

# Onorio (O.C.) Colucci, Chief Administrative Officer

July 24, 2017

#### Windsor Essex County Environment Committee c/o: Council Services Department 350 City Hall Square West, Suite 203 Windsor, ON N9A 6S1

The City of Windsor has commenced its 2018 Budget Development Process and is asking that you provide your 2018 budget request. As in prior years, the City's administrative team has endeavoured to develop a budget which minimizes an increase to the current tax levy requirement and as such, is requesting that your organization assist in meeting this goal.

In order to assist the City of Windsor in this effort, we ask that your 2018 budget request from the City of Windsor for the next fiscal year be for an amount no greater than your approved 2017 amount.

#### 2018 Request

All external City funded Agencies, Boards and Committees are being asked to submit the following information:

#### A. Organizational Overview

- 1. Your organization's mission statement.
- 2. A brief description of your organization (1 to 2 paragraphs)
- 3. Organization chart (if applicable)
- B. Budget Detail & Request
  - 1. 2017 Approved Budget (by Expenditure & Revenue Accounts)
  - 2. 2017 Actuals (Year-To-Date)
  - 3. 2018 Budget (by Expenditure & Revenue Accounts)
  - 4. 2018 Budget Request from the City of Windsor
- C. Budget Highlights
  - 1. 2017 Accomplishments
  - 2. 2018 Initiatives
  - 3. 2018 Cost Drivers
  - 4. 2018 Mitigating Measurers
  - 5. Disclosure of any accumulated surplus funds (including reserves) arising from the prior or previous years.

5.3(a)

A template will be forwarded to you as in previous years to assist in completing the above requirements. Also, City of Windsor support staff within the Finance Department are available to assist you in this process. Please work with the individuals listed below if you have any guestions or concerns regarding your 2018 budget request.

Alexandra Gorski Financial Planning Administrator (City of Windsor Funded Agencies) (519) 255- 6100 ext. 6511 David Soave

Manager, Operating Budget Development and Financial Administration (519) 255-6100 ext. 1911

Please forward your written submissions to Joe Mancina, Chief Financial Officer & City Treasurer at <u>imancina@citywindsor.ca</u> by **Friday, September 22, 2017**. If your budget requires Board approval, please forward your submission with your preliminary requirements and indicate when you expect to have the budget approved by your Board.

Should you have any questions regarding this request, please contact City Treasurer Joe Mancina at (519) 255-6100 ext. 6505 or myself at (519) 255-6439.

Sincerely,

Onorio Colucci, Chief Administrative Officer

cc: Joe Mancina, Chief Financial Officer & City Treasurer Tony Ardovini, Deputy Treasurer – Financial Planning Dave Soave, Manager, Operating Budget Development Alexandra Gorski, Financial Planning Administrator Steve Vlachodimos, Deputy City Clerk and Senior Manager of Council Services



# Windsor Essex County Environment Committee

# A. Organizational Overview

#### Mission

To protect and enhance the quality of the environment for residents in Windsor and Essex County by providing advice, guidance, and counsel to City and County Councils on policies and procedures and providing and supporting advocacy, community education and outreach programs.



#### Description

The Windsor-Essex County Environment Committee (WECEC) is a group of environmental-related organizations that meet monthly to ensure the ongoing health and stability of our local environment. We protect and enhance the quality of the environment for residents in Windsor and Essex County; provide advice and guidance to City and County Councils on policies and procedures; and provide and support advocacy, community education and outreach programs. WECEC is recognized as a credible and integral agent/component in regional environmental decision making and community engagement.

#### Committee Members (2017)

Councillor Fred Francis Mayor Aldo DiCarlo Debby Grant Edwin Tam Councillor Paul Borrelli Derek Coronado Mike Nelson Radwan Tamr Mayor Nelson Santos Joe Passa



# Windsor Essex County Environment Committee

# B. Budget Detail & Request

	2017 Budget	2017 Actuals YTD*	2018 Budget	\$ Budget Change Over PY	% Budget Change Over PY
Revenues	0		0	0	0.0%
Grants & Subsidies Total Revenue	0	0	0	0	0.0%
Expenditures Other Miscellaneous Expenditures	4,000		4,000	0	0.0%
Purchased Services Total Expenses	4,000	0	4,000	0	0.0%
Total Net	4,000	4,000	4,000	0	0.0%

# **City of Windsor Funding**

	2017 Budget	2017 Actuals YTD*	2018 Budget	\$ Budget Change Over PY	% Budget Change Over PY
City of Windsor Funding	4,000		4,000	0	0.0%

\* YTD Actuals as at



C. Budget Highlights

2017 Accomplishments

2018 Initiatives

2018 Budget Cost Drivers

2018 Mitigating Measures

Accumulated Surpluses/Reserves



#### A. Organizational Overview

#### Mission

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Councillor Fred Francis Mayor Aldo DiCarlo Debby Grant Edwin Tam Councillor Paul Borrelli Derek Coronado Mike Nelson Radwan Tamr Mayor Nelson Santos Joe Passa

5.3(b)



# Windsor Essex County Environment Committee

# B. Budget Detail & Request

	2017 Budget	2017 Actuals YTD*	2018 Budget	\$ Budget Change Over PY	% Budget Change Over PY
Revenues			0	0	0.0%
Grants & Subsidies	0	12	0	0	0.0%
Total Revenue	0	0	0	U	0.0%
Expenditures					
Other Miscellaneous Expenditures	4,000		4,000	0	0.0%
Purchased Services	0				
Total Expenses	4,000	0	4,000	0	0.0%
Total Net	4,000	4,000	4,000	0	0.0%

# **City of Windsor Funding**

	2017 Budget	2017 Actuals YTD*	2018 Budget	\$ Budget Change Over PY	% Budget Change Over PY
City of Windsor Funding	4,000		4,000	0	0.0%

\* YTD Actuals as at



### C. Budget Highlights

#### 2017 Accomplishments

#### Pat on the Back Environmental Awards

The WECEC Pat on the Back Awards successfully awarded 4 applicants with \$500 prizes towards their environmental projects. The awards were announced at the Pat on the Back ceremony on June 1st at the Ojibway Nature Centre.

The following organizations were selected to receive Pat on the Back funding:

- 1. John A. McWilliam Public School for their shaded outdoor learning space;
- 2. The Bloomfield House for their community garden;
- 3. Pelee Island Bird Observatory to enhance their educational programming for schools; and
- The Downtown Windsor Community Collaborative for their Spruce Up Bruce Park event.

# Potential Green Speaker or Free Movie Screening – Fall 2017

At their August WECEC meeting the committee will decide if they would like to pursue a Green Speaker Series event or a Free Movie Screening of an environmental film in the fall of 2017.

#### Advocating for environmental issues

WECEC has made motions to City of Windsor and Essex County Council regarding completing an environmental assessment to explore solutions to species crossings on Matchette Road, the filling of the ERCA Outreach Coordinator position, as well as making recommendations regarding the Provincial Nuclear Emergency Response Plan. WECEC has also been consulted on the City of Windsor's Community Energy Plan as well as the update to the Environmental Master Plan.

#### 2018 Initiatives

- Pat on the Back Awards (\$2,500)
- Green Speaker Series (\$3,000)
- Earth Day (\$35)
- WECEC Website (\$450)
- Other environmental initiatives as devised (\$2000)

#### 2018 Budget Cost Drivers

WECEC seeks to maintain its successful annual programs, with additional funds available for initiatives as they arise.

Total (The Corporation of the City of Windsor \$4,000 + County of Essex \$4,000)

#### 2018 Mitigating Measures

The Windsor Essex County Environment Committee is not requesting additional funding over and above last year's level.

### Accumulated Surpluses/Reserves



# – AUGUST 2017 –

# **ONGOING INITIATIVES**

# 1. Updates

### A. Green Speaker Contest

WECEC has proposed turning one of the Green Speakers into a contest for quality environmental research being conducted in Windsor Essex County. Students conducting research could apply to be part of the contest and deliver a brief presentation about their research. WECEC members would then award a winner with funding. The University of Windsor has been approached and is eager to partner with WECEC. The competition would also be open to St. Clair students. WECEC members helping to coordinate this event include Debbie, Joe, Radwan and Edwin. This event has been deferred to 2018.

# B. Potential Free Movie Screening of "Before the Flood"

Every year the Detroit River Canadian Cleanup has great success coordinating a free Movie Screening of an environmental, usually water related film. There is always good attendance and a speakers panel is offered after the movie to spur discussion.

This would be a great activity for WECEC to organize in the fall of 2017 since there are funds left to be spent. The film "Before the Flood" is allowed to be screened and a download of the film has been provided. This is a big name film about climate change that would get a considerable draw from the public. A panel of climate change experts could be coordinated for a discussion afterwards.

*Before the Flood*, presented by National Geographic, features Leonardo DiCaprio on a journey as a United Nations Messenger of Peace, traveling to five continents and the Arctic to witness climate change firsthand. He goes on expeditions with scientists uncovering the reality of climate change and meets with political leaders fighting against inaction.

Preliminary costs for weeknight theatre rentals are about \$1,500 for Silvercity or about \$700 for Lakeshore cinema. Other costs could include advertising. In the past the DRCC has sponsored a day time screening for students. This would be an additional cost of about \$1,200 for Silvercity or about \$300 for Lakeshore and includes theatre rental as well as bussing the students.

# C. Potential Green Speakers for 2018

- Partnership with EnDesign currently exploring bringing in a sustainable cities expert.
- Water Brothers.
- John Hartig Detroit River International Wildlife Refuge has published a recent book titled Bringing Conservation to Cities: Lessons from Building the Detroit River International Wildlife Refuge.
- Alice Grgicak-Mannion researcher and professor at GLIER has done some great mapping of contaminants and other information specific to Windsor/Essex.

# 2. Reports to Council

# June 8th 2017 - Report 96 of the Windsor Essex County Environment Committee

Your Committee submits the following recommendation:

Moved by Councillor Francis, seconded by J. Passa,

WHEREAS the Government of Ontario has asked for the public and municipalities to provide recommendations on how it should update the province's Provincial Nuclear Emergency Response Plan (PNERP) before July 15, 2017; and

WHEREAS Essex County and the City of Windsor are in close proximity to the Michigan-based Fermi nuclear station and Ohio-based Davis-Besse nuclear station; and

**WHEREAS** over forty civil society organizations, including the Registered Nurses' Association of Ontario (RNAO) and the Canadian Association of Physicians for the Environment (CAPE), have called on the provincial government to address gaps in current emergency plans by strengthening transparency, protecting vulnerable communities, meeting best practices and protecting drinking water;

**THEREFORE BE IT RESOLVED** that City of Windsor and County of Essex Council submit the following recommendations to the Government of Ontario to ensure communities living in proximity to the Fermi and the Davis-Besse nuclear stations be accorded the same level of public safety as communities living near the Ontario-based Bruce, Darlington and Pickering nuclear stations.

Recommendations to the Government of Ontario regarding the Provincial Nuclear Emergency Response Plan (PNERP): Include requirements for the pre-distribution and availability of potassium iodide (KI) pills for communities living in proximity to the Fermi and Davis-Besse nuclear stations equivalent to requirements for Ontario-based nuclear stations;

1) Recognize public expectations for public safety by ensuring plans are in place to address Fukushima-scale accident;

2) Adopt a policy of meeting or exceeding international best practices in nuclear emergency response measures wherever feasible;

3) Require provincial and municipal authorities to regularly identify vulnerable communities within provincial nuclear response zones and prepare emergency measures adapted to the needs of such vulnerable communities;

4) Include new requirements for transparency and regular public review, especially with affected communities;

5) Ensure awareness campaigns are in place to inform the residents of Southwestern Ontario on how to prepare for a nuclear emergency; and

6) Ensure adequate measures are in place to protect drinking water in the event an accident at a Canadian or American-based reactor contaminates the Great Lakes.

And further, that a copy of this resolution be sent to:

The municipalities of Essex, Amherstburg, Lakeshore, LaSalle, Leamington, Kingsville, Tecumseh, Windsor, Chatham-Kent;

Windsor Essex County Health Unit City of Toronto City of Toronto Office of Emergency Management Hon. Kathleen Wynne, Premier of Ontario Minister of Community Safety and Correctional Services Minister of Health and Long-Term Care Members of Provincial Parliament Lisa Gretzky Percy Hatfield Taras Natyshak

### Carried.

This report was moved at the July Environment, Transportation and Public Safety Standing Committee and subsequently at City Council. This report was moved by County Council. June 8<sup>th</sup> 2017 - Report 97 of the Windsor Essex County Environment Committee

Your Committee submits the following recommendation:

Moved by D. Coronado, seconded by J. Passa,

WHEREAS the ERCA Outreach Coordinator position is currently vacant and the hiring process to replace the previous Outreach Coordinator is not currently scheduled; and

**WHEREAS** the ERCA Outreach Coordinator was responsible for various greening initiatives throughout Windsor and Essex County including but not limited to tree plantings, clean up events, native wildflower plantings and school greening projects; and

WHEREAS in 2016 in the Detroit River Watershed alone, this position was instrumental in the planting of 27,797 trees/shrubs/wildflowers/grasses, engaging 12,776 volunteers and coordinating 23 cleanups that resulted in 79 tonnes of debris being removed from the environment; and

WHEREAS the ERCA Outreach Coordinator was critical in managing all of the various "Friends of Watersheds" group activities and events; and

WHEREAS the importance of continued greening in Windsor Essex County is crucial as currently the natural coverage in the region is 8.5% compared to the ERCA goal of 12% by 2020; and

WHEREAS the loss of this position has been felt by numerous environmental organizations and school groups in the region;

**THEREFORE BE IT RESOLVED** that through City and County Council, the Essex Region Conservation Authority **BE REQUESTED** to maintain and fill the Outreach Coordinator position to ensure these important initiatives continue to improve the environment, human health and quality of life for all Windsor Essex residents.

Carried.

This report was noted and filed at the July Environment, Transportation and Public Safety Standing Committee and subsequently at City Council.

June 8th 2017 - Report 98 of the Windsor Essex County Environment Committee

Your Committee submits the following recommendation:

Moved by M. Nelson, seconded by D Grant,

That City Council **BE REQUESTED** to consider filling the recent vacancy left by Jesse Gardner Costa, Windsor Essex County Environment Committee.

Carried.

This report was referred to the City of Windsor Striking Committee at the July Environment, Transportation and Public Safety Standing Committee and subsequently by City Council.

# WECEC BUDGET – SUMMARY

2017 Budget					
Item	Credit	Estimated Expenditure	Status		
2017 Budget	\$8,000.00				
Pat on the Back		\$2,321.01	Spent		
Potential Movie Screening	e		Proposed		
Website Hosting Fee		\$400.00	Committed		
Website Domain Renewal		\$50.00	Committed		
TOTALS	\$8,000	\$2,771.01			
NON-ALLOCATED REMAINING		\$5,228.99			

# **Update on County of Essex Environmental Initiatives**

# 1. ENVIRONMENTAL ASSESSMENTS

Information on County of Essex Environmental Assessments are available here: www.countyofessex.on.ca/en/residents/environmental-assessments.asp

### a) County Road 20 Class Environmental Assessment

The County of Essex scheduled a second Public Information Centre (PIC) which was held at the Leamington Kinsmen Recreation Complex on August 17<sup>th</sup>, 2017. The PIC presented options for corridor improvements between Kratz Sideroad and Sherk Street. Potential improvements may include operational improvements with consideration for active transportation facilities. The PIC display boards and comment forms are available on the project website (<u>www.CR20.ca</u>) under the "Consultation & Downloads" page. The comment period for the PIC is open until September 14<sup>th</sup>; however, comments can be submitted anytime through the project website using the "Contact Us" page.



### 2. DETROIT RIVER CANADIAN CLEANUP (DRCC)

For up to date information on the Detroit River Canadian Cleanup: http://detroitriver.ca/

### 3. ENVIRONMENTAL REGISTRY NOTICES

Environmental Registry notices are accessible here: www.ebr.gov.on.ca

Low Impact Development Stormwater Management Guidance Manual [EBR Registry Number: 012-9080]. The purpose of this notice was to seek public input on two consultant's reports related to changes to the provincial guidance on stormwater management. The deadline for comments on this notice was July 15, 2017. The next phase of the broad provincial review will

include the development of a draft low impact development guidance manual for public comment. Comments made on this notice have been included as a communications item to the August 31, 2017 WECEC agenda.



Kinder Morgan Utopia Ltd. a Kinder Morgan operated company

June 16, 2017

Averil Parent Co-ordinator Windsor Essex County Environment Committee Council Services Department 350 City Hall Square Room 203 WINDSOR, ON N9A 6S1

Dear Averil Parent:

#### Regarding: Kinder Morgan Utopia Ltd. Detroit River Crossing Replacement Project

Kinder Morgan Utopia Ltd. (Kinder Morgan) is proposing to replace an approximately 835 metre section of its existing pipeline under the Detroit River between Windsor, Ontario, Canada and Wayne County, Michigan, United States of America. Because Kinder Morgan is engaged in construction activities on the portion of this system in the United States, Kinder Morgan is taking this opportunity to improve the 10inch crossing by replacing it with a 12-inch crossing that will be buried deeper under the Detroit River. The 12-inch replacement pipeline will be installed under the Detroit River via the horizontal directional drilling (HDD) method. Additional 12-inch piping will be installed on private land in Canada via the direct lay (i.e., open-cut trenching) method to tie the HDD crossing into the existing 12-inch pipeline. The existing 10-inch crossing will be decommissioned in place and an onshore portion of the existing pipeline will be decommissioned and removed. The attached Project Location map shows the location of the Project in the City of Windsor, Ontario.

Kinder Morgan intends to file an application with the National Energy Board (NEB) in August 2017 for orders to authorize the Project in Canada, and is in the process of conducting its Public Consultation and Indigenous Engagement Program. Through the consultation and engagement program, Kinder Morgan aims to identify, understand and address any questions or concerns related to the Project. The information attached to this letter is intended as a starting point for ongoing discussion.

Should you have any questions or wish to speak with a Kinder Morgan representative to discuss this Project in more detail, please do not hesitate to contact Melanie Blair at 403-514-6542 or melanie\_blair@kindermorgan.com.

We are committed to timely communication with stakeholders and working in a collaborative and responsive manner to resolve any issues or concerns. However, if you still have Project-related comments or concerns after the Project application has been submitted to the NEB, you can send a letter of comment to the NEB who will consider your letter of comment during its assessment of the Project. You may file your concerns with the NEB by contacting:

Secretary of the Board National Energy Board 517 Tenth Avenue SW Calgary, Alberta T2R 0A8 Toll free: 1-800-899-1265 Fax: 403-292-5503 Toll Free Fax: 1-877-288-8803 https://www.neb-one.gc.ca Email: info@neb-one.gc.ca

We look forward to hearing from you regarding this Project.

Sincerely,

mit-z.

Melanie Blair Assistant General Counsel Kinder Morgan Canada 2700, 300-5th Avenue SW Calgary, AB T2P 5J2 Tel: 403-514-6542

Encl.

Proposed Project Location Map Project Fact Sheet HDD Fact Sheet Information for Proposed Pipeline or Power Line Projects that Do Not Involve a Hearing



### Kinder Morgan Utopia Pipeline Detroit River Crossing Replacement Project

Where is the Kinder Morgan Utopia Pipeline in your Community?

In 2016, Kinder Morgan Cochin ULC transferred the eastern portion of the Cochin Pipeline system in Ontario, Canada to Kinder Morgan Utopia Ltd. With the completion of this transaction, the pipeline was renamed to the Kinder Morgan Utopia Pipeline, which transports liquid hydrocarbons between the United States of America (U.S.) and Canada.

We are Replacing a Portion of our Existing Utopia Pipeline

We are planning to replace a segment of our existing Kinder Morgan Utopia Pipeline under the Detroit Windsor, River between Ontario and Wayne County, Michigan. Because Kinder Morgan is engaged in construction activities on the portion of this system in the United States. Kinder Morgan is taking this opportunity to improve the 10-inch crossing by replacing it with a 12-inch crossing that will be buried deeper under the Detroit



River. The following Project activities will be undertaken:

- Install an approximately 1,025 metre long 12-inch diameter replacement pipeline via the Horizontal Directional Drill (HDD) method beneath the Detroit River. Pipeline installation via HDD is a proven construction technique (refer to the attached HDD Fact Sheet). The existing 10-inch pipeline crossing will be decommissioned in place in a safe manner.
- Install approximately 332 metres of additional piping on the Canadian side of the Detroit River via the direct lay (i.e., open-cut trenching) method to tie the HDD crossing into the existing 12-inch pipeline. Approximately 472 metres of existing pipeline between the Detroit River and the tie-in location on the Canadian side of the Detroit River will be decommissioned and removed.
- Before the replaced pipeline is brought into service, the pipeline will be hydrostatically tested to ensure the pipeline will operate safely.
- New permanent right of way (ROW) and temporary workspace will be required. Upon completion of all construction, the permanent ROW and temporary workspace will be restored to existing conditions in consultation with directly affected landowners and regulatory agencies.

When can You Expect Construction to Occur?

We intend to file a Project application with the National Energy Board (NEB) in August 2017 and are currently in the process of conducting our Public Consultation and Indigenous Engagement Program.

Subject to NEB approval of our applications and receipt of all necessary permits and approvals required to undertake the work, construction is scheduled to commence in June 2018 with an expected in-service of October 2018.



#### We will Protect the Environment

Our application to the NEB will include an environmental and socio-economic assessment to evaluate potential effects of the Project. Environmental assessment is used to promote environmentally responsible decision-making and ensure that interested persons have an opportunity to comment on undertakings that may affect them. We are committed to ensuring potential effects of our projects receive thorough consideration and that there is an opportunity for meaningful public and Indigenous participation regarding the Project and Project-related effects.

Replacement of the pipeline beneath the Detroit River via the HDD crossing method was chosen to avoid both environmental and social impacts to the watercourse (i.e., aquatic habitat and navigability for waterway users). It is expected that potential environmental and socioeconomic effects will only occur during construction, which will involve vegetation clearing, topsoil stripping, excavation, HDD, backfilling, site grading and clean-up. Potential effects during construction may include:

- soil degradation and changes to drainage patterns;
- introduction of silt, sediment or a deleterious substance to a watercourse, groundwater or habitat;
- vegetation clearing and introduction of invasive species;
- temporary loss of wildlife habitat;
- wildlife mortality / injury from vehicle-wildlife strikes;
- temporary increase in construction noise, dust, and air emissions;
- temporary increase in traffic volumes;
- in the event of an accident / malfunction, impacts to water quality, soil, and wildlife and fish habitat due to the unintentional or inadvertent loss of drilling fluids.

We will use industry best practices and proven mitigation to avoid, eliminate or minimize potential effects. Construction will follow our construction standards and manuals. Our NEB-accepted construction, operation and maintenance documents and corporate environmental, health and safety procedures will be followed to protect the environment, workers and public. In addition, a HDD Contingency Plan will be in place outlining the actions to be taken in the event of an unintentional or inadvertent loss of drilling fluids. Examples of mitigation measures that may be used for the Project include, but are not limited to, those listed below.

- plans for spill prevention and response
- erosion and sediment control measures
- equipment washing prior to site entry
- restoring vegetation

- erecting wildlife exclusion fencing, if necessary
- noise abatement on construction equipment
- HDD Contingency Plan

A comprehensive list of mitigation will be provided in the application to the NEB. With the implementation of mitigation measures, the Project is not expected to result in significant effects.

We will Protect our Workers and the Public

We are committed to the safe and efficient operation of our pipeline systems in accordance with environmental and safety laws and regulations. We have an Emergency Management Program in place to anticipate, prevent, manage and mitigate conditions should an emergency occur. It includes a comprehensive set of policies, procedures and processes designed to support the safety and security of our workers, the public and company property.

The construction and operation of this Project will be in accordance with the existing emergency procedures currently in place under the Utopia Emergency Procedure Manual. As part of the Project consultation currently underway, we are contacting local emergency officials to better understand how our Project may interact and rely on their services. We will consider all inputs received and, where necessary, update our Emergency Procedure Manual and / or site-specific plans.

In addition, the public will not have access to the construction workspace and therefore will not be exposed to direct effects from construction activities. Local residents will be informed of the construction schedule and will be provided with updates should the schedule change.

How can You Learn More about the Project?

Should you have any questions or wish to speak with a Kinder Morgan representative to discuss this Project in more detail, please do not hesitate to contact a member of the Project Team. Concerns received will be responded to by a member of the Project Team in a timely manner.

Jessalyn Oke Environmental Planner AECOM 201 – 45 Goderich Road Hamilton, ON L8E 4W8, Canada Phone: (905) 390-2012 Email: Jessalyn.Oke@aecom.com Cristian Perez Project Manager Kinder Morgan Energy Partners 1001 Louisiana Houston, TX 77002, United States Phone: (713) 420 - 2327 Email: Cristian Perez@kindermorgan.com

# What is Horizontal Directional Drilling (HDD)?

Horizontal directional drilling (HDD) is a trenchless method of installing underground pipelines with minimal impact to the surrounding area. It is used for crossing a variety of features including watercourses, environmentally sensitive areas, roadways, congested areas, and areas where conventional methods, such as excavating a trench, are not practical. HDD installation of a pipeline consists of the following three main steps, illustrated on Figure 1.

- Installation of a "Pilot Hole": A small diameter (generally 5-10 inches) "pilot hole" is drilled along a predetermined path, between an entry and exit point that are located specific to site topography on either side of the feature being crossed. Drilling fluid which consists of water, bentonite clay and a small proportion of chemical additives (typically <1%), is used to aid the movement of the drill through the soil and bedrock along the predetermined path. This fluid also lubricates the drill, suspends and carries cuttings to the surface, and maintains the integrity of the borehole.
- 2. **Pilot Hole Expansion (Prereaming):** From the HDD exit point towards the HDD entry point, a reamer is attached to the drill in order to expand the pilot hole. The pilot hole is reamed until an appropriate diameter for insertion of the pipe is reached. The expanded pilot hole is then cleaned of remaining soil cuttings and prepared for the pipeline pullback.
- 3. Pipeline Pullback: A specialized pullhead



is attached to the leading end of the pre-fabricated product pipeline at the exit side of the crossing. Using the drilling rig, the pipe is pulled through the expanded pilot hole to the entry side of the HDD crossing.

Prior to starting construction, the HDD specialty contractor will visit the work site to assess environmental conditions and site constraints that could impact the drilling work. The contractor will then prepare drilling plans, which include contingency and mitigation measures that apply industry best practices, to ensure a smooth operation and protect the environment, construction personnel and the public.

A potential for loss of drilling fluid and release to the environment exists during each step of the HDD crossing. A release is defined as the unintentional or inadvertent loss of drilling fluid from the HDD pilot hole to the ground surface or surface waters. This can occur when there is a fracture in the soil or bedrock, which provides a pathway for the drilling fluid to travel towards the surface environment. The drilling fluid and chemical additives are not hazardous and are not considered to be toxic to the environment. However, regulatory agencies and/or landowners may require certain releases to be reported and cleaned up. In this case, the HDD contractor will visually monitor the entire drilling operation and if a release is identified, will take appropriate measures to minimize and clean-up the spilled fluid to the required standards.



DEPARTMENT OF THE ARMY DETROIT DISTRICT, CORPS OF ENGINEERS REGULATORY OFFICE 477 MICHIGAN AVENUE – ROOM 603

July 11, 2017

RECEIVED

JUL 212017

OFFICE OF THE CHIEF FINANCIAL OFFICER & CITY TREASURER

Engineering & Technical Services Regulatory Office File No. 2015-00079-7-S16

Dear Sir/Madam:

We are writing to inform you that the Detroit District has posted a public notice to our internet home page for the proposed project noted below.

File Number: LRE-2015-00079-S16 Applicant: Michigan Department of Natural Resources, Parks and Recreation Division Location: Wayne County, Detroit, Michigan Waterway: Detroit River

The applicant has requested authorization to perform habitat enhancements and restoration in the Detroit River at Lake Okonoka, Blue Heron Lagoon, and Nashua Canal. Please visit our website (link below) to view the complete Public Notice and for information on how to submit comments.

http://www.lre.usace.army.mil/Missions/RegulatoryProgramandPermits/PublicNotices.as

Sincerely,

Regulatory Office, Detroit District US Army Corps of Engineers

We would appreciate your feedback. Our National Customer Service Survey is located at http://per2.nwp.usace.army.mil/survey.html

\* If you are receiving this via email:

- Click on the link above to open a browser window if the link is highlighted.

- If the link is not highlighted, open a web browser window and copy/paste the entire address into the address bar of the browser.

\* If you are receiving this via standard mail:

-You have the option to request that a copy of the Public Notice be mailed to you. Please contact Gina Nathan at the above address, by E-Mail at <u>Gina.R.Nathan@usace.army.mil</u>, or by telephone at (313) 226-5383 to make your request.

-Be sure to indicate File Number LRE-2015-00079-7-S16 when you make your request.



### News Release

# Ontario Supporting Municipalities in Fighting Climate Change

August 14, 2017

# Province Funding Local Projects to Reduce Greenhouse Gas Pollution

Ontario is investing in local projects that will help to reduce greenhouse gas (GHG) pollution by launching a new program for municipalities across the province. This initiative is part of Ontario's <u>Climate Change</u> <u>Action Plan</u> and is funded by proceeds from the province's carbon market.

Chris Ballard, Minister of the Environment and Climate Change, made the announcement today at the annual <u>Association of Municipalities of Ontario</u> conference in Ottawa.

Municipalities are important partners in the fight against climate change. Ontario's new <u>Municipal GHG</u> <u>Challenge Fund</u> will support projects such as renewable energy and energy efficiency retrofits to municipal facilities like arenas, and making energy-efficiency upgrades to drinking water or wastewater treatment plants, to achieve long-term and cost-effective pollution reductions.

Fighting climate change while supporting growth, efficiency and productivity is part of our plan to create jobs, grow our economy and help people in their everyday lives

#### QUICK FACTS

- Ontario is investing up to \$100 million of proceeds from its carbon market in the Municipal GHG Challenge Fund in 2017/18.
- Municipalities are invited to <u>submit applications</u> for the fund by Nov. 14, 2017. Selected projects will be announced in 2018.
- Any Ontario municipality with a community-wide greenhouse gas emissions inventory, emissions reduction targets and a strategy to reduce emissions is eligible to apply. Municipalities may request up to \$10 million per project.

- Municipalities with a population of less than 10,000 that do not have a community-wide greenhouse gas emissions inventory, reduction targets and a plan, may be eligible for the Very Small Municipalities Stream. These municipalities are invited to apply using the same <u>application</u>.
- Ontario will be hosting <u>webinars</u> on the Municipal GHG Challenge Fund in September to help applicants get a better understanding of the program and its requirements.
- The Climate Change Action Plan and carbon market form the backbone of Ontario's strategy to cut greenhouse gas pollution to 15 per cent below 1990 levels by 2020, 37 per cent by 2030 and 80 per cent by 2050. The government will report on the plan's implementation annually and review the plan at least every five years.

#### CONTACTS

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Ministry of the Environment and Climate Change http://www.ontario.ca/environment





July 14, 2017

VIA email (john.antoszek@ontario.ca)

John Antoszek, Engineer Ministry of the Environment and Climate Change Environmental Sciences and Standards Division Standards Development Branch Water Standards 40 St. Clair Avenue West, Floor 9 Toronto, ON M4V1M2

Re: Low Impact Development Stormwater Management Guidance Manual EBR Registry number: 012-9080

The following brief has been prepared by the Green Infrastructure Ontario Coalition and the Canadian Environmental Law Association.

The undersigned applaud the Ontario Ministry of Environment and Climate Change (MOECC) for its initiative in developing runoff volume control targets to reduce urban stormwater runoff and associated water pollution. We look forward to working with the Ministry on both the development and implementation of a Low Impact Development Stormwater Management Guidance Manual (which the above-noted Registry notice indicates will be drafted and consulted upon at a later date) and the further evolution of rainwater management policy and practice (both urban and rural) in Ontario. Our comments are directed only at the consultant reports attached to the Registry notice.

# Urban stormwater management: the problem

Our support for the consultant's recommendations and underlying principles rests on our understanding of the profound hydrological transformation that has occurred as a result of urbanization, a long list of damaging impacts, and the need for corrective action.

In nature -- a forest or meadow -- very little of the rain that falls results in runoff. Instead, moisture is infiltrated into organic soils, intercepted by vegetation, and returned to the atmosphere through evapotranspiration. For at least 90 per cent of rainfall events by volume there is no runoff, and during heavier storms runoff volumes and flow rates are moderated.

Problems begin to occur with urban development, which reduces vegetation and exposed soils and expands impervious surfaces. In fact, measurable watershed degradation has been found when hard surfaces exceed just five to ten per cent of landscape. In highly urbanized areas, stormwater volumes may have increased by five or six times. Further, in the absence of vegetation, stormwater flows rapidly over the surface and through drainage systems, resulting in higher peaks and much shorter time-to-peak.

Conservation Ontario | David Suzuki Foundation | Ducks Unlimited Canada |Green Communities Canada Green Roofs for Healthy Cities |Landscape Ontario Horticultural Trades Association | LEAF Ontario Association of Landscape Architects | Ontario Parks Association | Toronto and Region Conservation | Forests Ontario This profound change in hydrology has numerous impacts, including

- increased erosion
- urban flooding
- water quality impacts from contaminated surface runoff (the "first flush"), which affects source waters for drinking water, recreational use, and aquatic habitat
- thermal pollution, affecting coldwater fish habitat
- combined sewer overflows, sewage treatment by-passes, and sewer backups
- loss of groundwater recharge, affecting drinking water supplies in some communities
- loss of baseflow regulation, creating low water conditions in waterways during droughts
- increased reliance on treated municipal water for irrigating yards and vegetation

Climate change is expected to exacerbate damage from stormwater volumes and peaks due to the increase in extreme wet weather events. Deteriorating and poorly maintained stormwater infrastructure is another complicating factor in communities that lack resources or have neglected to invest in infrastructure renewal.

More recently developed urban areas have overland flood control and stormwater ponds that are designed to accommodate storm volumes and settle suspended solids. However, there are growing concerns about the cost of maintaining and decommissioning ponds and their contribution of nutrients and other contaminants. Ponds are also an "end of pipe" solution that do not address or mitigate impacts to the water balance.

# A welcome shift in urban stormwater management practice

The MOECC has recognized deficiencies with the conventional stormwater management practice in Ontario and is proposing a new approach designed to minimize runoff and runoff pollution by managing rain where it falls. The recommended runoff volume control target will require new development and redevelopment projects to **control onsite the 90th percentile rainfall event.** This will be carried out via a mandatory control hierarchy that gives priority to measures that permanently retain rain onsite through infiltration, evapotranspiration, and harvesting and reuse.

As outlined below, this is an overdue and very welcome shift in how urban stormwater management is practised on the ground in Ontario.

Ontario has adopted the term green infrastructure to describe both natural features (e.g., woodlots, wetlands) and engineered features that manage rain onsite. Low impact development (LID) refers to engineered features that "work with nature" to manage rainfall onsite, such as bioswales, infiltration trenches, permeable pavement, enhanced soils, filter strips, rain gardens, green roofs, and others. Using a combination of natural green infrastructure and engineered LID best management practices, the built environment can function hydrologically much like a forest or a meadow.

The consultant's report posted on the Environmental Registry outlines a necessary shift in stormwater management practice that mandates the protection of natural systems through better site design and systematic implementation of low impact development in new development and redevelopments in Ontario. The negative impacts described above will be mitigated by reducing runoff volumes, filtering runoff, and delaying and reducing peak flows.

Rather than viewing rain as a threat or a waste product, rainwater is viewed as "as a resource which is to be managed as close to the source area as possible (i.e., onsite) using approaches which focus on runoff prevention." (p. 101)

Importantly, controlling runoff volumes is known to be a reliable strategy for protecting water quality, more cost-effective than end-of-pipe treatment, and more consistent in achieving absolute reductions in pollutant loads. Reducing runoff eliminates the "first flush" of surface contaminants -- salt, pet waste, cigarette butts, heavy metals, oil, etc. It also reduces rainwater volumes in combined sewers, helping to reduce overflows.

The consultant proposes runoff volume control targets "founded on the principles of maintaining the predevelopment water balance and returning precipitation volume to the natural pathways of runoff, evapotranspiration, and infiltration in proportions which are in keeping with watershed conditions prior to development." (p. 101)

The targets are designed to ensure that rainfall is managed onsite up to the 90th percentile rainfall event by volume. In practice, based on rainfall measurements which vary throughout the province, the proposed runoff volume control targets range from 23mm to 32mm (see map). In other words, depending on location, the first 23-32 mm of rainwater must be captured, and treated as described below.



Figure 3.67 – Recommended Regional 90% Percentile Volume Targets for Ontario (represented by the 95th percentile daily rainfall contours April - October, where daily volume exceeds 2 mm).

A "mandatory control hierarchy" is recommended that gives priority to LID measures that **permanently retain** rainfall volumes onsite, through infiltration, evapotranspiration, and harvesting and reuse. Permanent retention

means that rain does not become runoff. Harvesting includes reuse for irrigation but may also include replacement of treated water for internal plumbing uses.

The second and lower priority option in the hierarchy is the use of low impact development to capture, treat, and release rainwater. Volumes are reduced, peak flows are attenuated, and the rainwater that is eventually released is filtered and cleaned.

The third and lowest priority option in the hierarchy is the use of non-LID measures to detain and release rainwater. Measures include detention ponds and underground tanks, and end-of-pipe treatment systems.

Appropriately, the consultant indicates that the province's runoff control targets will be considered as minimums. Local jurisdictions may set higher targets based on watershed and subwatershed plans, drinking water source protection plans, nutrient control plans, and other initiatives.

# Comments

We are supportive of the proposed approach.

It builds on best practices in other comparable jurisdictions, including those with soil and climate conditions similar to Ontario.

#### It is based on science.

It employs numerical targets, which create a much higher degree of accountability for results than general policy statements expressing aspirational goals. The use of numerical targets, combined with accepted modelling techniques, provides clarity to all actors -- developers, consultants, municipalities, regulators, and others -- that the targets are in fact being met.

The proposed targets put the focus where it belongs, on the volume of stormwater, which affects both volumeand peak-related impacts (e.g., flooding, erosion) and water quality. Putting runoff controls at the heart of this approach as a measurable indicator is much preferable to a policy that merely encourages green infrastructure and low impact development. Runoff volumes are the bottom line. They are the outcome rather than the means. Reducing runoff volumes also reduces runoff pollution. A performance-based standard helps to ensure successful implementation.

The consultant has taken considerable care to derive targets for Ontario based on local rainfall regimes. Variable targets introduce an element of complexity relative to a single province-wide target. A single province-wide standard, e.g., 27 mm, would be easier to understand. However, Ontario is large and climatologically diverse province, and a uniform standard would be subject to criticism as unfair and unscientific. Therefore, regional rather than province-wide targets are the preferred option.

Finally, consistent with the focus on outcomes, considerable flexibility has been incorporated into the application of the runoff volume control targets, to enable solutions that are tailored to particular site conditions while achieving the target. The approach specifies the outcomes (control targets), and a hierarchy of means for achieving them, but leaves choices about specific measures to be resolved in each context.

# Consistent with established policies

The proposed runoff volume control targets will have a momentous impact on stormwater management practice in Ontario. However, it is worth noting that this approach is entirely consistent with established policy direction that has been in place for decades in this province, and that has been reinforced on multiple occasions in recent years. Runoff volume controls, which may seem to some to be radical and new, in fact implement existing policy.

Some relevant policy statements include:

- 1991 MOE Interim Stormwater Quality Control Guidelines for New Development. "Source controls which reduce the amount impervious area or restrict the discharge of stormwater to sewers should be used first to achieve specified volume controls. Vegetative and structural best management practices which enhance infiltration are gaining agency and public acceptance. Stormwater quality ponds should be considered as the last line of defense and applied only after all opportunities for infiltration of stormwater have been exhausted."<sup>1</sup>
- 2003 Stormwater Management Planning and Design Manual<sup>2</sup>. As part of a treatment train approach, "lot level and conveyance controls are required to maintain the natural hydrologic cycle to the greatest extent possible."<sup>3</sup> This is particularly true for infiltration-based controls.
- The March 2010 Policy Review of Municipal Stormwater Management in Light of Climate Change<sup>4</sup> endorsed "source controls" (i.e., LID) to reduce runoff, including flooding. The urgent need to implement these recommendations was highlighted by the Environmental Commissioner of Ontario in its 2014 report "Sink, swim or tread water: adapting infrastructure to extreme weather events".<sup>5</sup>
- Provincial Policy Statements, 2014<sup>6</sup> supports "green infrastructure to complement infrastructure."<sup>7</sup>
  Further, "[p]lanning for stormwater management shall ... promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development."<sup>8</sup>
- Great Lakes Strategy/Great Lakes Protection Act. The Great Lakes Protection Act, 2015, "enshrines"<sup>9</sup> Ontario's Great Lakes Strategy,<sup>10</sup> which contains numerous references to the need for green infrastructure to protect Great Lakes water quality, and recommendations for implementation, including:<sup>11</sup>

<sup>&</sup>lt;sup>1</sup> Interim Stormwater Quality Control Guidelines For New Development, May 1991, Ontario Ministry of Environment, p. 8

<sup>&</sup>lt;sup>2</sup> https://www.ontario.ca/document/stormwater-management-planning-and-design-manual-0

<sup>&</sup>lt;sup>3</sup> See section 1.5 Urban stormwater management practices, 2003 Stormwater Management Planning and Design Manual, *ibid*.

<sup>&</sup>lt;sup>4</sup> https://www.ontario.ca/page/policy-review-municipal-stormwater-management-light-climate-change

<sup>&</sup>lt;sup>5</sup> http://docs.assets.eco.on.ca/reports/climate-change/2014/2014-GHG-Sink-Swim.pdf

<sup>&</sup>lt;sup>6</sup> <u>http://www.mah.gov.on.ca/AssetFactory.aspx?did=10463</u>

<sup>&</sup>lt;sup>7</sup> Provincial Policy Statement, 2014, *ibid.*, Policy 1.6.2, p.15

<sup>&</sup>lt;sup>8</sup> Provincial Policy Statement, 2014, *ibid.*, Policy 1.6.6.7e, p.17

<sup>&</sup>lt;sup>9</sup> <u>Great Lakes Protection Act, 2015</u>, s5. See also: <u>https://news.ontario.ca/ene/en/2015/10/ontario-strengthens-</u> environmental-protections-for-the-great-lakes.html

<sup>&</sup>lt;sup>10</sup> www.ontario.ca/document/ontarios-great-lakes-strategy? ga=1.34179233.1227227673.1436473436

<sup>&</sup>lt;sup>11</sup> See a useful compendium of recommendations from the interim Strategy, in the November 2012 Low Impact Development Discussion Paper prepared by Conservation Ontario and several CAs. See:

www.sustainabletechnologies.ca/wp/wp-content/uploads/2014/09/LID-Discussion-Paper Nov-2012.pdf

- "enhancing the Province's approach to stormwater approvals with greater emphasis on effluent quality and quantity, in turn drive greater use of innovative source control measures,"<sup>12</sup>
- o incorporating LID early in the municipal planning process, and
- o promoting green infrastructure as part of a strategy to reduce combined sewer overflows.
- 2014 Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health<sup>13</sup> pledges Ontario (p. 19) to: "Update Ontario's municipal wastewater policy and approvals process, including:
  - "policies specific to stormwater, green infrastructure, construction runoff and sediment management;
  - "guidance to facilitate the uptake of innovative source control measures that reduce stormwater volumes and enhance resilience to climate change, such as green infrastructure and low impact development;
  - "encouragement of the use of green infrastructure and low impact development early in municipal planning decisions, so that stormwater and climate change adaptation are considered as part of project design and approvals."
- Interpretation Bulletin: expectations re: Stormwater Management, February 2015. The Ministry's Bulletin<sup>14</sup> "clarified" that the first principle of provincial stormwater policy is to "mimic a site's natural hydrology" and to "control precipitation as close as possible to where it falls by employing lot level and conveyance controls otherwise known as Low Impact Development.' The Bulletin supports adoption of LID "in order to maintain the natural hydrologic cycle to the greatest extent possible." Plans were announced to specify runoff volume control expectations.
- Growth Plan for the Greater Golden Horseshoe, 2017.<sup>15</sup> The Plan includes the integration of green infrastructure and low impact development as part of the definition of a complete community. (p 14). It directs that stormwater management master plans be developed that "incorporate appropriate low impact development and green infrastructure." (p. 37) Plans for large scale development need to incorporate "an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure." (p. 37) Policies are mandated to address climate change and extreme wet weather events that include green infrastructure and LID. (p.52)

Runoff volume control targets and associated guidance will give effect to provincial policies that have been in place for more than a quarter century but implemented to a very limited extent. The Ministry recognized that this direction has not been widely adopted to date due to "gaps in ministry support for implementing LID."<sup>16</sup> The time has come for Ontario to put into practice this long-established policy direction, which has been embraced not just in Ontario, but in numerous jurisdictions throughout North America, Europe, and elsewhere.

<sup>&</sup>lt;sup>12</sup> See "Reduce stormwater and wastewater impacts", Ontario's Great Lakes Strategy, *ibid*.

<sup>&</sup>lt;sup>13</sup> <u>https://www.ec.gc.ca/lcpe-cepa/E9A42FF1-3E84-4451-A339-23EE153A3C74/aco\_grand\_lacs-coa\_great\_lakes-2014-eng.pdf</u>

<sup>&</sup>lt;sup>14</sup> Interpretation Bulletin: Ontario Ministry of Environment and Climate Change expectations re: Stormwater Management, February 2015. <u>www.sustainabletechnologies.ca/wp/wp-content/uploads/2015/02/</u>

<sup>&</sup>lt;sup>15</sup> http://placestogrow.ca/images/pdfs/ggh2017/en/growth%20plan%20%282017%29.pdf

<sup>&</sup>lt;sup>16</sup> Interpretation Bulletin, p. 4

Low impact development is the way of the future, and the future is now.

### The way forward

We will be pleased to work with the Ministry as the Low Impact Development Stormwater Management Guidance Manual is developed and implemented. We believe the government is on the correct course for the sake of the Ontario environment and economy, including climate resilience, water quality, infrastructure investments, and more. We also look forward to working with the Ministry more broadly to improve stormwater management policy in other contexts.

We conclude with some thoughts about further actions needed to fulfill the spirit and promise of this initiative. We urge that sufficient resources be assigned to enable the Ministry to ensure timely implementation of the targets and associated actions in partnership with interested stakeholders, including municipalities, conservation authorities, non-governmental organizations, trade and professional associations, citizens groups, and others. Priorities include:

- capacity development/training/education -- ensure that the runoff volume controls and implementing measures are understood by all parties, including developers, builders, municipalities, consultants, and interested members of the public
- demonstration projects -- to popularize LID measures and build support
- research and dissemination -- to demonstrate cost-effectiveness
- asset management and infrastructure planning -- so that green infrastructure/LID is fully incorporated into infrastructure planning, funding, and maintenance
- integration of similar principles on rural/agricultural lands -- so that the benefits of runoff volume controls are realized on a watershed scale, and across the entire landscape of Ontario
- incorporation of LID across the existing developed urban landscape -- especially in light of the province's "intensification first" policy, by promoting and supporting available measures to retrofit the urban landscape (see the Soak it Up! Toolkit.<sup>17</sup>)

Thirty-three organizations and individuals endorse this submission (see below).

Sincerely,

**Clifford Maynes** 

Executive Director, Green Communities Canada on behalf of the Green Infrastructure Ontario Coalition

Anastasia M Lintner

Special Projects Counsel, Healthy Great Lakes, Canadian Environmental Law Association

Cc: Dianne Saxe, Environmental Commissioner of Ontario (dianne.saxe@eco.on.ca)

<sup>&</sup>lt;sup>17</sup> http://www.raincommunitysolutions.ca/en/toolkit/

#### Signed on and supported by the following organizations:

- 1. Alice Casselman, Founding President on behalf of Association for Canadian Educational Resources
- 2. Chris McLaughlin, Executive Director on behalf of the Bay Area Restoration Council
- 3. Christine Mettler, Communications and Special Projects Lead on behalf of the Canadian Freshwater Alliance
- 4. Derek Coronado, Executive Director on behalf of the Citizens Environmental Alliance of Southwestern Ontario
- 5. Naomi Grant, Co-Chair on behalf of Coalition for a Liveable Sudbury
- 6. Ellen Mortfield, Executive Director on behalf of Ecosuperior Environmental Programs
- 7. Matt Balfe, Director of Business Development on behalf of Fowler Construction Company
- 8. Jill Ryan, Executive Director on behalf of Freshwater Future
- 9. Michael Gemmel, Executive Director on behalf of Green Venture
- 10. Paul Johanis, Chair, on behalf of Greenspace Alliance of Canada's Capital
- 11. Alexandra Link, Director, on behalf of Humber Arboretum and Centre for Urban Ecology
- 12. Michael Walters, Chief Administrative Officer, on behalf of Lake Simcoe and Region Conservation Authority
- 13. Linda Heron, Chair on behalf of Ontario Rivers Alliance
- 14. Heather Ray, Manager of Water Programs, on behalf of Peterborough Green-Up Association
- 15. Marcus Ginder, Managing Director on behalf of Riversides
- 16. Helen Mills, RAINScape TO Program Lead, on behalf of Toronto Green Community

#### The following individuals have also signed on to support these comments:

- 17. Michael Albanese, Eco-Landscaper/Consultant, AVESI Stormwater Services
- 18. Connie Zehr, Professor, Centennial College Environmental Technology
- 19. Diana Chang, Parks Planner, City of Toronto
- 20. Margaret (Peggy) Hutchinson), Mediator
- 21. Iola Price, President, Ontario Invasive Plants Council
- 22. Dean Young, Project Manager, Toronto and Region Conservation Authority
- 23. Robert Chlumsky, MASc Student, Univerity of Waterloo
- 24. Ellise Gasner
- 25. Erwin Dreessen
- 26. Sheila Boudreau, Landscape Architect
- 27. Ian Whyte
- 28. Guy Forget, P.Eng., Senior Water Resources Engineer
- 29. Cristina Senjug
- 30. Todd Smith, Landscape Architect
- 31. Rose Bergeron
- 32. Darnel Harris
- 33. John Almstedt, Citizen Scientist associated with Ottawa Riverkeeper, Bonnechere River Watershed Project, Ottawa River Institute, Lake Clear Conservancy, Friends of the Gatineau

Ontario Nature's Greenway Guide Series | July 2017

# **NAVIGATING THE SWAMP** Lessons on wetland offsetting for Ontario

David W. Poulton, M.A., LL.M, and Anne Bell, Ph.D.

# **Executive Summary**

The Government of Ontario is proposing to develop a wetland offsetting policy to enable compensation for the negative impacts of development through the restoration or creation of new wetlands. The proposal has garnered considerable interest, both positive and negative, across sectors. On one hand, there is recognition that offsetting represents an opportunity to achieve important conservation gains by integrating the true environmental and social costs of wetland loss into development decisions. On the other, there is understandable concern that if the policy is poorly conceived, implemented or enforced, offsetting will undermine existing wetland protections and open the door to further loss.

As the Ontario government moves forward with its wetland offsetting policy, great care and attention are warranted. If done effectively, wetland offsetting could be a positive force for conservation, helping to reverse the ongoing trend of wetland loss in the province. If done poorly, however, it will do more harm than good.

Navigating the Swamp: Lessons on Wetland Offsetting for Ontario explores both the promise and the pitfalls of wetland offsetting, with the aim of informing policy development in Ontario. The report surveys relevant laws and policies in the United States and Canada, as well as those in Alberta, New Brunswick, Nova Scotia, Quebec, Saskatchewan, British Columbia, and Newfoundland and Labrador. It also reviews policy outcomes and lessons learned, particularly from those jurisdictions where wetland offsetting policy has been in place and implemented for many years.

The laws and policies reviewed illustrate a range of approaches to wetland offsetting at various stages of development and implementation. Nowhere is there a resounding success story, where offsetting has been demonstrated to achieve its full potential. Nevertheless, there are positive signs, and many governments are making a concerted effort to learn from the past and develop better ways forward. This report examines the major challenges, highlights best practices and promising approaches, and provides recommendations for the Government of Ontario, based on the evidence presented.

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# Summary of Ontario Nature's recommendations:

- The Government of Ontario's wetland offsetting policy should outline the provincial government's role and responsibilities in developing guidance, protocols and performance standards; setting up and managing reliable, publicly accessible information systems; authorizing and recording offsetting transactions; and monitoring and enforcing compliance.
- 2. The wetland offsetting policy should set clear, measurable performance standards to ensure consistency in program implementation and enable evaluation of program outcomes.
- 3. The Government of Ontario should commit to providing sufficient funds and expertise to effectively administer and oversee the wetlands offsetting program.





- 5. The Government of Ontario should assign an independent body, such as the Environmental Commissioner of Ontario or a standing committee of experts and stakeholders, to provide regular, periodic review and evaluation of the wetland offsetting program.
- 6. The wetland offsetting policy should explicitly state that it is to be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982. It should also clearly indicate how the Crown's duty to consult is to be delegated to third parties, such as municipalities.
- 7. Ontario Nature recommends that the wetland offsetting policy recognize the right of Indigenous peoples to free, prior and informed consent, and provide relevant guidance.
- 8. The Government of Ontario should commit to investing the funds and resources needed to positively and proactively engage affected Indigenous communities and knowledge keepers in wetland offsetting planning and decisions.
- 9. The wetland offsetting policy should apply across Ontario to all key drivers of wetland loss, including infrastructure development and drainage works that are currently exempt from *Provincial Policy Statement* prohibitions.
- 10. The Government of Ontario should consult farmers and rural landowners to determine and address their unique challenges in preserving or restoring wetlands on their properties, and recognize both their interest in good stewardship and the beneficial role that they could play as offset providers for those who damage or destroy wetlands.

- 11. The wetland offsetting policy should ensure that provincially significant wetlands and significant coastal wetlands are strictly off limits to all forms of development, and that current protections under the *Provincial Policy Statement* and other provincial land use policies are upheld or strengthened.
- 12. In setting limits to wetland offsetting, the Government of Ontario should take into account the type, location, vulnerability and irreplaceability of wetlands, as well as their cultural significance to Indigenous peoples. In so doing, it should consider levels of risk and historic loss.
- 13. Ontario Nature recommends that the goal of the wetland offsetting policy be an overall net gain with respect to the extent and quality of wetland habitats, their functions and Indigenous cultural values.
- 14. The replacement ratio(s) for wetland offsets should be based on net gain, assuring that the tangible, on-the-ground benefits the offset provides exceed the corresponding losses (i.e., in area, function, Indigenous cultural values). The ratio(s) should reflect risk, uncertainty and time lags.
- 15. The wetland offsetting policy should stipulate that in determining equivalence, wetland offsets must take into account the quantity (area) and quality of the wetland features and functions, their landscape context, and associated social and economic values. It should provide standards and criteria for assessing and comparing gains and losses.
- 16. The wetland offsetting policy should position offsetting as the last step within a clear mitigation sequence, the first step and highest priority being to avoid negative impacts. Following this, any unavoidable negative impacts should be minimized to the extent possible. Offsetting, the final step, then offers a means to deal with residual impacts that cannot be addressed through avoidance or minimizing harm.
- 17. The wetland offsetting policy should define thresholds to be met for avoidance and minimization of adverse impacts, and include the consideration of alternatives. It should require development proponents to document all measures taken to meet the thresholds. It should also require regulators to carry out their own assessments of proponents' efforts to avoid and minimize impacts. Where efforts have been insufficient, the policy should direct regulators to refuse to grant authorizations for proposed developments.



- 18. The wetland offsetting policy should set out requirements for the consultation and engagement of Indigenous communities at each step of the mitigation sequence (with respect for Constitutional obligations, applicable land use policies and standards established in the United Nations Declaration on the Rights of Indigenous Peoples) and for the application of Indigenous Traditional Knowledge systems.
- 19. The wetland offsetting policy should outline an approach to siting offsets based on a consideration of the landscape context, desired conservation outcomes, Indigenous cultural values, the potential for long-term success and viability, and the equitable distribution of social costs and benefits.
- 20. Policy for wetland offsetting should ensure that offsets are designed, both technically and legally, to last in perpetuity, or at least as long as the project's adverse impacts. To deal with time lags between the impact occurring and the full achievement of the offset gains, where possible the offset should be in place before the impact occurs.
- 21. Averted wetland loss should be considered a valid offset only where it is demonstrated that securement of the wetland provides additional benefits to the baseline scenario, taking into consideration probable future threats and current or anticipated restrictions on the use of the site.
- 22. The Government of Ontario should carefully examine and provide direction on wetland banking, with input from Indigenous communities, municipalities and stakeholders. If it decides to enable conservation banking, it must address such issues as governance, oversight, limits to offsetting, equivalence, and equitable distribution of costs and benefits among affected communities.



Download the full report at ontarionature.org/reports