Dave Rogalsky, extension 5378
Date: August 17, 2006

TO: Chair and Members of the Watershed Management Advisory Board
Meeting #4/06, September 15, 2006

FROM: Adele Freeman, Director, Watershed Management

RE: HUMBER BAY PARK
Air India Memorial at Humber Bay Park East

KEY ISSUE

Amendment to the Humber Bay Park Master Plan.

RECOMMENDATION

THE BOARD RECOMMENDS TO THE AUTHORITY THAT the Humber Bay Park Master Plan be amended and approved to incorporate the installation of the Air India Memorial at Humber Bay Park East as approved by City of Toronto Council at its May 23 to May 25, 2006 meeting;

AND FURTHER THAT staff be directed to take the necessary actions to implement the installation.

BACKGROUND

The City of Toronto staff report, dated April 20, 2006, was prepared for the Economic Development and Parks Committee to seek City Council approval to accept the donation of a memorial from the Government of Canada in memory of the victims of Air India Flight 182. City Council approved the recommendations in the report at council meetings held May 23 to May 25, 2006.

On June 23, 1985 Air India Flight 182 crashed into the Atlantic Ocean just off the coast of Cork, Ireland due to an act of terrorism. A total of 329 innocent lives were lost in this aviation tragedy, the world's worst prior to September 11, 2001. Given that a majority of victims were from the Greater Toronto Area, family members are eager to see an appropriate and permanent memorial established that would offer a place for congregation and reflection in peace and tranquility. The families wish to have the memorial located on the shore of Lake Ontario, given that they feel a close affinity to a large body of water because it is the final resting place for many of their loved ones. The preferred location at Humber Bay Park East (Attachment 1) received unanimous support from the family members as it has open views of Lake Ontario, is easily accessible by vehicle and transit, and has modern facilities including washrooms and telephones.

The design of the memorial will be a landscaped area very similar to the one that was created in Ireland which has the names of all the victims engraved on a wall behind a sundial. The memorial will be designed to accommodate large gatherings during annual memorial ceremonies and will also serve as a touchstone of remembrance for victims of terrorism around the world as part of the new National Day of Mourning for Victims of Terrorism as announced by Prime Minister Paul Martin while in Ireland in June 2005. The memorial will also become part of the City of Toronto's Discovery Walk as a landmark terminus to the interpretive walking experience.

City of Toronto staff has prepared a preliminary design concept (Attachments 2 and 3). The full project is expected to consist of an orientation point, the primary site and a walkway leading to a resting area at the shoreline to the south-east. Working titles for these elements are: Memorial, Remembrance Walk and Reconciliation. Signage will be included to provide directional information and to assist in the interpretation of the site.

This project has been reviewed and recommended by the City of Toronto's Official Gifts and Monuments Committee.

FINANCIAL DETAILS

As per the Prime Minister's pledge, the project will be funded by the Federal Treasury Board through the Federal Air India Review Secretariat. Additional funding, equal to ten per cent of the total cost of the memorial, will be provided to the city for the ongoing maintenance of the memorial and a reserve fund will be established for this propose.

RATIONALE

Toronto and Region Conservation Authority (TRCA) staff have met City of Toronto staff to discuss the concept designs and staff report. TRCA staff are generally in agreement with the design concept as presented.

DETAILS OF WORK TO BE DONE

Staff will modify the Humber Bay Park Master Plan to reflect the location of the Air India Memorial at Humber Bay Park East.

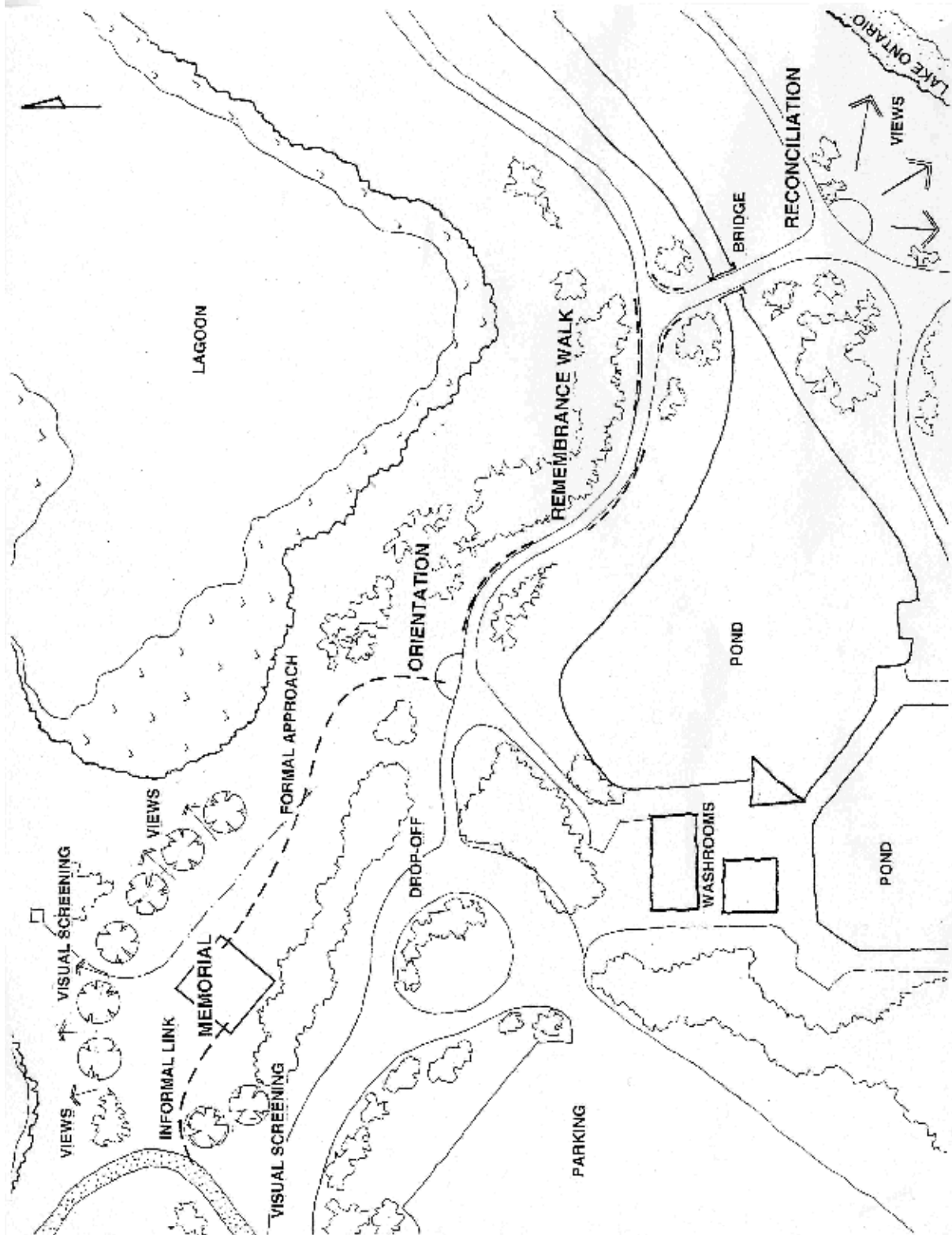
Report prepared by: **Connie Pinto, extension 5387**
For Information contact: **Nancy Gaffney, extension 5313**
Date: **August 30, 2006**
Attachments: **3**

Attachment 1



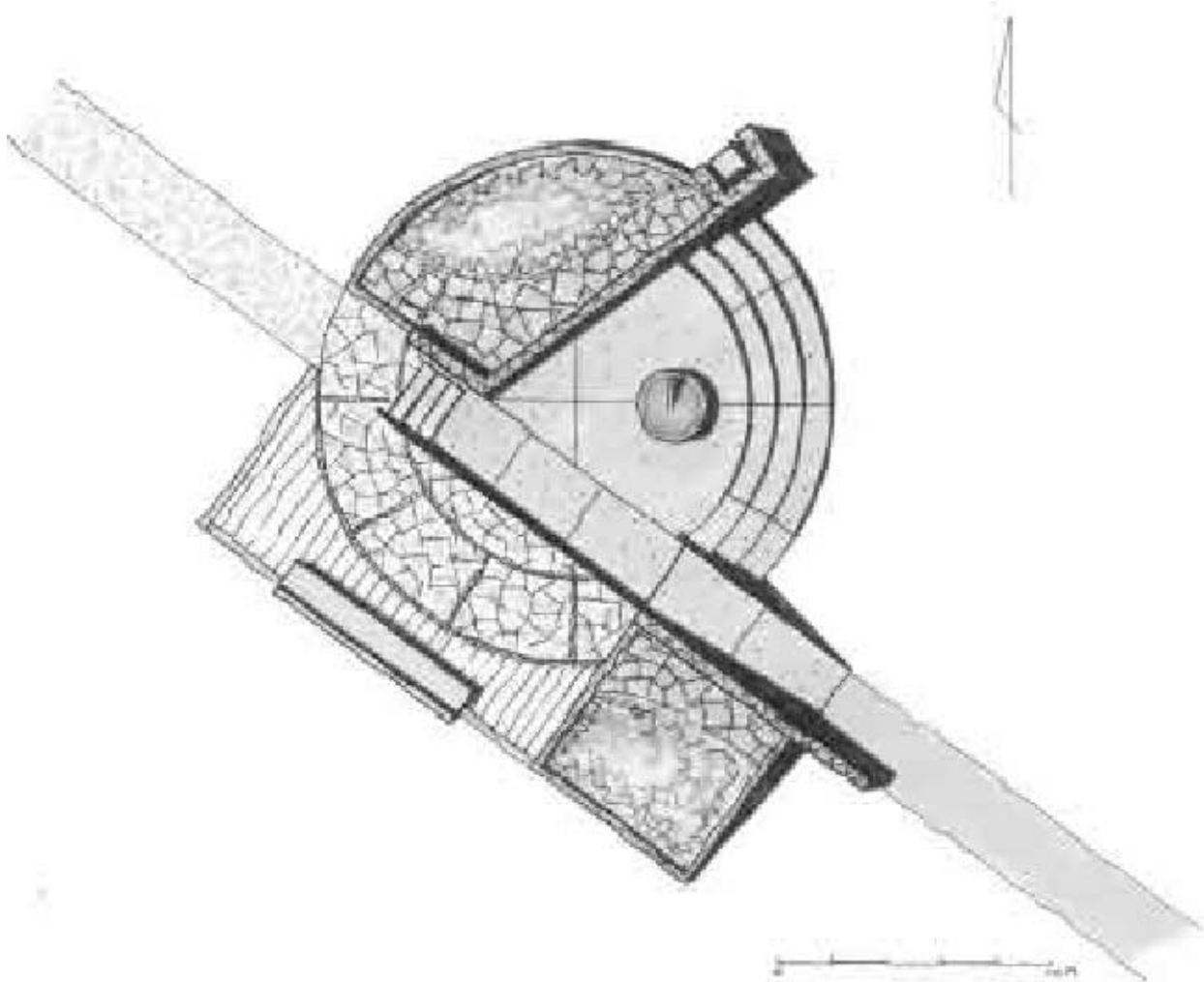
Attachment 2

Site Concept Sketch for Air India Memorial at Humber Bay Park East



Attachment 3

Air India Memorial at Humber Bay Park East



TO: Chair and Members of the Watershed Management Advisory Board
Meeting #4/06, September 15, 2006

FROM: Carolyn Woodland, Director, Planning and Development

RE: **PLACES TO GROW**
Growth Plan for the Greater Golden Horseshoe

KEY ISSUE

A summary of the changes made in the final version of the Growth Plan for the Greater Golden Horseshoe from the draft version.

RECOMMENDATION

IT IS RECOMMENDED THAT the staff report Places to Grow: Growth Plan for the Greater Golden Horseshoe, be received.

BACKGROUND

The Ministry of Public Infrastructure Renewal issued the Growth Plan for the Greater Golden Horseshoe (GGH) on June 16, 2006 under the authority of the Places to Grow Act, 2005. The Growth Plan expresses the Government of Ontario's interests and directions for growth management in the GGH. The final version of the plan follows the draft version released in November, 2005; the final version does not contain any major changes from the draft.

Toronto and Region Conservation Authority (TRCA) commented to the provincial government on the proposed Growth Plan in January, 2006. Staff's comments were approved by the Executive Committee at Meeting #11/05, held on January 20, 2006. Executive Committee Resolution #B148/05 stated that TRCA supports the proposed Growth Plan, as it promotes the sustainable communities objective of TRCA's vision for The Living City. This support was subject to the incorporation of minor amendments as set out in staff comments.

A number of TRCA comments were addressed in the final version of the Growth Plan, including:

Definitions

New and vague terminology relating to natural systems has been clarified in the final Growth Plan through its deletion and replacement with specific direction that the 2005 Provincial Policy Statement (PPS) governs natural heritage protection in the GGH. The 2005 PPS is a significant improvement over the previous version (PPS 1997) that provides for the long-term protection of natural features and areas and the maintenance, restoration or improvement of the diversity and connectivity of natural features and the long-term ecological function and biodiversity of natural heritage systems. The 2005 PPS also supports the implementation of TRCA's Terrestrial Natural Heritage System Strategy in that the PPS allows for natural heritage systems to include lands that have been restored and areas with the potential to be restored to a natural state.

Identifying Natural Systems

"Other stakeholders" will now be consulted to identify the natural systems for the GGH through sub-area assessment, whereas previously only the province and municipalities were listed. The development of additional policies (beyond PPS requirements) for the protection of natural systems is permitted, where appropriate. Consistent with clarifying undefined terminology (see Definitions above) the term 'locally significant natural areas' has been deleted. However, planning authorities are still "encouraged to identify natural heritage features and areas that complement, link or enhance natural systems".

Watershed Plans

The "encouragement" for municipalities and conservation authorities to prepare watershed plans remains intact, but not, as TRCA requested, listed as a specific criterion for the expansion of settlement area boundaries.

The definition of a watershed plan was improved and now more closely matches the comprehensive definition used in the Greenbelt Plan. The final Growth Plan for the Greater Golden Horseshoe defines a watershed plan as follows:

"A watershed plan provides a framework for integrated decision-making for the management of human activities, land, water, aquatic life and aquatic resources within a watershed. It includes matters such as a water budget and conservation plan; land and water use management strategies; an environmental monitoring plan; requirements for the use of environmental management practices and programs; criteria for evaluating the protection of water quality and quantity, and hydrologic features and functions; and targets for the protection and restoration of riparian areas."

NEXT STEPS

- 1) Municipalities must amend their official plans to conform to the Growth Plan within three years.
- 2) The Ontario Ministry of Natural Resources is leading the Natural Spaces program, which will define the Natural Heritage System for the GGH as one of its objectives. Both Conservation Ontario and the Conservation Authorities Moraine Coalition are represented on the expert advisory committee.

Report prepared by: Mary-Ann Burns, extension 5374
For Information contact: David Burnett, extension 5361
Date: August 28, 2006