

2.0 Legislative and Policy Framework

The following section outlines the legislative and policy framework that governs the Toronto and Region Conservation Authority (TRCA). This framework establishes the responsibilities of TRCA and guides the regulatory decisions and planning recommendations made by TRCA.

2.1 Conservation Authorities Act

The *Conservation Authorities Act* was created in 1946 in response to flooding and erosion concerns and the recognition that these and other natural resource initiatives are best managed on a watershed basis. As a piece of provincial legislation, the *Conservation Authorities Act* provides the legal basis for TRCA's mandate to prevent, eliminate, or reduce the risk to life and property from flooding and erosion, and to encourage the protection and regeneration of natural systems.

Section 20 of the *Conservation Authorities Act* sets out the objects of a conservation authority:

20. *The objects of an authority are to establish and undertake, 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. R.S.O. 1990, c. C.27, s. 20.*

Further, under Section 21 of the *Conservation Authorities Act*, the powers of a conservation authority are established, which include the following:

21. *For the purposes of accomplishing its objects, an authority has power,*
 - (a) *to study and investigate the watershed and to determine a program whereby the natural resources of the watershed may be conserved, restored, developed and managed;*

Additional rights are given to conservation authorities under Section 28 of the *Conservation Authorities Act*. Whereas Sections 20 and 21 provide the mandate to TRCA for the preparation and administration of land use planning policy, Section 28 governs TRCA in the preparation and administration of its Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation.

28. *Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,*
 - (a) *restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;*
 - (b) *prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;*

- (c) *prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.*

Since it was established under the *Conservation Authorities Act* in 1957, TRCA has undertaken numerous projects and programs, ranging in scale from broad to site specific. Moreover, TRCA's role in development review has evolved from strictly managing development adjacent to natural hazards, to providing technical expertise in natural heritage protection, including terrestrial, aquatic, and surface and groundwater management. In addition to reviewing site specific development applications, TRCA provides input and technical support in the development and implementation of municipal Official Plans, Secondary Plans, environmental studies, and special municipal by-laws (e.g., sediment and erosion control, fill and grading), as well as provincial legislation, regulations and plans. Through staff participation in various committees and studies, TRCA provides valuable information and advice on flood control, stormwater management, and the protection and enhancement of natural features and functions within its watersheds.

Within the planning context, TRCA endeavours to fulfill its responsibilities under the *Conservation Authorities Act* by undertaking three fundamental activities: developing watershed plans, formulating policy, and implementing a natural hazard-based Regulation. The following subsections describe each of these activities in turn.

2.1.1 Watershed Plans

Watershed planning is an integrated, ecosystem-based approach to land and water use planning that uses drainage boundaries to define the area of study. Watershed planning involves an examination of resource management issues and opportunities at a regional scale. The resulting watershed plan provides detailed technical analysis and guidance to local, regional and provincial governments with regard to environmental protection, conservation, and restoration within the contexts of land and water use, and the planning of future development. Watershed plans also provide direction to local non-governmental organizations and private landowners with regard to best management practices and opportunities for environmental stewardship. It is important to note that watersheds are recognized in the Provincial Policy Statement (PPS) as an ecologically meaningful scale for planning.

Watershed planning involves undertaking comprehensive studies of natural features and functions, human use, and the interdependencies among these elements. Interdisciplinary technical studies in support of watershed plans help to develop a better understanding of environmental stresses associated with current land and water use and watershed activities. Modelling techniques and expert analysis are combined to predict the response of the natural system to future scenarios of resource use and management measures. Based on the integration of results from technical studies and public input, preferred management strategies are recommended, targets for best management practices are established, and priorities for regeneration and stewardship are identified.

Through the watershed planning process, TRCA obtains a broad understanding of ecosystem function and status, and advocates that management recommendations be implemented at an early stage in the planning process. Watershed plans have been prepared for most of the

watersheds within TRCA's jurisdiction. However, watershed planning is not a static process. Areas where plans have been undertaken must be monitored to determine if the goals and objectives of the plans are being met. Plans must also be updated as new issues emerge and new science develops.

2.1.2 Valley and Stream Corridor Management Program

The Valley and Stream Corridor Management Program (VSCMP) is the main policy document used by staff to guide the review of development applications. The VSCMP provides direction for the protection and restoration of valley and stream corridors and was adopted under Sections 20 and 21 of the *Conservation Authorities Act* in 1994. VSCMP policies promote the conservation of valleyland features and functions, including: the conveyance and storage of flood waters; the provision of groundwater recharge and discharge areas; nutrient and sediment transport; the provision of fish and wildlife habitat; and corridor linkages between significant natural areas. VSCMP policies also provide direction for the accommodation of development adjacent to valley and stream corridors that aims to protect natural heritage and manage flooding and erosion by promoting the provision of buffers between valley and stream corridors and proposed development. Through the development process, TRCA seeks to have significant natural areas, floodplains and lands subject to erosion and slope instability identified within open space or hazard land zoning categories, and to have those lands conveyed into public ownership for long term conservation, restoration and enhancement.

The overall objective of the VSCMP policies is to prevent new development from occurring within areas that may introduce risk to life and property associated with flooding, erosion, and slope instability, or development that is not compatible with the protection of these areas in their natural state. VSCMP policies define the valley and stream corridor boundary by the greater of the following:

- If the valley slope is stable, a minimum of 10 metres inland from the top of bank;
- If the valley slope is not stable, a minimum of 10 metres inland from the predicted long term stable slope projected from the existing stable/stabilized toe (base) of the slope, or the predicted location of the toe slope as shifted as a result of stream erosion over a 100-year period;
- A minimum of 10 metres inland from the Regulatory Floodplain;
- When the upstream drainage area is less than 125 hectares, a minimum of 10 metres inland from the predicted meander belt of the watercourse, expanded as required to convey the major system flows and/or to maintain riparian stream functions;
- If significant vegetation is present, a minimum of 10 metres inland from the limit of the vegetation.

2.1.3 Shoreline Management Program

In addition to the VSCMP, which is focused on valley and stream corridors, TRCA has a Shoreline Management Program designed to prevent the loss of life and limit the loss of property due to shoreline hazards. Adopted in 1980, the Program is a comprehensive approach to shoreline management that respects the natural attributes of the Lake Ontario waterfront. The Program recognizes the development pressures arising out the public's desire to live on the waterfront. The prevention of potential hazards to development located in areas vulnerable to the effects of flooding and erosion is the main focus of the Program.

Understanding the need for some shoreline modifications in order to minimize the loss of property, various alternative shoreline management measures are outlined to ensure that the appropriate treatment is used to balance natural coastal processes with public demand for open space and intensive waterfront development.

With the intent to minimize shoreline erosion and flooding-related problems, the Program establishes operational criteria, as outlined below.

- (a) Buildings, structures, or additions, (including paved surfaces), whether situated above or below ground level, should not be permitted in the following hazard impact zones, unless studies by a competent professional show that the buildings, structures, or additions will be safe during their life, which for Authority purposes is 100 years; and that the buildings structures or additions will not aggravate existing or create additional problems:
 - 10 metres back from the 100-year wave uprush line as determined by the Great Lakes Flood and Erosion-Prone Area Mapping where no definable bank exists; or
 - 10 metres back from the estimated 100-year erosion limit or if such information is not available, 10 metres back from the anticipated 2:1V slope for unprotected eroding shoreline; or
 - 10 metres back from a stable bank (assumed to be 2H:1V slope).
- (b) Surface drainage from any building, structure or paved surface should not be permitted to be discharged over shore cliffs. Such surface drainage should be directed away from the face of the shore cliff or, where appropriate, piped to the base of the cliff.

2.1.4 Ontario Regulation 166/06

TRCA administers Ontario Regulation 166/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Appendix A). Through Ontario Regulation 166/06, TRCA has the ability to:

- (a) prohibit, regulate or require the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- (b) prohibit, regulate or require the permission of the authority for development, if in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development, as defined in Section 28 of the *Conservation Authorities Act*, includes:

- i) the construction, reconstruction, erection or placing of a building or structure of any kind,
- ii) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- iii) site grading,
- iv) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Permit applications made under Ontario Regulation 166/06 are assessed to determine if proposed works will affect the control of flooding, erosion, dynamic beaches, pollution or the conservation of land in accordance with TRCA's programs and policies. The Ontario Mining and Lands Commissioner, an independent adjudicative tribunal with responsibilities under the *Conservation Authorities Act*, states that the conservation of land "includes all aspects of the physical environment, be it terrestrial, aquatic, biological, botanic or air and the relationship between them" (Appeal No. CA 007-92, 1994). A broad interpretation such as this gives support to the evolution of TRCA's policies and programs, further recognizing the ecosystem approach to land use planning.

TRCA undertook an extensive mapping exercise in support of Ontario Regulation 166/06. As noted in Section 12 of the Regulation, there are 132 maps that illustrate the Regulation Limit throughout TRCA's jurisdiction. The delineation of the Regulation Limit, which identifies the area of interest, not the development limit, was based on guidelines prepared by Conservation Ontario and the Ministry of Natural Resources (MNR). The guidelines described the criteria that were to be mapped and suggested methodologies for doing so, to ensure consistency delineating regulated areas throughout the province. The criteria that had to be mapped to identify the hazards associated with riverine systems were: the engineered floodplain; an estimated floodplain where engineered mapping was not available; the crest of slope, incorporating a toe erosion allowance and a stable slope allowance; and the meander belt. The criteria that had to be mapped to identify the hazards associated with the Lake Ontario Shoreline were: the 100-year flood level, the predicted long term stable slope of the bluffs and an allowance for dynamic beaches. Wetlands and associated areas of interference were also mapped. In addition, the guidelines addressed the allowance that was to be applied to the greatest extent of all riverine and Lake Ontario Shoreline hazards and the areas of interference that were applied around wetlands. It should be noted that the text of the Regulation takes precedence over the Regulation Limit mapping; some regulated hazards and features may not appear on the Regulation Limit mapping.

2.2 Planning Act and Provincial Policy Statement

The *Planning Act* is the primary piece of legislation governing land use planning in Ontario. It sets out the means by which a municipality must implement land use planning decisions. Conservation authorities are a commenting agency under the *Planning Act*, and are thus able to provide input on planning matters.

Section 2 of the *Planning Act* is of particular relevance to conservation authorities since it outlines matters of provincial interest, such as:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (c) the conservation and management of natural resources and the mineral resource base;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development.

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the *Planning Act*, directly support the mandate of conservation authorities.

Of interest to any agency involved in the planning process is Section 3 of the *Planning Act*, wherein the ability of the Province to develop and implement detailed policy statements for matters of provincial interest is established. These policy statements are articulated through the PPS. Of primary interest to conservation authorities are Sections 2.1, 2.2 and 3.1, as the policies contained in these sections correspond to the expertise of conservation authority staff. Section 2.1 provides direction for protecting natural heritage, Section 2.2 deals with water quality and quantity, and Section 3.1 addresses the management of natural hazards and the need to direct development outside of hazardous areas. It should, however, be noted that a number of policy threads run throughout the PPS that potentially have implications for these topic areas. Therefore, these sections should not be read in isolation. The PPS requires that municipalities and other agencies involved in planning, including conservation authorities, “shall be consistent with” the policy statement when reviewing and approving development applications.

2.2.1 Memorandums of Understanding

In the early 1990s, the Province began to download plan review responsibilities to municipal governments, moving out of their role as administrator of planning affairs to one of auditor. By the mid-1990s, the Province, through the Ministry of Municipal Affairs and Housing, had entered into Memorandums of Understanding (MOU) with municipalities to officially delegate this responsibility. While this delegation provided municipalities with a greater level of authority, it created a number of challenges, especially in the areas of environmental review and technical clearance, where they tended to have little expertise. The Province therefore entered into an MOU with Conservation Ontario, the umbrella organization that represents Ontario’s 36 conservation authorities, to delegate the responsibility of upholding the natural hazards section of the PPS, Section 3.1, to conservation authorities. In this delegated role, conservation authorities are responsible for representing the “Provincial Interest” on natural hazard matters where the Province is not involved.

Just as the Province recognized the expertise of conservation authorities, municipalities commonly rely on them for advice on natural heritage and water quality and quantity. In TRCA’s case, this relationship has been formalized through a series of MOUs with its regional municipalities and through a mix of formal and informal agreements with local municipalities. Generally, these MOUs and agreements stipulate that the protection, restoration and enhancement of the natural environment, and the safety of persons and property, is carried out in part through the review of, and preparation of comments on development applications, and that it is a shared responsibility of the municipality and TRCA. Parameters for plan review and technical clearance are also established along with protocols for streamlining the planning process. Specific responsibilities typically include establishing requirements and conditions to determine the need for, and adequacy of, studies that assess impacts and propose mitigation measures related to surface and groundwater, terrestrial features and functions, and habitats.

2.3 Environmental Assessment Acts

In Ontario, Environmental Assessments (EA) are governed by two Acts: The Canadian *Environmental Assessment Act* and the Ontario *Environmental Assessment Act*. Federally initiated projects fall under the mandate of the Canadian *Environmental Assessment Act*, while all others are administered and addressed according to the Ontario *Environmental Assessment Act*. It is important to note, however, that these two Acts can apply to the same project and in

such cases the proponent must meet the requirements of both Acts. While TRCA is involved with EAs that fall under the provincial legislation, there is an awareness of the general principles of the federal process amongst staff.

2.3.1 Canadian Environmental Assessment Act

The Canadian *Environmental Assessment Act* works to ensure that the environmental effects of federal level projects are carefully examined prior to their initiation. This is done in order that potentially adverse environmental effects can be addressed before any works are undertaken. The federal EA process is administered by the Canadian Environmental Assessment Agency.

In general, the Act is applied to projects where the Government of Canada is the decision-making authority, whether through funding or as a proponent, land manager, or regulator. The degree to which a project is assessed will depend on the scale and complexity of the project and its anticipated impact on the environment.

2.3.2 Ontario Environmental Assessment Act

The purpose of Ontario's *Environmental Assessment Act* is "the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment". Within the Act, the term "environment" includes:

- a. air, land or water,
- b. plant and animal life, including human life,
- c. the social, economic and cultural conditions that influence the life of humans or a community,
- d. any building, structure, machine or other device or thing made by humans,
- e. any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from human activities, or
- f. any part or combination of the foregoing and the interrelationships between any two or more of them.

Approved in 1975, the Act sets up a process for reviewing the environmental impact of proposed activities prior to their implementation. The Act applies to government ministries and agencies, conservation authorities and municipalities, and some private sector infrastructure projects, including roads, landfills, water and sewer undertakings, and electricity projects.

The Ministry of the Environment's EA program has three major processes, including:

1. Individual EAs – These apply to large, complex projects with the potential for significant impacts on the environment, such as major landfills. Proponents must prepare a Terms of Reference, which serves as a work plan to guide and focus the preparation of an EA.
2. Class EAs – These are for specific project types or classes and are based on the potential for environmental effects. Municipal roads, water and sewer, forest management, highways and GO Transit each have their own EA process. The government is proposing to give transit projects their own EA process. Every five years, municipalities can follow phases 1 and 2 of the Class EA process to prepare or update infrastructure Master Plans. The Master Plans are approved by municipal council and

include a schedule for completing the Class EA for each project, as well as proposing timing for the implementation of each project.

3. Electricity Generation and Transmission EAs – The EA rules for these types of projects are set out in the Electricity Projects Regulation. Depending on the environmental impacts and the type and size of the project, proponents must either undertake an Individual EA, a screening process or have no EA requirement. The screening process has been used for more than 30 generation projects in Ontario since 2001.

It is important to note that Individual EAs represent less than 5 per cent of all applications. The majority of EAs follow either the Class EA or the Electricity Generation and Transmission process.

As part of the overall planning process, TRCA is expected to review and comment on all EAs within its jurisdiction. This service is provided by TRCA's EA review team, which is made of up of planning and technical staff. TRCA planning staff provide the project management, facilitation and policy compliance component of the project review, while TRCA technical staff are responsible for reviewing technical details and strategic directions. When access to TRCA property is required for a project, TRCA's Conservation Lands and Property Services staff are involved.

2.4 Federal Fisheries Act

TRCA has a Level III agreement with Fisheries and Oceans Canada (DFO) to review projects under Section 35(1) of the *Fisheries Act*, which states that “no person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat” (HADD). This agreement has been established for the conservation and protection of fish habitat while promoting the principles of good fisheries management and client service. Under this agreement, TRCA assesses all proposals within its jurisdiction, regardless of other permitting requirements, to determine whether a proposal has the potential to result in a HADD. Any work that is likely to constitute a HADD must be reviewed and authorized by DFO. When a HADD is identified, TRCA's Ecology staff will work with Planning and Development staff to:

1. Advise the applicant on how to avoid any damage to fish habitat;
2. Advise the applicant on procedures for mitigating the impacts on fish habitat by redesigning the project to lessen the effects;
3. Advise the applicant on the preparation of a letter of intent and compensation package, as required by DFO for authorization to be approved; or
4. Forward the letter of intent and the compensation to DFO and consult with DFO staff as required.

Only DFO, through the Minister of Fisheries and Oceans, can authorize “compensation” regarding a HADD pursuant to Section 35(2) of the *Federal Fisheries Act*. While DFO prefers that compensation be planned on-site so that a net environmental gain is achieved through the project construction, there are circumstances where this is not practical or feasible. In cases where off-site compensation is required, TRCA Watershed Specialist staff will be consulted to assist in determining appropriate priority locations and projects. DFO does not prefer cash-in-lieu as compensation for a HADD.

TRCA staff will advise the applicant of any potential HADD as early in the review process as possible. However, it is often not until the detailed design or permit review stages that a HADD is officially determined, thus triggering the need to develop a compensation plan and initiate the Canadian *Environmental Assessment Act* review process if applicable. Examples of a HADD may include culvert extensions and channel realignments.

2.5 Niagara Escarpment Planning and Development Act

The Niagara Escarpment is a geological landform extending 725 km from Queenston, near Niagara Falls, to Tobermory, at the tip of the Bruce Peninsula. It encompasses a variety of topographic features and land uses, and is a source of some of southern Ontario's prime rivers and streams. Public concern about unregulated growth on the Escarpment led to the creation of the Niagara Escarpment Planning and Development Act (NEPDA) in 1973. The purpose of the NEPDA is "to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such development occurs as is compatible with that natural environment". At its inception, the NEPDA provided for the establishment of the Niagara Escarpment Commission (NEC) and the preparation of a provincial Niagara Escarpment Plan (NEP) to administer a development permit system. Development permit applications received by the NEC are circulated to the appropriate conservation authority, municipality and any other required agency for comment.

The NEC and TRCA have an established partnership where TRCA staff provides technical review (i.e., engineering, ecological, geotechnical, etc.) for all NEC development permit applications within TRCA's jurisdiction. All NEC applications reviewed by TRCA staff are subject to the policies outlined in the VSCMP. The review of these applications follows standard review protocol (i.e., screening, circulation to technical staff, site visits, comments, etc.). TRCA provides technical and scientific expertise to support the environmental planning function on how development should proceed to maintain, or where possible, enhance or restore, the natural environment. Under the current practice, TRCA does not charge a fee for the review of NEC applications. However, if requisite permits must be obtained by the applicant, fees outlined under TRCA's fee schedule for Ontario Regulation 166/06 apply.

2.6 Oak Ridges Moraine Conservation Act

The Oak Ridges Moraine (ORM) is an environmentally sensitive geological landform in south central Ontario, covering 190,000 hectares. It stretches 160 km from west to east, lying just north of the Toronto area, and ranges in width from 4 to 20 km. It is a "depositional" feature comprised of significant sand and gravel deposits, characterized by prominent hills, which was created when powerful glaciers scraped across the region some 12,000 years ago. Functioning as a major drainage divide and groundwater recharge area, the ORM influences the movement of both surface water and groundwater. In TRCA's jurisdiction, the ORM serves as the headwaters for 4 major watersheds – the Humber, Don and Rouge rivers and Duffins Creek. The ORM is vital to the water resources, natural heritage, quality of life, and economy, especially the agricultural and aggregates sectors, of south central Ontario.

In response to the need for a sustainable management strategy to deal with the sensitive natural features and functions of the ORM, the provincial government passed the *Oak Ridges Moraine Conservation Act* (ORMCA), which took effect on November 17, 2001. The ORMCA authorizes the government to put in place a conservation plan for the future protection of 100

per cent of the ORM's key natural heritage features and important water resources. Further, the ORMCA requires that municipalities amend their Official Plans to incorporate the requirements of the Oak Ridges Moraine Conservation Plan (ORMCP) and that all decisions made under the *Planning Act* must conform to the ORMCP.

The ORMCP is to be implemented primarily through decisions made under the *Planning Act* by municipalities. During the review of planning applications, TRCA planners screen for Key Natural Heritage and Hydrologically Sensitive Features located on the subject property, as identified in the ORMCP. While municipalities are the ultimate approval authority for planning applications, TRCA's role as a commenting agency is to provide an opinion to municipalities on applications regarding their effect on the ecological integrity of the ORM. The Province has issued a series of 17 technical guidelines to assist development proponents and review agencies to interpret and implement the requirements of the ORMCP. The required environmental reports to be prepared by the development proponents are circulated to technical staff for review. TRCA planners then submit consolidated comments and recommendations to the municipality. Although Ontario Regulation 166/06 is not specifically subject to the ORMCP, the pre-permit up-front *Planning Act* decisions should have the effect of ensuring that all subsequent permit applications will be in conformity with the ORMCP.

2.7 Greenbelt Act

The *Greenbelt Act* received Royal Assent in February 2005 and provides the legislative authority for the Greenbelt Plan. The Greenbelt Plan identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological features and functions occurring in this landscape. It also complements other provincial initiatives such as the Rouge North Management Plan. The Plan includes lands within, and builds upon the ecological protection provided by the NEP and the ORMCP, and includes additional lands designated as Protected Countryside. The Protected Countryside is comprised of an Agricultural System, a Natural System, and a series of Settlement Areas. The Protected Countryside designation is intended to enhance the spatial extent of the agriculturally and environmentally protected areas currently covered by the NEP and the ORMCP, providing linkages between them and between the major watershed systems surrounding them. New urban growth (residential, industrial and commercial) is effectively prohibited within the Plan area, except within existing settlements or their approved boundaries. The Plan contains policies that allow for certain types of development in the Protected Countryside, but that development is restricted to uses serving the agricultural and rural community, or uses associated with recreation, infrastructure and natural resources. The *Greenbelt Act* requires that planning decisions conform to the Greenbelt Plan and that municipal Official Plans be amended to conform to the Greenbelt Plan. Within TRCA's jurisdiction, the southern boundary of the Greenbelt Plan serves to define the extent of the northern limits to urbanization of the Greater Golden Horseshoe. TRCA's role in implementing the Greenbelt Plan is the same as described above for the implementation of the ORMCP.

2.8 Lakes and Rivers Improvement Act

The *Lakes and Rivers Improvement Act* (LRIA) gives MNR the mandate to manage water-related activities. The purpose of the LRIA is to manage the use of the waters of the lakes and rivers of Ontario, to regulate improvements in them, and to provide for:

- preserving public rights in or over water;
- protecting the interests of riparian owners;
- management of fish, wildlife and other natural resources dependent on such waters;
- preserving natural amenities; and
- ensuring the suitability of the location and nature of improvements.

In April 2007, amendments to Ontario Regulation 454/96 under the LRIA were approved and the revised Regulation was filed as Ontario Regulation 160/07. The new Regulation provides that approvals under the LRIA are not required for specific activities where conservation authorities have Regulations under Section 28 of the *Conservation Authorities Act* in effect. It serves to reduce confusion to applicants where previous overlap existed between approvals required from MNR under the LRIA and conservation authorities under the *Conservation Authorities Act*. This direction will not remove the requirement for an approval of a dam as defined under the LRIA, or dam decommissioning works.

More specifically, these amendments serve to:

1. provide an exemption reducing overlap that previously existed between approvals required from MNR under the LRIA and from conservation authorities under the *Conservation Authorities Act* in regard to water crossing and channelization projects;
2. strengthen and clarify the definition of a dam under the LRIA by removing the definition of a dam as stated in Ontario Regulation 454/96 that was inconsistent with the definition provided in the LRIA;
3. clarify which works, such as alteration, repair, or decommissioning of a dam require approval; and
4. define that approval is required before a dam is operated in a manner inconsistent with that contemplated in previous approval under the LRIA.

MNR will provide engineering support to conservation authorities that do not have sufficient technical expertise or capacity, upon their request.

2.9 Parkway Belt West Plan

The Parkway Belt West Plan (PBWP) was implemented in 1978 to create a multi-purpose utility corridor, urban separator and linked open space system. The *Parkway Belt Planning and Development Act, 1973* (now the *Ontario Planning and Development Act, 1994*) is the implementing legislation for the PBWP. The area covered by the Plan is divided into two general land use categories, the Public Use Area and the Complementary Use Area. Public Use Areas are defined as presently used or to be predominantly used in the future for public uses. Public Use Areas consist of areas designated as Public Open Space and Buffer Area, Utility, Electric Power Facility, Road and Inter-Urban Transit. Complementary Use Areas are to be predominantly used for private uses that aid in the Plan's objective of preserving the country landscape and encouraging land uses such as agricultural, recreational and institutional

pursuits that do not require intense urbanization. TRCA staff reviews proposed amendments to the Parkway Belt West Plan as well as zoning orders.

2.10 Rouge Park

The Province announced its intent to establish the Rouge Park in 1990 and subsequently released the Rouge Park Management Plan (RPMP) in 1994. The Park was created to protect the sensitive natural features and rich cultural legacy of the Rouge River valley. The RPMP established a park vision that provided a framework for a series of goals, objectives and planning principles. The vision for the Park outlined in the RPMP is:

The Rouge Park will be a special place of outstanding natural features and diverse cultural heritage in an urban-rural setting, protected and flourishing as an ecosystem in perpetuity. Human activities will exist in harmony with the natural values of the park. The park will be a sanctuary for natural and the human spirit.

In 1995, the Rouge Park Alliance was formed. The Alliance is a multilateral partnership body that is responsible for policy and planning for Rouge Park. The thirteen partners in the Alliance include federal and provincial governments, TRCA, watershed municipalities, the Toronto Zoo, Save the Rouge Valley System Inc., and the Waterfront Regeneration Trust. TRCA provides a number of services to the Alliance, including administrative services, land acquisition, land and property management, including holding the title of lands that have been transferred by the Province for Rouge Park purposes, communications expertise, and the implementation of the park plans through the planning process and representation at Ontario Municipal Board hearings. These roles and responsibilities are formalized through a Partnership Memorandum for the Coordination of Land Use Planning and Development Activities and a Memorandum of Agreement among the Alliance, TRCA and MNR respecting the Rouge Park Alliance operations, administration and management of Rouge Park and the Rouge Park watershed. Accordingly, TRCA staff use both the RPMP and the RNMP to guide their comments on *Planning Act* applications.

In 2001, the Alliance approved a management plan for the area of the park north of Steeles Avenue, known as the Rouge North Management Plan (RNMP). The RNMP sets out an approach to delineate the limits of Rouge Park through the application of a set of criteria. An implementation manual was also prepared to provide guidance on the delineation of the Park boundary by providing a description of the criteria and the process to be applied to facilitate their applications. The manual states that the boundary delineation process requires the undertaking of “desk top” studies, field inventory and consultation with the Province, municipality and TRCA.

It is important to note that although the City of Toronto, the Towns of Richmond Hill and Whitchurch-Stouffville do not have policies in their Official Plans that specifically implement the RPMP or the RNMP, the Province, through Section 3.2.6 of the Greenbelt Plan, has stated that land and resource use, within that portion of the Rouge Watershed designated Protected Countryside by the Greenbelt Plan, shall comply with the provisions of the more restrictive of the RNMP and the Greenbelt Plan. Section 3.2.6 goes on to state that for lands outside of the Protected Countryside portion of the Rouge Watershed, the RPMP and the RNMP, and any plans that build on or support these plans, should be considered as the guiding land and resource use planning documents.