

ECS Lunch and Learn

Supporting internal knowledge transfer within TRCA



May 12, 2021

Lunch and Learn

Wetlands, Warehouses or Both? – The Story of Project Lonestar and the Lower Duffins Wetland Complex.

Presented by: Steve Heuchert, Development Planning and Permits
Shauna Fernandes Chagani, Planning Ecology

May 12, 2021

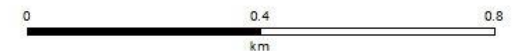
Agenda

- Development Planning – What We Do
- The Planning Act and Wetlands
- The Conservation Authorities Act & Permitting
- The “Typical” Review and Approval Process
- The new MZO Process
- Events leading to the MZO Hearing on March 12, 2021
- The Hearing
- Where are we Now and Lessons Learned?

1802 Bayly Street



- Municipalities
- TRCA_Jurisdiction
- Highway
- Major Road
- Local Road
- Lake Ontario
- Waterbodies < 9028
- watercourse_trca
 - <all other values>
 - Regulated
 - Unregulated/Unverified
- Wetlands_MNR
 - Provincially Significant
 - Locally Significant
 - Not Evaluated
- Parcel Assessment - MNR
- Wellhead Protection Area (WHPA)
 - A
 - B
 - C
 - D
- WHPA-Q1/Q2
 - Above Downgradient Line
 - Below Downgradient Line
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3



Disclaimer:
The Data used to create this map was compiled from a variety of sources & dates. The TRCA takes no responsibility for errors or omissions in the data and retains the right to make changes & corrections at anytime without notice. For further information about the data on this map, please contact the TRCA GIS Department (416) 861-6600.

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Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Projection: Mercator Auxiliary Sphere

Date: 2021-01-29

Author: Web AppBuilder for ArcGIS

Development Planning – What We Do

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DEVELOPMENT PLANNING AND PERMITS

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Rina Bhagat – Administrative Clerk, Ext. 5681

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June Little

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Vacant

Senior Manager, Development Planning and Permits
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Daniel Pina – Planner I, Ext. 5250
(Scarborough)
Stephanie Worrone – Planner, Ext. 5907
Terina Tam – Planner I, Ext. 6431
DURHAM (Ajax, Pickering, Uxbridge)
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Jason Wagler - Senior Planner, Ext. 5370 (Caledon, Mono, Adjala)
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Start Date May 4, 2020
Toomaj Haghshenas – Planner I, Ext. 6447 (Caledon, Mono, Adjala)
(Andrea Terella on mat leave till October 2020)
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Linda Bui - Planner, Ext. 5289 (Richmond Hill)
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Diane Pi – Planner I, Ext. 5723 (Aurora)

Roles and Responsibilities

- Delegated responsibility to represent the provincial interest in Natural Hazards (Section 3.0 of PPS)
- Watershed based resource management agency – CA's as “public bodies” pursuant to Planning Act
- Planning Advisory Services to Municipalities – MOU with Region
- Conservation Authorities Act – As a Regulator – restricting development in floodplains, wetlands, valleys
- Landowner – TRCA is a landowner and may become involved in planning process as a proponent or adjacent landowner
- Environmental Assessment Act – Technical Clearance or as Proponent

The Planning Act and Wetlands

Planning Act provides basis for:

- considering provincial interests, such as protecting and managing our natural resources and addressing natural hazards;
- preparing official plans and planning policies that will guide future development;
- regulating and controlling land uses through zoning by-laws and minor variances;
- dividing land into separate lots for sale or development through a plan of subdivision or a land severance;
- ensuring the rights of local citizens to be notified about planning proposals, to give their views to their municipal council and, where permitted, to appeal decisions to the Local Planning Appeal Tribunal (LPAT).

Planning Act provides for Provincial Policy:

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features*.

2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E¹, recognizing that *natural heritage systems* will vary in size and form in *settlement areas, rural areas, and prime agricultural areas*.

2.1.4 Development and site alteration shall not be permitted in:

- a) *significant wetlands* in Ecoregions 5E, 6E and 7E¹; and
- b) *significant coastal wetlands*.

2.1.5 Development and site alteration shall not be permitted in:

- a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E¹;
- b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- d) *significant wildlife habitat*;

ontario.ca/PPS

Provincial Policy Statement, 2020

Under the *Planning Act*

The Conservation Authorities Act & Permitting

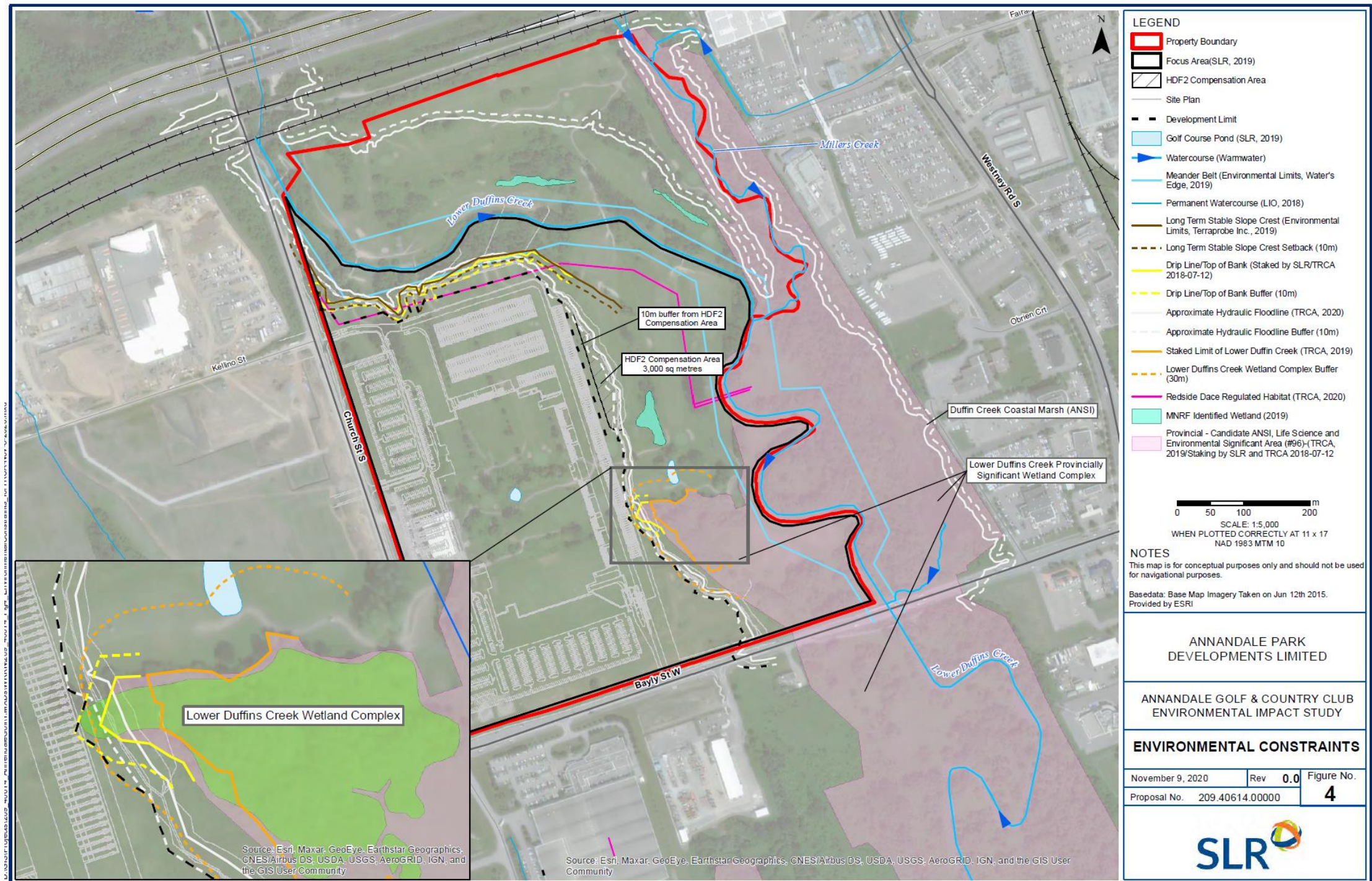
TRCA Regulated Features



The “Typical” Review and Approval Process

Typical Review and Approval Process

- Pre-consultation with all Parties
- Application Circulated by Municipality to TRCA
- Municipality consults
- TRCA reviews and comments
- TRCA either recommends approval, amendments or denial
- Council holds public meeting and either approves, amends or denies
- Application may be appealed to LPAT
- If approved, then TRCA permit is reviewed and may be approved



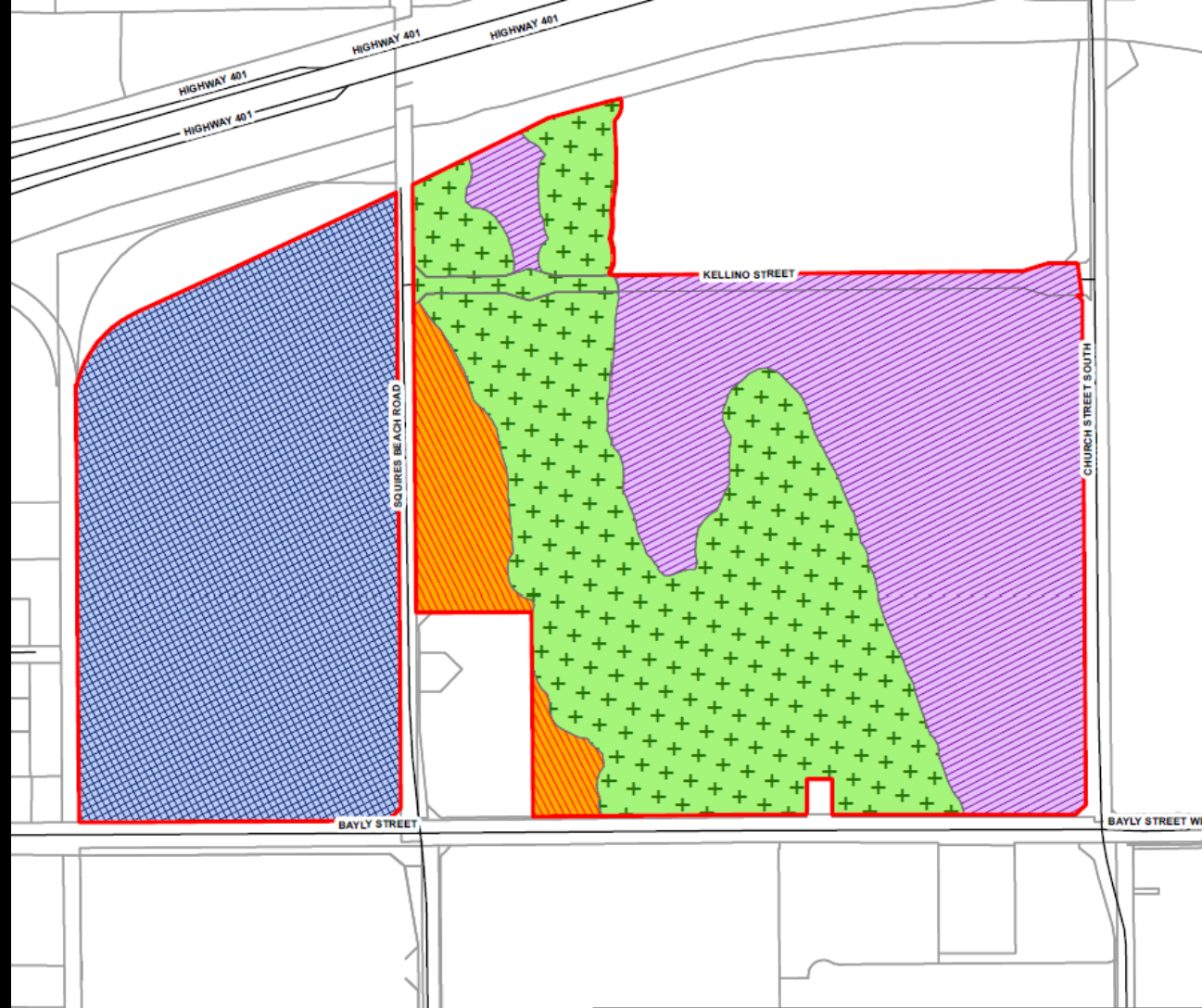
MZO's and the new MZO Permit Process

Minister's Zoning Orders

A Minister's Zoning Order (MZO) is part of Ontario's Planning Act and allows the Minister of Municipal Affairs and Housing to make a ruling on how a piece of land is to be used, with no chance of appeal.

MZOs have traditionally been used by the provincial government in emergencies, or to quickly advance a major initiative of provincial significance.

In the past, even if an MZO was issued, the Conservation Authority permitting process still applied (can refuse a permit). **This has all changed...**



MAP No. 239

Map filed at the office of the Ontario Ministry of
Municipal Affairs and Housing,
777 Bay St., Toronto, Ontario,

Planning Act

Ontario Regulation: 607/20

Date: October 30, 2020

Original Signed By: Minister of Municipal
Affairs and Housing

LEGEND

- Land Subject to Zoning Order
- Parcel Boundary
- Roads
- Mixed Employment Zone
- Mixed Use Major Tourist and Entertainment Zone
- +

+

+

 Natural Heritage and Open Space Zone
- Warehousing and Logistics Zone

0 70 140 280

Minister's Zoning Order Mandatory Permits

An authority **shall grant the permission**

An authority **may attach conditions to the permission**, including conditions to mitigate,

(a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land

(b) any conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property

Minister's Zoning Order Mandatory Permits

An authority **shall enter into an agreement with the permit holder**

The authority and the permit holder may agree to add a municipality as party to the agreement

The agreement shall set out actions and requirements that the holder of the permission must complete or satisfy in order to compensate for ecological impacts or any other impacts that may result from the granting of the permission

No works under the permit may begin until the agreement has been entered into

Events leading to the MZO Hearing on March 12, 2021

Events

- May 2020 - Rumour of Landowner and City wanting a warehouse
- May 25th - City requests MZO
- Sept 30th - Durham Region Supports MZO
- Oct 14th – MNRF Requests TRCA enter into Agreement with Landowner to Discuss Ecosystem Compensation
- Oct 24th - Board of Directors states they do not support development within wetlands, particularly, Provincially Significant Wetlands - CEO to execute a Memorandum of Agreement to review a proposal for ecosystem compensation – Environmental Defense gets involved

Events

- Oct 28th – TRCA Enters into Memorandum of Agreement, asks MNRF whether they will remove the PSW designation
- Oct 30th – Minister Issues MZO – Entire Wetland to be Warehousing and Logistics Zone
- Nov 4th – TRCA Issues Press Release
- Nov 2020 – Weekly discussions with Landowner and Pickering begin regarding ecosystem compensation

TRCA RESPONSE TO THE PROVINCIAL MINISTER'S ZONING ORDER (MZO) REGARDING DURHAM LIVE

11/04/2020

HOME » NEWS » TRCA RESPONSE TO THE PROVINCIAL MINISTER'S ZONING ORDER (MZO) REGARDING DURHAM LIVE

SHARE:   

On Friday October 30, 2020, the Ontario government announced, via [press release](#), a Minister's Zoning Order (MZO) at the request of the City Pickering, with the support of the Municipality of Durham, to expedite construction of Durham Live.

The *Planning Act* authorizes the Minister of Municipal Affairs and Housing (MMAH) to make zoning orders for regulating the use of land and the location, use, height, size, and spacing of buildings and structures. Toronto and Region Conservation Authority (TRCA) has no approval authority in the issuance of an MZO. TRCA was notified on Tuesday November 3 that the MZO had been posted on the Ontario government's [website](#).

After the Ministry's announcement on Friday, TRCA Board members and staff have been inundated with requests from residents to vote no to the project. Concerns regarding the issuance of the MZO should be raised through the Province, using the contact information included in the press release.

At TRCA's most recent Board of Directors meeting, held on October 23, TRCA's [position](#) in opposition of development in wetlands, particularly Provincially Significant Wetlands, was unanimous (#164/20).

Additionally, the resolution permits a request made by MMAH for TRCA to enter into an agreement with the property developer to proceed with discussions regarding ecosystem compensation, in that event that the following stages are realized:

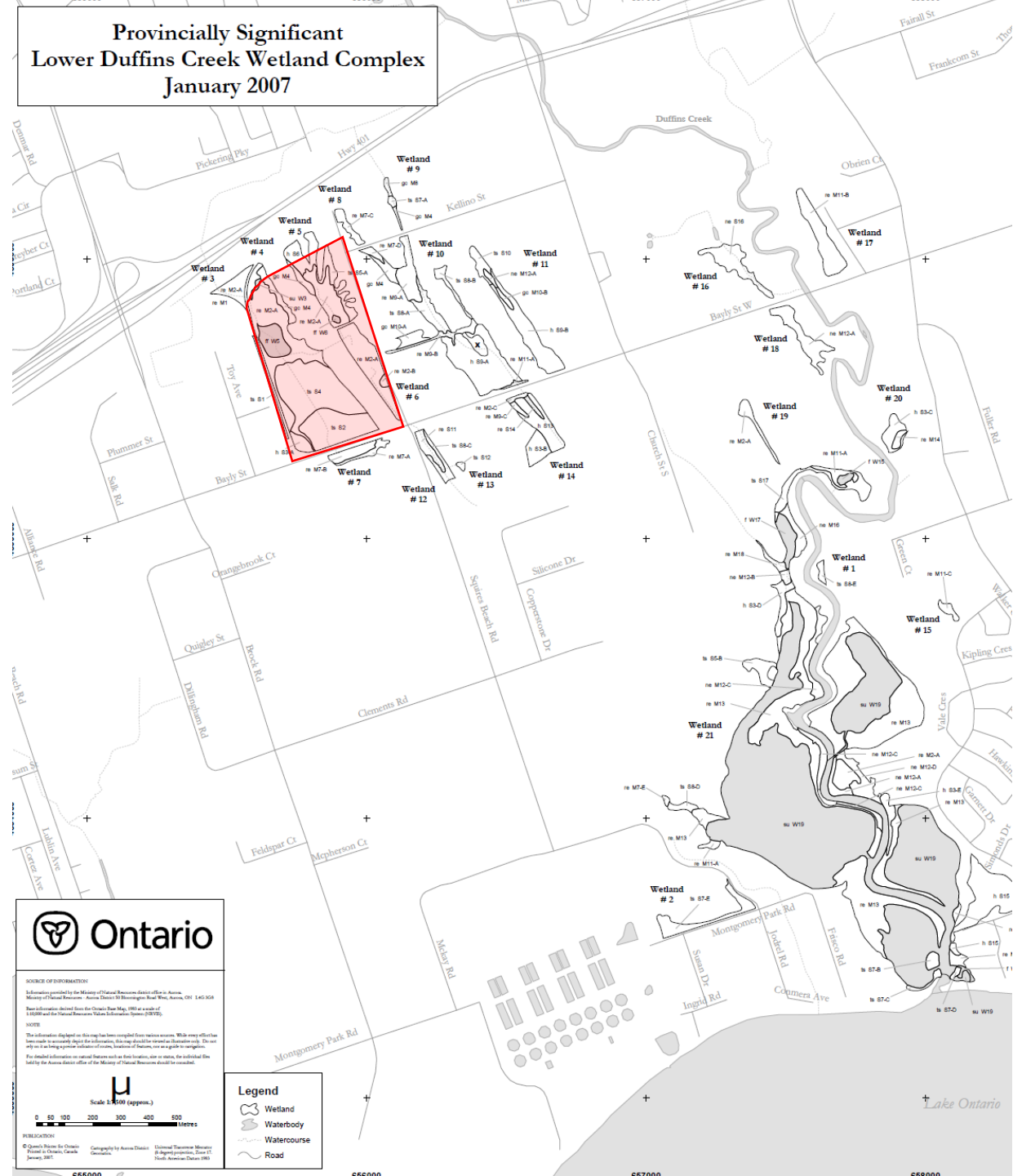


Ecology Review & Site Characteristics

- Normal process would integrate Planning and Regulatory review requirements.
 - Scoped EIS (comprised of required studies and surveys), Feature-based Water Balance, Arborist Report, SWM Report, compensation plans, detailed drawings
- Characterized site through combination of TRCA background data & reports, site visit, other land use and infrastructure applications, MNRF records, MECP records, naturalist club records and applicant's submission report.
- Criteria driven features on-site:
 - Provincially Significant Wetland – 18 ha
 - Significant Wildlife Habitat – Winterberry Organic Thicket Swamp
 - Potential Endangered Species habitat - bats
 - Contiguous Vegetation
 - Regionally, Locally and TRCA rare and uncommon species



Provincially Significant Lower Duffins Creek Wetland Complex January 2007



SOURCE OF INFORMATION:
Information compiled by the Ministry of Natural Resources, Ontario, from various sources.
Base information derived from the Ontario Map 1981 at a scale of 1:50,000 and the Natural Resources Canada Information System (NIS).

NOTES:
The information displayed on this map has been compiled from various sources. While every effort has been made to ensure the accuracy of the information, it may contain errors. It is not intended for use as a legal document. The Ministry of Natural Resources is not responsible for any errors or omissions. For detailed information on natural features such as their location, size or status, the individual files held by the Ontario Ministry of Natural Resources should be consulted.

Scale 1:500 (approx.)
0 50 100 200 300 400 500 Metres

WETLANDS:
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January 2007

Geography by Aurora District
Geography by Aurora District
© Aurora District
© Aurora District
© Aurora District

United Township Municipality
© United Township Municipality
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Legend

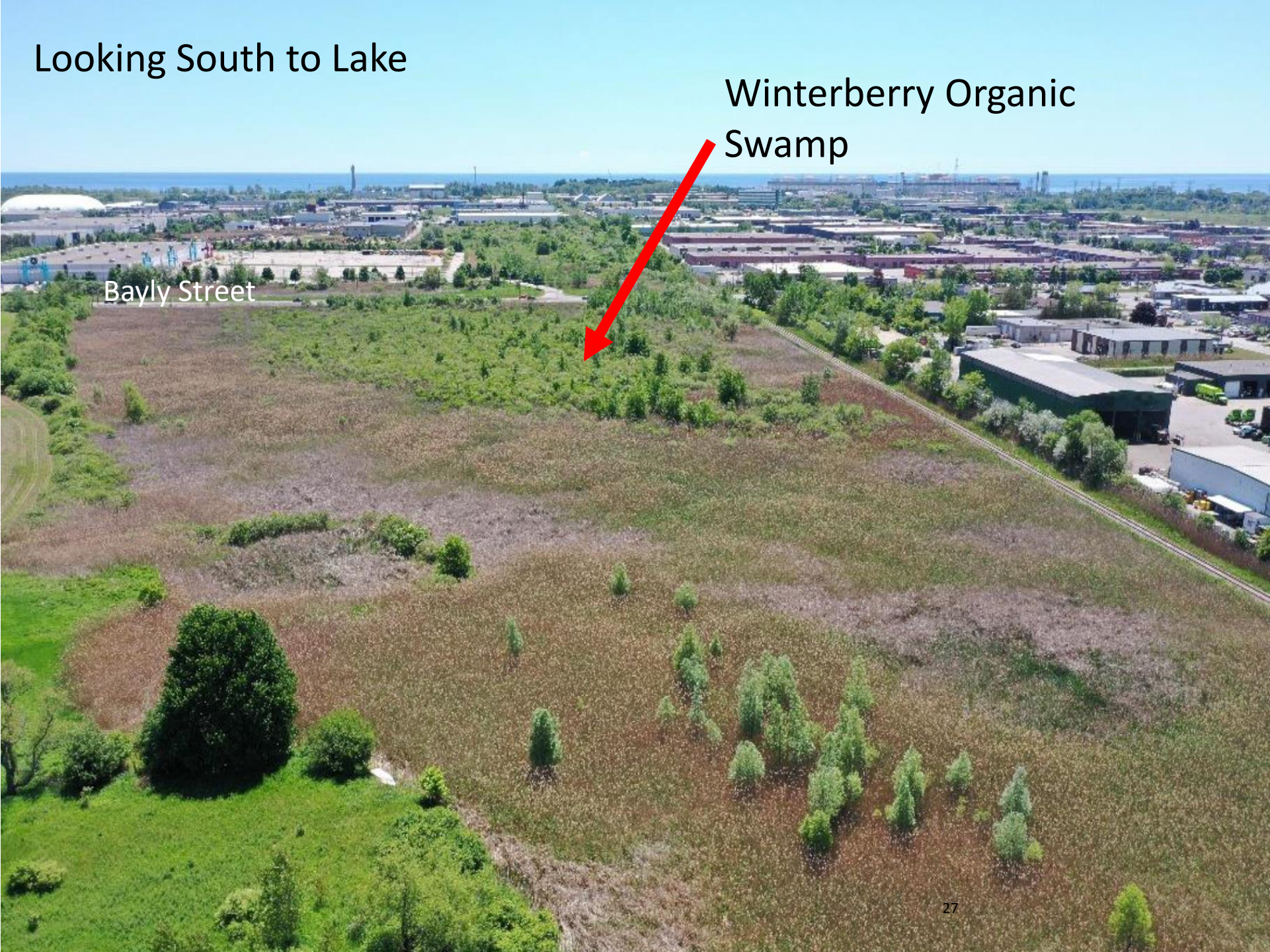
- Wetland
- Waterbody
- Watercourse
- Road



Looking South to Lake

Winterberry Organic
Swamp

Bayly Street



Looking North to 401

“Notch” Wetland

Highway 401



Shallow Aquatic Open Water



Importance of Wetlands



- Wetlands lead critical roles in ecosystem services:
 - Flood mitigation, groundwater recharge/discharge, erosion reduction, climate change mitigation, biodiversity habitat, nutrient cycling, carbon sequestration, cultural/spiritual importance, medicinal and food sources and recreation/tourism.
 - Economics benefits annually valued \$14 Billion in Southern Ontario.
- Studies recommend 30% forest cover and 10% wetland cover are needed in urbanizing areas to mitigate erosion and flooding.
 - TRCA's jurisdiction has 15% and 1%, respectively.
- City of Pickering experienced up to 87% loss of wetlands historically.
- Wetlands maintained in-situ can reduce financial burden of major flooding events by 38%.

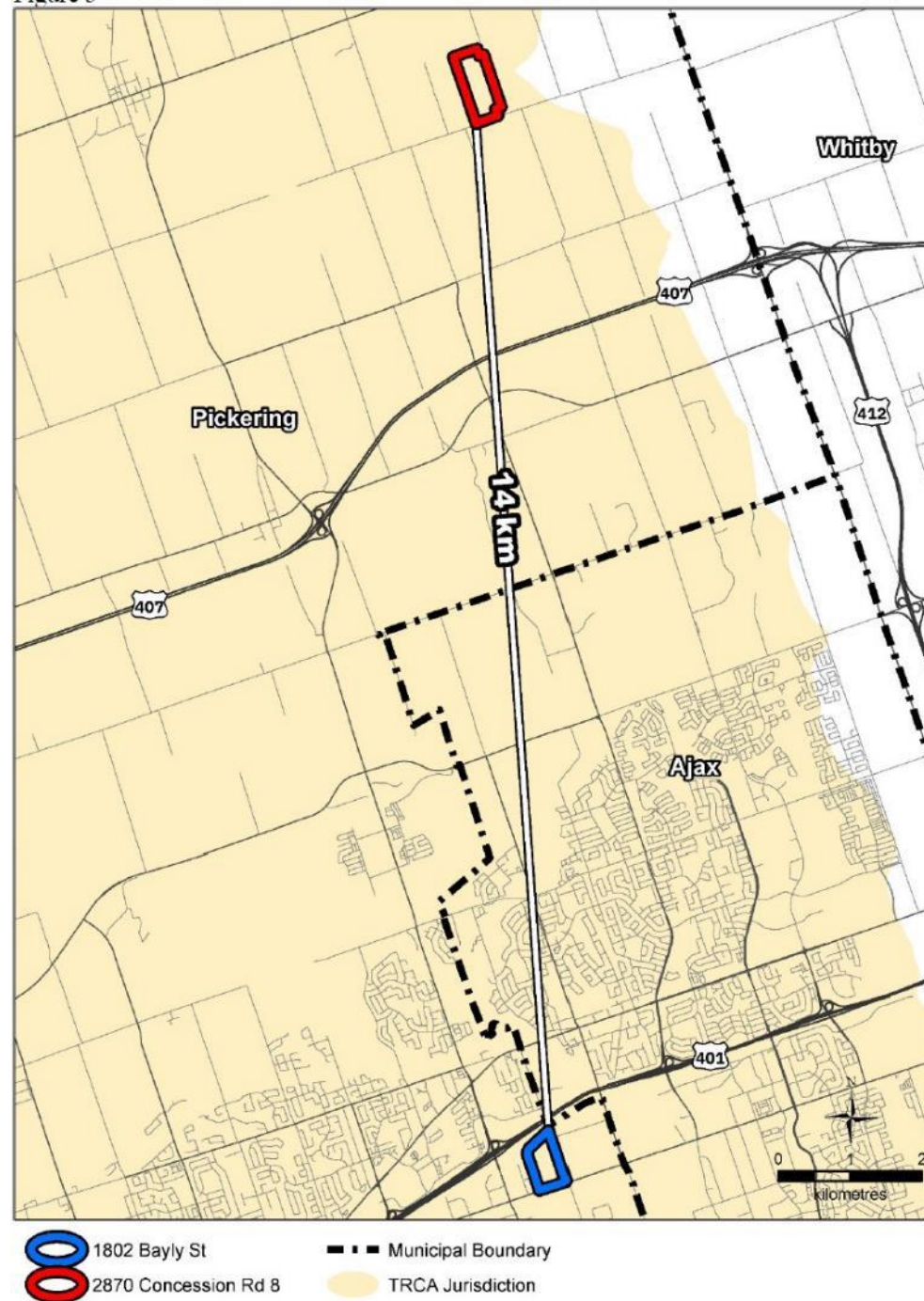
Navigating Ecosystem Compensation

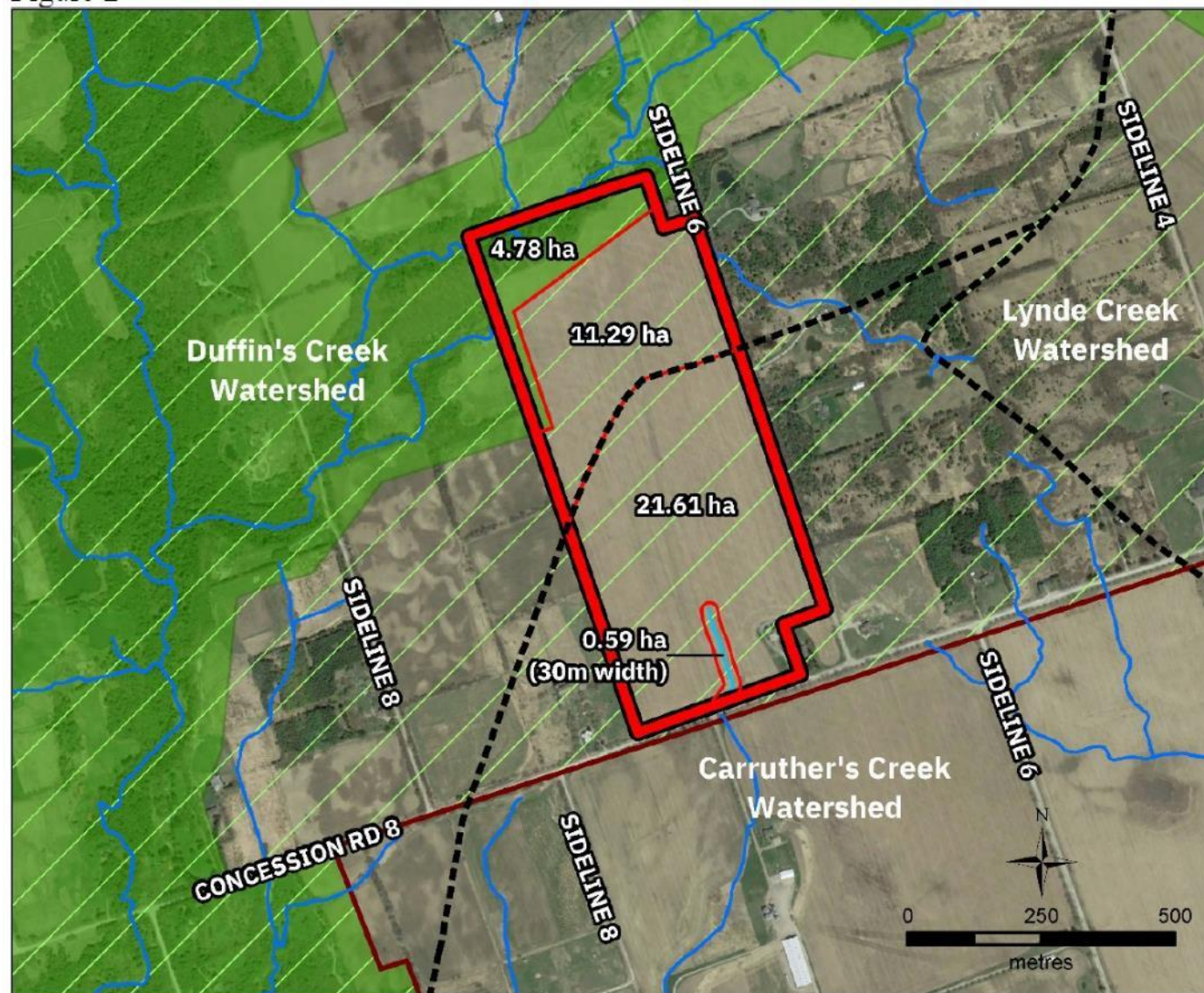
- Needed to escalate quickly as discussions turned into legislated amendments.
- Features like the Winterberry Organic Thicket Swamp and soils could not be replaced in landscape.
- TRCA's Guidelines for Determining Ecosystem Compensation (Approved 2018) provided the framework for compensation.
 - Two-part: Ecosystem Structure and Land Base Compensation
- Complex process that requires time to secure and transfer lands, undertake studies on properties for feasibility, construct habitat re-creation and implement monitoring programs.







Ecosystem Structure Compensation

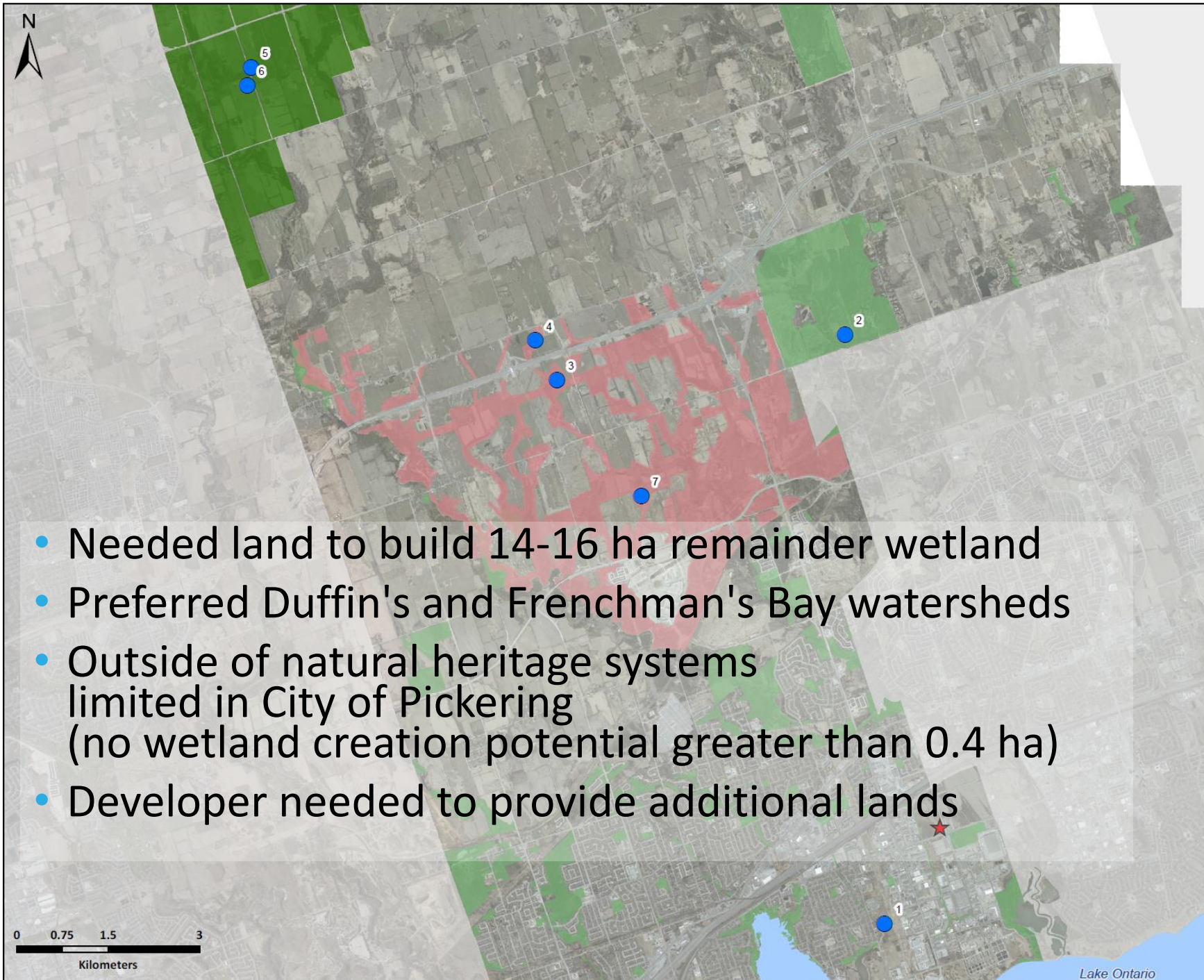
ELC Code	ELC Description	Size (ha)	Basal Area Ratio	Planting Area Required	Cash-in-lieu Required 2021 Value
CUT1	Mineral Cultural Thicket	0.39	1:1	0.39	\$59,459
CUW1	Mineral Cultural Woodland	0.7	3:1	2.1	\$277,098
FOD4	Dry-Fresh Deciduous Forest	0.25	3:1	0.75	\$151,831
SWD4-1	Willow Mineral Deciduous Swamp	0.13	3:1	0.39	\$78,952
SWD3-2	Silver Maple Deciduous Swamp	0.59	3:1	1.77	\$358,322
MAM2-10	Forb Mineral Meadow Marsh	17.31	1:1	1.38	\$257,034
MAS2	Mineral Shallow Marsh			2.12	\$394,864
MAS2-1	Cattail Mineral Shallow Marsh			7.7	\$1,434,177
SAF1-3	Duckweed Floating-leaved Shallow Aquatic			0.04	\$7,450
SWT2-2	Willow Mineral Thicket Swamp			2.09	\$411,890
SWT2-5	Red-osier Mineral Thicket Swamp			1.92	\$378,387
SWT3-7	Winterberry Organic Thicket Swamp			2.06	\$405,978
Total Replacement Planting or Cash-in-Lieu		19.37		22.32	\$4,215,444
Total Cash-in-Lieu with 5% Management Fee:					\$4,426,216

Land Base Compensation





- | | | | |
|---|--|---|---|
|  | 2870 Concession Rd 8 - 38.26 ha |  | Watershed Boundary |
|  | Greenbelt Plan Area |  | Watercourse - MNRF Mapped Environmental Feature |
|  | Greenbelt Plan - Natural Heritage System |  | Watercourse - Pickering Official Plan Schedule III C: Resource Management: Key Natural Heritage Features/ Key Hydrologic Features |



- Needed land to build 14-16 ha remainder wetland
- Preferred Duffin's and Frenchman's Bay watersheds
- Outside of natural heritage systems limited in City of Pickering (no wetland creation potential greater than 0.4 ha)
- Developer needed to provide additional lands

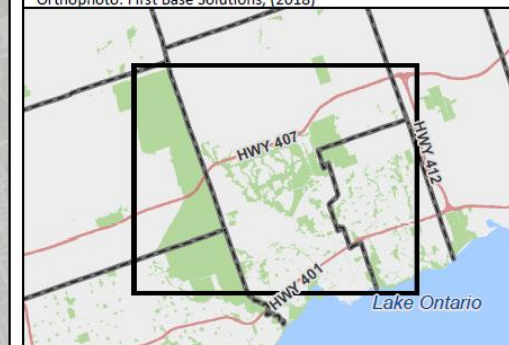
Pickering Wetland Restoration Opportunities

Legend

- ★ Impact Location
- Durham Live Wetland Opportunities
- Seaton NHS Boundary
- RNUP Lands
- Public Lands

- 1 Sandy Beach Road Hydro Corridor (Joriki Holdings Inc., The Corporation of the City of Pickering, Marylynn Scott)
- 2 Brock North
- 3 Seaton Section 43
- 4 Seaton Section 56
- 5 RNUP Pin 491-493
- 6 RNUP Pin 495
- 7 Seaton Section 26

Date: 2/18/2021
Created by: Restoration and Infrastructure
Orthophoto: First Base Solutions, (2018)



Events (continued...)

- Nov 2020 – TRCA staff working to identify potential target sites (ongoing)
- Nov 2020 – Multiple media / FOI requests
- Nov 4th – Greenbelt Council Resigns
- Nov 20th 2020 – Site Visits
- November 28, 2020 – TRCA requests clarity from MNRF re. support for wetland removal
- Nov 30th – Environmental Defense launches litigation

Livable Communities

For Immediate Release: November 30, 2020

Environmental groups sue to keep Ontario wetlands protected

Ontario government issued a Ministerial Zoning Order for an unlawful development that endangers the protected Lower Duffins Creek wetland complex

Toronto, Ont. – Environmental groups are taking the Ontario government to court over its unlawful use of a Ministerial Zoning Order (MZO) to force through development on the provincially significant Duffins Creek wetlands complex.

Ecojustice, on behalf of Environmental Defence and Ontario Nature, filed the legal application to maintain protections on this special area, which the Ministry of Housing and Municipal Affairs has approved as the future site of a warehouse facility.

Provincially Significant Coastal Wetlands, such as the Lower Duffins Creek complex, are of huge importance to local communities, helping to mitigate flooding, store carbon, filter water and provide habitat to wildlife.

MZOs are meant to be an extraordinary measure. In the past, they were rarely used and were reserved for exceptional circumstances. But in this year alone, the Ontario government has issued over 30 MZOs to fast-track development.

The legal challenge seeks to have the MZO quashed and declared unlawful for failing to comply with provincial law and policy. The 2020 Provincial Policy Statement under the Planning Act clearly does not permit development on provincially significant wetlands. Yet, the Minister ignored this prohibition and issued the MZO, thereby allowing development to take place in an otherwise protected wetland.

The proposed development at Lower Duffins Creek faces considerable **opposition from several groups**, and thousands of citizens. The Williams Treaties First Nations were not consulted and have voiced concerns. The Toronto and Region Conservation Authority has also rejected development in protected wetlands.

Events (continued...)

- Dec 8th – Province adopts Schedule 6 of Bill 229 – Positive amendments with exception of MZO permits
- Dec 2020 – TRCA and CO try to figure out MZO permit process
- Dec 2020 – Work with applicant on “complete” application requirements and Terms of Reference for studies (migratory birds are coming...rush rush...)
- Jan 16th – Borehole Permit Application
- Feb 5th – Borehole Permit Conditions Approved and Agreement Prepared

TRCA'S RESPONSE AS THE GOVERNMENT OF ONTARIO COMPLETES THIRD READING OF BILL 229

12/08/2020

HOME » NEWS » TRCA'S RESPONSE AS THE GOVERNMENT OF ONTARIO COMPLETES THIRD READING OF BILL 229

SHARE:   

CONSERVATION AUTHORITIES ACT

December 8, 2020, Toronto, ON – This afternoon, the Government of Ontario completed the third reading of Schedule 6 of Bill 229, which reinforced that conservation authorities exist to deliver programs and services that further the conservation, restoration, development, and management of natural resources in watersheds in Ontario.

In accordance with this purpose, Toronto and Region Conservation Authority (TRCA) will continue using a science-based watershed approach to its decision making and will not be changing its practices related to planning and permitting except as required when the Bill is proclaimed.

As an apolitical technical agency, TRCA did everything in its power to advise the Province on pragmatic concerns regarding governance, planning, permitting and enforcement sections of the legislation. While the final legislation raises a number of unprecedented challenges and concerns related to planning and permitting, TRCA acknowledges the Province for modifying some parts of Schedule 6 in Bill 229 to reflect our input, including the “Membership and Governance” and “Objects, Powers and Duties” sections, which reinforce that board members have a fiduciary responsibility to act in the best interest of the conservation authority in which they serve, and that conservation authorities



Events (continued...)

- Feb 5th – Executive reiterates objection to issuing permit under “duress” and to the removal of wetlands
- Feb 9th – Revised ToR arrive
- Feb 25th – Complete “wetland removal” MZO permit application arrives
- Mar 4th – O. Reg. 159/21 – Must issue Permit by March 12, 2021
- Mar 5th – Press Release - “Under Duress”
- March 6th – Public Opposition Site Rally
- Mar 8th – Hearing Report Released

TRCA’S RESPONSE TO THE PROVINCE’S UNHERALDED REGULATION LEGALLY REQUIRING TRCA TO GRANT PERMISSION FOR DEVELOPMENT AT 1802 BAYLY STREET BY MARCH 12, 2021

03/05/2021

HOME » NEWS » TRCA’S RESPONSE TO THE PROVINCE’S UNHERALDED REGULATION LEGALLY REQUIRING TRCA TO GRANT PERMISSION FOR DEVELOPMENT AT 1802 BAYLY STREET BY MARCH 12, 2021

SHARE:  

WETLAND

UPDATE – March 12, 2021:

READ: TRCA STAFF REPORT TO THE BOARD OF DIRECTORS

March 5, 2021, Toronto, ON – The Provincial government has issued Ontario Regulation 159/21, forcing TRCA to provide permission by March 12, 2021, to interfere with and develop within a Provincially Significant Wetland and place fill and site grade the property known municipally as 1802 Bayly Street in the City of Pickering for the purposes of future development approved by the Province through a Minister’s Zoning Order (MZO).

The Hearing



Nature and Location of the Subject Application and the Conclusions

- Application to fill and site grade 1802 Bayly Street
- Purpose is to remove a Provincially Significant Wetland
- Includes SWM Report, EIS, Hydro-G Report, Sediment and Erosion Control Plan, Grading Plan and proposed Ecosystem Compensation
- Staff conclusion is that the proposal will have a negative impact on the natural system and the application does not mitigate impacts on the control of flooding, pollution or erosion, or conservation of land
- More robust conditions required

Permit Application Impacts and Effects

Effects on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land:

- **Removal of provincially significant wetland ecosystem functions, especially the size and location of the wetland including evapotranspiration, habitat for various species of mammal, amphibians and birds;**
- **Hydrology and landscape connectivity impacts on off-site provincially significant wetland (not owned by the applicant);**
- **Sedimentation of off-site natural features, especially if site remains fallow with temporary sediment controls;**
- **Impacts to water quality, quantity and erosion.**

Conditions or circumstances that in the event of a natural hazard jeopardize health and safety or result in damage or destruction of property:

- **Flood attenuation, potential off-site urban flooding due to fill.**

Importance of Avoiding Flooding & Erosion

- Erosion = washing away of soil by water movement
- Exacerbated by urbanization and replacement of natural features with impervious surfaces.
- Cumulative impact can affect waterbodies, fish habitat and damage infrastructure.
- Wetlands help reduce erosion and flooding on downstream receiving systems through on-site storage, evapotranspiration, and infiltration of runoff.
- Need to ensure new development adequately mitigates flooding and erosion issues and ensure SWM (both interim and final) maintains water balance and downstream sediment loadings.

Proposed Conditions:

Applicant Agrees with Condition
Applicant Asks for Modifications
Applicant Rejects Condition

1. Permission Expire on March 25, 2022
 - Consistent with Migratory Bird Convention Act.
2. MNRF review and concur with the PSW removal
 - Project does not meet provincial, municipal or TRCA policy;
 - MNRF offered to provide technical support and facilitation.
3. Letter of Credit to restore site if no development w/in 2 yrs.
 - Site should be restored if no development project.
4. Easement to TRCA over site to restore
 - Ensures TRCA can access site to restore per Condition 3
5. Land-Based Compensation
 - Convey 2870 Concession Road 8;
 - Convey other lands (to be determined) to build 14 – 16 ha of wetland;
 - Sites must be outside municipal and provincial natural heritage system, and not include natural features.

Proposed Conditions:

Applicant Agrees with Condition
Applicant Asks for Modifications
Applicant Rejects Condition

6. Letter of Credit for Land-Based Compensation
 - Unknown \$ amount, to be determined.
7. Cash Payment for annual costs to maintain conveyed lands
 - Unknown \$ amount, to be determined;
 - Minimum \$465/ha/year + Property Taxes + Inflation.
8. Provide environmental study, reference plan, removal of encumbrances on lands to be conveyed
 - Ensure the lands are clean with good title.
9. Cash payment of \$4,426,216.41 for Ecosystem Structure Compensation
 - This figure determined using TRCA Guideline, per Attachment 4.
10. Submit Site Plan drawings with SWM to TRCA satisfaction
 - To ensure City of Pickering and Durham Region are satisfied that the development project can be serviced;
 - There is no municipal enforcement process right now.

Proposed Conditions:

Applicant Agrees with Condition
Applicant Asks for Modifications
Applicant Rejects Condition

11. Provide revised reports and plan to address TRCA technical comments
 - List of erosion and sediment control and stormwater management comments were provided March 10, 2021;
 - Require revised drawings to issue the permit.
12. Wetland removal supervised by ecologist and weekly monitoring reports submitted to TRCA enforcement staff
 - To ensure species identified during construction are addressed and works are adequately monitored
13. Transplantation and relocation plan for regionally, locally and TRCA rare and uncommon species
 - Salvage of rare and uncommon species to support regional biodiversity

Proposed Conditions:

Applicant Agrees with Condition

Applicant Asks for Modifications

Applicant Rejects Condition

14. City of Pickering and Region satisfied with and secure the SWM infrastructure for the future development project
 - Addresses long-term SWM concerns if site remains fallow.
15. Receive permit for off-site culvert under Squires Beach Road
 - Culvert is necessary for temporary pumping of water from site during grading
 - City of Pickering materials received.
16. Receive permit for altering the off-site “Notch” wetland
 - Applicant’s works will negatively impact ecological integrity of this Provincially Significant Wetland (interference);
 - Applicant does not own this wetland.
17. Provide copies of any Endangered Species Act approvals
 - To ensure no conflict with other legislation.
18. Province, Durham Region and City of Pickering to be parties to the Agreement
 - To allow the next two conditions to be secured.

Proposed Conditions:

Applicant Agrees with Condition

Applicant Asks for Modifications

Applicant Rejects Condition

19. Indemnity: All parties to Agreement indemnify and save harmless TRCA

- To ensure TRCA is not subject to future liability and costs;
- Recognizes TRCA would not normally issue permission;
- City request and Province is forcing TRCA to issue permit;
- Permission conflicts with TRCA's mandate to further conservation, development and management of natural resources.

20. Irrevocability: All parties to Agreement agree that if future legislation or regulations impact the permitted area, no ability to reduce the agreed-upon conditions

- Protects from further Provincial interference
- Cannot re-open the matter once permission is issued.

Nature of Public Comments

- Wholesale opposition to removal of PSW.
- Strong support for the conditions proposed by TRCA staff.
- Concerned with fill operation / quality and amount of fill.
- Add condition to ensure the Permit Holder, City of Pickering and Province consult with First Nations before Agreement is signed.
- Target sites for wetland compensation be determined before Agreement is signed.
- \$4,426,216.41 is not sufficient; request external specialist review of the Ecosystem Compensation Plan.
- Potential for fish habitat.
- Do not issue permit until legal action by Ecojustice is heard next week.



Photo Source: Toronto Star



22521 ISLAND ROAD · PORT PERRY, ON · L9L 1B6 · TEL: 905-985-3337 · FAX: 905-985-8828

www.scugogfirstnation.com

March 12, 2021

For Immediate Release

First Nation Calls on Province to Revoke MZO

Mississaugas of Scugog Island First Nation calls for Ontario to withdraw MZO after Amazon cancels plans for Pickering warehouse.

SCUGOG – The Mississaugas of Scugog Island First Nation (MSIFN) applauds Amazon's decision to end consideration of a Provincially Significant Wetland for the site of a future warehouse. The announcement comes after months of intense opposition from Indigenous governments, local residents, and community organizations.

"We are grateful that Amazon chose to listen to local community opposition; job creation should not be done at the cost of ecologically significant wetlands," said Chief Kelly LaRocca. "We thank the Williams Treaties First Nations and community groups across Durham Region who defended this wetland, despite constant attacks and backroom maneuvering from the province."

Summary Conclusion

- CA Act requires TRCA to issue permission.
- TRCA can apply conditions to mitigate.
- Staff do not support the works proposed as removal of 18 ha wetland does not meet policy.
- Professional Planning opinion is that removal of wetland of this size and location has negative consequences for natural environment and is not in the public interest, despite stated economic benefits.
- Staff recommend the conditions be applied in an effort to mitigate negative impacts.

Hearing Board then asked questions of staff and applicant, and there started a process of negotiating changes to the conditions

BREAKING NEWS

↻ EANAP - Environmental Action Now Ajax-Pickering Retweeted



Dr. Andrea Kirkwood 🌊 🇨🇦 @KirkwoodLab · Mar 12

...

I'm getting reports from expert birders that several migratory bird species are already at the Duffin's wetland site at Squires and Bayley @TRCA_HQ @sheucher. Pickering Naturalists have confirmed. cc @enviroactionajp @CanadaGray @girls_can @GlobalFrazer #SaveDontPave #MZO

💬 3

↻ 47

❤️ 96



BREAKING NEWS

CANADA'S 
**NATIONAL
OBSERVER**

Ford government plan to build warehouse on protected wetland in limbo after Amazon pulls out

By [Emma McIntosh](#) | News, Politics | March 12th 2021

Our government has been clear that every MZO issued on non-provincial land has been at the request of the local municipality – this includes the lands in Pickering.

The Minister of Municipal Affairs and Housing intends on writing to the City of Pickering and the Region of Durham to ask if they would like the MZO amended to exclude the portion of the lands that would allow for the construction of a distribution centre.

As always, when it comes to MZOs on non-provincial land, it is the municipalities who are in the driver's seat.

BREAKING NEWS



Emma McIntosh @EmmaMci · Mar 12



Replying to @EmmaMci

This is playing out while the @TRCA_HQ works on issuing a permit for Durham Live. (They say they're doing this "under duress" after an order from the province.) Just wild.



Emma McIntosh @EmmaMci · Mar 12



STORY: After Amazon said it isn't interested in leasing a warehouse on top of a wetland in Pickering, the Ford government has signalled it's willing to back down. But is Pickering? The latest on the Durham Live/Duffins Creek saga. #onpoli

BREAKING NEWS



Mayor Dave Ryan @mayordaveryan · Mar 12

Please see my Official Statement

Mayor Ryan's Official Statement on Amazon Warehouse Announcement

Pickering, ON, March 12, 2021

"I'm truly disappointed for Pickering and its residents. Amazon's announcement that it is no longer considering the Pickering site for its fulfillment centre, means that we lost this once in a lifetime opportunity to bring Canada's largest warehouse, 2,000 jobs, tens of millions of dollars in development charges, and millions of dollars in annual tax revenues to our city.

With this transformational development no longer slated for this site, the appropriate next step is to pause any immediate disruption to the wetlands. The difficult decision to pursue development on these lands was made with the promise of significant jobs and investment, and that the developer and TRCA would negotiate a 1:1 wetland compensation agreement.

Following today's announcement, what's needed now is reflection and consultation on the best path forward."

Mayor Dave Ryan
City of Pickering

Where are We Now and Lessons Learned?

Notice of Proposed Amendment to Minister's Zoning Order Ontario Regulation (O. Reg) 607/20

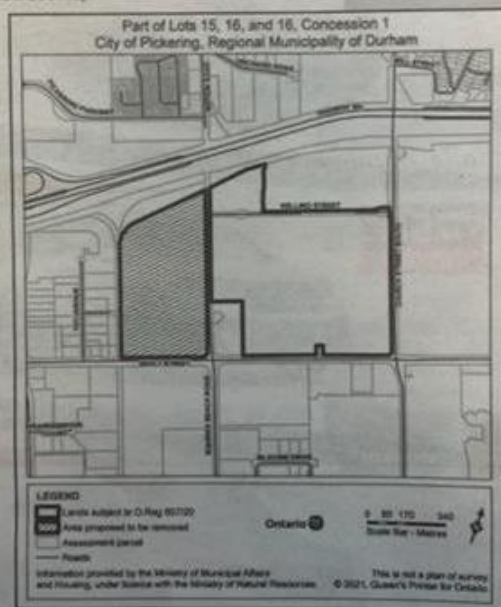
Take notice, the Minister of Municipal Affairs and Housing is proposing, under subsection 47(8) of the Planning Act, to amend O. Reg. 607/20.

O. Reg. 607/20 applies to three properties known municipally as 1802 Bayly Street, 1902 Bayly Street and 2028 Kellino Street in the City of Pickering, comprising approximately 92 hectares (227 acres).

O. Reg. 607/20 permits a broad mix of commercial, employment and residential uses on the lands described above. It also permits other major tourist and entertainment uses.

The City of Pickering has asked the Minister to consider amending O. Reg. 607/20 to remove the land and zoning permissions for the property known municipally as 1802 Bayly Street from O. Reg. 607/20. This property is identified as a Warehousing and Logistics Zone in O. Reg. 607/20 which permits warehouse distribution facilities, amongst other uses.

Location: See map.



Submissions regarding the proposed amendment can be made by letter to the Municipal Services Office - Central Ontario, Ministry of Municipal Affairs and Housing, 777 Bay Street, 13th Floor, Toronto, ON, M7A 2J3, or by e-mail to mso-cmah@ontario.ca. All submissions must be made on or before the 13th day of May, 2021. Please refer to O. Reg. 607/20 in your comments.

During the COVID-19 social distancing period when offices are closed, a copy of Ontario Regulation 607/20 may be viewed on the province's e-Laws website (<https://www.ontario.ca/laws/regulation/2006071>). Alternatively, you may request a copy from: Tammy Nguyen, Planner (East Team) by e-mail at Tammy.Nguyen@ontario.ca

Ontario



Timothy Gray @CanadaGray · Mar 22

#BREAKING: @CityofPickering votes to ask @SteveClarkPC to remove the Lower Duffins Creek wetland from his #MZO bulldoze-for-a-warehouse plan. Will he listen? #yourstoprotect #onpoli

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286



Where are We Now?

- Hearing Board issued all of the staff recommended conditions – No Changes
- Is the “Permission” and associated conditions moot?
- City of Pickering asked for MZO to be lifted.
- Province asked for public consultation on lifting MZO
- Waiting for MZO to be Lifted

Lessons Learned

- We are all still partners in many positive ways – we may disagree on some things, but we do it respectfully and understand others' interests.
- Timing is critical to be prepared – anticipate the worst and prepare in advance.
- Teamwork amongst TRCA divisions was necessary and outstanding.
- Understand the legal framework.
- Carefully worded and frequent press releases – transparency is key.
- Express professional opinion.
- Stick to the Science!

Resources

- Citizen's Guide to Planning Act: <https://www.ontario.ca/document/citizens-guide-land-use-planning/planning-act>
- Provincial Policy Statement: <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>
- CBC News: <https://www.cbc.ca/news/canada/toronto/doug-ford-duffins-creek-wetland-pickering-ajax-warehouse-amazon-1.5942938>
- CBC News: <https://www.cbc.ca/news/canada/toronto/land-owner-vows-to-protect-pickering-wetland-1.5949589>
- Interview post-hearing: <https://www.youtube.com/watch?v=KnBoACNOlas>

Many Thanks To...

Daniel Byskal Angelica Dancel Laura DelGiudice Sameer Dhalla Don Ford Sue Hayes Dan Hipple Kelly Jamieson Dana Lambert John Mackenzie Alisa Mahrova Barbara Montgomery Laurie Nelson Olusola Obembe Paul Prior Jason Ramharry Daniel Ruberto Trina Seguin Brad Stephens John Stille Michael Tolensky Kendall Vaderlip and many others...

QUESTIONS?

Upcoming ECS Lunch and Learns!

Wednesday, June 9
11:00am-12:00pm

**Long-Term Monitoring of
Four Lake Ontario Coastal
Wetlands**

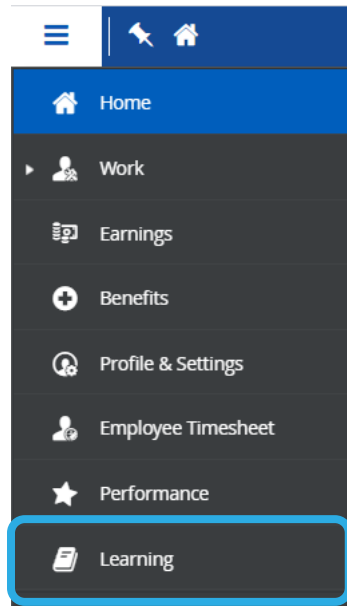
By Katie Thomas


Wednesday, July 14
11:00am-12:00pm

**TRCA's Water Resource
System**

By Jonathan Ruppert

Learning Management System



 Course Catalog

CATEGORIES


FILTERS

Lunch and Learn

X

Q

4 items




New

Lunch and Learn: Teams, OneDrive and SharePoint

EN

Webinar




New

Lunch and Learn: Hobbies for Mental and Physical Health (Please read...

EN

ILT (Instructor-Led Training)




New

Lunch and Learn: Thermal Imaging for Restoration and Conservation

ENROLLED

EN

Webinar



New








Lunch and Learn: Natural Heritage System Update

ENROLLED

EN

Webinar

Past Recordings

<p>Watersheds and Ecosystems Reporting Draft Web Application</p> <p>Laura Del Giudice, Senior Manager, Watershed Planning & Reporting Kristina Dokoska, Project Coordinator, Ontario Climate Consortium</p> <p>September 21, 2020</p> 	<p>Introduction to the LID Treatment Train Tool</p> <p><i>Presented by – Steve Auger, Sahila Abbasi and Yunus David</i></p> <p>November 5, 2020</p> <p><i>STEP Water is a partnership between:</i></p> 	<p>TRCA's Recent Floodplain Mapping Updates</p> <p>Wilfred Ho*, Christina Bright*, Mike Todd**</p> <p>* Flood Risk Management, Development & Engineering Services ** Information Technology & Records Management</p> <p>November 10, 2020</p> 	<p>Working with Indigenous Communities</p> <p>Lunch and Learn</p> <p>November 17, 2020</p> 	<p>Lake Ontario Restoration Initiatives</p> <ul style="list-style-type: none"> Determining Practical Key Performance Measures for Wetland Restoration Practitioners: Challenges and considerations – by John Stille RAP Delisting and the Adoption of the Integrated Restoration Prioritization Tool: Compiling TRCA data on waterfront and inland restoration planning and projects within the Toronto Area of Concern – by Andrew Ramesbottom and Colleen Gibson Winning the War One Battle at a Time: Managing phragmites and DSV at a Toronto waterfront park – by Jennifer Smith 
<p>Green Infrastructure in Asset Management Planning</p> <p>Presented by: Michelle Sawka, Senior Research Scientist Tracy Timmins, Research Analyst</p> <p>Ecosystem and Climate Science</p> <p>December 8, 2020</p> 	<p>Explore TRCA's Biodiversity</p> <p>How to get the most from our enormous natural heritage data set.</p> <p>Presented by: Gavin Miller, Flora Biologist, Paul Prior, Fauna Biologist, and Parth Sheth, GIS Technician.</p>  <p>December 17, 2020</p>	<p>Evaluating the effectiveness of fish habitat restoration across the Toronto waterfront</p> <p>Kaylin Barnes¹, Lyndsay Cartwright¹, Rick Portiss¹, Jon Midwood², Christine Boston², Monica Granados³, Thomas Sciscione³, Colleen Gibson³, Olusola Obembe¹</p> <p>ECS Lunch and Learn January 14, 2021</p> <p>¹ Toronto and Region Conservation Authority ² Fisheries and Oceans Canada ³ PREview.org</p> 	<p>Erosion Risk Management Program</p> <p>Lunch and Learn Presentation</p> <p>Presented by: Matt Johnston, Associate Director Ashour Rehana, Manager David Gingerich, Analyst</p> <p>January 27, 2021</p> 	<p>Precision Biomonitoring Webinar Series:</p>  <p>eDNA: Applications, Advantages and Implications!</p> 
<p>The Meadoway Research Overview</p>  <p>The Meadoway COMMUNITY POWERED GREEN SPACES</p> <p>Presented by: TRCA</p> 	<p>TRCA's Natural Heritage System Update</p> <p>Presented by: Namrata Shrestha, Senior Research Scientist Andrew Chin, Research Analyst</p> <p>Ecosystem and Climate Science Watershed Planning and Ecosystem Science Development and Engineering Services</p> <p>24 Mar 2021</p> 	<p>Thermal imaging for ecosystem conservation and restoration</p>  <p>Jonas Hamberg Mitacs Postdoctoral Fellow TRCA (ECS) & University of Toronto Advisors: Jonathan Ruppert & Patrick James (UoT)</p> <p>Credit: NASA/JPL</p>	<p>Lake Ontario Fish and Aquatic Ecosystem Health</p> <ul style="list-style-type: none"> Eat Safe Fish: A Collaborative Engagement with the Mississaugas of the Credit First Nation – by Valerie Francella Don River Mouth Naturalization Project: Restoration of Fish Habitat in Toronto - The First Piece in a Very Large Puzzle – by Angela Wallace From Rivers Downstream to Lake Ontario: 20 years of aquatic sampling through The Regional Watershed Monitoring and Toronto Waterfront Monitoring Programs – by Jan Moryk and Angela Wallace 	

Thank you

For questions about the ECS Lunch and Learn Series, please contact:

Sharon Lam
sharon.lam@trca.ca

