



THE TORONTO AND REGION CONSERVATION AUTHORITY

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**#3/03**

**Friday, July 11, 2003**

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THE TORONTO AND REGION CONSERVATION AUTHORITY

MEETING OF THE WATERSHED MANAGEMENT ADVISORY BOARD #3/03  
July 11, 2003

The Watershed Management Advisory Board Meeting #3/03, was held in the South Theatre, Black Creek Pioneer Village, on Friday, July 11, 2003. The Chair Irene Jones, called the meeting to order at 10:07 a.m.

**PRESENT**

Ila Bossons	Member
Irene Jones	Chair
Anthony Ketchum	Member
Jim McMaster	Member
Dick O'Brien	Chair, Authority
Joe Pantalone	Member
Ian Sinclair	Member

**REGRETS**

Lorna Bissell	Vice Chair
Cliff Gyles	Member
Pam McConnell	Member
Dave Ryan	Member
Frank Scarpitti	Member
Tanny Wells	Member

**RES.#D41/03 - MINUTES**

Moved by: Joe Pantalone  
Seconded by: Ila Bossons

**THAT the Minutes of Meeting #2/03, held on June 13, 2003, be approved.**

**CARRIED**

**BUSINESS ARISING FROM THE MINUTES**

The last paragraph on page 80 states that "The Ministry of Transportation has indicated that all the municipalities that work within the municipal advisory group are in favour of building the corridor." The Authority was advised that in actuality, not all municipalities within the municipal advisory group are in favour of building the corridor.

### **CONFLICT OF INTEREST**

Brian Denney, CAO, declared a conflict of interest with respect to item 7.2 - Status of the Pine Valley Link, OP 600 OMB Appeal, and the Pine Valley Drive Link Environmental Assessment, due to residing along the proposed link.

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### **PRESENTATIONS**

- (a) A presentation by Dick Hunter, General Manager, Conservation Ontario, in regards to item 7.1 - Watershed Based Source Protection Update and Municipal Responses to Advisory Committee Report.

### **RES.#D42/03 - PRESENTATIONS**

Moved by: Ian Sinclair  
Seconded by: Jim McMaster

**THAT above-noted presentation (a) be heard and received.**

**CARRIED**

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### **CORRESPONDENCE**

- (a) A letter dated May 8, 2003, from Lois Griffin, Chair, Humber Watershed Alliance, in regards to item 7.2 - Status of the Pine Valley Link, OP 600 OMB Appeal, and the Pine Valley Drive Link Environmental Assessment.
- (b) A letter dated June 20, 2003, from Adele Freeman, Acting Director, Watershed Management Division, TRCA, in regards to Smart Transportation Bill (Bill 25).
- (c) A letter dated July 4, 2003, from Michael Puddister, Senior Planner, Credit Valley Conservation, in regards to Smart Transportation Bill (Bill 25).
- (d) An email dated July 10, 2003, from Madeleine McDowell, Chair, Humber Heritage Committee, in regards to RAP MoU Project Progress Report.
- (e) A position paper from the Don Watershed Regeneration Council, in regards to Review of The Final Report Of The Advisory Committee On Watershed-Based Source Protection Planning - *Protecting Ontario's Drinking Water: Toward A Watershed-Based Source Protection Planning Framework*.

**RES.#D43/03 - CORRESPONDENCE**

Moved by: Jim McMaster  
Seconded by: Ian Sinclair

**THAT above-noted correspondence (a) - (e) be received.**

**CARRIED**

**CORRESPONDENCE (A)**



**HUMBER WATERSHED ALLIANCE**

May 8, 2003

Chair and Members of The Toronto  
and Region Conservation Authority  
5 Shoreham Drive  
Downsview, ON  
M3N 1S4

Dear Chair and Members:

Re: Proposed Pine Valley Drive Link

I am writing on behalf of the Humber Watershed Alliance regarding the Pine Valley Extension. Attached please find a copy of a letter sent to the City of Vaughan regarding this matter.

At the Humber Watershed Alliance meeting of April 15, 2003, it was noted that in March 2001, the TRCA adopted a resolution requesting the City of Vaughan to consider other alternatives that would not impact Boyd conservation Area. In June, 2002, TRCA staff reiterated the position that this matter should be considered through an individual Environmental Assessment.

We urge the TRCA to continue its strong stand on this matter and to reiterate to the City of Vaughan your concern that this proposal will have major environmental impacts on the Boyd Conservation Area.

Yours truly,

A handwritten signature in black ink, appearing to read "Lois Griffin".

Lois Griffin, Chair  
Humber Watershed Alliance

/L.  
Encl.

cc: City of Vaughan, Mayor and Members of Council

June 20, 2003

CFN 32769

**BY FAX (905) 704-2007 AND MAIL**

EBR Coordinator  
Provincial and Environmental Planning Office  
301 St. Paul Street, 2nd Floor  
St. Catharines, Ontario  
L2R 7R4

Dear EBR Coordinator:

**Re: Smart Transportation Bill (Bill 25)  
EBR Registry Number: AE03E4512**

Toronto and Region Conservation Authority (TRCA) staff have reviewed the proposed Bill 25, and offer the following comments:

The TRCA supports the concept and principles of the Provincial Smart Growth initiative, including transportation, in that it has the potential to support TRCA programs by providing for a sustainable future. Bill 25, Smart Transportation, is aimed at strengthening the province's Smart Growth commitments to manage growth, sustain the economy and protect the environment. Aspects of the proposed legislation, such as the implementation of High Occupancy Vehicle Lanes and commuter parking lots support the Central Ontario Smart Growth Panel's final report (Shape the Future) in providing an integrated transportation network, both in terms of transit and goods movement opportunities.

While the TRCA is supportive of these initiatives, the proposed removal of a development plan and infrastructure corridor plan from the definition of undertaking under subsection 1(1) of the *Environmental Assessment Act (EAA)* in subsection 2(5) of Bill 25 raises concerns. The *EAA* has allowed for the public and public bodies such as the TRCA, to participate in the discussion of needs, alternatives to the undertaking and alternative methods of the undertaking. This right is eliminated in the proposed legislation. While subsection 5(3) pertains to the requirement for social, economic and environmental investigations, the weakened public and agency involvement allow the Minister of Transportation to establish infrastructure corridors without comprehensive consultation. Furthermore, the current draft of Bill 25 seems to provide no opportunity to appeal a development or infrastructure corridor plan, which we feel is necessary in establishing a transparent and fair process.

We feel that the identification and protection of natural heritage features and systems through Conservation Authority involvement in the Environmental Assessment process is a necessary step in the initial EA process. The Central Ontario Smart Growth Panel's final report further supports this position in recommendations 3 and 11, which aim to manage growth within the context of the natural-heritage system, and recommendation 4, aimed at the identification of urban expansion areas well in advance of growth. With the identification of transportation corridors as the first step in the planning process, the Minister of Transportation will essentially be able to guide future land use planning and environmental protection. The proposed legislation jeopardizes Ontario's natural heritage systems by providing for transportation planning in the absence of regional proactive land use planning and environmental planning and protection. As stated by the Pembina Institute, the proposed legislation will "...cement into place decisions that commit Ontario to low-density, automobile-and road-dependent development patterns for the foreseeable future."

Although the TRCA does not agree with the removal of the Environmental Assessment process in Bill 25, we do recognize the value in streamlining the approvals process for development and infrastructure corridor plans. We are willing to discuss with you streamlining measures to expedite the review of selected development and infrastructure corridor plans.

The Toronto and Region Conservation Authority recommends that Bill 25 be amended to remove the proposed changes to the *Ontario Planning and Development Act, 1994* and *Environmental Assessment Act* that would exclude a development plan or infrastructure corridor plan as not being undertakings as defined in subsection 1(1) of the *Environmental Assessment Act*. It is the opinion of TRCA that these proposed changes are in direct conflict with the intent of the *EAA*.

We trust these comments are of assistance. Should you have any questions please contact the undersigned at (416) 661-6600 extension 5238, or Carolyn Woodland, Manager of Development Services at extension 5214.

Yours truly,

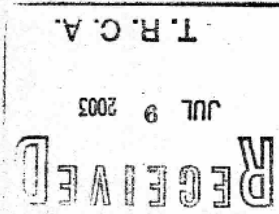
**ORIGINAL SIGNED BY  
CAROLYN WOODLAND For**

Adele Freeman  
Acting Director, Watershed Management

AG/

cc: Brian Denney, TRCA

CORRESPONDENCE (C)



EBR Coordinator  
Provincial and Environmental Planning Office  
301 St. Paul Street, 2<sup>nd</sup> Floor  
St. Catharines, On  
L2R 7R4

Dear EBR Coordinator;

July 4, 2003

**Re: Smart Transportation Bill (Bill 25)**  
**EBR Registry Number AE03E4512**

We have been circulated with the comments provided to you by the Toronto and Region Conservation Authority dated June 20, 2003. We agree with and support the position they have taken on the Bill. We share their concern related to the importance of the identification and protection of natural heritage features and systems through the EA process. Further, we strongly support their recommendation to amend Bill 25 to remove the changes that exclude a development plan or infrastructure corridor plans as not being *undertakings* as defined in the Act.

We would also be pleased to meet with Province to discuss ways and means of streamlining the review of development and infrastructure corridor plans.

Yours truly,

A handwritten signature in black ink, appearing to read 'Michael Puddister'.

Michael Puddister  
Senior Planner

cc  
Adele Freeman *SA*  
Acting Director, Watershed Management  
TRCA

Credit Valley Conservation 1255 Old Derry Road, Mississauga, Ontario L5N 6R4  
Phone (905) 670-1615 Fax (905) 670-2210

"Conservation Through Cooperation"

**CORRESPONDENCE (D)**

July 9th, 2003

Chair and Members of the Watershed Management Advisory Board  
Toronto and Region Conservation Authority  
5 Shoreham Drive,  
Downsview, Ontario M3N 1S4

Re: RAP MoU Project Progress Report

Dear Councillor Jones and Board Members:

Amongst the proposed projects listed for 2003/2004, under Clean Waters, is the sum of \$5,000 for Wet Weather Flow Support.

I wish to draw your attention to the inclusion within the City of Toronto Wet Weather Flow Management Master Plan of a spit, or deflector arm, on the East bank of the Humber, at its mouth extending almost two kilometres out into the Lake.

It provides absolutely no remediation of water quality, and in no way benefits the Remedial Action Plan.

It is most important that such a proposal be eliminated before time and precious funds, which should be directed towards water quality improvement from the Humber, are spent on the Environmental Assessment.

The Humber Heritage Committee is categorically opposed to this device. We believe that it would not only be most harmful to the River, but also endanger its Heritage River status. The funds identified for this project should be reassigned to Natural Wetland / Infiltration Receiving Areas in the Humber Watershed, which would truly benefit the Remedial Action Plan..

While I do realize that the Plan to which I refer is that of the City of Toronto, I believe that, even prior to choosing a WWFMMP project to support, the Authority, as a responsible partner in the RAP, should exhort the City to make this change immediately, before matters proceed any further with the Environmental Assessment.

Thank you for your kind attention.

Yours sincerely,

Madeleine McDowell  
Chair, Humber Heritage Committee

**CORRESPONDENCE (E)**

**DON WATERSHED REGENERATION COUNCIL**

**Review Of The Final Report Of The Advisory Committee On  
Watershed-Based Source Protection Planning**

***Protecting Ontario's Drinking Water: Toward A Watershed-Based Source Protection  
Planning Framework***

**EBR Registry Number: XA03E0011**

The Don Watershed Regeneration Council (DWRC) is composed of volunteer representatives and municipal council members who are working with the Toronto and Region Conservation Authority (TRCA) to achieve the vision of a revitalized urban river and watershed. A comprehensive regeneration strategy - "Forty Steps to a New Don" - was endorsed in 1994 and through the efforts of thousands of volunteers and in partnership with other environmental groups we are making some progress towards this goal. The lack of effective source protection is still a significant barrier to long-term improvements to the river and to Lake Ontario. The Council supports the proposed source protection framework with its anticipated beneficial implications in the headwaters of the Don, which will have a significant impact on the whole system. As well as advising the TRCA on matters related to comprehensive watershed planning, the DWRC provides advice to other government agencies (federal, provincial and municipal) on matters pertaining to the interests and activities of the ENGOs making up the DWRC.

The Don Watershed Regeneration Council supports the principles of source protection planning contained in the Final Report of the Advisory Committee on Watershed-based Source Protection Planning entitled *Protecting Ontario's Drinking Water: Toward a Watershed-based Source Protection Planning Framework*. We acknowledge that the Don watershed is a highly degraded urban watershed. Many other watersheds in Ontario face different issues and threats compared to the Don. When the Advisory Committee's framework addresses such issues, we accept their expertise and support their recommendations. We encourage early implementation of the Advisory Committee recommendations and provision of appropriate funding for this framework.

**GENERAL COMMENTS**

The DWRC believes that work undertaken in the next few months will be critical in the development of watershed source protection plans. We offer insights gained from over a decade of experience of ecosystem based watershed planning and watershed management by the Don Watershed Regeneration Council. We support the development of effective instruments and tools for preparing and implementing source protection plans. The developed instruments will play pivotal roles in protecting watersheds, ecosystems and groundwater and surface water against degradation.

We support the recommendations contained in the Advisory Committee final report dealing with the technical, scientific and risk assessment aspects of source protection planning and offer recommendations to assist the composition of the Source Protection Planning Committees (SPPC). We believe that Environmental Non Governmental Organizations (ENGOS) with a history of effective involvement such as the Don Watershed Regeneration Council should receive membership on the SPPC dealing with their watershed. Flexibility should be built into the SPPC forming process to allow for representation of important watershed community interests, while maintaining an effective and accountable SPPC structure. We strongly support the proposed new stand-alone statute described in Recommendation 7. We anticipate that the development of new technical guidelines and practices as recommended in Recommendations 31, 43 and 51 together with the solid legislative backdrop will ensure the establishment of the most critical first barrier, source protection, in the protection of drinking water in Ontario. This will address the concern of Justice O'Connor as stated in the *Part Two Report of the Walkerton Inquiry*, "In a multiple-barrier system for providing safe drinking water, the selection and protection of reliable, high-quality drinking water sources is the first barrier."

Variability in financial capacity of municipalities, provincial agencies, conservation authorities and ENGO organizations may cause inconsistent application of the new tools based on financial capacity. By ensuring a legislative backdrop providing for monitoring and reporting, this situation will be avoided thus protecting watersheds, ecosystems, groundwater and surface water. It will be essential that sufficient financial and technical support be made available to the participants if effective source protection planning and management are to be achieved in the context of comprehensive ecosystem-based watershed management across the entire Province.

We support an integrated ecosystem-based approach based on watershed boundaries requiring special treatment for source protection areas in locations such as: groundwater recharge zones; existing degraded areas, and natural habitat regeneration zones. Overall the focus of source protection plans ought to emphasize the impact of chronic non-point source pollutant loadings instead of a point source catastrophic impacts approach to source degradation. Within the non-point chronic approach, special consideration must be given to addressing the implications of road salts application, road salts storage sites and snow dumps.

To assist citizens to participate in non-point source watershed protection, we urge the Ministry of the Environment to commit resources to support the watershed protection community, including conservation authorities (CAs), to create and to distribute public education materials concerning source protection planning and making the link that source protection is inextricably linked with land use planning.

We encourage the Ministry of the Environment to integrate the DWRC positions into the risk management instruments process for source protection. We are optimistic that the adoption of our recommendations will protect watersheds, ecosystems, groundwater and surface water against degradation and achieve protection for source areas.

Many of the 55 recommendations of the Advisory Committee have significant implications for conservation authorities and municipalities that will require CAs to greatly strengthen their watershed management capacities and abilities.

The Advisory Committee report calls for CAs to take on additional responsibilities in coordinating the development of watershed-based source protection plans (SPP) and the ongoing maintenance and up-keep of the plans, among other roles. This move will formalize a mandate for CAs as a key participant in the area of public health, which brings with it a significant increase in responsibility and accountability. This will present an opportunity to strengthen municipal, business and community partnerships in watershed management. New sources of funding are to be established to ensure adequate resourcing of CAs in their new SPP roles. Land use planning and other water resource permitting decisions will have to be consistent with recommendations of the source protection plan in vulnerable areas. These recommendations will greatly elevate the legal status of watershed planning work and improve the effectiveness of key implementation tools. Hence the plans must have sufficient resources allocated to them to be prepared at a level of detail that can withstand legal scrutiny.

## **DON WATERSHED REGENERATION COUNCIL RECOMMENDATIONS**

- 1. Final Report of the Advisory Committee on Watershed-based Source Protection Planning entitled Protecting Ontario's Drinking Water: Toward a Watershed-based Source Protection Planning Framework.**

### ***Recommendation***

***The Don Watershed Regeneration Council strongly supports the development of effective instruments and tools for preparing source protection plans for implementation as soon as possible. These instruments will play pivotal roles in protecting watersheds, ecosystems and groundwater and surface water against degradation.***

- 2. Goal of Source Protection Plans (Rec. 3); Great Lakes link (Rec. 4, 5)**

Within the Don Watershed, drinking water sources include both lake-based and groundwater-based supplies. The groundwater withdrawals are located in vulnerable and locally controllable source areas, some of which are under the jurisdiction of the Oak Ridges Moraine Conservation Plan. As proposed, these areas would require the development of source protection plans on a high priority basis. Ongoing local municipal efforts to address the requirements of the Oak Ridges Moraine Conservation Plan for groundwater management, water budgets, and improving water quality of area streams will provide a strong base from which to develop source protection plans for both groundwater and lake-based water sources. For the majority of the Don watershed residents who have Lake Ontario as their drinking water source it is important that upstream decision-making also be required to protect their drinking water source.

***Recommendation***

***The Province ensure resources are available to Conservation Authorities and Conservation Ontario in order to promote understanding and planning for drinking water source protection in the context of integrated ecosystem-based watershed management plans which protect all interdependent environmental systems.***

**3. New SPP Legislation; Other Legislative Amendments; Guidelines (Rec. 7- 10, 31)**

Legislated recognition of watershed based SPPs and the roles of CAs will greatly enhance the status of watershed planning work and strengthen the effectiveness of key implementation mechanisms. This recognition will demand improved accountability on the part of CA staff to ensure state-of-the-art technical standards are maintained and the resulting plans are defensible. Continued commitment to stakeholder involvement will be essential and the level of involvement will increase. Likely, there will be an increased need for conflict resolution expertise due to the implications that the final SPP will have for existing and future land uses on private and public lands.

The provincial government has indicated its intent to draft the new SPP legislation by Fall, 2003, and it is essential that the legislative amendments and guidelines be developed concurrently or shortly thereafter. Technical guidelines intended to support implementation of the Oak Ridges Moraine Conservation Plan were not, and are still not, available, to assist municipalities to discharge responsibilities resulting in confusion in interpretation and inefficiencies of implementation and the difficulty to meet legislated time schedules.

***Recommendation***

- A. The Province should develop: source protection planning legislation; technical guidelines and standards. The Province should coordinate the development of SPP guidelines with those being prepared in support of the Oak Ridges Moraine Conservation Plan.***
- B. The Province should ensure that guidelines are available to Conservation Authorities, municipalities, watershed stakeholders and the public prior to, or at the time of, proclamation of any new legislation.***
- C. The Province should convene a multi-stakeholder technical working group, including representatives from Conservation Ontario, Association of Municipalities of Ontario, peer groups, science advisors and other watershed stakeholders for the purposes of developing the SPP guidelines and standards.***
- D. The Province should provide assistance to Municipalities, ENGOs, Conservation Ontario and individual conservation authorities in 2003 and 2004 to support their efforts in reviewing the draft legislation, legislative amendments, guidelines, and standards, and beginning to prepare for the proposed new mandate.***

**4. Time to Complete SPPs (Rec. 10), New Powers for Municipalities (Rec. 8, 9, 11) & New Responsibilities for CAs (Rec. 12, 17, 36 - 38, 42, 52)**

The Report recommends that SPPs be initiated within two years of the passage of SPP legislation and completed within five years. If legislation were passed early in 2004, plans would have to be completed by 2009. Watershed plans in the Don Watershed located in the Oak Ridges Moraine planning area have to be completed, and Regional Municipal Official Plans have to be brought into conformity, by 2007 to meet the requirements of the Oak Ridges Moraine Conservation Plan.

The Report recommends that conservation authorities be the organization given responsibility for coordinating the development of watershed-based source protection plans wherever possible; ongoing review and update of the plan; and issuance of status reports on SPP progress. CAs would also share roles with other agencies and stakeholders in public education and dissemination of SPP information and management and collection of SPP data. This move will formalize a mandate for CAs as a participant in the area of public health, which brings with it a significant increase in responsibility and accountability. For TRCA, the role is a natural expansion of work already underway, and offers an opportunity to strengthen partnerships with municipal and watershed communities in watershed planning, regional watershed monitoring and reporting, education, and stewardship and regeneration projects.

The Report recommends other legislation be amended to be consistent with the new source protection legislation. Unfortunately, the Ontario Water Resources Act (OWRA) is omitted from the list. This oversight should be corrected by including the OWRA especially since it presently does not specifically provide an approval process for the renewal of water taking permits which requires notification of agencies, CAs, municipalities and neighbouring property owners.

***Recommendation***

- A. The Province immediately commence the preparation of guidelines and standards and commence the presentation of training programs to build source protection planning capacity in Source Protection Planning Committees, Provincial agencies, CAs and municipalities.***
- B. Information and training be provided by the Province and by Conservation Ontario to watershed advisory groups such as the DWRC to ensure understanding of new responsibilities and liabilities under the proposed new legislation and legislative amendments.***
- C. All development proposals must be consistent with the Source Protection Plans in all parts of the watershed.***
- D. The Ontario Water Resources Act be amended to provide an approval a process for the renewal of water taking permits, including the requirement to provide notification to agencies, CAs, municipalities and neighbouring property owners.***

**5. New Funding Sources for CAs (Rec. 13); Financing Initial SPPs (Rec. 19)**

The Advisory Committee acknowledged that provincial funding support will be necessary to jump-start all initial SPPs, considering that it will take some time before new sustainable funding mechanisms can be established.

Watershed-based SPPs will have legal status, compared to traditional watershed planning exercises, so any budget estimates for SPP preparation should include provision for legal services, enhanced level of stakeholder involvement, and the newly required expert panel review. Ongoing SPP implementation costs should include provision for legal counsel in the event that participation is required at appeal hearings. As well, it is essential that such plans have the resources to be prepared with “on the ground” knowledge of conditions and management needs. The funding for watershed studies has declined over the years such that they are based largely on secondary source information, particularly for ground and surface water, instead of data generated by field research. The use of secondary source data will not be sufficient to provide for a scientifically defensible SPP before any tribunals.

***Recommendation***

- A. *The Province update cost estimates of watershed planning and management activities published by the interministerial committee on Watershed Management Evaluation Initiative in 1997 as the final report “An Evaluation of Watershed Management in Ontario Final Report” and incorporate provision for any additional source protection planning requirements in order that sufficient funding can be budgeted.***
- B. *The Province should prepare budget estimates for delivering sufficient ongoing source protection planning program support, which includes the collection of field data for a scientifically defensible SPP.***

**6. Interim Risk Management Responsibilities (Rec. 17); Model SPP (Rec. 18)**

Assuming SPP legislation is passed in 2004, SPPs may not be in place in all watersheds for at least 3 to 5 years. While the recommendation for interim risk management is very practical and proactive, there needs to be clarification around the specific responsibilities and definitions of “potential threats” and “high risk activities” to ensure that interim objectives are met. Application of this approach would also suggest the need for initial scoping of potential threats and drinking water source vulnerabilities throughout the source protection planning area and the use of powers already available to Provincial agencies, municipalities and CA’s to identify and to deal with interim risk management opportunities. An interim approach could be provided as part of the model SPP. Funding requirements for this initial scoping and legal review should also be considered.

## ***Recommendation***

***The Province should identify and provide clarification of “available powers” of Provincial agencies, municipalities and CAs for interim approaches and powers to deal with interim risk management opportunities and to clarify interim risk management responsibilities, to be used while the legislation and guidelines are developed.***

### **7. Planning Areas (Rec. 21); SPP Committee (Rec. 22- 26)**

The Advisory Committee recommended that Southern Ontario be divided into 16 planning areas for the purposes of preparing source protection plans. The TRCA jurisdiction is proposed to be one planning area. The report calls for the establishment of a Source Protection Planning Committee (SPPC) for each area. The SPPC is to act as an advisory committee to the Full Authority, and it is the Full Authority that recommends the final SPP to the Ministry of the Environment for approval. Membership on the SPPC is proposed to be a maximum of 18 members distributed as follows: one-third municipal representatives; one-third provincial, First Nations, and federal representatives; and one-third local public health and other stakeholders. The SPPC may establish working groups, providing opportunities for direct involvement of others in the plan.

The TRCA is composed of nine watersheds so an artificial limit of 18 members on the SPPC may pose difficulties in the TRCA jurisdiction, whether applied to the jurisdiction as a whole (i.e. the entire SPP planning area) or to individual watersheds (i.e. watershed specific SPPCs), where there are numerous stakeholders and both local and regional municipalities who would have active roles in implementing the SPP recommendations.

While there is merit in ensuring a balance of votes from the three sectors, there should be flexibility in the number of members (e.g. by providing seats based on a characterization of the watershed to ensure that groups with a history of committed involvement be represented). The total number of members of the SPPC is less important than having effective and accountable representation.

Our predecessor, the Don Watershed Task Force, composed of 25 members, successfully developed a comprehensive plan, 'Forty Steps to a New Don' to regenerate the Don Watershed. It was our experience that 10 watershed residents, 10 municipal politicians and representatives of 5 environmental partners could work effectively together given the technical support of the TRCA. Our experience and those of other watershed groups like the AEMONT (Grey County groundwater group) and the Humber Alliance indicate that the keys to successful outcomes are:

- committed representatives from the watershed;
- committed support staff with adequate funding and resources; and
- political representation from each of the affected municipalities.

We believe that through this approach municipal councils gained the necessary understanding of the importance of implementing the recommended plan.

***Recommendation***

- A. Flexibility in the size and representation on the SPPC should be provided with respect to the maximum number of SPPC members in order to include ENGOs with a history of committed involvement.***
- B. The role, responsibilities and powers must be clearly set out including the ability of the Province to override inappropriate local decisions. The Province must monitor and audit the performance of each SPPC to ensure that representatives are accountable and responsible in performing their roles.***
- C. The Province considers assigning Low Water Response duties to the SPPC.***
- D. Clarification on what constitutes “sufficient municipal support” (as referenced in rec. 26) should be provided.***

**8. Expert Panel (Rec. 27); Consultation Process (Rec. 29)**

An expert panel is to be established as a means to assure continuous improvement and state-of-the-art source protection planning approaches. Minimum requirements for a transparent consultation process will be specified.

***Recommendation***

***The Province should provide adequate remuneration to ensure that members of the expert panel commit the effort and time necessary to fulfill their role.***

**9. Content of the SPP (Rec. 31)**

The Advisory Committee report sets out a list of SPP requirements. Additional work on specific technical guidelines and standards was identified as further work to be done.

Many of the required studies are already underway in many jurisdictions, as part of ongoing watershed planning work, regional water supply studies, water quality improvement studies, or provincially funded groundwater protection studies, being carried out by the York-Peel-Durham-Toronto groundwater partners and the Regional Municipalities. Care should be taken to ensure that studies are not needlessly and unnecessarily duplicated. Technical guidelines are required to be prepared in a timely fashion to provide adequate lead-time for multi-year work plans and budget preparation. Clarification is needed, for example, on the application of fate of contaminants models (i.e. for the whole watershed) and uncertainty in these models should also be acknowledged.

***Recommendation***

- A. *The Province should prepare sensible science-based technical guidelines in a timely fashion to provide adequate lead-time for multi-year work plans and budget preparation.***
- B. *The Province modify the 'key ingredients list' to include, for example, cultural/social information, demographics, identification of cultural communities, community surveys, existing water management programs and local institutional arrangements.***

**10. Approval Process for the SPP (Rec. 32)**

The Province (MOE) is to approve the SPP, and define in the SPP legislation the criteria and process for approval.

***Recommendation***

***The Province (MOE) should establish time lines for its internal review and approval process of SPPs. Monitoring of the approval process should be carried out to ensure adherence to the time lines.***

**11. Toward Implementation (Rec. 33- 35)**

The report identifies a need for additional consultation and development in the areas of SPP implementation, ongoing planning, and funding mechanisms. The DWRC notes that the use of EBR for information purposes should not replace effective and principled public consultation.

***Recommendation***

***The Province should embark on full-scale public consultation of the results of the feedback from the EBR posting. This should include facilitated workshops for ENGOs, municipalities, conservation authorities and watershed stakeholders. Long term sustainable funding needs to be provided along with technical resources such as SPP updates and implementation updates.***

**12. Public Consultation and Education (Rec. 42)**

The Province, CAs, municipalities, and other stakeholders are to share in the dissemination of information.

***Recommendation***

***The Province should take the lead in preparing generic educational materials that can be adapted and presented locally.***

**13. Risk Management Strategies (Rec. 43- 46)**

This set of recommendations calls for the Province to establish definitions for threats and risks and approaches for risk assessment. The report calls on the Province to undertake the development of this technical guidance within six months of the receipt of the report.

This section is key to the completion of many other aspects of source protection planning, including the technical guidelines, scale and scope of studies, and implications for legislation and standards. As this area is very new and very technically oriented, training sessions would be beneficial.

***Recommendation***

***The Province should develop risk management definitions, standards and guidelines and offer training sessions for practitioners within 6 months of approval of the timeframe proposed by the Advisory Committee.***

**14. Monitoring and Information Management (Rec. 49-54)**

Care needs to be taken to not roll out existing regional watershed monitoring network and watershed report cards as the basis for the monitoring and reporting needs of source protection planning. Rather, new initiatives designed specifically to address the needs of source protection in the context of integrated ecosystem-based watershed management need to be developed. Existing data base management models should be reviewed to determine if they can support the new initiative. There has been a move away from wet weather based surface water monitoring on the part of the province and we advocate for a renewed emphasis in this area as our experience is that this is when the contaminants that pose risks to water supplies appear. Further, many of the long term monitoring sites maintained by the Province were decommissioned during the period of cutbacks. Now, there are insufficient locations on which to assess risk to drinking water or the success of SPPs.

***Recommendation***

***The Province should reinstate previous surface water monitoring stations and develop new monitoring and reporting mechanisms including data and information standards and guidelines and offer training sessions for practitioners.***

June 19, 2003

## **SECTION I - ITEMS FOR AUTHORITY ACTION**

**RES.#D44/03 - WATERSHED BASED SOURCE PROTECTION UPDATE AND MUNICIPAL RESPONSES TO ADVISORY COMMITTEE REPORT**  
Municipal Responses to the Final Report of the Provincial Advisory Committee on Watershed Based Source Protection Planning

Moved by: Ian Sinclair  
Seconded by: Jim McMaster

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT The Toronto and Region Conservation Authority (TRCA) Members and staff continue to work with Conservation Ontario and our member municipalities to advance source protection planning and implementation within the province;**

**THAT the TRCA confirms its intent to develop watershed based source protection plans in full co-operation with its watershed municipalities following the enactment of the appropriate legislation, guidelines and funding mechanisms;**

**THAT the TRCA continue to seek seed funding to initiate a source protection plan for the Duffins and Carruthers watershed, based on the recently approved "A Watershed Plan For Duffins and Carruthers Creek", to provide a model for the integration of watershed planning and source protection for the Oak Ridges Moraine and elsewhere in the province.**

**THAT Conservation Ontario be thanked for its ongoing work on source protection;**

**AND FURTHER THAT staff continue to keep Members informed of the progress towards the development of provincial legislation and guidelines with respect to watershed based source protection.**

**CARRIED**

### **BACKGROUND**

At Authority Meeting #4/03 staff provided a review of the Final Report of the Provincial Advisory Committee on Watershed Based Source Protection Planning (WBSPP). The Authority endorsed a set of comments that were subsequently forwarded to Conservation Ontario for inclusion into a coordinated response to the province. The comments supported the principles of source protection planning and identified a number of detailed implementation issues for further discussion, including the make up of a source protection planning committee for TRCA, the need for guidelines and standards, and clarification of what constitutes municipal support. The final Conservation Ontario comments are included as attachment #1 to this report.

Also at Authority Meeting #4/03, the Authority directed staff to convene an information session on the Final Report for municipalities. TRCA staff attempted and had invited and confirmed senior Ministry of the Environment staff and representatives of Conservation Ontario. Due to the extremely tight timing and conflicts with municipal agendas this session was canceled. Staff are currently in the process of meeting with staff at the regional municipalities to discuss the coordination of Watershed Plans and Source Protection Plans. Mr. Dick Hunter, General Manager of Conservation Ontario, however agreed to present Conservation Ontario's perspective at the TRCA's Watershed Management Advisory Board Meeting to be held on July 11, 2003.

At Meeting #5/03 held on June 27, 2003 the TRCA resolved in part:

*THAT the Province of Ontario be requested to provide resources to develop a Source Protection Plan for the Duffins and Carruthers Creek Watersheds that will serve to identify the methodology and costs for developing these plans;*

Staff are currently arranging a meeting with the Ministry of the Environment staff to discuss this further.

At a June, 2003 meeting Conservation Ontario developed a draft resolution of support which TRCA forwarded to its watershed municipalities. The draft resolution expressed support for the recommendations of the Final Report on WBSPP. Municipalities were encouraged to adopt the resolution and forward it to the Ministry of the Environment. The commenting deadline was June 21, 2003.

TRCA staff are now in receipt of resolutions from the Regional Municipalities of Peel, York and Durham, and various other comments that have been forwarded to the Ministry of the Environment (Attachment #2). Appended to this report are Regional Municipality of Peel, York and Durham resolutions. City of Toronto staff commented directly to the province. In addition, the Regional Planning Commissioners of Ontario have reviewed the Final Report and have raised a number of salient points. The conclusion of their review is also appended to this report (Attachment #3).

In general, there is strong support for the implementation of source protection throughout the Province of Ontario. The TRCA member municipalities fully recognize the important role the TRCA and neighbouring conservation authorities should play to ensure the success of this work. The Region of York continues to support a strong leadership role for Conservation Authorities while the other municipalities prefer a partnership model with the province, regional municipalities and CA's contributing specific areas of expertise and a joint approach to recommending a source area protection plan for approval by the Ministry.

The Regional Planning Commissioner's report, upon which a number of municipalities have drawn their comments, similarly recognizes the importance of CAs in this work and in fact highlights a number of GTA initiatives particularly with respect to the Oak Ridges Moraine, groundwater studies and data sharing.

Emerging issues and concerns centre around the relative roles of CAs and municipalities in undertaking source protection planning studies, preparation of the final plan and approval mechanisms. These concerns warrant further discussion both within the TRCA jurisdiction and at a provincial scale. Province wide discussions would preferably take place as part of an extended mandate of the former advisory committee.

Within TRCA it would be our intent to develop watershed-based source protection plans in full partnership with our watershed municipalities and other partners. Such a model is reflected in the workplan to fulfill the watershed planning requirements of the ORM Act, as is being developed with York Region. Under that model the municipalities and TRCA take the lead with specific component studies, for which they have expertise, while TRCA coordinates the overall planning and partner involvement process. Notably, a policy working group comprised of and likely led by municipal planning staff will address the development of policy that will facilitate the implementation of the plan's recommendations, into the municipal land use planning process. Support for the source protection plan would be sought from all partners prior to proceeding to the Authority for a recommendation of approval by the province. Similarly mechanisms to incorporate the role of the public health department can also be developed.

#### **DETAILS OF WORK TO BE DONE**

Staff recommend that the TRCA continue to work through Conservation Ontario and with member municipalities to advance source protection planning and implementation as set out in Authority Meeting #4/03. Staff further recommend that TRCA seek seed funding to assist in detailing source protection technical requirements for building on the Watershed Plan for Duffins Creek and Carruthers Creek. By developing a working model of source protection within the Region of Durham this will advance the understanding of source protection technical, funding and consultation requirements.

**Report prepared by: Adele Freeman, extension 5238**  
**For Information contact: Sonya Meek, extension 5253**  
**Date: July 04, 2003**  
**Attachments: 3**

**Attachment 1**



June 20, 2003

Dawn Landry, Policy Adviser  
Strategic Policy Branch  
135 St. Clair Ave. West, 11th floor  
Toronto, Ontario  
M4V 1P5

**Re: EBR Posting XA03E0011**

Dear Ms. Landry,

I am writing on behalf of Conservation Ontario in response to the EBR posting for the *Final Report of the Advisory Committee on Watershed-Based Source Protection Planning (EBR# XA03E0011)*.

As per the June 16th Council meeting, Conservation Ontario supports the overall direction and recommendations of the Advisory Committee on Watershed-based Source Protection Planning. We encourage the government to take into consideration comments received on the Advisory Committee Report and then move forward in a timely manner with implementation including legislation, regulations, guidelines, standards, etc.

The following comments pertain to issues of particular importance to Conservation Ontario:

- Conservation Ontario supports Recommendations 7-10, which address the *Legislative Basis for Source Protection Planning*, and recognizes the importance of key institutional arrangements and legislative requirements. The Province is encouraged to proceed with the development of source protection planning legislation, technical guidelines, and standards such that there is a consistent approach in this and other legislation as well as related activities.

- It is recognized that the mandate of the Advisory Committee was not intended to articulate the contents of a source protection plan. It is our understanding that this will be addressed through the next step which is a much more detailed report on implementation to be developed in cooperation with those who will be required to actually deliver source protection planning. Conservation Ontario therefore supports Recommendation 33 which recommends further consultation on the implementation details of source protection. Implementation details are needed to develop the technical standards, guidelines, and appropriate implementation tools. Implementation details are also necessary for developing a long term funding model and for the development of a model source protection plan.
- It is requested that a multi-stakeholder technical working group, with broad stakeholder representation (e.g. Conservation Ontario, AMO, etc.), be established for the purposes of developing source protection standards, guidelines, and implementation tools. In addition, it seems appropriate that issue specific technical working groups (rather than one technical group dealing with all issues) should be formed to address various items.
- Existing tools may be used for the implementation of source protection planning. For example, Conservation Ontario recommends building upon the progress made under its partnership with the province on the Water Resources Information Project (WRIP) in order to support delivery of source protection.
- Consistent with Recommendation 19 of the Advisory Committee's report, it is critical that the Province provides substantial and adequate funding for both the creation of watershed-based source protection plans and the long-term implementation thereof. Having said this, we acknowledge that watershed municipalities also have a funding responsibility. However, the member municipalities of Conservation Authorities already contribute significant funding for existing watershed management programs, many of which contribute to source protection planning and implementation. They must be given credit for this existing investment in any future discussions about the sources of funding. Municipalities cannot assume the majority of long-term financial responsibility for source protection. An equitable funding partnership involving the Province, municipalities and the private sector is critical for long-term sustainability and effectiveness. This funding formula should reflect the differences in the ability to pay that exist across the Province. Although not specifically addressed in the report, Conservation Ontario continues to support a move to user pay with equity and fairness so that everyone contributes to source protection.
- The importance of source protection for those consumers who rely on existing communal (i.e. serving < 5 households) or private wells should be further emphasized as source protection is one of the only barriers against the contamination of their drinking water supply.

The following address specific recommendations within the Advisory Committee Report. While Conservation Ontario offers several comments on the contents, we provide these comments as minor suggestions for improvement only.

**Recommendation 10 – Source Protection Legislation and Regulations:**

This recommendation indicated that first generation source protection plans must be in place across Ontario within 5 years. Availability of source protection planning technical guidelines will be necessary to meet these timelines. The ability to meet the 5 year time frame will also be dependent on the availability of funding.

**Recommendation 12-14 – New CA Responsibilities:**

The report indicates that municipalities and conservation authorities are to be given additional responsibilities, mandates, and resources to address the issue of source protection. However, the nature of these additional responsibilities, mandates, and resources are generally vague and will require more information prior to implementation. The issue of enforcement will also need to be clarified and more details provided. It is appreciated that these specific recommendations are premised on significant new sources of funding for source protection planning.

**Recommendation 17 – Interim Risk Management:** There is some concern that this recommendation could create the perception that existing legislation and powers are adequate to protect water sources. The recommendation should be reworded to indicate “The Province, municipalities, and conservation authorities use their available powers **to the extent possible, recognizing the limitations that exist**, to manage potential threats...”.

In addition, Conservation Ontario requests that the province provide clarification on interim risk management responsibilities as the legislation and guidelines are developed. Conservation Ontario also encourages the Province to proceed with the development of risk management standards and guidelines and offer training sessions for practitioners. The Interim Risk Management section of the Advisory Committee Report is key to the completion of many other aspects of source protection planning, including the technical guidelines, scale and scope of studies, and implications for legislation and standards. As this activity is new and very technically oriented, training sessions would be beneficial.

**Recommendation 18 – Model Source Protection Plan:**

This recommendation provides for a consistent approach in the preparation of source protection plans. The development of a model plan and resolution of implementation details should not be delayed during any public consultations that may be planned for the Advisory Committee Report. Both should occur concurrently. Such a model plan may in fact help address some of the concerns or issues that may be identified by various interest groups and individuals. It should graphically display what is and is not included in a source protection plan and what information one needs to develop a proper plan.

**Recommendation 21 - Planning Areas:**

Conservation Ontario agrees with the planning area concept and understands that the province cannot provide funding to 36 separate CAs plus other areas in the province. We recommend though that the planning process should be guided as much as possible at the local level within a framework that is consistent across the province.

Conservation Ontario agrees that 24 planning areas in Ontario appear reasonable; however, the exact boundaries should be the subject of further deliberations and negotiations. The merits of various criteria for determining planning areas are being debated within Conservation Ontario as the map is further evaluated. It should be noted that Conservation Ontario does not support splitting any existing conservation authority jurisdictions in the definition of these planning areas.

**Recommendation 22 to 26 – Source Protection Planning Committee (SPPC):**

Conservation Ontario requests that the province provide flexibility in the SPPC model, particularly with respect to the maximum number of SPPC members. It should be noted that a number of Conservation Authorities have been successful in working with groups larger than 18. A limit on numbers may pose difficulties in some Conservation Authorities where there are numerous stakeholders and both local and regional municipalities which would have active roles in implementing the source protection plan recommendations.

Assuming that the “minimum 18” model remains, Conservation Ontario agrees that an “overarching” SPPC should consist of senior representatives, while functional working groups would operate at a smaller watershed task force level where there could be more flexibility in the membership. Such working groups would reinforce the importance of involving the “implementers” of the plan in its development.

Page vii and Page 20 include discussions on the organization of a SPPC. It is indicated that a SPPC will report to “the board of directors of a conservation authority.” It is our understanding that this will be 2 or more conservation authority boards where CAs have joined for the purpose of source protection planning.

**Recommendation 31- Key Ingredients List & Need for Cultural Information:**

In addition to those “key ingredients” listed in Recommendation 31, Conservation Ontario recommends inclusion of cultural/social information. Most of the attention is given to water budget and water quality data needs and modeling. While these are obviously necessary, cultural/social information characterizing the watershed is equally important with regard to the design of a public consultation process(es) and products that will be effective locally.

The 'key ingredients list' must be modified to include cultural/social information including for example: demographics, identification of cultural communities, community surveys regarding the importance of source protection planning and implementation options, existing water management programs, local institutional arrangements, etc. These should be included in a revised Recommendation 31 to serve, at the very least, as a place holder and reminder of the need for cultural/social information as the framework is further developed.

**Recommendation 37 – Review and Updating of Source Protection Plans:**

This recommendation provides a list of the roles and responsibilities in order to keep plans up to date. While the responsibilities of each agency are clearly listed, there needs to be overall coordination in keeping a plan up to date and to prevent overlap. For example, “issuing implementation status reports” is listed as a responsibility under each agency. Overall coordination would help to prevent each agency from preparing its own status report. Given the recommended responsibilities of the CAs, it would be appropriate that the CA be identified as the lead agency for issuing the implementation report with the cooperation of the other parties.

**Recommendation 42 – Public Education:**

We agree with this recommendation and suggest that the Province should take the lead in preparing generic educational materials that can be adapted locally.

**Recommendation 47 & 48 – Additional Standards for Surface Water:**

Conservation Ontario supports these recommendations to both prevent misuse of the Provincial Water Quality Objectives and to provide for a consistent data network across the province.

**Recommendation 49 – Monitoring and Information Management:**

Conservation Ontario believes that it is extremely important to ensure current networks are not duplicated but are instead enhanced (e.g. Provincial Water Quality Monitoring Network, Provincial Groundwater Monitoring Network).

**Recommendation 53 –Data:**

This recommendation should be edited to read: “To every extent possible, data should be made available **to all stakeholders**, including the dissemination of data and information to the public (e.g., non-proprietary information).”

Conservation Ontario agrees that the Province should be the lead agency in data management. It is also necessary that the data be easily and readily available to local agencies. It is critical that Conservation Authorities continue to be involved in the development and design of datasets and the establishment of Provincial standards. This is particularly important if the Conservation Authorities and other local agencies are to use the data for their source protection initiatives.

**Page 47 – Examples of Water Quality and Quantity Indicators:**

Conservation Ontario recommends that one criterion for the selection of water quality and quantity indicators should be its direct relationship to source protection issues.

**Recommendation 54:**

The recommendation should read: “The province working ...and local levels. These indicators should be developed **within** six months of the ... planning process.”

I would like to thank you for the opportunity to comment on this posting. Conservation Ontario is committed to protecting Ontario's sources of drinking water and looks forward to continued work with the province and other parties to meet this goal. Please contact Bonnie Fox at (905) 895-0716 ext. 23 if you have any questions with regard to the above comments.

Sincerely,

***Original Signed By***

Richard D. Hunter  
General Manager

c.c. CAO/General Managers, All Conservation Authorities

## Attachment 2

### Region of Peel

#### Provincial Advisory Committee Comments on the Final Report on Watershed-Based Source Protection Planning Framework

May 26, 2003

Resolution of June 19, 2003

That the Regional Clerk send a copy of the report of the Commissioners of Planning, Health, and Public Works, dated May 26, 2003 titled, "Provincial Advisory Committee -Comments on the Final Report on Watershed-Based Source Protection Framework" to the Ministry of the Environment before the commenting deadline of June 21, 2003;

And further, that the following specific comments be submitted regarding the Provincial Advisory Committee's Final Report on Watershed-Based Source Protection Framework:

- Generally support the principles of Source Protection Planning contained in the Provincial Advisory Committee's Final Report on Watershed-Based Source Protection Framework.
- The Province must consult extensively with municipalities and other stakeholders on the form and content of any proposed source water protection legislation and that it should appropriately empower municipalities, clearly outline responsibilities and requirements, and provide necessary implementation tools.
- Any legislation must be accompanied by technical guidelines detailing provincial direction and requirements. These technical guidelines must be prepared in consultation with partners and be completed before enacting legislation.
- Source protection plans must address the protection of all drinking water sources, including ground water, lake-based, and surface water supplies.
- The Province must continue to be ultimately accountable to the people of Ontario for providing safe drinking water and should take the lead role in establishing standards and requirements for drinking water quality.
- The coordination and implementation of source protection plans must be based on a partnership involving the municipalities and the conservation authorities. The model proposed by the Advisory Committee recommends conservation authorities be the organization given responsibility for co-ordinating the development of watershed-based protection plans wherever possible. This does not respect the fact that municipalities are largely responsibly for delivering safe drinking water, provide much of the funding to conservation authorities, and it does not recognize the lead role played municipalities in implementation.
- Given that the Municipal Councils are directly elected and that municipalities will be expected to take a strong leadership role in the implementation of source protection plans, it is recommended that municipal councils also have a role in recommending approval of the source protection plans.

- The role of Health Departments is inadequately considered and defined by the Advisory Committee. The Ministry of Health and Long Term Care should be consulted, along with the Medical Officers of Health, to ensure a role for Health Departments is clearly outlined.
- The Province must be responsible for substantially funding the development and ongoing implementation of watershed-based source protection plans.
- The model Source Protection Plan should be developed with municipal input. There is a need to recognize the work that has already been done by municipalities in the area of source protection planning and to utilize municipal expertise.
- In terms of data management, there is cautious support for the Province acting as the lead data management organization. However, it is recommended that agreements be put in place to ensure that data is provided in an appropriate, timely, and cost effective manner .
- Data Management systems should incorporate existing information management systems and should be accessible to all.

And further, that the subject report be sent to Credit Valley Conservation (CVC), Toronto and Region Conservation Authority (TRCA), Halton Region Conservation Authority (HRCA), the Association of Municipalities of Ontario (AMO) and Peel's area municipalities for information.

### **The Regional Municipality of York**

Report of the Commissioner of Transportation and Works and Commissioner of Planning and Development Services

June 18, 2003

#### **RECOMMENDATIONS**

It is recommended that:

1. Regional Council support Watershed-based Source Protection Planning as a important initiative in protecting our water resources and a significant contribution to public understanding and the municipal planning process.
2. That the elements of the Watershed based Source Protection Planning contained in the Advisory Committee recommendations be supported in principle. subject to clarification of detailed tasks, implementation mechanisms and funding arrangement
3. The Province establish standards and technical guidelines for developing Watershed- based Source Protection Plans that can be applied across the Province.
4. The Conservation Authorities' play a lead role in source protection planning to characterise the water resources in a watershed and prepare the Watershed-based Source Protection Plans.

5. The responsibility for approval of Watershed-based Source Protection Plans be vest in Conservation Authorities following prescribed consultation, review and appeal procedures.
6. The Province be requested to provide substantial funding toward the preparation and implementation of Watershed-based Source Protection Plans.
7. Regional Council support municipal participation in a Source Protection Planning Committee that will serve as an advisory role to the Conservation Authority in guiding the preparation of the Watershed-based Source Protection Plan.
8. Regional Council support the implementation of Source Protection Plans through existing legislative mechanisms and appropriate amendments to municipal planning documents which will have regard for the recommendations of the Source Protection Plans.
9. The Province be requested to continue to support financially; those partnerships in water resources management that are currently in place between The Regional Municipality of York, The Regional Municipality of Peel, The Regional Municipality of Durham, The City of Toronto, and Conservation Authorities on the Oak Ridges Moraine and to consider these efforts as a potential model/best practice for data sharing and management within the source protection planning framework.
10. The Province support the implementation of Source Protection Plans by providing the necessary regulatory tools through amendments to existing legislation to ensure achievement of effective Watershed-based Source Protection.
11. Municipal participation is essential in any provincially led consultation regarding technical standards, new municipal powers, or funding related to Watershed-based Source Water Protection. York Region should therefore participate in any consultation towards development, implementation, and enforcement of new or amended regulations dealing with Source Protection Plans
12. The Province establish reasonable timelines for the delivery of Source Protection Plans that reflect the complexity of the issues surrounding watershed-based source water protection, including, the time required for the Province to deliver appropriate standards and technical guidance in advance of initiation of the source protection planning process.
13. The Regional Clerk forward a copy of this report to:
  - the Minister of the Environment, by June 21, 2003 as York Region's comments regarding Environmental Bill of Rights (EBR) Registry Number XA03EO011;
  - the Association of Municipalities of Ontario (AMO) as York Region's contribution to AMO comments on the Final Report of the Advisory Committee;
  - to local municipalities and adjacent Regions for their information.

**Regional Municipality of Durham**  
Review of Final Report of the Provincial Advisory Committee on Watershed-Based Source  
Protection Planning  
June 18, 2003

**RECOMMENDATIONS:**

THAT the Committee of the Whole recommends to Regional Council that:

- a) Report 2003-COW-O3 be endorsed as the Region of Durham's comments on the Final Report of the Advisory Committee on Watershed-based Source Protection Planning and submitted to the Ministry of the Environment (MOE);
- b) The Province be advised to undertake the following actions in developing an effective source water protection framework:
  - i) Develop the Source Protection Planning Framework as one section of the provincial Source to Tap Water Policy Manual, which would:
    - describe all linkages to related legislation and policy such as the *Planning Act*, *Safe Drinking Water Act*, *Environmental Protection Act* or Provincial Policy Statement, etc.
    - contain comprehensive source water protection provisions including policies and strategies for protection of Great Lakes and boundary rivers as the primary drinking water sources for Ontarians.
  - ii) Within the legislative and policy framework for source protection planning, offer several models for delivering the mandatory components of a source protection plan including:
    - a model that permits delivery of the Source Protection Plan by single or upper tier municipalities (similar to the York Peel Durham model).
  - iii) Avoid administrative duplication and jurisdictional complexity by building on and enhancing the current land use and watershed planning processes and framework
    - Conduct additional consultation with municipalities, conservation authorities and public health units on creating functional, effective, accountable roles and responsibilities for delivery of source protection planning without duplication
    - Provide new powers and resources to municipalities and Conservation Authorities to implement any new responsibilities associated with source protection planning
    - Consider the York Peel Durham groundwater strategy data sharing agreement as a model for data sharing province-wide.
- c) A copy of this report be forwarded to the Minister of Municipal Affairs and Housing, Durham MPPs, the Association of Municipalities of Ontario, the local municipalities and the five Conservation Authorities located in Durham.

### Attachment 3

#### Regional Planning Commissioners of Ontario

#### Advisory Committee Recommendations - Watershed-based Source Protection Planning

June 19, 2003

#### Conclusions

The Advisory Committee on Watershed-based Source Protection Planning has made considerable steps towards developing a framework for effective source protection planning. However this is not the final step, as many of the recommendations do not result in a clear and accountable framework to achieve the objectives of protecting human health. Further consultation with municipalities is required to create an accountable source protection framework that builds on existing roles, responsibilities and legislative tools. The RPCO recommends further consultation prior to proceeding with any legislative changes.

The following is a summary of the recommendations to the Ministry:

- The Source Protection Plan legislation should not be stand-alone but should be legislation that adds responsibilities, requirements and implementation tools to the existing legislative framework. This approach builds on existing infrastructure, expertise, and programs.
- The legislation must provide a variety of implementation tools and establish clear responsibilities for municipalities and other partners. Further consultation is required to define these requirements.
- The legislation must be accompanied by technical guidelines detailing provincial direction and requirements. These technical guidelines must be prepared in consultation with partners and completed before enacting legislation-
- Source protection plans must address the protection of drinking water sources including ground water, lake-based and surface water supplies.
- The Province should continue to be ultimately accountable to the people of Ontario for providing safe drinking water and should take the lead role in establishing standards and requirements for drinking water quality.
- The development and implementation of source protection plans must be based on a partnership among the province, municipalities and conservation authorities. The Province will need to establish the overall framework, while the CAs should lead the technical information component of the SPP. Municipalities should take the lead on the remaining components, including: development of SWPP, source protection issues; land use planning; ongoing implementation; and public health.
- Given that the Municipal Councils are directly elected and accountable and that municipalities will have a strong leadership role in the implementation of source protection plans, Municipal Councils should also be responsible for recommending approval of the SPP by the province.
- The Province and the Advisory Committee must consult further with the municipalities, with representatives from the Health Departments to further understand their current role with respect to water quality, ensure their continued role in public health protection, and develop possible funding sources for health department involvement
- The Province, which is still ultimately accountable to providing drinking water protection, should be responsible for substantially funding the development and ongoing implementation of watershed-based source protection plans.

- Recognizing that the Province should act as the main funding source, it is acknowledged that additional funding sources may be required. Further consultation is required to address additional funding options prior to establishing requirements within legislation. For this consultation to be effective, the next step in this process should be to determine the expectations of each affected parties. Once that is complete, there should be considerable consultation on the funding mechanisms. The Legislation should be drafted only after these tasks are completed.
- Further consultation is required in the area of rural water quality .Specifically, if Municipalities are now to take on the role of protecting groundwater in the rural area, outside wellhead protection areas, then there are significant issues related to funding, mandates, and the tools necessary to complete this
- Building on the recommendation that leadership should be based on a partnership approach, the Model Source Protection Plan should be developed with municipal involvement. There is a need to recognise the work that has already been done by municipalities in the area of source protection planning and to utilize municipal expertise.
- Further consultation is required on the initial risk assessment criteria. In addition, further work is required on the defensibility of vulnerability mapping of areas at risk-
- In terms of data management, \$ere is cautious support for the Province acting as the lead data management organization. However, it is recommended that agreements be put in place to ensure that data is provided in a timely and cost effective manner
- Data management systems should incorporate existing information management systems and should be accessible to all. A similar standard should be established and consistently implemented across Ontario.

**RES.#D45/03 - STATUS OF THE PINE VALLEY DRIVE LINK, OPA 600 OMB APPEAL, AND THE PINE VALLEY DRIVE LINK ENVIRONMENTAL ASSESSMENT**

Status reports on TRCA's Pine Valley Link, OPA 600 OMB Appeal process, and the current process for the Pine Valley Drive Link EA. Status presentation will be made regarding the findings of the Stage 2 phase of the Pine Valley Drive Link EA.

Moved by: Joe Pantalone  
Seconded by: Ila Bossons

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT the status report be received for the OMB Appeal of the OPA 600 for the Pine Valley Link, and for the Stage 2 (Alternatives) phase of work for the Pine Valley Drive Link Environmental Assessment Process.**

**AND FURTHER THAT staff continue to participate in the OMB appeal process, and the Environmental Assessment Process.**

**CARRIED**

**BACKGROUND**

Direction was given to TRCA staff as follows in Resolution #290/02, approved at Authority Meeting #11/02, held on January 10, 2003:

*THAT staff be directed to maintain party status in front of the Ontario Municipal Board with respect to referrals 1 and 4 as they relate to policies defining valley lands and buffers, and referrals 5 and 6 as they relate to the identification of the Pine Valley Drive Link through the significant natural habitat at the east end of the Boyd Conservation Area.*

*THAT staff be directed to continue to work with affected parties to resolve these appeals through the Block Planning Process and the Pine Valley Drive Environmental Assessment process.*

*AND FURTHER THAT staff be directed to retain legal services for any necessary representation on these matters.*

Direction was given to TRCA staff as follows in Resolution #A33/01, approved at Authority Meeting #2/01, held on March 30, 2001:

*THAT the City of Vaughan be advised that the Toronto and Region Conservation Authority has significant concern with the environmental issues of opening the Pine Valley link between Clubhouse and Rutherford Roads.*

*THAT the City of Vaughan be requested to thoroughly consider traffic planning solutions that do not require the opening of Pine Valley Drive between Clubhouse and Rutherford Roads.*

*AND FURTHER THAT the City of Vaughan be requested to initiate a full Individual Environmental Assessment (EA) as opposed to a Municipal Class EA for the Pine Valley Drive link due to significant potential environmental impacts, if they choose to pursue this option over another transportation strategy.*

## **CONCLUSIONS**

### **Status of Pine Valley Drive Link, OPA 600 OMB Appeal**

The Pine Valley Drive Link is a municipal unopened road allowance between Clubhouse Road and Rutherford Road in the City of Vaughan. The link extends through the Boyd Conservation Area and traverses through the Pine Valley Forest Environmentally Significant Area (ESA) and the Provincially Significant Life Science - Area of Natural and Scientific Interest (Pine Valley Forest ANSI). The proposed link crosses a significant and well defined valley system associated with the East Humber River.

The area in which the Pine Valley Drive Link is situated is subject to the Greenlands and Environmental Policy Area (EPA) designations and policies of the Region of York Official Plan. Specifically, these lands are identified on Map 2 as “Environmental Policy Area”, Map 3 as “Significant Forested Lands”, Map 4 as “Regional Greenlands” and Map 5 as “those portions of the Greenlands System that assist in defining the Regional Structure”. The Region of York recognizes the significance of the natural habitat in this area, despite other competing infrastructure interests.

The Pine Valley Drive Link has been identified on transportation schedules within the City of Vaughan Official Plan (OPA 400 approved in 1991 and OPA 600 approved in June 2001). Prior to “opening” this portion of Pine Valley Drive, the City is required to undertake a Municipal Class Environmental Assessment. Despite not appealing both Official Plan Amendments, the TRCA has repeatedly made clear its objection to the Pine Valley Drive Link through Authority Board Resolutions and correspondence to the City of Vaughan. In July 2001, the National Golf Club and Mr. Quinto Annibale appealed the inclusion of the Pine Valley Drive Link in Schedule “J” to OPA 600 as well as some of the applicable policies related to the City's transportation network to the Ontario Municipal Board. At a Prehearing Conference in November 2002, the TRCA was granted Party Status to the appeals by the National Golf Club and Mr. Annibale.

The National Golf Club, Mr. Annibale and the TRCA collectively requested that the Ontario Municipal Board to defer the Hearing until such time as the Environmental Assessment Process has been completed. In response, the City of Vaughan filed a Notice of Motion to dismiss the Hearing, with the alternative relief of an early Hearing date should their request be denied. On June 4, 2003, the Ontario Municipal Board set aside July 2, 3 and 4, 2003 to hear the legal arguments of this Motion. To respond to this Motion, all parties including the TRCA were required to file motion material. This necessitated the preparation of Affidavits (witness statements) by the Authority's Manager of Development Services, Carolyn Woodland and Planning Ecologist Noah Gaetz. Authority staff were cross examined by Counsel representing the City of Vaughan on June 26, 2003. At the writing of this report, the Motion is being argued by legal counsel for all parties.

## **Status of Pine Valley Drive Link Environmental Assessment Process**

The City of Vaughan initiated a Municipal Class Environmental Assessment in June of 2002. At Vaughan's invitation, TRCA staff have participated in the Community Stakeholder Work Group, and attended public meetings as well. The City of Vaughan retained the firm of Cansult Limited and Gartner Lee to conduct the consulting assignment. They developed a Terms of Reference for the assignment, and have now completed the draft Needs Analysis, and the Planning Alternatives phases of study. Throughout the process TRCA has advised the consultants and members of the Community Working Group of our significant concerns for the environmental sensitivity of the study site.

A draft Phase 2 Report was issued in May 2003 and this report includes the criteria and alternatives proposal evaluations. The conclusions of the consultant is that the preferred solution for dealing with the traffic demand and projected traffic patterns of the area includes the Pine Valley Drive Link in the scenario. The consultant wants to proceed into Phase 3 of the process to look at the detailed design of the preferred scheme.

Mr. Dick Gordon of Cansult Limited, and Don Fraser of Gartner Lee will provide a brief presentation on the Pine Valley Drive Link EA process to date and will describe the evaluation process that was conducted to reach their preferred scheme for the Environmental Assessment for the Pine Valley Drive Link, at the Watershed Management Advisory Board Meeting to be held on July 11, 2003.

Staff have responded to the Phase 2 Report and have identified that the Phase 2 Report has not adequately assessed:

- The impacts on the larger ecological functions of the Humber River Natural Heritage System.
- The local impacts to the Humber River System related to loss of habitat and reduced water quality
- The alteration of the land base and forest cover of the Boyd Conservation Area natural environment and recreation lands causing the need for possible operational change to TRCA's facilities eg. potential alterations may include areas of family and group picnicking and the trail systems that meanders through the forest and meadows of Boyd, as well as potential impacts to the existing bird and wildlife observation activities that exist at this important natural environment park.

**Report prepared by: Carolyn Woodland, extension 5214**  
**For Information contact: Carolyn Woodland, extension 5214**  
**Date: July 4, 2003**

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**RES.#D46/03 -**

**RESTORATION PLANTING FOR NEW AND PROPOSED TRANSPORTATION CORRIDORS**

Status update on TRCA's policies and requirements for restoration along highways and other major road systems, and request to set naturalization and planting objectives for new and proposed transportation corridors.

Moved by: Joe Pantalone  
Seconded by: Ian Sinclair

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT staff contact our municipal partners and MTO to solicit interest in sharing joint research and information on corridor planting, to review current planting standards for transportation corridors and roadways, to look for opportunities for improved standards and increased ecological planting requirements for these linear routes, and to seek funding resources to carry out these initiatives.**

**AND FURTHER THAT staff continue to work towards a best efforts practice to establish ecological and urban forestry planting objectives where opportunities arise through environmental assessment and municipal roadway planting initiatives with our partners, until a comprehensive policy or set of guidelines can be established with our partners.**

**CARRIED**

**BACKGROUND**

Issues of concern were raised at the WMAB meeting #1/03 regarding the GTA Transportation Corridor (Formerly 427 Extension Transportation Corridor) about the impacts of the corridor on environmentally sensitive lands through which the route may extend and the potential to incorporate green corridors as part of its planning and implementation. A request was made to clarify our policies and procedures for plantings and restoration works along highways and other major road systems as outlined in Resolution #A77/03, approved at Authority Meeting #3/03, held on April 25, 2003, as follows:

*THAT staff report back at the Watershed Management Advisory Board Meeting#2/02, to be held on June 13, 2003, on what TRCA's policies and requirements are for restoration works along highways and other major road systems, and on our naturalization objectives for new and proposed transportation corridors.*

Currently TRCA focuses its review of new transportation corridor planning proposals and existing roadway upgrades on two key efforts: to protect existing significant terrestrial features and natural heritage areas through realignment of the route corridor, and, secondly on determining the level of impact on features and compensation for loss of habitat through new planting and restoration works. These efforts are maximized through negotiation to the fullest extent possible in our role as a commenting agency for our municipal and regional partners as well as the Province. However, corridor planning is often limited within a narrow linear land base with many constraints to successful planting initiatives.

Our responsibilities under Ontario Regulation 158 and TRCA's Valley and Stream Corridor Program provide a platform to require plantings to stabilize slope and stream corridor projects, and to enhance naturalized stream corridor improvements through development permitting procedures. The Federal Fisheries and Oceans requirements for fish habitat compensation also provides an avenue to require fish and aquatic habitat restorations and enhancements to offset disruption and removal of existing fish habitat through transportation development approvals.

Our role primarily focuses on establishing best efforts planting for roadway and highway planting requirements through the Environmental Assessment Process, and subsequent permitting requirements.

TRCA staff is also currently working on an inter agency group with MTO to address habitat and planting issues. TRCA's new Terrestrial Natural Heritage Program indicate that additional habitat lands for targeted ecological health and biodiversity are critical to the ecological needs of the jurisdiction into the future. This work is important to transportation corridor planning at several levels.

## **RATIONALE**

It has been recognized for many years that transportation corridors could potentially serve as linear greenspace corridors that are not only more attractive for travelers but serve to provide ecological function and add to the urban forestry concept for communities through which the routes traverse. The design approaches taken for these corridors is fundamental to whether the route stays as a barren infrastructure route or flourishes into a landscape of value. As urban lands intensify greater reliance on these corridors to serve as natural areas for pollution filtering and community buffering will prevail. Planting is no longer a frill but a necessity. The question remains how best to achieve our overriding ecological objectives and planting requirements.

Design and environmental professionals know that the current standards for transportation corridors can not support a productive landscape along these routes. The existing methods of building highly compacted structured soil beds in road corridors does not support the horticultural needs of native or non-native planting. Native species that can survive harsh roadway conditions are limited in today's nursery market, and new technologies are needed to establish planting that is hardy and indigenous to specific sectors in the route. Re-structuring of existing soil is required to add nutrients to growing medium, and slope gradients must change to allow for planting areas that are stable. Environmental management improvements for transportation routes need to address seed mixes and meadow establishment, snow drifting considerations, landscape maintenance of planting areas and spills management. All of these considerations increase the cost of these transportation routes in the short term, but potentially provide significant gains for the future.

Competing objectives also need to be addressed in dealing with road safety issues, clearance zones, and sight line requirements from engineering standards.

Many disjointed professional efforts have been or are ongoing in dealing with the issues of planting in transportation corridors. This information needs to be pooled together to form a basis for thorough discussion on the topic, and to identify focused opportunities for highway and roadway projects throughout the jurisdiction.

The range of opportunities will vary greatly between the current Ministry of Transportation Future 400 Series Highways, regional roadway projects and urbanized streets within the City of Toronto. In some areas TRCA has a clear opportunity to play, in others municipal partners have the primary responsibility. However, a coordinated series of objectives need to be established through dialogue on this topic. In many cases, opportunities for major new planting initiatives need to be identified early in the planning process, and need to be site specific in establishing the appropriate highway design response incorporating changing standards, right-of-way delineation and protecting natural assets within a landscape.

Some projects and/or initiatives that are critical to a thorough dialogue on linear corridor plantings include (to name a few that are currently underway):

- Greening of York Region Program (2000) dealing with road sides and main arteries; Streetscape Policy 2000
- Region of Peel Adopt-Regional Road Sponsorship
- Conservation Ontario - MTO, Environmental Management and Performance Standards and Measures
- City of Toronto - Urban Forestry Initiatives and Naturalization Demonstration Projects - Don Valley Highway
- National Capital Commission, Ottawa - Parkway Naturalization Program
- MTO Maintenance Office - historical planting programs and meadow research program
- Redhill Creek Landscape Naturalization and Management Research

TRCA's Living City and Natural Heritage planning efforts over the next few years will be an important movement to identify those corridors requiring a greening effort, particularly when some transportation linkages could become corridors for biodiversity associated with the Terrestrial Natural Heritage program directions.

#### **DETAILS OF WORK TO BE DONE**

A workplan is needed to advance the discussion and exchange of ideas and research on this topic among our municipal planning partners. Some initial research is required on this topic to update each other on existing programs and accomplishments, as well as barriers to the undertaking.

A discussion paper needs to be developed identifying this research and scoping the policy undertaking with our municipal partners and the Ministry of Transportation. An information workshop could be held in the fall as one option to gaining a collective discussion and set of common objectives about planting requirements for roadway and highway corridors. This would serve as a vehicle to open up the topic of changes in highway design standards and would move many towards a vision for highway planning that responds to our need for sustainable communities and natural heritage protection.

Following preliminary discussions with relevant agencies staff should develop funding proposals to undertake associated work tasks.

**Report prepared by: Carolyn Woodland, extension 5214**  
**For Information contact: Carolyn Woodland, extension 5214**  
**Date: July 3, 2003**

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**RES.#D47/03 - REMEDIAL ACTION PLAN (RAP) MEMORANDUM OF UNDERSTANDING (MoU) PROJECT PROGRESS REPORT 2002/2003 AND 2003/2004 PROPOSED PROJECTS**

Year one of the 2002-2007 RAP MoU completed in March 2003 and a progress report has been prepared outlining RAP achievements. A list of proposed projects to be funded in 2003/2004 has been prepared

Moved by: Anthony Ketchum  
Seconded by: Jim McMaster

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT the Project Progress Report for 2002/2003 RAP MOU projects be received;**

**THAT the 2003/2004 Proposed Project Listing for the RAP MoU be approved;**

**AND FURTHER THAT staff report back to the Watershed Management Advisory Board in September when the RAP Team has completed its 5-Year Planning and Public Engagement Strategy (Communications Plan).**

**CARRIED**

**BACKGROUND**

The Toronto and Region Remedial Action Plan (RAP) Memorandum of Understanding (MoU) was signed in 2002. This five-year agreement between Environment Canada, The Ministry of the Environment and the TRCA coordinates and implements projects to restore beneficial uses in the Toronto and Region Area of Concern (AoC).

At the January 10, 2003 Authority Meeting, Resolution #A285/02 was approved as follows:

*THAT staff be directed to carry out the 2002/2003 activities as approved by the Federal and Provincial representatives;*

*AND FURTHER THAT staff be directed to provide annual updates on RAP implementation activities to the Authority.*

Year one of the MoU was completed March 31, 2003. The following lists projects implemented in 2002/2003 under the \$400,000 budget (\$200,000 contribution from Environment Canada and The Ministry of the Environment respectively). For each project a brief summary of the progress and/or products that the RAP MoU funding has enabled is included. The dollar value indicated for each project reflects the RAP MoU contribution to these projects. While, in some cases, this contribution is small in terms of the entire project budget, it represents important matching, leverage and/or seed funding that enables these projects to be carried out.

### **2002/2003 Projects Completed Under the RAP MoU:**

#### ***Clean Waters***

##### Greenroofs for Stormwater Management - \$20,000

- Establishment of monitoring objectives for stormwater assessment;
- Development of a monitoring program for stormwater assessment;
- Purchase and installation of monitoring equipment and sensors; and
- Creation of a website to facilitate the sharing of project results with both a secure and public access components.

##### Rural Stewardship Program - \$10,000

- Assisted 43 private landowners in the establishment of best management practices on their property;
- Assembled information packages on a variety of related rural topics to distribute to landowners and other inquiries;
- Developed a partnership with Ducks Unlimited which allowed staff to participate in 27 public events (17 educational seminars, 4 public restoration events, and 6 public fairs/conferences); and
- Assisted in the implementation of 14 projects to improve water quality (through the reduction of phosphorous entering watersheds, native tree and shrub planting, and wetland creation)

##### Rural Water Quality Management Plan - \$10,000

- Set-up and validated the AGNPS model for the Humber River Watershed; and
- Completed fertilizer and land/use survey of the Centreville Creek subwatershed which will be used as input data for the model at the subwatershed scale.

##### Erosion and Sediment Control Project - \$5,000

- Completed two reports: *Sediment Control Pond Monitoring Study* (Ryerson University, March 2003) and *Preliminary Assessment for Improved Design Criteria for Construction Sediment Control Ponds* (Clarifica Inc., March 2003).

##### Leithcroft Farm Retrofit - \$20,000

- Consultant was hired by Markham to undertake a Class Environmental Assessment to evaluate alternative stormwater pond retrofit designs; and
- A detailed design and report was prepared for the selected stormwater retrofit design by the consultant.

Technology Transfer - \$10,000

- Preparation of the Sediment Control Workshop took place in 2002/2003 and remaining funding was deferred to 2003/2004 for the workshop implementation (May 7, 2003). Surplus funding will be used to carry out additional technology transfer projects in 2003/2004 which will be reported on in next years' progress report.

***Habitat Action***

Regeneration Projects - \$5,000

- Habitat Implementation Plans for the Humber and the Etobicoke Mimico have been developed which determine potential restoration sites on TRCA property throughout the watershed, using digital ortho-photo interpretation; and
- Potential sites were ground truthed to determine the feasibility of those which were candidates for habitat restoration. Based on the information collected on-site, a short list of candidate sites for habitat restoration has been developed.

Fisheries Management Plans - \$20,000

- Data collection needs were met and the establishment of survey stations was completed. Because the project started late in the fiscal year, unspent funding will be deferred to the 2003/2004 fiscal year. Additional work will be reported on in next years' progress report.

Waterfront Habitat Restoration Strategy - \$20,000

- Establishment of a Aquatic Habitat Restoration Strategy Advisory Panel; and
- Completion of the Draft Toronto Waterfront Aquatic Habitat Restoration Strategy 2003.

***Community and NGO Action***

Community Stewardship Program - \$10,000

- Establishment of a Stewardship Resource Centre at the Boyd Field Centre; and
- Carried out more than 25 conservation seminars across the watersheds to educate private landowners and general interest groups.

Watershed on Wheels - \$20,000

- Program reached more than 12,916 student, 926 teachers/leaders, 45 Yellow Fish Road Program Groups and 35 Aquatic Planting Events at 20 wetland restoration sites; and
- Communications were enhanced with the decal design for the Watershed on Wheels truck, an aquatic plants sticker kit, and a new storm drain marking concept and door hanger for the Yellow Fish Road Program.

***Monitoring and Research Action***

Regional Monitoring Program - \$25,000

- Annual implementation of the Regional Monitoring Program was carried out including the development of the 2001 summary report.

Regional Reference Site - \$12,500

- Compilation of physical and biological data from more than 300 stations across the north shore of Lake Ontario; and
- Initial data analysis began.

Needs Further Assessment Items (Assessing Tumours in Fish) - \$20,000

- Terms of Reference was developed and Gartner Lee was retained to prepare the "Review and Assessment of the Status of Fish Tumors and Other Deformities as an Impaired Beneficial Use within the Toronto Area of Concern"; and
- Experts in fish pathology and monitoring met to establish a Draft Monitoring Protocol for the fish tumour monitoring to be carried out in 2003.

***Sustainability***

Watershed Strategy Implementation - \$60,000

- Newsletters, events, public policy and advocacy for all watersheds in the Toronto and Region AoC and the waterfront;
- Completion of the Cold Creek Conservation Area Management Plan (Humber Watershed), Lower Don EA Preliminary Agreements (Don Watershed), Etobicoke/Mimico Strategy (Etobicoke/Mimico Creek Watersheds); and
- Establishment of the Etobicoke and Mimico Creek Watersheds Alliance.

Terrestrial Natural Heritage - \$20,000

- Progress made in the areas of: field inventories, characterization, landscape analysis and target setting for the program.

Sustainability: Waterfront - \$20,000

- TRCA staff provided in-kind services to the Waterfront Workgroup of the Sustainability Round Table (SRT) which included commenting on key documents and consultation between the SRT and the Toronto Waterfront Revitalization Corporation.

Sustainability: Living City Centre - \$20,000

- Sustainable Communities Design Charette was carried out in February 2003.

Administration and Supply Costs - \$62,500

- Completion of RAP MoU documents such as: the 5-Year MoU, 2002/2003 Budget and Project Descriptions, 2002/2003 Project Progress Report, 5 Year Strategies, Website Update, Great Lakes Sustainability Fund Project Submissions, and other projects as assigned by RAP Team Members. Monthly RAP Team meetings were also coordinated through this funding allocation.

Waterfront Regeneration Trust (WRT) Support - \$10,000

- Completion of transition from a 4-party agreement (which included the WRT) to a 3-party agreement. WRT was compensated through RAP MoU funding for website alterations, staff time on transition issues and Suzanne Barrett's representation at Wet Weather Flow on behalf of the RAP.

A detailed progress report indicating project achievements and status has been prepared and submitted to Environment Canada and the Ministry of the Environment. TRCA staff Lisa Turnbull, the Community Liaison Officer for the RAP, will attend each of the watershed council and task force meetings to provide information on the 2002/2003 progress and the 2003/2004 programs.

## **Year 2 of the RAP MoU**

Projects proposals were submitted to the RAP Team (consisting of TRCA, Environment Canada and Ministry of the Environment staff representatives) in February 2003 for the 2003/2004 fiscal year. Selections were made based on project compatibility with goals and objectives of the RAP and also the Canadian-Ontario Agreement for the Great Lakes Basin Ecosystem (COA), resigned in March of 2002. As in the 2002/2003 projects outlined above, many of the 2003/2004 projects will use RAP MoU funding in conjunction with the contribution of other partner funding and resources.

## **Proposed Projects for 2003/2004**

### ***Clean Waters***

#### Greenroofs for Stormwater Management - \$30,000

- The Greenroofs for Stormwater Management project will be carried out at two locations to assess the potential of greenroof infrastructure aiming to reduce the quantity and improve the quality of stormwater runoff in a new building (York University) and in a retrofit situation (Eastville Community Centre site).

#### Erosion and Sediment Control - \$30,000

- The objectives of the Erosion and Sediment Control Project is to: enhance and assist in the development of guidelines for effective control of sediment and other runoff pollutants from construction sites by conducting performance analysis of the Richmond Hill sediment control pond, to increase awareness of erosion and sediment control, and to implement an Erosion and Sediment Control By-Law.
- The Burdenet Creek Erosion Control Optimization Study will also be completed under this funding to provide a preferred management plan for restoration of the watershed.

#### Wet Weather Flow Support - \$5,000

- Funding has been allocated to be directed at a project which supports the City of Toronto's Wet Weather Flow Management Master Plan. A specific project will be identified after further consultation with City of Toronto staff and RAP Team members.

### ***Habitat Action***

#### Terrestrial Natural Heritage Policy Development - \$30,000

- A planning consultant has been retained to facilitate discussions about the Terrestrial Natural Heritage (TNH) system implementation and assist the TRCA TNH team to write the final recommendations and strategy components of the program.

#### Habitat Implementation Plan - \$5,000

- Contribution will be made to the Habitat Implementation Program which will help put the Terrestrial Natural Heritage Strategy into action in the western watersheds: Etobicoke Creek, Mimico Creek and Humber River.

### ***Education and NGO Action***

#### Stewardship Projects (including Watershed on Wheels) - \$60,000

- Funding will support: Watershed on Wheels, the Aquatic Plants Program, Yellow Fish Road, the Stewardship Resource Centre, Stewardship Conservation Seminars, the Multi-cultural Environmental Stewardship Program, and the Private Land Stewardship Agriculture Program.

Sustainability Education - \$10,000

- Specific projects are to be determined (in consultation with TRCA education staff and RAP Team members).

***Monitoring and Research***

Regional Monitoring Program - \$35,000

- Implementation includes the continuation of the Regional Watershed Monitoring Program, the refinement of the tools used to measure and report on ecosystem indicators (Regional Reference Site approach), and enhancement of the methods for reporting on and sharing the information and data collected.

Needs Further Assessment (Assessing Tumours in Fish) - \$40,000

- Field collection and sampling will be done at selected sites and pathological analysis of fish livers samples will be made to continue with the previous years' work assessing tumors in fish. Collected data will be analyzed and a final report produced.

***Sustainability***

Watershed Strategy Implementation - \$100,000

- Activities, communications (including report cards for the Don and Humber), public policy and advocacy for all the watersheds in the Toronto and Region AoC and waterfront will be supported.

Living City Centre - \$30,000

- Funding will support the following Living City Centre projects: Super Sustainable Schools, Mayor's Megawatt Challenge and the demonstration of Sustainable Communities through the Block planning process.

Waterfront Sustainability Support - \$30,000

- TRCA staff time on the Sustainability Roundtable, Waterfront Sub-Group, will be funded.

***Administration***

General Administration - \$25,000

- Funding will be used to cover TRCA administration costs associated with the RAP MoU.

RAP Liaison/Communications/Materials/Watershed Toolkit - \$70,000

- Staff salary and materials will be funded. Communications, materials and the completion of a "Watershed Toolkit", is also included in this allocation.

The 2003/2004 RAP MoU reflects a \$50,000 increase in funding from both Environment Canada and The Ministry of the Environment. The contributions for this fiscal year will be \$250,000 respectively, totaling \$500,000.

The RAP Team is currently in the process of drafting its 2002- 2007 5-Year Plan and Public Engagement Strategy. Reports will be complete by September 2003 and brought to the Watershed Management Advisory Board for information. Both documents will outline key deliverables under the RAP MoU for 2002-2007.

**Report prepared by: Lisa Turnbull, extension 5325**  
**For Information contact: Lisa Turnbull, extension 5325**  
**Date: June 20, 2003**

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**RES.#D48/03 -**

**HUMBER WATERSHED ALLIANCE MEMBERSHIP**

The appointment of two additional members to the Humber Watershed Alliance.

Moved by: Anthony Ketchum  
Seconded by: Jim McMaster

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT Mr. Steven Joudrey, representing The Black Creek Project, be appointed to the Humber Watershed Alliance;**

**AND FURTHER THAT Mr. Michael Galli, representing the Jane Goodall Institute, be appointed to the Humber Watershed Alliance.**

**CARRIED**

**BACKGROUND**

The Humber Watershed Alliance consists of 60 members and alternates, including residents, interest groups, business associations, academic institutions and elected representatives. Alliance members, and their alternates, are appointed for a three-year term. Over this period, some members find they are unable to continue with their commitment and, hence, need to resign. To ensure the vitality of the Alliance new members are sought.

In accordance with the terms of reference for the Humber Watershed Alliance, the membership is reviewed on an annual basis to ensure it is up to date.

**Report prepared by: Lia Lappano, extension 5292**  
**For Information contact: Gary Wilkins, extension 5211**  
**Date: June 30, 2003**

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**RES.#D49/03** -

**2003 ONTARIO PROFESSIONAL PLANNERS INSTITUTE (OPPI)  
EXCELLENCE IN PLANNING AWARD**

Greening Our Watersheds: Revitalization Strategies for Etobicoke and Mimico Creeks.. Greening Our Watersheds: Revitalization Strategies for Etobicoke and Mimico Creeks won the 2003 OPPI Excellence in Planning Award.

Moved by: Anthony Ketchum  
Seconded by: Jim McMaster

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT a letter of thanks be sent to the Etobicoke and Mimico Creeks Watershed Task Force members and staff who participated in the development of "Greening Our Watersheds: Revitalization Strategies for Etobicoke and Mimico Creeks".**

**AND FURTHER THAT the Chair of the Etobicoke and Mimico Creeks Task Force and staff be authorized to attend the OPPI & OALA Conference awards banquet on Friday, September 19th, 2003 at the Deerhurst Resort in Muskoka to accept the award.**

**CARRIED**

**BACKGROUND**

The Ontario Professional Planners Institute is a professional organization that governs the education and practice of planning in Ontario. In order to recognize the achievements and accomplishments in planning, the Institute provides annual awards to projects that have a high degree of quality and deserve professional recognition.

*Greening Our Watersheds: Revitalization Strategies for Etobicoke and Mimico Creeks*, represents a long-term strategy for the protection and management of the natural, cultural and recreational resources of the Etobicoke and Mimico Creeks. This strategy was developed over a two year period by a volunteer task force that consisted of watershed residents, community groups, agency staff and elected representatives.

*Greening Our Watersheds* was one of 40 submissions from across Ontario that was submitted for the 2003 Excellence In Planning Award. Project submissions were judged on their excellence in planning, innovation, impact on the field of expertise, implementation potential and presentation.

**RATIONALE**

Without the continued dedication and support of the Etobicoke and Mimico Creeks Watershed Task Force members and the Etobicoke and Mimico Watersheds Coalition, the Authority would not have received this award - an award that symbolizes excellence and provides a high degree of professional recognition to the Authority. We, therefore, would like to extend our appreciation and congratulations to the members of the Task Force, Coalition and staff who contributed to the production of *Greening Our Watersheds: Revitalization Strategies for Etobicoke and Mimico Creeks*.

**NEXT STEPS**

- Staff will attend the OPPI & OALA Conference awards banquet on Friday, September 19th 2003 at the Deerhurst Resort in Muskoka to accept the award.

- OPPI and TRCA will issue a media release to all major newspapers to promote the award winners.
- An article will be published in the *Ontario Planning Journal* and the information will be posted on TRCA and OPPI website.

**For Information contact: Chandra Sharma, extension 5237**

**Date: July 3, 2003**

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**RES.#D50/03 -**

**CANADIAN RIVERS DAY JUNE 8, 2003**

Update on Canadian Rivers Day activities held on June 8, 2003.

Moved by: Anthony Ketchum

Seconded by: Jim McMaster

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT the Authority's member and area municipalities be requested to include Canadian Rivers Day, June 13, 2004 in their schedule of events for 2004.**

**CARRIED**

**BACKGROUND**

On June 21, 2002, the Minister for Canadian Heritage, Sheila Copps, signed a Ministerial Proclamation to "declare that the second Sunday of June will be celebrated henceforth as Canadian Rivers Day". The idea of an annual Canadian Rivers Day was unanimously endorsed at the Canadian Rivers Heritage Conference in 2001.

Canadian Rivers Day promotes the natural, cultural and recreational values of Canada's rivers. It is hoped that Canadians will take an active part in Canadian Rivers Day and that it will bring Canada's river communities closer together on tangible projects for conservation, interpretation and enjoyment.

A number of years ago, TRCA, with the assistance of municipalities and other partners, coordinated watershed-wide events under the banner of "Celebrate Your Watersheds Week". It was successful but lost momentum due to other projects and priorities.

At Authority meeting #3/03, held on April 25, 2003, resolution #A87/03 was adopted which states in part:

*THAT staff work with TRCA volunteer task forces and other partners to coordinate annual events to celebrate watershed management accomplishments as part of Canadian Rivers Day.*

To help rekindle a celebration of rivers and watersheds, TRCA staff worked with our community-based task forces and other partners to host several events to promote Canadian Rivers Day.

The City of Toronto, City of Brampton and Town of Caledon proclaimed June 8, 2003 as Canadian Rivers Day. These proclamations were presented to TRCA. At Sir Casimir Gzowski Park, at the mouth of the Humber River, a number of activities occurred. Guests of honor were transported by canoe to a presentation site where a ceremonial tree planting occurred. A variety of activities were offered to the public. Bass Masters provided free fishing equipment and instruction to youth, First Nations representatives provided Aboriginal drumming and crafts, Canoe Ontario hosted marathon canoe racing in the lower Humber, and paddling instruction and canoe safety were offered to participants. An estimated 500 people attended the activities over the course of the day.

At Bolton, members of the Humber Watershed Alliance celebrated the official opening of a new pedestrian bridge over the Humber which is a critical link of the Humber Valley Heritage Trail which extends from Albion Hills Conservation Area to Bolton. Approximately 80 members from the local community attended the event including Mayor Seglins and Councillors, the Kinsmen Club, Humber Valley Heritage Trail Association, local Horticultural Society and residents.

The Mill Pond Splash was another successful event in Richmond Hill. The Splash is a cooperative project of Toronto Region Conservation, the Town of Richmond Hill and the Don Watershed Regeneration Council and supported by T.O. Friends of the Environment. The Oak Ridges Lion's Club hosted a BBQ, selling hotdogs, hamburgers and sausages for a nominal fee. Home Depot donated 500 bird box kits, all of which had been assembled by the end of the event.

The Richmond Hill Field Naturalists led another successful planting of 100 native trees and shrubs on the south side of Mill Street. Rubber Duck Races were run throughout the day, numerous children and their parents took the time to color a get well card for the Don River while listening to the many different entertainers perform at the gazebo. Once again, the TRCA's seine net fishing demonstration was a big hit. Both the children and adults enjoyed seeing first hand the fish that live in the pond. Additional displays and activities included: the Mill Pond Historical Display, York Region's "Water for Tomorrow", Richmond Hill Canoe Club, Oak Ridges Trail Association, York Region's West Nile Virus Display and the Great Canadian Shoreline Clean-up initiative. Reptillia was also on hand with live snakes, frogs and turtles - all which were native to this region. The interactive activities such as Life of a Rain Drop, Healthy Streams ... Happy People, and the Fish Pond provided kids with a fun hands-on learning experience. An estimated 1500 people took part in the event. There was great representation from all levels of government at the event including Mr. Bryon Wilfert, MP, Oak Ridges; Mr. Frank Klees, MPP, Oak Ridges; Ms. Brenda Hogg, Deputy Mayor, Regional and Local Councillor, Richmond Hill; Mr. David Barrow, Regional and Local Councillor, Richmond Hill, and Toronto and Region Conservation Authority Board Member; Ms. Lynn Foster, Councillor, Ward 4, Richmond Hill and Mr. Arnie Warner, Councillor, Ward 2, Richmond Hill. Lynton Friedburg, Parks and Recreation Commissioner for the Town also attended the event.

#### **DETAILS OF WORK TO BE DONE**

- Encourage municipalities, other agencies and groups to promote Canadian Rivers Day; and
- Work with TRCA volunteer task forces and other partners to coordinate annual events that celebrate watershed management accomplishments.

## **FINANCIAL DETAILS**

- Existing TRCA staff will assist with the planning and implementation of Canadian Rivers Day events; and
- Proposals for funding will be prepared to support future activities related to the Canadian Rivers Day celebrations.

**Report prepared by: Gary Wilkins, extension 5211**

**For Information contact: Gary Wilkins, extension 5211**

**Date: June 30, 2003**

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**RES.#D51/03 - LEGAL POSITION WITH RESPECT TO ENVIRONMENTAL ASSESSMENT PROCESS AND THE GTA NORTH TRANSPORTATION CORRIDOR**

A legal position related to the rights of the TRCA to influence the GTA North Transportation Corridor Environmental Assessment Proposal.

Moved by: Joe Pantalone

Seconded by: Jim McMaster

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT the legal opinion response related to the Environmental Assessment Process and the GTA North Transportation Corridor be received.**

**CARRIED**

## **BACKGROUND**

Issues of concern related to the transportation corridor study for the GTA North Transportation Corridor were identified at the February 21, 2003 Authority Board Meeting and June 13, 2003 Watershed Management Advisory Board Meeting. Resolution #D32/03 from the latter meeting is as follows:

*THAT staff report back on the legal position of TRCA (related to the EA process) and how the Source Protection Planning Regulation for conservation authorities can be utilized with respect to highway planning.*

Staff requested TRCA's solicitor to provide the requested legal position, which is attached to the staff report.

**For Information contact: Carolyn Woodland, extension 5214**

**Report prepared by: Carolyn Woodland, extension 5214**

**Date: July 09, 2003**

**Attachments: 1**



## Memorandum

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**Date :** July 9, 2003  
**To :** Carolyn Woodland  
**From :** J.Wigley  
**Subject :** GTA North Transportation Corridor. Process and Legal Rights.

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### *Introduction*

Request has been made to clarify the legal rights of the TRCA in connection with the proposed extension of Highway 427 (the "GTA North Transportation Corridor"). The context in which this arises relates to the question of how the TRCA can legally go about influencing that decision.

This is an extremely complicated question. There are of course broad legal rights set out in the Conservation Authorities Act and other pieces of legislation. Within each of those acts and their associated regulations there are numerous other rights. The "right" to make a comment on an application or project is valuable but clearly the right to refuse or condition that application or project is more significant. In addition to this, there are "political" rights that are every bit as "legal" and may be legitimately used to influence a decision that is being made.

To try to simplify, the TRCA's legal rights can best be broken down in the following areas:

- Conservation Authorities Act rights.
- Environmental Assessment Act rights
- Oak Ridges Moraine Conservation Act rights
- Expropriations Act Rights
- Planning Act rights
- Fisheries Act rights

### *Conservation Authority Act*

The Authority has the right to establish a program, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.

It follows that having established that program, the TRCA has the right to tell others what their actions are doing to that program.

The Authority has a fill and flood regulation that prohibits persons from constructing or filling in certain areas. This right is clearly stronger than any other within the Act. However, the regulation does not bind the Crown (though usually they will try to follow it) and frequently implementing legislation for major projects of the Crown will contain provisions that allow the Minister to override or ignore the Authority's regulation. For example in the Highway 407 Act, we find this:

“s.52. A regulation made under section 28 of the Conservation Authorities Act does not apply to the owner with respect to management of Highway 407 on the Highway 407 lands.”

The Authority clearly has the right to expropriate lands for its purposes and obviously to own lands for those purposes. If the province wishes to take land it can do so under the Expropriations Act and clearly, if TRCA is an affected owner, it may claim compensation.

### ***Environmental Assessment Act***

Environmental assessment is part of public decision making at all levels of government in Canada. Ontario's *Environmental Assessment Act* establishes a systematic review process to evaluate the environmental impact of proposed activities prior to the granting of government funds. The Act applies to public sector projects, but not to private projects unless specially designated. Therefore the Act requires that all provincial road/transportation projects undergo an environmental assessment and obtain approval from the Ministry of the Environment (MOE).

The Act imposes a self-assessment process that includes mandatory public and municipal consultation at key stages, as well as detailed reviews by the MOE and both federal and provincial regulatory agencies. It requires consultation with affected parties, and consideration of all reasonable alternatives. The following key steps represent the EA process generally:

- i. Proponent undertakes preliminary background studies and needs assessment.
  - a. A “right” may exist at this stage to suggest (not require) that certain studies need to be done to the satisfaction of the TRCA.
- ii. Proponent prepares Terms of Reference for EA and submits same to MOE.
  - a. Again there may be a right to suggest (not require) that such Terms of Reference contain certain provisions.
- iii. MOE reviews Terms of Reference and decides whether to approve.
  - a. If the Terms become known, again suggestions can be made to the MOE as to the content.
- iv. Once approved, proponent prepares EA according to approved Terms of Reference.
- v. Proponent submits EA to MOE with description of undertaking and its potential effect on the environment, also outlining possible alternatives.
- vi. EA submitted to all interested provincial government ministries and agencies, as well as certain federal bodies, following which a summary review is prepared by MOE.
- vii. Minister releases EA and its government review to public for comment (minimum 30 days).
  - a. TRCA is entitled to comment like anyone else.

- viii. Following period of public review, Minister may decide to approve EA, approve EA with conditions, reject EA, refer some or all of EA to mediation, or refer some or all of EA to a hearing
- ix. If EA accepted, 15-day public review held; if no requests for hearing emerge, Minister may decide, with Cabinet approval, to accept EA.
  - a. TRCA may request that a full hearing be held.
- x. If hearing to be held, notice given to proponent, reviewers, and affected public; pre-hearing meetings or preliminary hearings may be held to exchange documents and determine issues.
  - a. TRCA can put forward its case as to the appropriateness of the EA and the locations proposed.
- xi. Environmental Assessment Board prepares its decision based on hearing testimony.
- xii. Minister has 28 days to rescind Board's decision or request another hearing.
  - a. TRCA will have appeal rights to the Courts depending on the circumstances assuming it participated in the hearings.

## **EA Process for GTA North Transportation Corridor**

The Ministry of Transportation for Ontario (MTO) has initiated an individual environmental assessment process for the GTA North transportation corridor. The EA Terms of Reference must be submitted for review and approval by the MOE prior to undertaking the formal EA study. The EA Terms of Reference phase is scheduled for completion in the fall of 2003. As part of the consultation process, the MTO contacted a number of municipalities with the intention of forming a *Municipal Advisory Group* that would meet throughout the process to provide input and assist with the study. We understand there are also other groups such as the "Stakeholders Advisory Group" and the "Oak Ridges Moraine Working Group". All of these are commenting groups and we understand that TRCA has been invited to participate in them.

## **Stages of Individual Environmental Assessment**

At each of these stages, TRCA has legal rights to try to influence the outcome of that stage. The process is highly dynamic. Legal rights may take the form of simple comment and suggestion to requiring a hearing.

- a. Terms of Reference Preparation (Proponent - MTO)**
  - description and purpose of undertaking
  - focus on environmentally significant issues and potential environmental impact, and monitoring strategy for environmental effects
  - defines content of eventual EA document, establishing eventual EA framework
  - alternatives must be reviewed and evaluated
  - **consultation plan** defines how proponents will consult with the public, with municipalities, with review agencies, and other stakeholders such as TRCA during EA preparation, in order to facilitate public consultation before irreversible decisions are made, and allowing stakeholders and public agencies to identify unreasonable proposals in advance
  - amending procedures, schedule, and timelines established

- proponent must give **public notice of the proposed Terms of Reference**, indicating where and when members of the public may inspect the proposed Terms of Reference and state that they may give their comments about the process to the MOE
  - proponent must give **same information** contained in the public notice **to clerk of each municipality in which undertaking to be carried out**. TRCA will have the opportunity to receive this material and normally will be provided with it as a commenting agency.
  - **public review and comment on Terms of Reference completed**
- b. Terms of Reference Review and Decision (MOE) – potential Amendments**
- Proponent submits proposed Terms of Reference to MOE
  - EA Branch makes recommendations to Minister
  - Minister makes decision to approve/approve with amendments/refuse/order mediation
  - Minister’s Terms of Reference decision final
  - Approved Terms of Reference represents commitments made by proponent and approved by Minister, but does not guarantee approval of proposed undertaking
- c. EA Preparation (Proponent – MTO)**
- once Terms of Reference approved, proponent may prepare EA according to approved Terms of Reference
  - proponent’s EA document evaluates project, its potential environmental effects, and proposed mitigation measures
  - EA consists of project description, decision making process, environmental impact and analysis, alternatives examined, mitigation and monitoring, and **results of consultation process**
  - proponent responsible for where EA will start, but must provide rationale and justification
- d. EA Review and Decision (MOE) – potential Amendments**
- proponent submits EA to the MOE by means of Notice of Submission
  - proponent must give **public notice of EA submission**, indicating where and when members of the public may inspect EA, and must state that they may give their comments to the MOE
  - proponent must give the **same information** in the public notice **to clerk of each municipality in which undertaking to be carried out**
  - MOE accepts public and government comments on EA submission
  - MOE review document prepared, Notice of Completion of Review
  - **Public, government agencies, and other interested parties comment on MOE review document**
  - Minister makes a decision based on the proponent’s submission, recommendations of government review team, comments received from interested parties, and consistency with approved Terms of Reference, and decision approved by Cabinet

## Consultation

As seen in the outline above, consultation is mandatory throughout the preparation of both the Terms of Reference and the EA itself. The consultation process should include the requisite notices, open houses, meetings and site liaison committees, allowing the public, the interested municipalities, and other stakeholders various opportunities to comment at specified times through communications to the MOE. The MOE considers the comments received and the results of the various consultations when making its decisions.

## Timelines

There are regulated timelines<sup>1</sup> for each stage in the Terms of Reference and EA review and approval process, which translate roughly as follows:

Proponent's Terms of Reference and Mandatory Public Consultation	No timelines
Terms of Reference Review and Decision	
Government/Public Review	5 weeks
EA Branch Recommendations	2 weeks
Senior Management Sign-off	1 week
Minister's Decision	<u>4 weeks</u>
	12 weeks
EA Review and Approval Process	
Public/Agency Review of EA	7 weeks
EA Review/Notice of Completion	5 weeks
Final Public Comment Period	5 weeks
MOE Evaluation and Minister's Decision	13 weeks

Unfortunately, there is no penalty for not meeting the regulated timelines.

## TRCA Role

Agencies such as TRCA review EA documents and provide input to ensure that their and other government policies and standards are upheld. They also provide technical standards, guidelines, and expertise. The TRCA works in partnership with regional and local municipalities and the City of Toronto, providing information and technical support in the EA process with respect to public sector projects. TRCA often works in conjunction also with other Authorities and Conservation Ontario.

In the context of the GTA North Transportation Corridor mention has been made of various working groups of which the Authority is part. The Authorities that are most affected by the Transportation Corridor clearly can form their own working group to collaborate on multi jurisdictional environmental issues. Such a group may be duplicative of the municipal working groups however.

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<sup>1</sup> *Deadlines*, O. Reg. 616/98.

TRCA's regulations with respect to Flood and Fill Lines are relevant to the process in the context of the identification of areas that are environmentally sensitive and need to be considered. As noted though the Ministry however may not, when it comes to actually building the 427, be forced to obtain permits under the Regulation from the Authority.

### ***Oak Ridges Moraine Conservation Act***

This Act establishes the Oak Ridges Moraine Conservation Area. Within that Area, various designations are established; Natural Core Area, Natural Linkage Area, Countryside Area, and Settlement Area. The act provides for principles of protection within those respective areas. As a result, if the Act applies the TRCA can raise relevant objections to the applications being made.

It must be noted however that section 7 of the Act states,

7. (1) A decision that is made under the Planning Act or the Condominium Act, 1998 or *in relation to a prescribed matter*, by a municipal council, local board, municipal planning authority, *minister of the Crown* or *ministry*, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, *shall conform* with the Oak Ridges Moraine Conservation Plan.

There are specific provisions in the plan itself concerning transportation land uses.

41. (1) Transportation, infrastructure and utilities uses include,
- (a) public highways;...
- (2) An application for a transportation, infrastructure or utilities use with respect to land in a Natural Linkage Area shall not be approved unless,
- (a) the need for the project has been demonstrated and there is no reasonable alternative; and
  - (b) the applicant demonstrates that the following requirements will be satisfied, to the extent that is possible while also meeting all applicable safety standards:
    - 1. The area of construction disturbance will be kept to a minimum.
    - 2. Right of way widths will be kept to the minimum that is consistent with meeting other objectives such as stormwater management and with locating as many transportation, infrastructure and utility uses within a single corridor as possible.
    - 3. The project will allow for wildlife movement.
    - 4. Lighting will be focused downwards and away from Natural Core Areas.
    - 5. The planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Plan Area to a minimum.

Similar sorts of provisions exist for other areas.

A decision to build the 427 or to do the EA or to seek a fill permit is not taken under the Planning Act or the Condominium Act and it must be “prescribed” before the Ministry must comply with the ORMCA.

TRCA’s rights under this Act are limited.

### ***Expropriations Act***

TRCA has an expropriation power. So does the Ministry for the purposes of building roads. The Ministry can expropriate land from TRCA as necessary. There is an interesting question as to whether the TRCA can expropriate the land back from the Ministry but the better answer is they cannot.

Under the Expropriations Act, compensation can be awarded. This will most likely take the form of simple market value. Little if any other damages to TRCA are likely though the damage to the environment may be great.

### ***Planning Act***

TRCA has a variety of commenting functions under the Planning Act. It can also initiate proceedings under the Act in the form of appeals. It frequently requests that municipalities include its comments in subdivision and site plan agreements though there is no legal requirement to do so.

In creating the GTA North Transportation Corridor however the province may not necessarily implement any changes under the Planning Act other than cause the respective municipalities to recognize in their OP’s the fact that the corridor is located where it is. While the municipalities changes to their planning documents can be appealed, this is hollow if all they are doing is recognizing a reality.

### ***Fisheries Act***

The Fisheries Act is federal legislation and in this area, TRCA has entered an agreement with DFO and the Province to review and categorize applications that may be made. TRCA does not make the decision to allow or not; that is made by DFO. The agreement is more administrative than legal.

Constitutionally the federal legislation will take precedence over any conflicting provincial activity. In this regard, TRCA will have the “right” to make comment to DFO on the applications that may be received.

### ***Court Proceedings***

The TRCA will generally have the right to proceed to court for appropriate relief if it perceives that a law has been broken which will affect it in some way. This could take the form of an injunction against activity, damages or simply a declaration of wrongdoing.

## ***Source Protection Planning Regulation***

There is no Source Protection Planning Regulation at this point in time. The Regulation is in the very early stages of consideration. There are no rights therefore under it.

**TERMINATION**

ON MOTION, the meeting terminated at 11:44 a.m., on Friday, July 11, 2003.

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Irene Jones  
Chair

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Brian Denney  
Secretary-Treasurer

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