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OAK RIDGES MORAINES CONSERVATION PLAN WATERSHED PLANNING STUDIES LSRCA AND TRCA PROGRESS REPORT TO JUNE 30, 2008

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report dated July 10, 2008, from the Commissioner of Planning and Development Services and the Commissioner of Environmental Services:

1. RECOMMENDATIONS

It is recommended that:

1. Council endorse in principle the Humber and Rouge Watershed Plans prepared by the Toronto and Region Conservation Authority as required by the Oak Ridges Moraine Conservation Plan.
2. Council direct staff to lead development of Regional Official Plan watershed policies in accordance with the Oak Ridges Moraine Conservation Plan.
3. Regional staff continue to work with the Lake Simcoe Region Conservation Authority staff to ensure the timely and cost efficient delivery of their watershed planning components required under the ORMCP.
4. The Regional Clerk circulate this report to local municipalities for information.

2. PURPOSE

This report is to update Committee and Regional Council on the mid-year 2008 progress and status of Watershed Planning studies on the Oak Ridges Moraine undertaken on behalf of the Region by the LSRCA and TRCA.

3. BACKGROUND

The *Oak Ridges Moraine Conservation Act, 2001* required that York Region and local municipalities bring their Official Plans and zoning bylaws (in the case of local municipalities) into conformity with the Oak Ridges Moraine Conservation Plan (ORMCP) by April 22, 2003 and October 22, 2003 respectively. This conformity date was achieved by the Region and has been achieved by area municipalities in the Region.

LSRCA and TRCA have been active in developing and maintaining watershed plans in York Region for many years. With the introduction of the ORMCP, Regional staff and staff of the conservation authorities together developed a comprehensive five-year work plan, from 2003 to 2007, to fulfill the ORMCP watershed planning requirements.

This workplan was adopted by Regional Council on February 19, 2004 with the request that the TRCA and the LSRCA provide semi-annual watershed planning progress reports to Committee and Council.

4. ANALYSIS AND OPTIONS

A number of Provincial initiatives that will influence watershed planning have come into effect since the ORMCP was released

In the time since the ORMCP has come into effect, a number of very significant Provincial initiatives have been introduced that will impact watershed planning as well as growth management in the Region. These initiatives include the Greenbelt Plan, Places to Grow, reforms to the planning process through the recently passed the *Clean Water Act 2006*, the *Planning and Conservation Land Act 2006*, and most recently, the introduction of Bill 99 - *the Proposed Lake Simcoe Protection Act, 2008*.

The *Clean Water Act* received Royal Assent on October 19, 2006 and will be implemented through a number of regulations being released in stages over eighteen months. It is not yet clear what the full impacts of this legislation and the required Assessment Reports or Source Water Protection Plans, will have on growth management and watershed planning, however, Regional staff anticipates that many of the protection measures will need to be implemented through local municipal official plans and zoning by-laws.

The *Planning and Conservation Land Act, 2006*, came into effect on January 1, 2007 along with a set of nine (9) Regulations. Modifications to planning processes have already been made in accordance with this statute.

Bill 99 - *the Proposed Lake Simcoe Protection Act, 2008* was introduced in the legislature on June 17, 2008. The *Act* will be the enabling legislation for the preparation of a Lake Simcoe Protection Plan.

Initial review of this legislation by Regional staff has indicated a number of potential implications to the Region's growth management initiatives as well as water and waste water planning and operations. Comments on the proposed *Act* have been submitted in response to the EBR posting and with a report summarizing comments going to Planning and Economic Development Committee on October 1, 2008

The introduction of Bill 99 also places current watershed plan preparation for the Lake Simcoe watershed in limbo and it is unlikely that further advances can be made until the Lake Simcoe Protection Plan has been drafted.

Status of Overall Program

Work on the watershed plans progressed well throughout the program.

In addition, a number of related watershed initiatives have taken place that have included extensive public and stakeholder consultation in partnership with both members of Regional Council and staff.

These initiatives include the TRCA's Terrestrial Natural Heritage System Strategy, the LSRCA's Natural Heritage Strategy, the Lake Simcoe Environmental Management Strategy (LSEMS), the Intergovernmental Action Plan for Barrie, Simcoe and Orillia (IGAP), and the Assimilative Capacity Study for Lake Simcoe (ACS).

Previous update reports noted that the Province had not yet finalized the ORMCP draft technical guidelines which were to provide the specific technical requirements under the ORMCP necessary for the completion of these studies, including water budget requirements. These documents were not clear in providing direction on roles and responsibilities, deliverables and standards. The Region provided detailed comments to the Province in August 2005 and July 2004 outlining these deficiencies and their implications for watershed plan implementation.

In light of the lack of technical guidance or Provincial advice on specific requirements or expectations on what constitutes a completed watershed plan, Regional Staff and Conservation Authority staff requested approval to seek an extension on the ORMCP April 23, 2007 watershed plan completion deadline by one year to April 23, 2008. At that time, Peel Region Council requested the same extension and Durham Region Council requested an extension to April 23, 2009. The Province did not provide a response to these requests.

In the summer of 2007 the Province released the final technical guidelines a full 5 years after watershed plans were required to commence, with very few, if any, changes to the draft guidelines.

Again, while the TRCA has completed the watershed plans required under the ORMCP, introduction of Bill 99, *the Lake Simcoe Act* places current watershed plan preparation for the Lake Simcoe watershed in limbo and will likely delay their finalization until the Lake Simcoe Protection Plan has been drafted.

The watershed plans emphasise the importance of managing both ground and surface water system in a more comprehensive and sustainable way especially in new and

intensifying areas of growth, and encourage better water infiltration through green building technologies, on site storm water infiltration and treatment, etc.

Regional staff will continue to work with the Conservation Authorities and the Province to develop Regional Official Plan policies that support the directions of the watershed plans.

Toronto and Region Conservation Authority has finalized their watershed Plans

Rouge Watershed Plan

The *Rouge River Watershed Plan: Towards a Healthy and Sustainable Future* was approved by the Toronto and Region Conservation Authority at its meeting on March 28, 2008. This document reflected feedback received during consultation on the final draft plan prepared by the multi-stakeholder Rouge Watershed Task Force and technical supporting documents and a draft Implementation Guide prepared by TRCA staff and their consultants. The consultation process took place from November 2007 to early March 2008, and involved municipal, provincial and federal government review, public open houses, and presentations to special interest groups. The TRCA also approved a conformity assessment for the Rouge River Watershed Plan and the watershed planning documents referenced in the conformity assessment for use in the review of “major development” proposals on the Oak Ridges Moraine, as necessary to fulfill the watershed planning requirements of the ORMCP.

Humber Watershed Plan

The *Humber River Watershed Plan: Pathways to a Healthy Humber* was approved by the Toronto and Region Conservation Authority at its meeting on June 27, 2008. This document reflected feedback received during consultation on the final draft plan, technical supporting documents and a draft Implementation Guide prepared by TRCA staff and their consultants in consultation with the multi-stakeholder Humber Watershed Alliance. The consultation process took place from June 2007 to early June 2008, and involved municipal, provincial and federal government review, public open houses, and presentations to special interest groups. The TRCA also approved a conformity assessment for the Humber River Watershed Plan and the watershed planning documents referenced in the conformity assessment for use in the review of “major development” proposals on the Oak Ridges Moraine, as necessary, to fulfill the watershed planning requirements of the ORMCP.

Don Watershed Plan

Given the limited area of Oak Ridges Moraine in the Don watershed, a preliminary report was prepared in 2006 for the purposes of analysis for the ORMCP requirements and Authority approval of an ORMCP conformity assessment in April 2007. The main Don watershed planning study was scheduled to begin in 2007. The following Don watershed deliverables have been produced during the first half of 2008: a set of 10 draft current

conditions reports; a draft management framework for the watershed plan (i.e. vision, principles, objectives and targets); modelling of future development and regeneration scenarios; a set of draft management strategies and actions, and a set of seven draft subwatershed regeneration plans. The planning study is being guided by the multi-stakeholder Don Watershed Regeneration Council with input from a municipal technical advisory committee and the public during an open house held on June 9, 2008.

Duffins and Carruthers Watershed Plan

The Duffins Carruthers watershed plan was completed in 2003. Regional Council endorsed the plan in principal in 2005, pending further information on provincial expectations around watershed planning, the ORMCP and Source Water Protection.

Next Steps: Endorsing the TRCA's Watershed Plans

Section 24 of the ORMCP requires upper and single-tier municipalities to prepare watershed plans and incorporate the objectives and requirements of these watershed plans into their official plans.

The TRCA has worked closely with Regional and area municipal staff in developing each watershed plan which staff have provided extensive comments on and overall, Regional staff support the directions and information contained in each plan.

The TRCA's watershed plans provide us with excellent information and direction that will help the Region make more informed decisions on sustainable approaches to land use and infrastructure planning.

The watershed plans emphasise the importance of managing both ground and surface water system in a more comprehensive and sustainable way especially in new and intensifying areas of growth, and encourage better water infiltration through green building technologies, on site storm water infiltration and treatment, etc.

Staff recommend that Council endorse the Humber and Rouge Watershed Plans towards fulfilling the requirements of the ORCMP.

Implementing the TRCA's Watershed Plans and Monitoring

Regional staff will lead development of Regional Official Plan policies that support the directions of the watershed plans while continuing to work with the TRCA to help refine implementation of the watershed plans, as well as the TRCA's Targeted Terrestrial Natural Heritage System Strategy (TTNHS).

The TTNHS Strategy will be a key input to the Region's Growth Management and Sustainability Initiatives. The Targeted Terrestrial Natural Heritage System provides a significant opportunity in the whitebelt to accomplish the goals of creating a linked natural heritage system, compact transit supportive liveable communities, and the

necessary infrastructure systems through a balanced and flexible approach to accommodate population growth and city building as required through the Places to Grow Provincial Growth Plan.

Watershed Implementation Guides have been prepared by the TRCA in an effort to bridge the gap between the technical information contained in the watershed reports, and the development of policies needed to act on this information. Further work will be done to refine these Guides in partnership with municipalities and other stakeholders.

In addition, and in order to enable the translation of watershed plan recommendations into land use policy consistent across the Oak Ridges Moraine, the Conservation Authorities Moraine Coalition (CAMC) representing nine conservation authorities across the Moraine, and the Regional Municipalities of York, Peel, Durham and the City of Toronto (YPDT) prepared a Guidance document titled *Watershed Planning, from Recommendations to Municipal Policies: A Guidance Document*, in 2005. The model policies deal with ground and surface water, terrestrial and aquatic natural heritage, landforms and infrastructure and are GTA specific.

Both the Rouge and the Humber Watershed plans include recommendations on enhancements to existing environmental monitoring programs. The TRCA carries out monitoring on behalf of the Region which is funded through regular Regional transfer payments.

Lake Simcoe Region Conservation Authority finalized watershed plans have been delayed by several water related Provincial Initiatives

Finalization of the watershed plans for the Lake Simcoe subwatersheds has been delayed by several factors – the announcement of the Lake Simcoe Protection Act, initiation of the associated Lake Simcoe Protection Plan; the Lake Simcoe Basin Wide Report, the LSEMS program; the announcement of federal funding through the Lake Simcoe Clean Up Fund, the development of projects related to this initiative; and research on innovative technologies to reduce phosphorus loading to the lake (e.g. Phoslock™). Draft plans will be provided to York Region by late August – early September. This is timely, as it coincides with the review period for the Province's Lake Simcoe Plan, expected to be released in early September. This will provide a good opportunity to compare the plans and look for inconsistencies or conflicts between the two; any issues can then be resolved for the final subwatershed plans.

Outlook for the Remaining Toronto and Region Conservation Authority Watershed Planning Program

TRCA will distribute copies of the published Rouge and Humber watershed plans and their supporting documents to municipalities and other watershed partners by early fall

2008. Meetings are underway to discuss incorporation of the watershed plan's recommendations into ongoing workplans of the various implementing partners and to plan for a multi-stakeholder forum in 2009 in each watershed to review progress at implementation of the watershed plan.

The first draft Don watershed plan is expected by September 2008. Further refinement of the subwatershed regeneration plans and implementation strategies is ongoing. Consultation is planned for the fall with the goal of having a final draft plan by year-end 2008.

Outlook for the Remaining Lake Simcoe Region Conservation Authority Watershed Planning Program

With the subwatershed plans nearing completion, the LSRCA will be moving from the planning phase to implementation and monitoring.

Implementation

There are typically two primary areas of focus in respect to subwatershed implementation. The first is to develop and establish policies and/or regulations to assist in achieving the recommendations and goals outlined in the subwatershed plans. The second is to develop and implement the detailed strategies and/or actions that are required to fulfill a specific recommendation. Secondary implementation components may include but are not limited to stewardship, research, education, and integration with other focus areas such as recreation and social programs.

Monitoring and Reporting

The most critical component in any subwatershed planning activity, whether plan development, implementation, or site-specific plan development, is the availability of data. The principal source of data is derived and collected as part of a monitoring program. Monitoring as it relates to watershed planning is targeted towards the information required to analyze whether recommendations and/or implementation activities are being effective after the completion of respective subwatershed plans. This monitoring and subsequent analysis is important in assisting in growth management evaluation, identifying areas of concern or success in a timely manner. In essence, detailed monitoring is a key aspect of the adaptive management process. The monitoring requirements included in respect to watershed planning programs are intended to complement existing monitoring activities and fill in any gaps that may exist in the core LSRCA monitoring program and are typically targeted to specific aspects relative to each individual subwatershed.

The ORMCP requires that municipalities implement a monitoring program for the area of the Oak Ridges Moraine within their jurisdiction to be ongoing in perpetuity to monitor and evaluate trends of ecological parameters. This is a unique aspect of the ORMCP and

the LSRCA will develop a monitoring plan to ensure that this legislative requirement is met, as well as providing the data required to ensure that adaptive management is achievable. The LSRCA currently undertakes monitoring work at sites on the Oak Ridges Moraine as part of its routine monitoring program, but a formalized monitoring plan specific to the moraine for the York Region subwatersheds will be developed and integrated into the subwatershed plans as part of the final product.

Next Steps: Finalizing the LSRCA's Watershed Plans

Regional staff will continue to work in partnership with the LSRCA to finalize the watershed plans once the Province has released the draft Lake Simcoe Protection Plan, under the proposed Lake Simcoe Protection Act.

Regional staff will lead development of Regional Official Plan policies that support the directions of the watershed plans while continuing to work with the LSRCA to help refine implementation of the watershed plans,

The LSRCA carries out monitoring on behalf of the Region which is funded through regular Regional transfer payments.

The Yonge Street Aquifer and Water Budget and Water for Tomorrow water conservation plan have been completed

Sections 24 and 25 of the ORMCP require that the Region prepare watershed plans as well as water conservation and water budgets.

Section 24(7) of the ORMCP relates specifically to that portion of the Moraine served by the Yonge Street Aquifer. This section prohibits *major development* from occurring in these areas after April 22, 2004 if water budgets and water conservation plans have not been completed to demonstrate that the water supply required is sustainable.

A draft of the Yonge Street Aquifer water budget has been finalized for use as input to the Watershed Planning efforts on the East Holland River. Regional Council at its meeting of December 15, 2005, adopted Clause 1 of Report No. 10 of the Regional Planning and Economic Development Committee, which proposed a new policy and mapping reference to govern development in the area served by the Yonge Street Aquifer until such times as the Watershed plan is completed in 2007. This policy modification has been submitted to the Ministry of Municipal Affairs and Housing for approval as part of the ROP to demonstrate the Region's compliance with the ORMCP. In light of the April 2007 deadline for watershed plans, Ministry staff has verbally advised Regional staff that they will hold off on approving this policy as it may need modifications once the watershed plans are finalized.

The Region has also partnered with Peel, Durham, Toronto and a number of Conservation Authorities on the YPDT hydro-g initiative which provides a state of the art understanding of the dynamics of subsurface groundwater systems.

Since 1998 York Region has been implementing one of the most comprehensive water efficiency plans in North America. The multi-award winning program, Water for Tomorrow, is currently saving over 22 million litres of water per day in the Region. Water for Tomorrow meets the ORMCP's requirements.

Although not watershed specific, activity tracking indicates a high and effective participant rate in the Yonge Street Aquifer area. In April 2007 the Region completed a Water Efficiency Master Plan Update which recommended a 10 year strategy for the Water for Tomorrow program. The recommended strategy is estimated to save an additional 22 million litres of water per day over 10 years. The strategy includes:

- Rebates on water saving fixtures such as toilets for residents and businesses.
- Industrial, commercial and institutional water use audits and capacity buy-back.
- Distribution leak detection.
- Education, continuing both public and youth education
- Monitoring and evaluation of all programs
- Maintenance on all programs identified

In 2008 York Region held several instant rebate sales events for both water efficient toilets and rain barrels in addition to continuing with public and youth education, summer water use reduction and maintenance for past program participants. The Region will begin to implement new programs in early 2009.

Regional staff consider both the Yonge Street Aquifer water budget and the Water for Tomorrow water conservation plan as adequate to fulfill the ORMCP requirements and are currently pursuing MMAH to fully recognize that the ORMCP requirements for water conservation have been satisfied.

5. FINANCIAL IMPLICATIONS

Special Watershed Plan funding for ORMCP compliance commenced in 2003 and ended in 2007

Beginning in 2003 for a five year period, funding was allocated to the Conservation Authorities to a total of \$3.79 millions for watershed planning directly required by the ORMCP. All funds have been spent and no further allocation is being made for watershed plan preparation beyond 2007. Watershed implementation will be done within the existing funds, including Regional transfer payments, of the Conservation Authorities.

6. LOCAL MUNICIPAL IMPACT

Local municipalities have been encouraged to actively participate in the watershed planning process through watershed plan advisory committees and during policy formulation. Ultimately, implementation of the objectives and principles of watershed plans may be implemented through amendments to Regional and/or local planning documents.

7. CONCLUSION

Watershed planning work in York Region is well advanced in the Region and will provide a great deal of support to York Region and the area municipalities in making more sustainable land use planning decisions.

In the time since the ORMCP has come into effect, a number of very significant Provincial initiatives have been introduced that will have significant impact watershed planning as well as growth management in the Region, however at this time, it is not clear what these impacts might be.

In addition, the Province's finalized ORMCP technical guidelines which were released in the summer of 2007, a full 5 years after watershed plans were required to commence, do not provide the specific technical requirements under the ORMCP necessary for the completion of these studies, including water budget requirements.

York Region has provided funding for the five year program that enabled the Conservation Authorities to prepare watershed plans required under the ORMCP.

The Toronto and Region Conservation Authority has finalized the Rouge and Humber Watershed Plans. The Duffins and Carruthers Watershed Plan was endorsed by Council in 2005. Given the limited area of Oak Ridges Moraine in the Don watershed, a preliminary report was prepared in 2006 for the purposes of analysis for the ORMCP requirements and Authority approval of an ORMCP conformity assessment in April 2007. The Don Watershed Plan update will be finalized by the end of 2008.

The draft watershed plans for all Lake Simcoe subwatersheds are currently being finalized, however, their completion has been delayed by several factors including *the Lake Simcoe Act* which will likely delay watershed plan finalization until the Lake Simcoe Protection Plan has been drafted.

Both Conservation Authorities are moving forward to develop implementation and monitoring plans which are required under the ORMCP and will continue to work closely with both Regional and area municipalities to develop these tools.

The watershed plans emphasise the importance of managing both ground and surface water system in a more comprehensive and sustainable way especially in new and intensifying areas of growth, and encourage better water infiltration through green building technologies, on site storm water infiltration and treatment, etc.

Regional staff will continue to work with the Conservation Authorities and the Province to develop Regional Official Plan policies that support the directions of the watershed plans.

For further information about this report, please contact John Waller, Director, Long Range & Strategic Planning Branch at (905) 830-4444, ext. 1525 or John.Waller@york.ca.

The Senior Management Group has reviewed this report.

(The two attachments referred to in this clause are included with this report.)