



Toronto and Region Conservation Authority

Board of Directors Meeting Revised Agenda

#4/20

May 22, 2020

9:30 A.M.

The meeting will be conducted via a video conference
Members of the public may view the livestream at the following link:

<https://video.isilive.ca/trca/live.html>

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1. ACKNOWLEDGEMENT OF INDIGENOUS TERRITORY
2. MINUTES OF THE SPECIAL MEETING, HELD ON APRIL 24, 2020
Meeting Minutes
3. MINUTES OF MEETING #3/20, HELD ON APRIL 24, 2020
Meeting Minutes
4. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
5. DELEGATIONS
6. PRESENTATIONS
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9.4	OUTDOOR EDUCATION TASK FORCE MINUTES Meeting #1/20, held on January 20, 2020 - Meeting Minutes Link	
10.	MATERIAL FROM EXECUTIVE COMMITTEE MEETING #3/20, HELD ON MAY 1, 2020 Meeting Minutes	
10.1	SECTION I - ITEMS FOR THE INFORMATION OF THE BOARD	
10.1.1	Q1 2020 MEDIA SUMMARY Information report regarding Toronto and Region Conservation Authority's (TRCA) corporate media communication activities during the first quarter of 2020 (January – March). (Executive Committee RES.#B17/20) PDF Page 2/52	
10.1.2	2021 PRELIMINARY MUNICIPAL LEVIES Update on the 2021 preliminary municipal levies and submission process. (Executive Committee RES.#B18/20) PDF Page 14/52	

10.1.3 2020 THREE MONTH FINANCIAL REPORT

Receipt of Toronto and Region Conservation Authority's (TRCA) unaudited expenditures as of the end of the first quarter, March 31st, 2020, for informational purposes.

(Executive Committee RES.#B19/20)

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10.2 SECTION IV - ONTARIO REGULATION 166/06, AS AMENDED

Receipt of Ontario Regulation 166/06, as amended, for delegated permits, which were received at the Executive Committee Meeting #3/20, held on May 1, 2020.

(Executive Committee RES.#B20/20)

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11. CLOSED SESSION

11.1 11731 TENTH LINE DEVELOPMENTS (MCKEAN SUBDIVISION) TOWN OF WHITCHURCH-STOUFFVILLE

Pursuant to Section C.4.(l) of the TRCA Board of Directors Administrative By-law, as the subject matter consists of a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of TRCA.

(The confidential report will be circulated to Board Members separately).

12. NEW BUSINESS

NEXT MEETING OF THE BOARD OF DIRECTORS #5/20, TO BE HELD ON JUNE 26, 2020 AT 9:30 A.M. LOCATION TO BE DETERMINED.

John MacKenzie, Chief Executive Officer

/am

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **TOMMY THOMPSON PARK**
Aquatic Park Sailing Club – License Agreement Renewal
City of Toronto (CFN 24403).

KEY ISSUE

Renewal of the License Agreement with the Aquatic Park Sailing Club (APSC) for use of Toronto and Region Conservation Authority (TRCA) lands located at Tommy Thompson Park (TTP), City of Toronto, for the operation of one hundred (100) swing moorings for sailing craft and for the purpose of storage racks for oars and dinghies, loading and landing docks, garbage disposal bins, toilet facilities, small shelter for equipment, clubhouse facilities, a work boat and other water maintenance facilities and a car park area.

RECOMMENDATION

WHEREAS TRCA is in receipt of a request from the APSC to renew the License Agreement for the use of TRCA lands located at TTP for the operation of one hundred (100) moorings for sailing craft and for the purpose of storage racks for oars and dinghies, loading and landing docks, garbage disposal bins, toilet facilities, small shelter for equipment, clubhouse facilities, a work boat and other water maintenance facilities and a car park area, for a term of five (5) years and seven (7) months ending on July 31, 2025, City of Toronto;

WHEREAS APSC has been in operation at this site since 1976;

AND WHEREAS extensive discussions and negotiations between TRCA and APSC have occurred to address access issues of concern to TRCA, APSC and TTP stakeholders;

THEREFORE LET IT BE RESOLVED THAT TRCA renew the License Agreement with APSC for the use of 8.9 hectares (21.992 acres), more or less, said land being Part of Water Lot Location CL 3528 in front of Marsh Lands Patented to the City of Toronto May 18, 1880;

THAT the License Agreement with APSC be subject to the following terms and conditions:

- **That the term of the License Agreement be for five (5) years and seven (7) months, expiring on July 31, 2025;**
- **That consideration be as follows:**
January 1, 2020 to December 31, 2020 the sum of \$14,647.50 plus HST,
January 1, 2021 to December 31, 2021 the sum of \$15,379.88 plus HST,
January 1, 2022 to December 31, 2022 the sum of \$16,148.87, plus HST,
January 1, 2023 to December 31, 2023 the sum of \$16,956.31 plus HST,
January 1, 2024 to December 31, 2024 the sum of \$17,804.12 plus HST, and
January 1, 2025 to July 31, 2025 the sum of \$10,858.07 plus HST.
- **That all rental payments are payable in two equal installments due on May 1 and**

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September 1 of each year, with the exception of the last year, when the payments will be due on January 1 and May 1 respectfully;

- That the APSC shall also be responsible for the costs of using the Licensed Area including costs of gate keys, maintenance, waste removal, security, Licensee's insurance premiums and any and all realty taxes, including local improvement charges;
- That the APSC, its members and invitees may access the Licensed Area, including the car park by (i) motor vehicle(s) operated by the APSC members; and (ii) the APSC shuttle service consisting of a golf cart designated by the APSC as the shuttle service vehicle (APSC Shuttle), subject to the terms and conditions in the License Agreement;
- That TRCA has no liability or responsibility with respect to the APSC Shuttle;
- That APSC shall ensure that all operators of the APSC Shuttle are active members of the APSC and are trained to respect the public who utilize the main road through TTP;
- That restricted motor vehicle access is permitted from April 1 to November 30 of any calendar year (sailing season) during the following times:
 - a. on weekdays (Saturday, Sundays and statutory holidays excepted) at any time;
 - b. on Saturdays, Sundays and statutory holidays, before 9:00 am and after 6:00 pm;
 - c. one (1) motor vehicle may be used at any time for emergency purposes and may be stationed in the car park, including on Saturdays, Sundays and statutory holidays;
 - d. one (1) motor vehicle may be used by the operator of the APSC Shuttle and stationed in the car park on Saturdays, Sundays and statutory holidays between 9:00am and 6:00pm for the purpose of accessing the APSC Shuttle parked in the car park;
 - e. APSC Shuttle service is permitted at any time.
- Outside of the Sailing Season, motor vehicle access is not permitted, subject to the following exceptions:
 - f. APSC is permitted to conduct security patrols of the Licensed Area using motor vehicles designated by the APSC;
 - g. Notwithstanding anything to the contrary contained herein, the APSC its members and invitees are permitted motor vehicle access to the Licensed Area during public hours on three (3) consecutive weekends during the spring ("Load In") and three (3) consecutive weekends during the fall ("Load Out") of every calendar year of the License Term and any extensions thereof for necessary preparatory work in connection with its use of the Licensed Area. The TRCA and APSC shall on an annual basis coordinate and agree by March 1, both parties acting reasonably, on the Load In and Load Out weekends. Parking during this period will be in a designated area determined by TRCA and the APSC, both acting reasonably, for security purposes;
 - h. Access by vehicle or the APSC Shuttle to and from the Licensed Area shall only be made through the main entrance gates to Tommy Thompson Park;
- any other terms and conditions deemed appropriate by the TRCA staff and solicitor.

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

BACKGROUND

Aquatic Park Sailing Club (APSC) was established in 1976 on Peninsula D and Embayment C at Tommy Thompson Park (TTP), during the initial planning phase for a public park on the Leslie Street Spit landform. The Leslie Street Spit has divided ownership with approximately half the lands owned by TRCA (officially Tommy Thompson Park) and the remaining lands owned by the Province of Ontario and leased to PortsToronto (formerly Toronto Harbour Commissioners and Toronto Port Authority) for lakefilling operations. The Revised Tommy Thompson Park Master Plan and Environmental Assessment (hereafter Master Plan) was approved in 1995 and includes provisions for APSC.

APSC is located approximately 2 km from the park entrance and occupies an area of land and water totaling approximately 8.9 ha (Attachment 1). TRCA has held a License Agreement with the APSC since interim management of the park began in 1985. The APSC is permitted a maximum of 100 mooring balls and the APSC allows three (3) memberships per mooring ball. Club facilities include a clubhouse, dinghy compound, oar shed, mechanical shed and two washrooms. The Club is off-grid and uses a generator and solar power. The TTP Master Plan includes provisions for the APSC with clear access stipulations. The Master Plan states:

- “At present, the Aquatic Park Sailing Club (APSC) with 100 swing moorings is located at Tommy Thompson Park in Embayment C with temporary facilities on land at the eastern end of the Embayment. The Plan maintains this sailing club in Embayment C along with a land base area consistent with the environmental integrity of the site. The APSC land base includes approximately 1 ha area for limited emergency vehicle and van shuttle parking, storage building area, and clubhouse.”
- “The concept for access to Tommy Thompson Park can be summarized as follows. No private vehicle access beyond the vehicle access control point at the base of the park, subject to the exceptions on vehicular access outlined below:
 - Maintain the existing roadway along the neck and out the endikement to the lighthouse area for use by park service vehicles, emergency vehicles, and construction vehicles to maintain the shoreline, and potentially a park transportation service. The park transportation is subject to the approval of Metropolitan Toronto.
 - Maintain an access road from the environmental education/shelter/washroom facility to APSC for emergency vehicles, and APSC shuttle van. The current restricted private vehicle access arrangements for APSC will remain in effect until the park is officially opened and operated by Metropolitan Toronto, which is assumed to be after completion of the lake filling and resolution of the remaining property ownership. These current arrangements for APSC include 1) private vehicles access on specific weekends to accommodate haul out and launch dates; 2) private vehicle access before and after public hours (Saturday, Sunday and Holidays); and 3) private vehicle access Monday through Friday while the site is operated by the Toronto Harbour Commissioners for the lake filling and construction activities.”

The current arrangements described in the Master Plan are for interim management, where public access was only permitted on weekends and holidays from 9:00 am to 6:00 pm. The Master Plan did not contemplate prolonged lakefilling operations, a delay in land transfer, or

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phased park opening. PortsToronto ceased daily lakefilling activities in 2016 and no longer has a continuous presence on site during business hours, however lakefilling operations may resume at any time. Coinciding with the discontinuance of PortsToronto activities, in 2016 TTP was officially opened to the public on weekday evenings (4:00 to 9:00 pm), and TRCA requested that APSC prepare to reduce private vehicle access during this public access period. However, according to the Master Plan and EA Conditions of Approval, “any change to the private vehicle access policy” would be considered a major modification to the plan and would require an amendment to the EA. Negotiations between TRCA staff, APSC members and legal counsel representing the APSC facilitated at times by the local Councillor took place in 2018-2020 and has resulted in a mutual arrangement being reached as to the terms and conditions of the License Agreement that addresses access to TTP by the APSC and its members as follows:

- the APSC, its members and invitees may access the Licensed Area, including the car park by (i) motor vehicle(s) operated by the APSC members; and (ii) the APSC shuttle service consisting of a golf cart designated by the APSC as the shuttle service vehicle (APSC Shuttle), subject to the terms and conditions in the License Agreement;
- TRCA has no liability or responsibility with respect to the APSC Shuttle;
- APSC shall ensure that all operators of the APSC Shuttle are active members of the APSC and are trained to respect the public who utilize the main road through TTP;
- restricted motor vehicle access is permitted from April 1 to November 30 of any calendar year (sailing season) during the following times:
 - a. on weekdays (Saturday, Sundays and statutory holidays excepted) at any time;
 - b. on Saturdays, Sundays and statutory holidays, before 9:00 am and after 6:00 pm
 - c. one (1) motor vehicle may be used at any time for emergency purposes and may be stationed in the car park, including on Saturdays, Sundays and statutory holidays;
 - d. one (1) motor vehicle may be used by the operator of the APSC Shuttle and stationed in the car park on Saturdays, Sundays and statutory holidays between 9:00am and 6:00pm for the purpose of accessing the APSC Shuttle parked in the car park;
 - e. APSC Shuttle service is permitted at any time.
- Outside of the Sailing Season, motor vehicle access is not permitted, subject to the following exceptions:
 - a. APSC is permitted to conduct security patrols of the Licensed Area using motor vehicles designated by the APSC;
 - b. Notwithstanding anything to the contrary contained herein, the APSC, its members and invitees are permitted motor vehicle access to the Licensed Area during public hours on three (3) consecutive weekends during the spring (“Load In”) and three (3) consecutive weekends during the fall (“Load Out”) of every calendar year of the License Term and any extensions thereof for necessary preparatory work in connection with its use of the Licensed Area. TRCA and APSC shall on an annual basis coordinate and agree by March 1st both parties acting reasonably, on the Load In and Load Out weekends. Parking during this period will be in a designated area determined by TRCA and the APSC, both acting reasonably, for security purposes;
 - c. Access by vehicle or the APSC Shuttle to and from the Licensed Area shall only be made through the main entrance gates to Tommy Thompson Park.

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RATIONALE

The Tommy Thompson Park Master Plan has been approved and includes the APSC. With additional shoreline work contemplated and lake filling required it is uncertain as to when the site can be in a condition for it to be transferred in its entirety to the TRCA or City of Toronto. This period of time required for works, due diligence and property transfers will likely exceed five years. A 5-year license will allow the APSC to forecast their budget and fee schedule more effectively. A 5-year term will also allow TRCA to forecast revenue for TTP and reduce the administration cost associated with negotiating and executing the licence on an annual basis.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 3 – Rethink greenspace to maximize its value

Strategy 5 – Foster sustainable citizenship

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

Revenue generated from this license will be used to offset costs for TRCA in managing TTP.

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Date: May 4, 2020

Attachments: 1

Attachment 1: Sketch of Licensed Area

Attachment 1: Sketch of Licensed Area



Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: Moranne McDonnell, Director, Restoration and Infrastructure

RE: **TOMMY THOMPSON PARK CORMORANT MANAGEMENT STRATEGY**
Biennial Update

KEY ISSUE

To provide an update on 2018-2019 Double-crested Cormorant management at Tommy Thompson Park and to request approval to continue annual implementation of the current strategy until any significant changes are required.

RECOMMENDATION

THAT staff be directed to continue annual implementation of the TTP Cormorant Management Strategy until any significant changes are required;

THAT staff be directed to work with the Ontario Ministry of Natural Resources and Forestry, the Canadian Wildlife Service, and any other required regulatory agency to seek approval for the annual management strategy for cormorants at TTP;

THAT staff be directed to continue to actively participate in local, regional and binational committees/working groups addressing the management and protection of colonial waterbirds;

AND FURTHER THAT staff report back to the TRCA Board of Directors regarding the management of Double-crested Cormorants at Tommy Thompson Park when significant changes to the management strategy are required.

BACKGROUND

Tommy Thompson Park (TTP) is located on the Leslie Street Spit, on the central Toronto waterfront. It is a wilderness park that supports diverse communities of flora and fauna, including the world's largest breeding colony of Double-crested Cormorants (hereafter cormorants). The ecological significance of the site is apparent through designations of Environmentally Significant Area and globally significant Important Bird Area.

Cormorants are colonial waterbirds that nest in high densities along the shores of freshwater lakes within the Great Lakes region. Reportedly an abundant species in North America pre-European settlement, cormorants have experienced two population crashes since the 1800s, and recently made a remarkable recovery from near extirpation in the Great Lakes following the impacts of DDT on their reproductive success. Cormorants are a controversial species; like the American Beaver they are ecosystem engineers – their acidic guano negatively impacts the health of the trees used for nesting, ultimately killing trees and thereby altering the habitat available for other species and resulting in aesthetic implications, and they also have a reputation for impacting local fisheries through their voracious appetites and successful foraging skills. At TTP the only true impact of cormorant nesting is on tree health resulting in the reduction of habitat available for other species. Based on more than 30 years of TRCA coastal monitoring data along the Toronto waterfront, there is no evidence that cormorants have impacted the local fishery.

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Cormorant nesting behaviour varies between colonies – they are a tree nesting species in some areas and ground nesting in others; at TTP they are both. Cormorants began nesting in Cottonwood trees at the tip of Peninsula B at TTP in 1990 and the breeding population expanded rapidly, colonizing the forested Peninsulas A and C by 2000. A ground nest colony developed in a deforested area at the tip of Peninsula B in 2002. TRCA has monitored the nesting population of cormorants at TTP since 1990 by conducting annual nest census at peak breeding in June and a tree health survey in late-August. This data has allowed careful tracking of the expansion of the colony and the associated effects on tree health. In 2007 TRCA identified that 24% of the forest cover at TTP had been negatively impacted by nesting cormorants and initiated a process to develop the TTP Cormorant Management Strategy. The Strategy was developed through a transparent process with extensive consultation with a Cormorant Advisory Group comprised of experts, academics, naturalists and local stakeholders. The 2008 Cormorant Management Strategy was approved by the Authority Board as per Resolution #A110/08, and until 2014 TRCA reported to the Authority Board annually on the management strategy:

In 2009 as per Resolution #A22/09,
In 2010 as per Resolution #A23/10,
In 2011 as per Resolution #A49/11, and
In 2012 as per Resolution #A19/12.

At Authority Meeting #11/13, held on January 31, 2014, Resolution #A226/13 was approved, in part, as follows:

...THAT staff report back to the Authority bi-annually regarding the management of Double-crested Cormorants at Tommy Thompson Park or more frequently should the Strategic Approach be significantly changed;...

And TRCA reported to the Authority Board in 2016 as per Resolution #A15/16, and in 2018 as per Resolution #A40/18 which was approved as follows:

...THAT staff report and present to the Authority on a biennial basis regarding the management of Double-crested Cormorants at Tommy Thompson Park or more frequently should the management strategy be significantly changed.

TRCA has been managing cormorants at TTP since 2008 without any significant changes in the strategy. Given the demonstrated success of the management strategy, staff recommend only reporting back to the Board of Directors if a significant change in the strategy is required.

TTP Cormorant Management Strategy Overview

The goal of the TTP Cormorant Management Strategy is to achieve a balance between the continued existence of a healthy, thriving cormorant colony and the other ecological, educational, scientific and recreational values of TTP. The objectives of the Strategic Approach are to:

1. Increase public knowledge, awareness, and appreciation of colonial waterbirds;
2. Deter cormorant expansion to Peninsula D;
3. Limit further loss of tree canopy on Peninsulas A, B and C; and
4. Continue research on colonial waterbirds in an urban wilderness context.

The management strategy at TTP is a unique approach to managing cormorants because unlike most other colonies, TRCA spatially manages the nesting distribution of cormorants using non-lethal deterrent techniques. Through the exclusion of human presence during breeding season,

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cormorants are encouraged to nest in 'Conservation Zones' on the ground within previously deforested areas of Peninsulas A and B (Attachment 1). Staff discourage cormorants from nesting in healthy trees within 'Deterrent Zones' by implementing targeted management activities (Attachment 2) including:

- Inactive nest removal – tree nests are removed from Deterrent Zones before April;
- Pre-nesting deterrents – cormorants are discouraged from tree nesting in Deterrent Zones through an escalating scale of measures in April and May;
- Active nest removal – newly placed nest material is removed from trees in Deterrent Zones in May and June. This conservative technique follows the protocol for estimating embryo development prepared by the Humane Society of the United States to ensure nests with developed embryos are not removed; and
- Post-breeding deterrents – though identified as a management technique, it has not been undertaken as cormorants have not roosted in trees in the Deterrent Zones during the post-breeding period.

Increasing public knowledge, awareness and appreciation of colonial waterbirds is an important objective of the Management Strategy. A viewing blind is installed at the edge of the tree nesting colony on Peninsula C to provide visitors the opportunity to see nesting cormorants; staff provide interpretation of the colony at various public events and to numerous corporate, academic and naturalist groups on park tours or off-site presentations; and staff respond to media and documentary film requests regarding cormorants.

The non-traditional management strategy has been recognized as ground-breaking among colonial waterbird researchers and managers. In collaboration with York University, TRCA published a paper in the June 2018 volume of the scientific journal *Waterbirds* on the unique management strategy at TTP (McDonald, K., R. Toninger, A. Chreston, I. R. Fledmann and G. S. Fraser. 2018. *Living with Double-crested Cormorants (Phalacrocorax auritus): a Spatial Approach for Non-lethal Management in Toronto, Canada. Waterbirds 41: 208-220*). The strategy has also influenced the management of cormorants at other nesting colonies. In December 2018 the provincial government announced proposed legislation changes to the Fish and Wildlife Conservation Act to allow cormorants to be hunted from March 15 through December 31 in Ontario as a population management tool. TRCA submitted comments on the proposal while it was available on the Environmental Registry of Ontario. In December 2019 legislation was passed to allow for regulations to be developed that would permit cormorant flesh to spoil. Based on municipal firearm regulations, the TTP colony should not be directly impacted by the proposed hunting season, however, nesting pressure may increase as cormorants potentially relocate from other breeding colonies where they are being hunted in the Lake Ontario basin.

Management results for 2018 and 2019 are outlined in the following sections. Detailed annual 'Management Summary Reports' describing management actions are available upon request.

2018 Cormorant Management Results

Following the impacts of flooding in 2017 which resulted in a 24 per cent decline in the ground nesting population, the ground nesting population increased by 37 per cent in 2018, representing 72 per cent of the overall TTP nesting population. Tree nesting declined by 23 per cent and cormorants were effectively deterred from expanding their nesting range into Deterrent Zones. Overall, in 2018 the population increased by 13 per cent.

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	# nests	% change from 2017
Ground nesting	10,506	37
Tree nesting	4,009	-23
Total	14,515	13

2019 Cormorant Management Results

Record high water levels in Lake Ontario resulted in impacts to ground nesting areas in 2019 with a 17 per cent decrease in ground nesting. Flooding increased nesting pressure on trees within the Deterrent Zones and implementation of deterrent techniques was complicated by flooding as staff were required to wear chest waders to navigate through deep water while avoiding underwater trip hazards. Additional staff were deployed to deter cormorants on Peninsula D and Embayment A. By peak breeding season, staff were successful at preventing cormorants from nesting on Peninsula D, however removal of all tree nests in Embayment A was not possible.

Ultimately, the overall population declined six per cent in 2019. The proportion of the overall population represented by ground nesting dropped to 64 per cent. Tree nesting increased by 23 per cent as a result of flooding, which is approximately a third of the tree nesting increase that occurred during the 2017 flooding.

	# nests	% change from 2018
Ground nesting	8,681	-17
Tree nesting	4,933	23
Total	13,614	-6

RATIONALE

A high level of concern has been expressed regarding cormorant populations and their management. Concerns have been raised from both sides, on the one hand calling for management and the preservation of forest canopy, and on the other hand for protection of the birds and their nesting colonies. TRCA has an obligation to manage TTP as directed by the Tommy Thompson Park Master Plan as approved under the Environmental Assessment Act. To meet the intent of the Master Plan, staff believe that there is a strong rationale for undertaking the management of cormorants at TTP.

Since November 2007, TRCA has involved stakeholders and the public in assessing the need for management and developing a strategy for cormorants at TTP. Generally, throughout the process there has been agreement that some form of management is appropriate, providing that the methods are humane to cormorants and do not affect other wildlife.

Population monitoring data collected since the initiation of the Cormorant Management Strategy in 2008 show that the management techniques are a successful means of meeting and maintaining the goal and objectives of the strategy. Despite new challenges including regular flooding events and the proposed cormorant hunting legislation, TRCA is confident that continued implementation of the strategy (Attachment 2) will preserve the ecological integrity of the adjacent habitats and ecosystems within TTP, while maintaining a healthy, thriving cormorant colony.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 3 – Rethink greenspace to maximize its value

Strategy 7 – Build partnerships and new business models

Strategy 8 – Gather and share the best sustainability knowledge

FINANCIAL DETAILS

Funds are available in the Tommy Thompson Park Interim Management account 210-19 in the approved 2020 budget. These municipal funds are being leveraged to secure additional funding in 2020-2021. Over the 2018-2019 and 2019-2020 federal funding cycles, a total of \$47,500 was secured for TTP Cormorant Management through the Remedial Action Plan (RAP) Governance Fund. This funding has been critical to successful management given the high Lake Ontario water levels and flooding in recent years. Continued high lake levels and flooding in the future will require additional funding to successfully manage cormorants at TTP.

DETAILS OF WORK TO BE DONE

A suite of techniques will be utilized in an integrated and adaptive approach to help achieve the original goal and objectives of the Double-crested Cormorant Management Strategy from 2008. Attachment 2 – Table 2 provides an overview of the strategy.

Increase Public Knowledge, Awareness and Appreciation

- Maintain TRCA cormorant webpage, including compelling images of cormorants;
- Conduct interpretive tours for school and interest groups, and at TTP special events;
- Maintain opportunities to view colonial waterbirds with viewing blinds and platforms;
- Present information at conferences and forums;
- Respond to media and documentary film inquiries; and
- Participate in working groups on colonial waterbirds.

Inactive Nest Removal

- Remove nests from target trees within Cormorant Deterrent Zones during the winter, prior to the breeding season.

Enhanced Ground Nesting

- Avoid daytime disturbance to the ground nesting areas during the breeding season so that cormorants are not deterred from nesting on the ground; and
- Deploy straw bales to the ground nesting areas at the beginning of the nesting season to encourage nesting.

Pre-nesting Deterrents

- Utilize the suite of deterrence techniques on an increasing scale of activity to prevent expansion of tree nesting within the Deterrent Zones;
- Prevent cormorant nesting on Peninsula D via the operation of the TTP Bird Research Station and public access; and
- Monitor the effects of deterrent activities on the cormorants to ensure they are effective and monitor the effects on non-target species to ensure they do not have an adverse impact.

Post-breeding Deterrents

- Utilize the suite of deterrence techniques on an increasing scale of activity to prevent cormorant tree roosting in the Deterrent Zones.

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Monitoring, Research and Reporting

- Undertake annual nest census for colonial waterbirds;
- Conduct annual tree health surveys within Deterrent Zones;
- Continue to collaborate with York University and other interested researchers on colonial waterbird research; and
- Complete annual management summary reports.
- Meet with Cormorant Advisory Group to review data and discuss whether changes are required.

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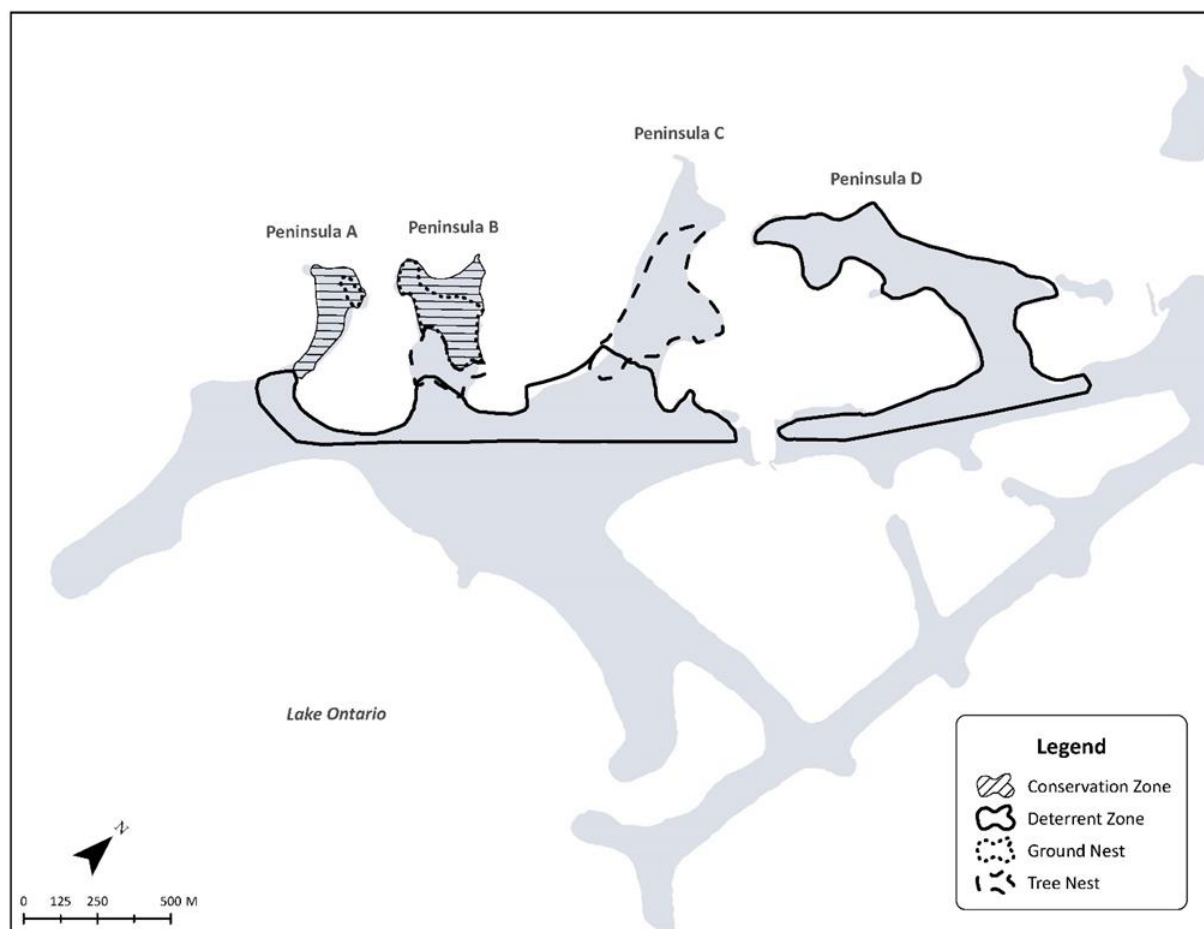
Date: April 3, 2020

Attachments: 2

Attachment 1: Cormorant Management Zones at Tommy Thompson Park

Attachment 2: TTP Cormorant Management Matrix

Attachment 1: Cormorant Management Zones at Tommy Thompson



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Attachment 2: TTP Cormorant Management Matrix

	Peninsula A	Peninsula B	Peninsula C	Peninsula D
Inactive Nest Removal (prior to the breeding season)		*	*	
Enhanced Ground Nesting	*	*		
Pre-nesting Deterrents		*	*	*
Post-breeding Deterrents (as required)			*	*

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **SCARBOROUGH WATERFRONT PROJECT AND SCARBOROUGH BLUFFS
WEST 2020 UPDATE**

KEY ISSUE

Update on the status of the Scarborough Waterfront Project and proposed Scarborough Bluffs West Individual Environmental Assessment (EA) project.

RECOMMENDATIONS

WHEREAS Toronto and Region Conservation Authority (TRCA), in partnership with the City of Toronto, undertook an Individual Environmental Assessment (EA) to create a system of greenspaces along the Lake Ontario shoreline between Bluffer's Park and East Point Park in Toronto that will respect and protect the significant natural and cultural features of the Bluffs, enhance the terrestrial and aquatic habitat, and provide a safe and enjoyable waterfront experience (the Scarborough Waterfront Project);

WHEREAS TRCA received approval from the Authority on July 28, 2017 (Resolution #A137/17) to submit the Draft Scarborough Waterfront Project EA Report to the Ministry of Environment and Climate Change (MOECC) for public and agency review, and to proceed to City of Toronto Executive Committee and City of Toronto Council to request approval to formally submit the Final Scarborough Waterfront Project (SWP) EA Report, once completed, to the Ministry for public and agency review;

WHEREAS TRCA received approval from the City of Toronto Executive Committee on May 14, 2018 and City of Toronto Council on May 22, 23 and 24, 2019 (Resolution EX34.5) to submit the Final SWP EA Report to the MOECC, now MECP, for formal Ministry Review in June 2018;

WHEREAS TRCA received funding of \$4.895 million over two years as part of the 2019 City Budget process to refine the preliminary overall costing for the entire SWP EA and report to the City for the City Council-approved stage 2 stage gating review, as well as complete the detailed design of the West Segment, which includes the funding required for the Brimley Road South multi-use trail detailed design and construction;

WHEREAS TRCA received approval for the Final SWP EA Report from the Minister of Environment, Conservation and Parks (MECP) on November 5, 2019;

WHEREAS TRCA at the Board of Directors meeting held on November 29, 2019 an update on the status of the Scarborough Bluffs West Individual EA project and any required approvals was requested to be brought back to the Board of Directors for their consideration in the Spring of 2020;

THEREFORE, LET IT BE RESOLVED THAT the following update on the Scarborough Waterfront Project and Scarborough Bluffs West Individual EA be received;

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THAT staff proceed with the finalization and release of two RFPs supporting the detailed design of the West Segment of the Scarborough Waterfront Project;

THAT the CEO be delegated authority to award these RFPs if the procurement process is complete and it falls within the summer hiatus period;

AND FURTHER THAT staff continue to work with City of Toronto staff and senior levels of government to secure budget to allow initiation of the proposed Scarborough Bluffs West Individual EA project and to advance construction of the Scarborough Waterfront Project in partnership with the City of Toronto.

BACKGROUND

Scarborough Waterfront Project

TRCA, in partnership with the City of Toronto, initiated a study in 2014 under the *Environmental Assessment Act (EA Act)* with a vision to create a system of public greenspaces along the Lake Ontario shoreline between Bluffer's Park and East Point Park, which respect and protect the significant natural and cultural features of the Bluffs, enhance terrestrial and aquatic habitat, and provide a safe and enjoyable waterfront experience.

In May 2018, TRCA received approval from the City of Toronto Executive Committee, and subsequently City Council (Resolution EX34.5), to submit the final Scarborough Waterfront Project Environmental Assessment (EA) to the Ministry of Environment and Climate Change (MOECC) for formal review. TRCA was also directed by Council to report back with preliminary costing for the design and implementation of each project area shoreline segment (West, Central and East), subject to a favourable decision from MOECC, and that cost estimates for the erosion control components, multi-use trail and the waterfront access, along with any funding eligibility criteria, be provided by TRCA as part of the completed stage-gate 3 class 3 costing and detailed design of each of the three shoreline segments.

On November 6, 2019 TRCA received a letter from Minister Yurek, approving the Scarborough Waterfront EA. Earlier in 2019, City Council approved funding of \$4.895M to advance the West Segment detailed design process and to start construction on the Brimley Road South pedestrian improvements. TRCA, in continued partnership with the City of Toronto, is proceeding with the detailed design of the West Segment of the Scarborough Waterfront Project in 2020. Given the necessity to improve pedestrian and cyclist safety along Brimley Road, the Brimley Road South multi-use trail work is the primary priority in the West Segment detailed design process.

Scarborough Bluffs West

At City Council Meeting #11 on December 9 and 10, 2015, Resolution EX10.23 was passed which directed City Council, through the Capital Budget, to include a \$2 million Toronto Water Capital Reserve contribution towards the Scarborough Bluffs West Individual EA, cash flowed over the 2 or 3-year life of the project. This resolution would see the initiation of an Individual EA similar to the Scarborough Waterfront Project for the shoreline from Bluffer's Park west to R.C. Harris Water Treatment Plant. As the Scarborough Waterfront Project was in the middle of a comprehensive consultation process at this time a mutual decision between TRCA and the City was made to delay the new EA until the active planning process was complete to eliminate potential public confusion.

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In order to best position the launch of the future Scarborough Bluff West EA, baseline studies and environmental monitoring in support of the project were completed between 2016 and 2019 and include: terrestrial and aquatic ecology surveys; coastal condition studies; and terrestrial and marine archaeology studies. Under direction received from Toronto Water in February 2020, additional baseline studies and environmental monitoring work have been put on hold until further discussions with appropriate City of Toronto divisions is undertaken to determine next steps for the EA.

RATIONALE

Scarborough Waterfront Project

TRCA, in partnership with key divisions of the City is proceeding with detailed design of the West Segment. The West Segment boundaries are between Bluffer's Park and the start of the Meadowcliffe Drive Erosion Control Project. Work will include additional engineering and technical analysis, as well as construction phasing and costing for the following components: the proposed expanded headlands at Bluffer's Park and Meadowcliffe, the expansion of Bluffer's Park Beach, and a multi-use trail through the Segment, including improvements to Brimley Road South and construction of a separated multi-use trail along the east side of Brimley, south of Barkdene Hills to Bluffer's Park. Given the necessity to improve pedestrian and cyclist safety along Brimley Road, the Brimley Road South multi-use trail work will be a first priority in the West Segment detailed design process. To best facilitate the planning process moving forward, the detailed design exercise for the West Segment has been split into two Request for Proposal (RFP) processes: Brimley Road South and SWP West Shoreline.

TRCA staff have circulated the draft scope of work for detailed design of the Brimley Road South multi-use trail to City Transportation, Toronto Water and Parks, Forestry and Recreation divisions. A conference call with key city leads was held on May 1st, 2020 to review comments submitted. It is expected that sign off from key City staff on the RFP will be obtained by May 15th, 2020 which will allow for subsequent issue of the document to prospective consultants. The second RFP for the SWP West Shoreline is currently being drafted with a target to have City review completed by the end of May and a formal release of the document the week of June 8, 2020. The results of both RFP processes will be presented at the September 2020 Board of Directors meeting.

Scarborough Bluffs West

TRCA continues to receive requests from Councillors and members of the public with respect to improving access to the shoreline west of Bluffer's Park. When the SWP EA was completed TRCA re-initiated discussions with Toronto Water to confirm funding and other details so as to advance the Scarborough Bluffs West Individual EA project. The City Council allocation of \$2 million for the EA was not based on a detailed workplan and is inadequate to complete the planning process. Draft budgets and workplans informed by the SWP process estimate \$3.5 million will be needed to complete the EA. As Toronto Water is only committed by City Council for \$2 million, they have asked that that project be put on hold until a multi-divisional meeting led by City Finance be undertaken to discuss next steps.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 3 – Rethink greenspace to maximize its value

Strategy 5 – Foster sustainable citizenship

FINANCIAL DETAILS

Scarborough Waterfront Project

The total capital investment for the SWP is estimated to be \$170 million, over a 12-year implementation period, and additional post-implementation reporting and monitoring. Given the conceptual level of detail considered in the EA, and annual inflation over the course of the Project, the estimated capital investment includes a healthy contingency of 50%. The total capital investment will continue to be refined during the detailed design process, as concepts are further refined.

As per the staff report submitted to the May 14, 2018 City Executive Committee, and subsequently to City Council on May 22, 23 and 24, 2018, this Project will follow the City Council-approved “stage gate” capital planning and approval process. The work undertaken to date confirms the conceptual feasibility of the Project (stage 1). As part of detailed design, TRCA staff will undertake the work required to establish preliminary design and costs associated with the second stage of the process. Detailed costs for each Segment of the Project that would identify the eligibility of funding sources (i.e. erosion control separate from waterfront access and environmental enhancements) is not yet available. Confirmation of these cost estimates requires the 30% detailed design to be completed at the third stage of the City’s stage gating process (stage gate 3, class 3 costing) in conjunction with relevant City Programs.

As part of the 2019 Budget process, TRCA received funding of \$4.895 million to complete the refined preliminary costing of the entire Project, as well as detailed design of the West Segment, which includes the funding required for the Brimley Road South multi-use trail detailed design and construction. Funds are being tracked through the 204-17 account code.

Scarborough Bluffs West

City Council has authorized \$2 million for the Scarborough Bluffs West Individual EA supported by Toronto Water. To date \$1.382 million has been spent from the \$2 million allocation leaving \$0.618 million remaining. Toronto Water did an inter-budget transfer of \$1 million of these funds to the SWP to complete the EA and \$382,000 was spent to undertake annual baseline monitoring (2016 – 2019) in support of the future West EA. It is anticipated that the Scarborough Bluffs West EA would cost approximately \$3.5 million from launch to completion over a period of three or more years based on the experience with the SWP. This means a gap of \$2.882 million in funding currently exists. This project has been included on the unmet needs list for the City of Toronto capital budget since 2016.

Toronto Water has indicated that they cannot move forward with an agreement with TRCA to undertake the EA until discussions with other key City divisions are undertaken to discuss the funding gap. Toronto Water has also currently not allocated funds in 2020 to support continued baseline monitoring for the future West EA. TRCA has submitted an estimate of \$48,145 to Toronto Water for the continuation of the fisheries monitoring program in 2020 and is awaiting a decision on whether this work will move forward. The continuation of this work will help to ensure the EA is in the best possible state for a future launch.

DETAILS OF WORK TO BE DONE

- As requested by City Council, TRCA will refine the preliminary overall costing for the entire SWP and report to the City for the City Council-approved stage 2 stage gating review. TRCA has requested a meeting with key City divisions to confirm how project costing and cash flows are to be established and refined to maintain alignment with the City’s stage-gate process for a report back to Council.

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- TRCA anticipate the results of the two RFP process for the SWP West Segment to come to the September 2020 Board of Directors for approval. Following the completion of the West Segment detailed design phase (fall 2021), an update on the status of the SWP will be brought forward to the Board of Directors to present the refined construction costing along with a request for authorization to proceed with any next steps requiring Board approval.
- TRCA staff will continue to engage the City in discussions around proceeding with the formal initiation of the Scarborough Bluffs West Individual EA and the continuation of baseline fisheries monitoring in 2020. An update on the status of this EA will be brought to the Board of Directors when direction is obtained from the City of Toronto.
- TRCA continues to highlight the opportunity for senior government support of this project is in our correspondence to federal and provincial officials. When a relevant funding program or intake process is initiated by senior levels of government, TRCA plans to submit relevant elements of the Scarborough Waterfront Project as part of that program.

Report prepared by: Lisa Turnbull, extension 5645

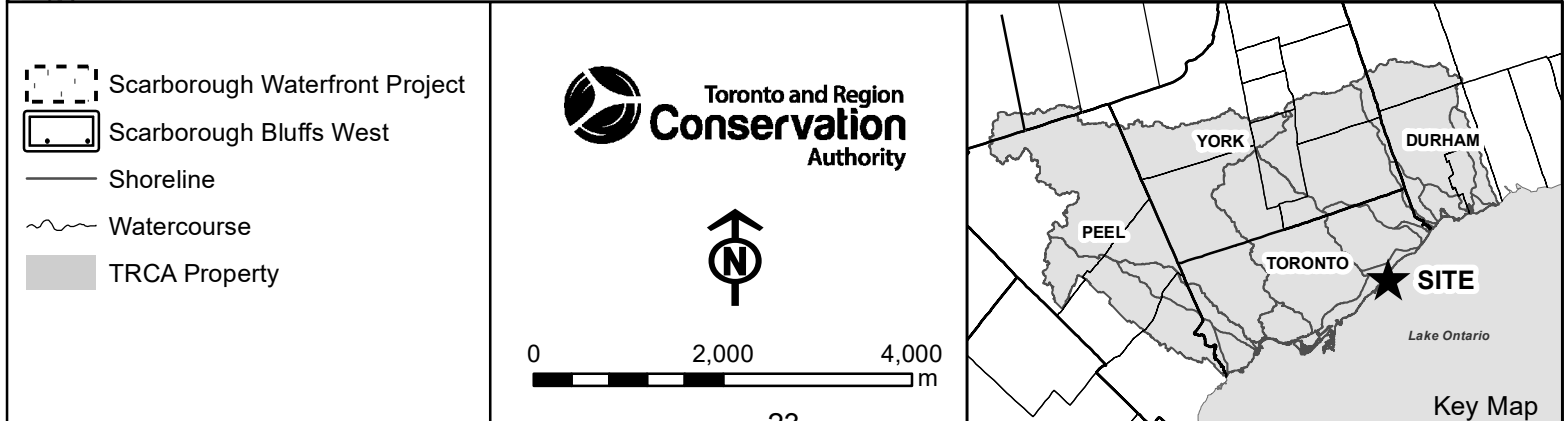
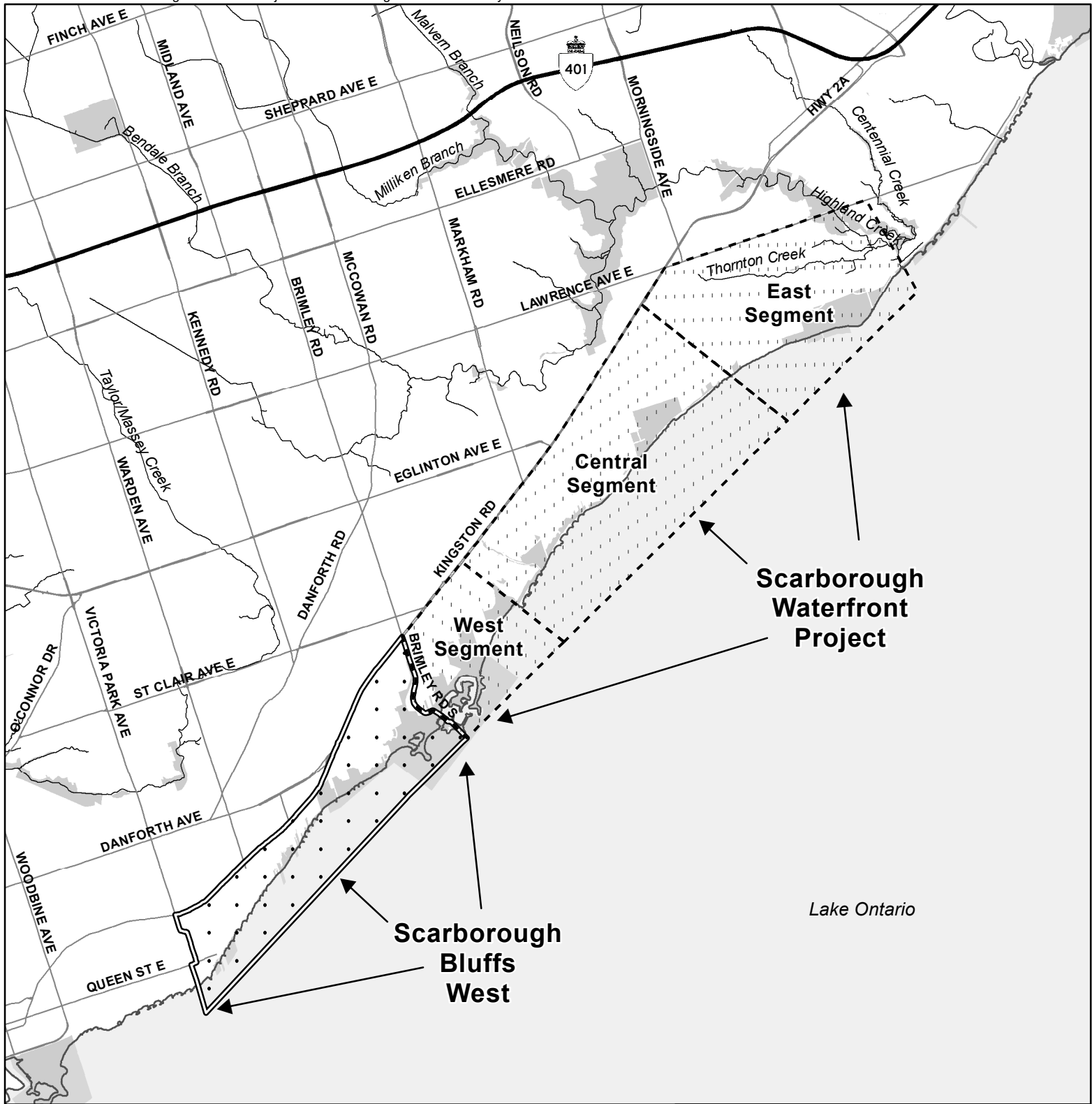
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Attachments: 1

Attachment 1: Scarborough Waterfront Project and Scarborough Bluffs West Study Area



Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: Moranne McDonnell, Director, Restoration and Infrastructure

RE: **BROCK SOUTH FILL PLACEMENT**
Request for Proposal #10033336

KEY ISSUE

Award of fill placement contract associated with Request for Proposal #10033336 for the Brock South Lands located in the Town of Ajax, Regional Municipality of Durham.

RECOMMENDATION

WHEREAS the Brock Lands were negatively impacted by historic extraction and filling activities;

WHEREAS the Brock Lands are identified within the TRCA Board of Directors and Town of Ajax endorsed Greenwood Conservation Area Master Plan as a focus for restoration through the strategic placement of clean fill, restoration plantings and other restoration work, some of which is already underway;

WHEREAS the funds for receiving the clean fill at the Brock Lands are required to be set aside exclusively for project costs and implementation of the Greenwood Conservation Lands Master Plan, including future recreation, restoration and habitat enhancement of the property, as approved by the Authority on June 24, 2016 (Resolutions #A88/16 and #A89/16);

THEREFORE LET IT BE RESOLVED THAT Toronto and Region Conservation Authority (TRCA) enter into an agreement with TACC Construction Ltd. for the supply and placement of 250,000 cubic metres of clean surplus topsoil to restore TRCA-owned lands at Brock South, at a fee of \$5.50 per cubic metre, which totals \$1,375,000 which could potentially be expanded to an import volume of 300,000 cubic metres subject to discretion of TRCA;

THAT, in addition to the tipping fee, TACC Construction Ltd. will be responsible for the costs of sediment control, topsoil placement, grading and seeding the site with a basic cover crop;

AND FURTHER THAT the appropriate TRCA officials be authorized and directed to execute all the necessary documentation required.

BACKGROUND

The Brock Lands are located within the Duffins Creek watershed in the Regional Municipality of Durham and were conveyed to TRCA in 2011 from the City of Toronto. The lands are composed of two distinct parcels, east of Brock Road, formerly known as, Brock North located north of the 5th Concession Road in the City of Pickering, and Brock South located south of the 5th Concession Road in the Town of Ajax. The site was historically a sand and gravel extraction pit

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that later became a temporary landfill site, from which the waste was removed. This has left the terrestrial landscape and hydrologic function of the lands in a severely impaired condition. It was first resolved at Authority Meeting #1/11, held on January 28, 2011 (Resolution #A13/11) that the Brock Lands be identified as a site for habitat restoration and enhancement through the strategic placing of clean fill. The Brock Lands are adjacent to Greenwood Conservation Area (GCA) and Rodar property and are collectively known as the Greenwood Conservation Lands (GCL) totaling 689 hectares (1,704 acres).

The lands were incorporated into the draft GCL Master Plan that was approved in principle by the Authority Meeting #9/12 held on November 30, 2012 (Resolution #A219/12). Following this approval, a draft GCL Master Plan was also endorsed by the Town of Ajax Council at General Government Committee on October 10, 2013.

The main objectives of the Master Plan are to protect and restore ecological function to aquatic and terrestrial systems, create a public destination that offers a variety of recreational and cultural experiences, and to protect the area's valuable cultural heritage features. The GCL Master Plan was finally approved by the Authority on June 24, 2016, including that staff be authorized and directed to execute all the necessary documentation required to facilitate restoration implementation (Resolution #A88/16). In addition, it was further resolved that the funds for receiving the clean fill be set aside exclusively for project costs and implementation of the Greenwood Conservation Lands Master Plan, including future restoration (Resolution #A89/16).

A key component of the Master Plan was a detailed restoration strategy that attempted to restore the heavily disturbed areas that had been stripped of their soil and have not developed into sustainable vegetation communities. These highly altered areas require significant regrading and soil addition to re-create functional topography, restore hydrology and improve soils to support a healthy functional ecosystem.

The first restoration project at Brock South was completed in 2018 after placing a total of 650,000 cubic metres of subsoil and topsoil, to restore natural hydrologic processes, and promote the development and succession of native vegetation communities. Restoration work at Brock South completed to date includes:

- Construction of 2 hectares (ha) of new wetland habitat increasing biodiversity and wildlife habitat;
- Improved habitat connectivity;
- Improved hydrologic function for enhanced flood attenuation and improved base flow to Duffins Creek;
- Improved water quality;
- 10.5 ha of new high-quality plantable area; and
- Future recreational opportunities for the public.

TRCA staff have determined that the next phase of fill restoration at Brock South should be implemented immediately adjacent to the original fill restored site. This is an area in great need of restoration as it is highly impaired, poorly vegetated and is characterized by its thin soils, altered hydrology and unproductive growing conditions. The little vegetation that has established over the last 30 years is also primarily composed of non-native invasive species.

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The current plan would see the importation of 250,000 cubic metres of strictly topsoil fill over the next two years to support the further restoration of the site and assist with the implementation of the Greenwood Conservation Lands Master Plan.

RATIONALE

Request for Proposal #10033336 requesting proponents to submit proposals to supply and place 250,000 cubic metres of clean topsoil in order to complete the works was publicly advertised on the electronic procurement website Biddingo (www.biddingo.com) on April 21, 2020. Prospective proponents interested in submitting a proposal were advised a weighted evaluation process would be used to select the successful proponent as follows:

Criteria	Weight (%)
1. Proponent's Information and Profile	5
2. Experience and Methodology	10
3. Capabilities of Meeting Scope of Work	15
4. Proposed Work Plan and Timeframe	10
5. Pricing	60
Total Weighted Points	100

Through the evaluation process a high level of due diligence is undertaken by TRCA to determine the proponent's capabilities to perform the specified work and to verify the securement of the fill sources the proponent has cited.

On May 5, 2020 TRCA received six (6) proposal submissions. Three (3) proposal met the RFP requirements. Based on the results from the evaluation of the submissions the proponents were ranked as follows:

PROPOSERS	RANKING
TACC Construction Ltd	1
Gentile Contracting Ltd	2
Roni Excavating Ltd.	3

Through the evaluation process it was determined that TACC Construction Ltd is the highest ranking vendor(s) meeting the qualifications and requirements set out in the RFP. Therefore, staff recommends the award of contract No #10033336 be awarded to TACC Construction Ltd. Proponent's scores and staff analysis of the evaluation results can be provided in an in-camera presentation, upon request.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 3 – Rethink greenspace to maximize its value

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

All operating costs will be offset by the revenue generated from the tipping fees. The gross revenue from this contract is expected to be \$1,375,000. All revenues and expenses associated with this project will be directed to account 106-18.

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DETAILS OF WORK TO BE DONE

TRCA staff will provide overall project management services including the implementation of the Fill Quality Control Program that includes the pre-approval of all topsoil prior to delivery, followed by fill tracking, monitoring and laboratory testing of soils received. TRCA staff will work to secure all necessary permits and approvals. With the completion of the competitive process to attract a capable and reputable fill supplier, TRCA will enter into a contract with TACC Construction Ltd. to initiate the work as soon as possible.

Report prepared by: David Hatton, extension 5365 and Clifton Coppolino, extension 5772

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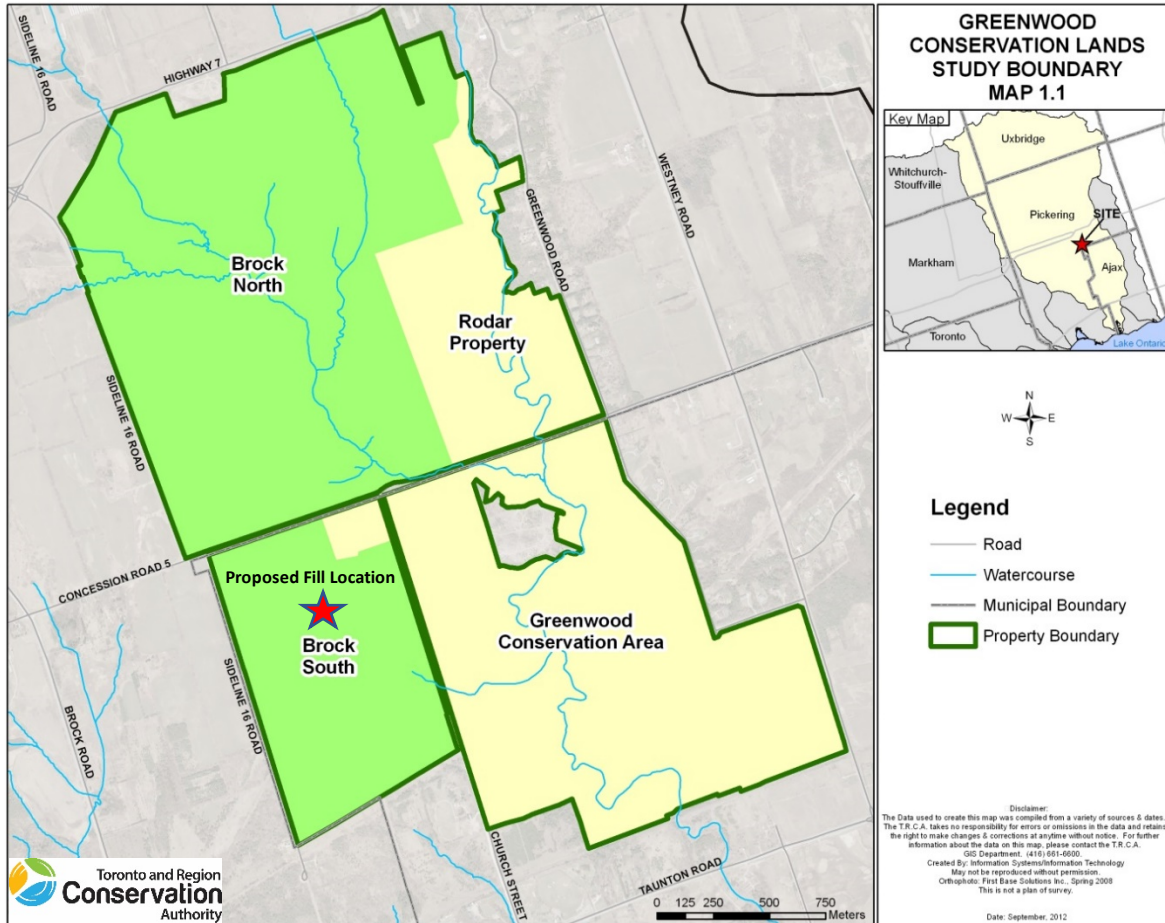
For Information contact: David Hatton, extension 5365, Ralph Toningner, extension 5366

Emails: David.hatton@trca.ca, Ralph.toningner@trca.ca

Date: May 6, 2020

Attachment: 1

Attachment 1: Brock South Proposed Fill Location Map



Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: Moranne McDonnell, Director, Restoration and Infrastructure

RE: **VENDOR OF RECORD ARRANGEMENT FOR SUPPLY OF VARIOUS PLANT MATERIALS**
RFP No. 10022885

KEY ISSUE

Award of Request for Proposal (RFP) No. 10022885 for a Vendor of Record (VOR) arrangement for supply and delivery of large volumes of various plant materials for various TRCA restoration and environmental initiatives.

RECOMMENDATION

WHEREAS Toronto and Region Conservation Authority (TRCA) is engaged in a variety of programs/projects that require a significant volume of native trees and shrubs;

AND WHEREAS TRCA solicited proposals through a publicly advertised process and evaluated the proposals based on the criteria outlined in this report;

THEREFORE LET IT BE RESOLVED THAT TRCA staff be directed to establish a Vendor of Record arrangement with Neil Vanderkruk (NVK) Holdings Inc., Dutchmaster Nurseries LTD, Sheridan Nurseries, Verbinen's Nursery, Hillen Nurseries Ltd., and Baker Forestry Services for the supply of various plant materials for a three-year period from August 1, 2020 to July 31, 2023;

AND FURTHER THAT authorized TRCA officials be directed to take whatever action may be required to implement the contract, including the obtaining of necessary approvals and the signing and execution of any documents.

BACKGROUND

TRCA requires large volumes of native trees and shrubs for habitat restoration and engineering projects, as well as education and outreach initiatives with municipal, regional and community partners. By establishing a VOR arrangement for various plant materials, vendors are authorized to provide these goods and/or services for a defined period, and with fixed pricing. Staff may contact a vendor on the list to provide various plant material goods, with a value up to \$50,000 per occurrence. Services above the \$50,000 threshold are subject to TRCA's Procurement Policy. Vendors will be required to provide all resources required to service the divisional or program needs in accordance with applicable laws, codes, standards, terms and conditions of the VOR agreement. The VOR arrangement will be subject to annual review in order to confirm that the vendor(s) is/are providing an adequate level of service, and to update any applicable insurance, certifications, or policies of the vendors.

RATIONALE

RFP documentation was posted on the public procurement website www.biddingo.com, on February 11, 2020, and closed on March 3, 2020. Vendors were asked to provide unit pricing

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including delivery on 201 individual plant items. A total of eight firms downloaded the documents and six proposals were received from the following vendor(s):

- Neil Vanderkruk (NVK) Holdings Inc.
- Dutchmaster Nurseries LTD
- Sheridan Nurseries
- Verbinnen's Nursery
- Hillen Nurseries LTD
- Baker Forestry Services

An Evaluation Committee comprised of staff from Restoration and Resource Management reviewed the proposals. Three criteria were used to evaluate and select the recommended Proponents based on availability and quality of their material. These criteria are listed in the following table:

Criteria	Weight (%)	Minimum Acceptable Score (%)
Organizational Experience and Servicing Locations	20	10
Availability of Plant Material (201 plant items)	10	1
Site Visit/ Plant Inspection	10	5
Total	40	16

All vendors achieved above minimum scores in each of the three evaluation categories for availability and quality of plant material.

Therefore, prospective vendors were permitted to provide unit pricing for each of the 201 plant items and were scored individually using a ranking measure. Rarely does any one vendor stock all plant material required by TRCA and therefore, were permitted to submit unit pricing only for those items in which the vendor can supply. Based on this, the vendor with the lowest unit price for a species, size, and format received a score of 10 points, the second lowest unit price a score of 9 points, the third lowest unit price a score of 8 points and so forth. This resulted in a possible maximum score of 10 points for each of the items that a Proponent bid on was then converted to a score of 60.

Through the evaluation process it was determined that all vendors who submitted a bid met the qualifications and requirements set out in the RFP at a competitive price. Staff recommends the award of contract No. 10022885 to Neil Vanderkruk (NVK) Holdings Inc, Dutchmaster Nurseries LTD, Sheridan Nurseries, Verbinnen's Nursery, Hillen Nurseries LTD, and Baker Forestry Services. Proponents' scores, and staff analysis of the evaluation results, can be provided in an in-camera presentation, upon request.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategic priority set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 1 – Green the Toronto region's economy

Strategy 3 – Rethink greenspace to maximize its value

Strategy 10 – Accelerate innovation

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FINANCIAL DETAILS

Based upon a review of previous work completed for 2017– 2019, the anticipated costs for the requested goods and/or services are approximately \$2,250,000. An increase or decrease in workload will have an impact on the value of this contract. All vendors on the VOR list understand, both the potential cost, and resource implications, associated with changes in workload. The goods and/or services will be provided on an “as required” basis with no minimum quantities guaranteed.

Funds for the contract are identified in account 125-30, Outside Sourced Plant Material. Costs to these accounts are recoverable from end user projects and programs.

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Date: May 7, 2020

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: Sameer Dhalla, Director, Development and Engineering Services

RE: **APPOINTMENT OF OFFICERS AND DESIGNATION AS PROVINCIAL OFFENCES OFFICERS**

KEY ISSUE

Recommended appointment of officers under Section 28(1)(d) of the *Conservation Authorities Act*, and a Provincial Offences Officer be approved for the purposes of:

- i) Enforcing Regulations made by the Toronto and Region Conservation Authority pursuant to Section 29 of the *Conservation Authorities Act*, R.S.O. 1990, c. C.27
- ii) Enforcing the *Trespass to Property Act*, R.S.O. 1990, c. T.21

RECOMMENDATION

THAT Margaret Milner, Dean Ross and Kevin Laporte be appointed as Officers and Provincial Offences Officers for the purposes of compliance and enforcement of Section 29 of the *Conservation Authorities Act*, R.R.O. 1990, Regulation 119 relating to use of Authority landholdings, and the *Trespass to Property Act* by the Board of Directors of the Toronto and Region Conservation Authority (TRCA), pursuant to Section 28 of the *Conservation Authorities Act*.

BACKGROUND

The *Conservation Authorities Act* provides for a conservation authority to appoint officers to enforce its regulations. Furthermore, the Minister of Natural Resources and Forestry has implemented, under the authority of Subsection 1(3) of the *Provincial Offences Act*, a class designation process for all conservation authorities whereby any conservation authority officer appointed under Section 28(1)(d) of the *Conservation Authorities Act* shall be designated by the Minister simultaneously as a Provincial Offences Officer. Once appointed, officers have the authority to enforce offences and Regulations under the *Conservation Authorities Act*, in addition to the *Trespass to Property Act* when carrying out their duties within the jurisdiction of the conservation authority.

The prerequisite to the Minister's Provincial Offences Officer appointment is that all candidate officers:

- i) Be adequately trained in the legislation to be enforced, including the *Provincial Offences Act*;
- ii) Have proof of a clean criminal record check, and;
- iii) Be appointed as an officer to enforce conservation authority legislation at an official board meeting.

Pursuant to the approval of the above noted appointment, the Minister's requirements have been addressed.

RATIONALE

Margaret Milner, Dean Ross and Kevin Laporte are full-time employees within our Conservation Parks Division, and responsible for overseeing the operations of our conservation areas and campgrounds. These appointments will enable them to assist with the safety and enjoyment of patrons within our facilities and assist with the Authority's regulatory requirements and

compliance objectives.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

No added expense through conservation parks budget.

DETAILS OF WORK TO BE DONE

Annual recertification of confrontation management training, uniform and personal protective equipment to be purchased.

Report prepared by: Brian Moyle, extension 5229

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Date: May 15, 2020

Attachments: 1

Attachment 1: Appendix

Attachment 1: Appendix

The *Conservation Authorities Act*, s.28(1)(d) and 28(1)(e), allows for the appointment of officers to enforce s.28 (Ont. Reg. 166/06 - natural hazard/ natural heritage regulation) and s.29 (R.R.O. 1990, Regulation 119 (Reg 119 - lands owned by the authority)).

In 1999, the Minister of Natural Resources and Forestry (MNRF) implemented, under the authority of s.1(3) of the *Provincial Offences Act*, a class designation process for conservation authority officers that simultaneously designated them as Provincial Offences Officers. This provided officers the ability to enforce both the conservation authority regulations and the *Trespass to Property Act* (TPA).

This appointment is contingent on candidates meeting the following prerequisites:

- Being adequately trained in the legislation being enforced, including the *Provincial Offences Act*;
- Having proof of a clean criminal background;
- being appointed as an officer at an official Board Meeting.

TRCA has established a tradition of appointing officers in three distinct categories:

1. Enforcement Officers appointed on a full-time basis to establish compliance with, and to enforce our legislation (Ont. Reg. 166/06, Reg. 119 and TPA). Enforcement Officers play an important role in the Authority's objectives to prevent, eliminate, or reduce the risk to life and property from flooding, erosion and slope instability, and to encourage the protection, enhancement and enjoyment of the natural systems, recreational facilities and landholdings.

Enforcement Officers actively participate in environmental and construction compliance and protection initiatives within our regulatory jurisdiction, in addition to public safety and land use infractions. This position entails conducting regular compliance audits/ inspections of TRCA Planning and Development permit sites, responding to public inquiries and complaints regarding the Authority's permitting processes, addressing unauthorized activities on our landholdings, and participating in TRCA River Watch program associated with our corporate flood forecasting and warning responsibilities.

Officers routinely interact with other internal TRCA business units, and liaise closely with external partnering agencies, including our member municipalities and provincial and federal agencies. Officers maintain communications with developers, consultants, contractors, special interest groups, stakeholders, landowners, and the general public to address our compliance objectives and promote awareness of TRCA's initiatives. Officers maintain accurate records and reports, negotiate compliance with our legislation, conduct investigations, and initiate legal action for significant unlawful activities.

2. Provincial Offences Officers consist of full-time employees within our Parks and Culture Division, and the appointment provides staff members the ability to enforce s.29 of the *Conservation Authorities Act* (Reg 119 and TPA).

The designations of senior Conservation Parks staff and supervisors within our conservation areas provide the required authority to address public safety concerns, compliance issues, unauthorized land use activities, and aid in the protection and

promotion of family oriented recreational facilities on our landholdings. These staff members are primarily responsible for overseeing the operations and maintenance of our conservation areas and campgrounds, supervision of seasonal staff members, and for divisional business planning. Although their job function is not enforcement oriented, staff will engage in the enforcement and compliance role based on availability and when deemed appropriate and safe to do so. Provincial Offences Officers within our Conservation Parks provide a great deal of value to the organization and the public, and represent the Authority's compliance interests in a professional manner.

Appointed staff members identify and address compliance issues associated with unauthorized land use activities, aid in mitigating risk, liaise with and work alongside TRCA Enforcement Officers on strategic weekend shifts/ patrols, supervise site operations of our contracted security provider, and arrange for special paid duty patrols of police in order to promote the safety and enjoyment of our conservation areas and campgrounds. Threats to TRCA staff and the public, and issues involving criminal activities, are referred to local police agencies and documented for internal records and reporting.

3. Administrative Enforcement Officers consists of our Chief Executive Officer and senior staff members within our Development and Engineering Division (Associate Directors, Senior Managers, Managers, Senior Planners).

Although there is no legislative requirement within our Act to have permits signed/ authorized by an Enforcement Officer, Section 3(3) of Ont. Reg. 166/06 identifies a requirement to have the Executive Committee or designate staff member(s) with respects to granting permissions (permits) for approvals issued under s.28 of the Act.

3(3) Subject to subsection (4), the Authority's executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for development in or on the areas described in subsection 2 (1). O. Reg. 82/13, s. 2.

TRCA has been a tradition of having permissions/ permits signed by Enforcement Officers, and these administrative appointments are solely for this purpose, and not intended to provide designations to enforce provisions of any Act or regulation.

TRCA currently has a total of:

- Five (5) full time appointed Enforcement Officers
- Nine (9) appointed Provincial Offences Officer within our Conservation Parks

TRCA staff appointments as Officers and Provincial Offences Officers:

1. Enforcement Officers:

Brian Moyle, Manager, Enforcement and Compliance
Paul Nowak, Enforcement Officer
Ben Krul, Enforcement Officer

Michael Brestansky, Enforcement Officer
Christopher Cummings, Enforcement Officer

2. Provincial Offences Officers - Parks and Culture Division:

Doug Miller, Senior Manager, Conservation Parks
Sven Pittlekow, Supervisor, Boyd CA and Indian Line Campground
Steve Beausoleil, Supervisor, Glen Haffy CA and Heart Lake CA
Jay Clark, Supervisor, Albion Hills CA and Campground
Stephen Lenstra, Supervisor, Petticoat Creek CA
Tom Boyce, Assistant Supervisor, Petticoat Creek CA
Nolan Patterson, Assistant Supervisor, Glen Haffy CA and Heart Lake CA
Brett Bond, Lead Hand, Albion Hills CA and Campground
Kyle Reyes, Lead Hand, Albion Hills CA and Campground

2. Pending Appointments - Parks and Culture Division:

Margaret Milner, Lead Hand, Indian Line Campground
Dean Ross, Lead Hand, Heart Lake CA and Glen Haffy CA
Kevin Laporte, Petticoat Creek CA

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: John MacKenzie, Chief Executive Officer

RE: **TORONTO BOTANICAL GARDENS MEMORANDUM OF UNDERSTANDING
AND SERVICE LEVEL AGREEMENT**

KEY ISSUE

Toronto and Region Conservation Authority (TRCA) staff are advising the Board of Directors of TRCA's intent to enter into a Memorandum of Understanding (MOU) setting the guiding principles of a long-term relationship between TRCA and the Toronto Botanical Gardens (TBG), and to report back to the Board on any subsequent Service Level Agreement or specific Agreements with the TBG for a variety of environmental initiatives that provide mutual benefits to the two organizations.

RECOMMENDATION

WHEREAS TRCA is dedicated to the conservation and management of natural resources;

AND WHEREAS the TBG operates a living museum, maintaining documented plant collections for the purposes of education, conservation, research and display;

AND WHEREAS TRCA and the TBG recognize that there are opportunities for cooperation and collaboration and agree to establish a framework for an ongoing collaborative relationship;

AND WHEREAS TRCA can support the TBG desire to expand through knowledge and support through design development, fundraising, construction and public education and awareness;

THEREFORE LET IT BE RESOLVED THAT TRCA staff be directed to enter into a non-binding Memorandum of Understanding (MOU) with the TBG (attached) which includes general principles which will guide cooperation and collaboration between the two organizations on a variety of natural resources management and related environmental initiatives;

THAT staff be authorized to prepare a Service Level Agreement(s) and Letter Agreements with the TBG for TRCA to undertake a variety of activities on behalf of the TBG that may include but not be limited to activities such as:

- (a) erosion hazard mitigation;**
- (b) forest management and arboricultural services;**
- (c) review of TRCA Permit Applications under O.Reg. 166/06, including water resources engineering, geotechnical engineering and ecology;**

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- (d) coordination with City of Toronto Urban Forestry – Ravine and Natural Feature Protection By-law staff;
- (e) terrestrial and aquatic restoration opportunities;
- (f) invasive species management plans and implementation;
- (g) restoration opportunity planning and prioritization;
- (h) wildlife and ecosystem management services;
- (i) trails and facilities planning design, permitting and construction;
- (j) education and outreach related services;

AND FURTHER THAT authorized TRCA officials be directed to take whatever action may be required to implement the recommendations, including the obtaining of necessary approvals and execution of any documents.

BACKGROUND

The Toronto Botanical Garden (TBG) with the City of Toronto have developed the “Edwards Gardens and Toronto Botanical Garden 2018 Master Plan and Management Plan” (Attachment 2). This TBG Board approved plan identifies the expansion of the location from four (4) to thirty-five (35) acres in order to create a globally-acclaimed botanical garden. The Plan identifies potential partners and lists TRCA as a site partner, as TRCA is a regulator for which consultation on programming and management would be required.

TRCA has been mitigating flooding and erosion hazards and protecting, restoring, and enhancing terrestrial and aquatic habitat for decades. We have applied our knowledge of stream, valley and shoreline management, and our professional expertise to achieve numerous successful projects in partnership with other public agencies such as the City of Toronto and Waterfront Toronto. Some of this work for the City of Toronto has recently occurred and is underway in Wilket Creek. TRCA currently operates under Memorandum of Understanding (MOU) and fee for service delivery agreements with these agencies to provide highly specialized and cost-effective environmental monitoring, project management, landscape design, stakeholder consultation, environmental approvals and construction services. As evidenced by our longstanding and continued partnerships, we can expedite required environmental approvals, facilitate community engagement and consultation, meet tight timelines and realize positive project outcomes.

RATIONALE

By leveraging TRCA's in depth local knowledge, experience and relationships with Wilket Creek and Don River West Watershed stakeholders, we believe the TBG can achieve greater success with its planned projects outlined in the Master Plan and Management Plan, such as flood mitigation measures; protecting assets against the hazards of erosion and slope instability; designing and constructing new trails; planning and implementing strategic invasive species management; riparian planting; and carrying out forestry work and arboricultural services.

The development and execution of a MOU allows the two organizations to agree on the guiding principles of a long-term partnership that seeks to expedite initiatives that are deemed beneficial to both parties. An MOU is typically intended to be non-binding, but it signals the

Item 8.7

intention of two parties to enter into future agreements from a position of mutual respect and shared objectives.

Where specialized services are requested to be provided by TRCA to advance specific initiatives of the TBG, a Service Level Agreement and subsequent Letter Agreements govern the terms and conditions related to how future services will be provided on a fee for service basis. It is recommended that the Service Level Agreement with the TBG be similar to the type of agreement that TRCA has with the City of Toronto Parks and Forestry Division but tailored specifically to the needs of the TBG on the lands that they lease from the City of Toronto. With respect to the provision of specific services, a Letter Agreement template appended as a Schedule to the Service Level Agreement will be used to set out the specific scope of work, budget, schedule and other details for specific projects.

It is the desire of TRCA and the TBG to finalize and execute the MOU following approval by each party's respective Board of Directors, with the Service Level Agreement to be developed in summer 2020. Once the Service Level Agreement is executed, Letter Agreements may be executed from a preapproved template for specific projects on an as needed basis.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 3 – Rethink greenspace to maximize its value

Strategy 5 – Foster sustainable citizenship

Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

TRCA and the TBG will each fund their respective costs associated with the development and execution of these agreements, with TRCA's portion covered by projects funded by its stakeholders or partners.

Report prepared by: Nancy Gaffney, extension 5313

Emails: nancy.gaffney@trca.ca

For Information contact: Nancy Gaffney, extension 5313

Emails: nancy.gaffney@trca.ca

Date: May 22, 2020

Attachments: 2

Attachment 1: Draft Memorandum of Understanding with Toronto Botanical Gardens

Attachment 2: [Edwards Gardens and Toronto Botanical Garden 2018 Master Plan and Management Plan](#)

MEMORANDUM OF UNDERSTANDING ("MOU")
FOR PARTNERSHIP AND COLLABORATION
BETWEEN:
TORONTO AND REGION CONSERVATION AUTHORITY ("TRCA")
and
TORONTO BOTANICAL GARDEN
("TBG")

BACKGROUND

A. TRCA is a body corporate under the Conservation Authorities Act 1990, dedicated to the conservation and management of natural resources including, community action on environmental matters.

B. TBG is a non-profit charitable organization provincially incorporated in 1963. It operates as a living museum, maintaining documented plant collections for the purposes of education, conservation, research and display.

C. The “Edwards Gardens and Toronto Botanical Garden 2018 Master Plan and Management Plan” is a City of Toronto and TBG Board-approved plan to expand TBG from its present four acres to 35 acres in order to create a globally acclaimed botanical garden. The master plan identifies Potential Areas of Development and Types of Partners.

D. TRCA has extensive knowledge and experience delivering projects and programs in the areas of riparian planting, ravine restoration, native and invasive species management, biodiversity and habitat conservation, flood management, resilience and green engineering.

E. TBG has a reputation for its horticultural excellence and public programs, including adult and children’s education programs, symposia, community events and public outreach.

F. TRCA can provide knowledge and support through design development, fundraising, construction and public education and awareness.

G. TRCA and Toronto Botanical Garden recognize that there are opportunities for cooperation and collaboration and agree to establish a framework for an ongoing collaborative relationship.

H. TRCA and Toronto Botanical Garden are entering into this non-binding MOU to agree upon the general principles which will guide cooperation and collaboration between the two organizations.

1. Commencement and Term

1.1. Each of TRCA and the Toronto Botanical Garden is a "Party" under this MOU and together are the "Parties."

1.2. This MOU shall commence upon the date it is signed by both Parties and it will expire on 2025-02-28, unless the term is extended.

1.3. Prior to its expiry, this MOU shall be reviewed by the Parties to determine whether a new MOU should be executed by the Parties.

2. Areas of Cooperation and Collaboration

2.1. The Parties agree to the following underlying general principles as the basis for their relationship:

2.1.1. It is important for the two organizations to have open lines of communication at all levels and, as such, they will strive to facilitate open and timely communication with each other.

2.1.2. To the extent that one Party bring forward a project or projects to the other Party seeking support and/or approval, such other Party will commit to exploring the projects(s).

2.2. Areas of collaboration and cooperation between the Parties may include:

- Design Development
- Construction
- Strategic Planning`
- Public Engagement and Awareness
- Education and Outreach
- Sharing Best Practices

2.3. TRCA may be engaged by Toronto Botanical Garden to undertake work on behalf of TBG on a cost recovery basis, as detailed in Schedule A.

1. Erosion Hazard Mitigation
2. Forest Management and Arboricultural Services
3. Review of TRCA Permit Applications under O. Reg. 166/06
4. Coordination with City of Toronto Urban Forestry- Ravine and Natural Feature
5. Protection By-law staff
6. Terrestrial and aquatic restoration
7. Invasive Species Management Plans and Implementation
8. Restoration Opportunities Planning & Prioritization
9. Wildlife and Ecosystem Management Services
10. Trails and Facilities, Design, Permitting, Construction

3. Implementation and Project Delivery

3.1. Responsibility for implementing this MOU is shared equally by the Parties.

3.2. The Parties shall meet regularly to identify and explore opportunities for the implementation of the commitments in this MOU.

3.3. Where TRCA undertakes cost recovery work on behalf of Toronto Botanical Garden, the form of Service Level Agreement and Letter Agreement included as Schedule "B" shall be used as the agreement for that work.

4. General

4.1. The Parties acknowledge that as this MOU does not create any binding obligation. The parties intend to enter into separate Letter Agreements to cover specific commitments and responsibilities for delivery of specific projects.

4.2. Amendments to this MOU can only be made by the written agreement of the Parties.

4.3. The Parties are independent parties and nothing in this MOU shall create the relationship of principal and agent, employer and employee, partnership or joint venture between the Parties.

4.4. This MOU will not restrict either Party from entering into supplemental or other agreements with each other, or other participating organizations, sponsors, media or other third parties. Nothing in this MOU shall preclude the Parties from conducting their business affairs in the usual manner.

4.5. This Agreement may be executed in counterparts. Either Party may send a copy of its executed counterpart to the other party by email instead of delivering a signed original of that counterpart. Each executed counterpart (including each copy sent by email) will be deemed to be an original; all executed counterparts taken together will constitute one agreement.

This MOU is entered into by the following representatives of the Parties:

Toronto and Region Conservation Authority

Date:

John MacKenzie

Chief Executive Officer

Jennifer Innis

Chair, Board of Directors

Toronto Botanical Garden

Date:

David McIsaac,

Chief Executive Officer

Gino Scapillati,
President and Board Chair

Schedule "A" to MOU between TRCA and Toronto Botanical Garden DESCRIPTION OF AREAS FOR SERVICE AGREEMENTS

1. Erosion Hazard Mitigation

TRCA's Engineering Projects (EP) group has a longstanding Erosion Risk Management Program (ERMP) that focuses on the identification, long-term monitoring, and remediation of erosion hazards throughout TRCA's jurisdiction. TRCA's EP group is a full service team of environmental, engineering, and construction professionals that are able to see projects through the entire life cycle including: hazard identification, detailed design development, project management (obtain all permits & approvals for construction), topographic surveying, and construction. This expertise relates predominantly to the implementation of remedial erosion control works. EP staff are also able to oversee a variety of other activities related to construction in sensitive areas.

Toronto and Region Conservation Authority's (TRCA) Erosion Risk Management team has been monitoring 22 erosion control structures within Edwards Gardens since 2012. The structures are composed of a variety of different materials to minimize further watercourse-based erosion in this area. TRCA doesn't have record of any other erosion hazards in this area.

2. Forest Management and Arboricultural Services

TRCA's forestry expertise allows it to offer comprehensive and integrated forest management, reforestation, restoration, hazard management, and arboricultural services. Active management of forests greatly improves forest health, biodiversity, resilience to insects, disease and climate change, and provides direct risk management to ensure public safety.

Specifically, TRCA's expertise allows us to offer arboricultural, hazard tree management, and forestry services. TRCA's complement of ISA certified arborists, hazard tree technician, and Registered Professional Forester (RPF) are able to provide a complete suite of arboricultural and forestry management activities and services, such as;

- Butternut health assessments,
- Individual tree health assessments and prescriptions,
- Tree inventories,
- Arborist reports,
- Forest management plans,
- Tree removals and mitigation
- Tree retainment and injury mitigation
- Development and certification of City of Toronto's Ravine and Natural Features Protection (RNFP) permit applications
- Development of Tree Protection and Plan Review (TPPR) to obtain permits and approvals for trees situated on public and private lands within the City of Toronto

- Complete coordination of the application and approval process of all City of Toronto tree protection, and permitting processes

TRCA also operates and supplies native trees and shrubs from its own native plant nursery. Locally collected seed is used to grow highly desirable hardy native plant materials that is well adapted to our local growing conditions.

3. Review of TRCA Permit Applications under O. Reg. 166/06

Review of TRCA Permit Applications under O. Reg. 166/06, including water resource engineering, geotechnical engineering and ecology.

4. Coordination with City of Toronto Urban Forestry· Ravine and Natural Feature Protection By-law staff

Permits are required for tree removal or injury under the by-law. If TRCA staff are completing a project for the gardens on behalf of the gardens, TRCA could coordinate the ravine permit approvals. When TRCA is reviewing a permit application submitted by the gardens, we will coordinate our approval with that of the ravine by-law, which is helpful and streamlines the process.

5. Terrestrial and aquatic restoration

TRCA is a global leader in ecological restoration, with more than 50 years of experience protecting, enhancing, restoring and monitoring impaired natural habitats. TRCA strives to protect, enhance and regenerate natural resources within the TRCA jurisdiction through various restoration projects. These projects focus on: improving natural cover; improving riparian areas; restoring wetlands; stream restoration using natural channel design principles; and enhancing essential wildlife habitat. Through a detailed understanding of ecology and the interconnected roles of hydrology, natural habitats, and flora and fauna, the Restoration and Resource Management group is able to identify the ecological needs at a site and set appropriate restoration targets to enhance and restore natural areas. Our ecological restoration programs are essential to maintaining a robust and resilient natural system that can benefit human health and well-being -especially as the Greater Toronto Area continues to experience environmental pressures of urbanization and climate change.

6. Invasive Species Management Plans and Implementation

Closely connected to ecological restoration is invasive species management, in particular invasive plant management. TRCA's focus on invasive species management targets prevention, early detection and rapid response; eradication, containment and control; protection of high priority areas; and coordination, knowledge transfer and awareness. Using best management practices, TRCA develops site specific invasive plant species management plans that typically include the objectives of reducing invasive infestation and restoring the site to native natural cover to provide optimal ecological function. Invasive species management plans generally include 3-5 years of staff-led control, followed by restoration and a long-term monitoring program to identify and manage new infestations. Depending on the site and the species, long-term management can often include community involvement.

7. Restoration Opportunities Planning & Prioritization

Ecosystem restoration planning requires an integrated approach considering many components of the natural system when prioritizing where and what to restore. TRCA and our partners have developed a multi-discipline and multi-benefit approach to restoration planning that facilitates effective restoration works, while realizing regional watershed objectives and providing development compensation options. Through various long-term monitoring and modelling initiatives TRCA has amassed a wealth of knowledge on terrestrial biodiversity, aquatic ecosystems, hydrology, and headwater conditions. The aim of Integrated Restoration Prioritization (IRP) is to identify impairments and threats to ecosystem function to improve the delivery of ecological goods and services. Consolidating data and comparing discrete areas based on different parameters and thresholds has helped direct decision making for future restoration initiatives. Using IRP and TRCA's Restoration Opportunities Database as planning tools, priority habitats and corridor linkages, that could contribute most to improving the natural system, can be protected, enhanced or rehabilitated.

8. Wildlife and Ecosystem Management Services

Urban areas can often create conditions that result in human-wildlife conflict. Examples of this range from the fouling of manicured areas by Canada Geese, to beaver dams that impound water, to road ecology issues. As experts in wildlife habitat, TRCA has the knowledge and experience to undertake site specific management and reduce conflict. In most cases, human/wildlife conflict can be mitigated by undertaking appropriate ecosystem management measures, as well as education, rather than managing the wildlife itself. For example, vegetation impacts caused by white-tailed deer herbivory can usually be addressed through exclusion techniques that prevent deer access to vegetation. Wildlife mortality (i.e., small mammals and reptiles) due to vehicles can be mitigated through the proper design and installation of eco-passages and associated fencing. Wildlife management also includes a significant educational component to improve understanding, awareness and tolerance of urban wildlife, as well as to ensure the public understands actions, they can take to improve their safety (i.e., coyote encounters).

9. Trails and Facilities, Design, Permitting and Construction

As one of the largest landowners in the Greater Toronto Area, TRCA is a leader in the planning, design, implementation and management of trails and associated infrastructure that provide safe, enjoyable recreational trail experiences for area residents and visitors. These offerings are developed such that the natural and cultural heritage resources are protected. TRCA's trail management activities also complement TRCA's aim to provide nature-based recreation experiences for a growing population while protecting and restoring the form and function of existing ecological systems. This experience which includes designing, construction and permitting related to infrastructure and facilities could be utilized by the Garden in work on new facilities.

Schedule "B" to MOU between TRCA and Toronto Botanical Garden

LETTER OF AGREEMENT TEMPLATE

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **TORONTO AND REGION CONSERVATION AUTHORITY ADMINISTRATIVE
OFFICE BUILDING PROJECT**
COVID-19 Update

KEY ISSUES

Update on Toronto and Region Conservation Authority (TRCA) Administrative Office Building Project and implications on the Project schedule, municipal approvals and construction management contract resulting from the COVID-19 pandemic.

RECOMMENDATION

IT IS RECOMMENDED THAT this staff report on the status of the TRCA Administrative Office Building Project be received.

BACKGROUND

On February 27, 2015 Res. #A23/15 approved 5 Shoreham Drive as the preferred site for the new TRCA administration building. On June 24, 2016 Res. #A85/16 approved a project budget of \$70M with \$60M provided by participating municipalities and the remaining funds from land disposition funds. On February 24, 2017 Authority Res. #A14/17 staff reported that all six of TRCA's participating municipalities had approved the Project and the allocation of \$60M in new and existing capital funding. On May 25, 2018 Authority Res. #A79/18 staff reported that the Minister of Natural Resources and Forestry granted approval to use \$3,538,000 in disposition proceeds from land sales, for a revised overall budget of \$63,538,000 and, if possible, that the disposition funds be used to reduce the overall term of the required financing. The revised approved upper limit of the project budget of \$60M was not increased at that time, as the decision was made to wait until the tendering process was complete in mid-2019 to determine a more accurate budget for the project.

On May 17, 2017 Authority Res. #83/17 TRCA awarded Jones Lang LaSalle Canada (JLL) as its project managers and on August 30, 2017 Authority Res. #A156/17 awarded the integrated design contract to a team led by ZAS Architects and Bucholz McEvoy Architects, to proceed with the detailed design, planning and approvals, of the Project. On November 3, 2017 Authority Res. #A216/17 awarded Eastern Construction Company Limited a Construction Management Contract to provide pre-construction services throughout the design and procurement stages along with construction management services for the construction of the new facility pending agreement on the construction cost of the Project. This work includes the issuance of tenders to construction trades.

On Friday, January 25, 2019 Board of Directors Res.#A19/19 staff issued an update on the procurement of financial services and that the Canadian Imperial Bank of Commerce (CIBC) is providing a term loan for the costs of the new administration building project up to \$54,000,000.

On Friday, May 24, 2019 Board of Directors Res.#A78/19 staff provided an update on project costing and a strategy to move to the tendering process and received direction from the Board to report back on the total construction and Construction Management Services costs at the time construction tenders are received.

Item 9.1

On Friday January 24, 2020 Board of Directors RES. #A232/19 provided an update on the value engineering process and informed the Board that staff had authorized the project construction manager Eastern Construction to award construction tenders to selected trades that align with the project budget. The report explained that staff had authorized Eastern Construction to proceed with construction, and finally, that staff were authorized to issue Notices of Borrowing to the project financial services provider according to the loan schedule based on the project cash flow.

On Friday April 24, 2020 at Board Meeting #3/20 staff were requested to provide an update on the delay to the project related to COVID-19.

RATIONALE

The COVID-19 pandemic led to the Ontario government order to close all non-essential businesses pursuant to its powers under the *Emergency Management and Civil Protection Act* (the “*Emergency Act*”). On March 23, 2020, the Ontario government issued a list of essential businesses that would be exempt from the closure order effective Tuesday, March 24 at 11:59 pm for at least 14 days. The Ontario government has since significantly expanded the list of non-essential workplaces with the introduction of Ontario Regulation 119/20: Order under Subsection 7.0.2(4) - Closure of Places of Non-Essential Businesses, which was declared into law at 3 PM on April 3, 2020 (the “*Essential Services Regulation*”). On April 14, 2020, the Ontario government extended the state of emergency another 28 days to May 12, 2020. On May 1, 2020, the Ontario Government revised the list of Closure of Places of Non-Essential Businesses with Ontario regulation 196/20 which allowed for site preparation and excavation works to occur.

Site Closure

On April 3, 2020 Eastern Construction by email informed TRCA that Eastern Construction would be suspending work on the project that day as the project no longer fell into a category of essential services. Eastern Construction issued an official notice on April 6, 2020 of work suspension but would be working April 6, 2020 to undertake the necessary construction and maintenance activities to ensure safety at the temporarily closed project site. On May 1, 2020 Eastern Construction in response to the revised list issued by the Ontario government indicated by email that construction would resume on May 4, 2020 as the revised list allowed Eastern Construction to resume site and soil preparation work. While Eastern Construction staff were on site, the soil preparation trade was not available and did not start until May 13, 2020.

Schedule

RES. #A232/19 revised the project occupancy date to February 2022 due to a Site Plan Approval delay related to ongoing negotiations with Tennis Canada and work with the City of Toronto on the lease of the City road right of way. The COVID-19 pandemic and the closure order of all non-essential businesses has altered the project occupancy date to reflect the length of time the Government closure order was in effect and Eastern Construction suspended construction. In general, the project approvals delay has been exacerbated by the closure of the City Civic Centres and the resulting diminished capacity of the City to process applications. TRCA has issued to the City of Toronto all the pre-approval Notice of Approval Conditions (NOAC) including drafts of the shared use agreement with neighbouring Tennis Canada and the lease agreement with City of Toronto for the use of the road right of way but both agreements need to be finalized for the Site Plan Agreement to be issued which is a pre-requisite for the Final Building Permit. Prior to the closure of non-essential activities, the City Building Department issued a Conditional Permit allowing for foundations to be constructed. To mitigate schedule risk, an above ground conditional permit application has been submitted to the City.

Item 9.1

City staff continue to reach out during the closure to work with the TRCA team to process applications and staff are confident that further conditional permits will be forthcoming to allow work to continue.

Milestone Schedule:

	Dec.18/19 – Baseline Schedule	Mar. 31/20 - Revised Schedule	Notes
Site Plan Approval	Feb. 2020	TBD	NOAC received Nov. 8/19 – all pre-approval conditions submitted
Full Building Permit	Mar. 2020	Jun. 2020	Applied for above grade Conditional Permits in Mar. 2020.
Conditional Building Permit	Jan. 2020	Mar. 30/20	Received conditional building permit for foundations only in Mar. 2020
Construction	Jan. 2020 to Dec 2021	Jan. 2020 to Mar. 2022	Schedule impacted by site closure due to COVID-19
Occupancy	Nov. 2021	Feb. 2022	Schedule impacted by site closure due to COVID-19
Completion	Jan. 2022	Mar. 2022	Schedule impacted by site closure due to COVID-19

TRCA staff will continue to work with Eastern Construction and the City of Toronto to attempt mitigate further approvals delay. TRCA will also work with Eastern Construction to determine opportunities to compress the extended schedule while minimizing cost exposure.

Report prepared by: Jed Braithwaite, extension 5345

Emails: jed.braithwaite@trca.ca

For Information contact: Jed Braithwaite, extension 5345

Emails: jed.braithwaite@trca.ca

Date: May 11, 2020

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Meeting #4/20, Friday, May 22, 2020

FROM: Sameer Dhalla, Director, Development and Engineering Services

RE: **TRCA ENFORCEMENT AND COMPLIANCE DURING COVID-19**

KEY ISSUE

An update on enforcement and compliance at TRCA parks and facilities.

RECOMMENDATION

IT IS RECOMMENDED THAT the TRCA Enforcement and Compliance during COVID-19 report, be received.

BACKGROUND AND RATIONALE

TRCA Enforcement Officers play an integral role in the management of natural hazards and natural heritage features within our watersheds and in the preservation and protection of TRCA's valuable parks and greenspace lands. Their primary responsibilities include the inspection of construction and development projects to ensure compliance with approved permit drawings and conditions relating to works approved under the Regulation, responding to stakeholder complaints and violations occurring within TRCA's regulatory jurisdiction and responding to unlawful activities reported on our landholdings.

The Enforcement and Compliance Unit is currently comprised of 5 Enforcement Officers, including the Manager, and currently has a vacant position required to be filled. Officers are responsible for significant geographical areas comprised of several municipalities per officer within our watersheds.

Albeit small, the business unit has proven extremely effective in its compliance efforts. Over the past three years, the team annually conducted on average 4700 permit compliance inspections, issued 106 Notices of Violations, addressed 279 stakeholder complaints, conducted 557 inspections relating to complaints and violations, successfully resolved 38 violations and were deployed to assist our Conservation Parks on strategic weekend shifts throughout the summer months.

Under normal operating circumstances, the business unit is working at capacity to ensure that our regulatory responsibilities are being adequately managed. With the onset of the Covid-19 pandemic, TRCA's enforcement responsibilities were dramatically increased to provide for an ongoing presence and deterrent at our parks and trails.

COVID-19 Response

Following the issuance of the Provincial Emergency Declaration on March 17, 2020, on March 25, 2020, the Solicitor General of Ontario designated Provincial Offences Officers within Ontario for the purposes of the enforcement of offences under the *Emergency Measures and Civil Protection Act* (EMCPA) and the Regulations and Orders made pursuant to the *Act*. This designation included all TRCA officers appointed under the *Conservation Authorities Act*, through the *Provincial Offences Act* class designation.

Item 9.2

In response to the Emergency Orders made under the EMCPA regarding Organized Public Events – Certain Gatherings (O. Reg 52/20) on March 28, 2020, and the Closure of Outdoor Recreational Amenities (O. Reg. 104/20) on March 30, 2020, TRCA officers began conducting ongoing patrols of TRCA landholdings. Initial patrols confirmed that public parking areas were at capacity, and in many cases, exceeding it. As a result of the ongoing community concerns and an effort to reduce exposure risks to the public and TRCA staff, the parking areas were closed between the period of March 28, 2020 to April 1, 2020 and continue to remain closed. The closure of TRCA parking areas were conducted in consultation with our municipal partners in response to the COVID-19 outbreak, and included the necessary TRCA signage to advise the public on the restrictions at our facilities.

Collaboration with TRCA Business Partners

TRCA enforcement staff resources are limited, and TRCA Enforcement Officers are reliant on the established partnerships with our member municipalities, police resources and provincial agencies. At the onset of the Covid-19 crisis, our municipal partners continued to provide invaluable assistance, resources, and collaboration to TRCA and its officers.

In order to improve public safety associated with parking, the Regional Municipality of York, in conjunction with the City of Vaughan and TRCA, installed a series of parking restrictive barrel cones along Rutherford Road at our trailhead to the William Granger Pathway, and installed large electric “no parking signs” along Rutherford Road and Islington Avenue, near the access to Boyd Conservation Area.

The Regional Municipality of Peel installed “no parking signs” along our Regional Road 50 access to Claireville Conservation Area and Albion Hills Conservation Area, in conjunction with our closure of those parking areas, and installed a series of parking restrictive barrel cones along Airport Road at Glen Haffy Conservation Area. In addition, the City of Brampton installed a series of parking restrictive barrel cones at the front access to Heart Lake Conservation Area to support TRCA efforts.

The City of Vaughan, City of Brampton, Town of Caledon and the Caledon Detachment of the Ontario Provincial Police have been proactively enforcing safety related parking restrictions adjacent to our facilities, while the City of Vaughan and City of Brampton are also enforcing their Emergency Management By-Law’s regarding social distancing on public lands.

The Municipalities within the York Region established a Covid-19 Regional Enforcement Task Force, initiated by the City of Vaughan, which includes the City of Markham, City of Richmond Hill, Town of Newmarket, the Town of Whitchurch-Stouffville, the Township of King, the Town of East Gwillimbury, the Town of Georgina, the Town of Aurora, TRCA, Lake Simcoe Region Conservation Authority, York Regional Police Service (YRP), and York Region Public Health. The weekly conference calls have been an invaluable resource to all parties involved to identify ongoing compliance issues and to provide a coordinated effort in addressing the challenges of this pandemic. An example of this collaboration is YRP police presence and assistance to TRCA around our Bond Lake and Oak Ridges Corridor Conservation Reserve (ORCCR).

Prior to the opening day of fishing season on April 25, 2020, and in response to community concerns regarding physical distancing and gathering opportunities, TRCA Enforcement and Compliance has been coordinating our response and communication with the Aurora Enforcement Unit of the Ministry of Natural Resources and Forestry and our member municipalities, including the City of Toronto with respect to our management agreement properties.

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TRCA Enforcement and Compliance and our Conservation Parks staff coordinated the opening of seasonal camping with the City of Mississauga and the Town of Caledon By-Law Enforcement, associated with our Indian Line and Albion Hills Campground facilities, as well as advising them of the amended Emergency Order permitting the activity as an essential business, in an effort to curb unnecessary community complaints being initiated and investigated.

From the beginning of this crisis, TRCA officers and staff within other internal business units have made a concerted effort to establish and maintain positive contacts with our member municipalities, and continue to liaise with and monitor the status of our municipal partners and surrounding conservation authority parks and trails.

Monitoring of TRCA Parks and Trails

Consistent with the messaging from the Province, TRCA has not restricted passive use access to our conservation areas and trails, which are extremely popular destinations.

TRCA operates 7 conservation areas, 2 campgrounds, 1 golf course, 4 education centres, and hundreds of kilometres of trails on 25 passive use properties, including 137 trail access points comprised of 29 parking lots, and 108 road-side trail access points.

The redeployment of Enforcement Officers to focus on TRCA landholdings, due to COVID-19, was essential to maintain an enforcement presence, monitor public gathering limitations and physical distancing recommendations, to deter undesirable behaviours, and to address non-compliance issues associated with our properties. TRCA Enforcement Officers have been providing coverage 7 days per week, with rotating weekend shifts since April 4, 2020, while focusing development regulation efforts on higher priority files.

TRCA Conservation Parks currently has 9 staff members designated as Provincial Offences Officers, with 3 additional staff members with pending appointments. These staff members are full time park supervisors and have been providing essential coverage on rotating weekend schedules to support TRCA compliance initiatives within our conservation areas, and to provide additional support to TRCA Enforcement Officers. The primary responsibility for these designated staff members is park operations and maintenance, and not intended to be enforcement focused. As weather conditions continue to improve, these staff resources will be returning to the park maintenance program in preparation for the potential lifting of restrictions associated with outdoor recreational facilities, similar to the recent announcement of the opening of Provincial Parks and Conservation Reserves on May 9, 2020. This will ultimately result in a reduction of additional staff support to Enforcement and Compliance demands. The closure of TRCA parking areas at our more urban conservation areas and trailheads that have an active municipal safety parking enforcement program (e.g., Boyd CA, Heart Lake CA, Albion Hills CA, William Granger Pathway) has had the desired outcome in reducing community concerns and non-compliance challenges. TRCA Enforcement Officers are now seeing a marked increase in public use at our more rural landholdings in Uxbridge and north Pickering, and at our passive use properties in Richmond Hill.

During the coordinated closure of TRCA parking facilities, an internal TRCA Lands and Trails working group consisting of Enforcement, Restoration and Resource Management - Conservation Lands and Trails, and our Conservation Parks business units was formed to discuss ongoing public use of our facilities, resources and maintenance requirements, and staffing requirements. During the weekend of May 2nd and 3rd, when temperatures reached

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seasonal highs, additional TRCA staff members from Conservation Lands and Trails and Conservation Parks were deployed as “parks and trails ambassadors” at locations in Uxbridge and Richmond Hill to provide for additional TRCA presence, and to provide education and outreach to the public on TRCA expectations on the use of our trails, including gathering limits and physical distancing recommendations. TRCA also established an after-hour private security presence at the Bond Lake facility during improved weather conditions.

As TRCA staff health and safety is paramount, measures are adapting to this fluid situation based on recommendations from our public health officials and our Human Resources Division. The Enforcement and Compliance unit is taking every precaution to amend our procedures to maintain business continuity, and to assist in alleviating additional enforcement responsibilities to our member municipalities and police resources. TRCA Enforcement Officers are providing for safer environments within our facilities and greenspaces and providing assurances to our stakeholders that we are committed in maintaining our regulatory responsibilities.

TRCA officers and staff monitoring our parks and passive use trail access points have observed that the vast majority of individuals have been respecting public gathering limits and physical distancing recommendations, and have been appreciative of TRCA efforts to maintain outdoor passive use of our properties, and respectful to staff, their personal space and safety. To date, TRCA Enforcement have issued 8 verbal warnings for contraventions of EMCPA Orders, and numerous reminders of the importance of physical distancing. There have been no charges initiated for non-compliance with the EMCPA Orders.

Challenges

With improving weather conditions, certain TRCA facilities are being inundated with members of the public looking for outdoor destinations, increasing public gathering and physical distancing opportunities. The ability for TRCA enforcement to promote our messaging and be effective in proactively addressing compliance is becoming increasingly challenging. During the month of April, park and trail use was manageable, however, during the first weekend in May, the volume of vehicles parked along Yonge Street at the height of the day at Bond Lake was observed to be more than 70 vehicles alone, with several hundred people utilizing both Bond Lake and the Oak Ridges Corridor Conservation Reserve lands.

The ability to effectively patrol the interior of our facilities, with our current enforcement resources, is becoming increasingly difficult as foot patrols are time consuming and require two officers to focus on a single facility or trail network, which limits an effective deterrent to our other busy TRCA properties. We are now becoming more reliant on conducting exterior perimeter patrols to establish a high visibility presence at our landholdings.

During the Covid-19 period between March 26, 2020 to May 12, 2020, TRCA Enforcement and Compliance received 147 stakeholder complaints regarding issues associated with our regulatory jurisdiction. This is a significant 258 % increase over the same period in 2019. Complaints associated with Covid-19 make up 25 % of the total number, while 36 % are associated with other unlawful activities occurring on our landholdings such as the use of off-road vehicles, harvesting of resources (e.g., fiddleheads, leaks), while the remaining 39 % are associated with our development regulations.

As additional essential businesses relating to construction and earthworks are being permitted, and weather conditions improve, the requirement for permit compliance inspections and to address unauthorized development activities is increasing. This is generally the period where construction activity begins to heighten, and TRCA Enforcement and Compliance begins to

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receive a significant volume of stakeholder concerns regarding development activities within our jurisdiction. This is also the period where unauthorized development activity commences, requiring increased attention to higher priority violation files, negotiations, and investigations. Recognizing that Ontario has developed *A Framework for Reopening our Province*, which lays out the government's approach to the next chapter in the ongoing fight to defeat COVID-19, it is evident that the reopening of businesses, services and public spaces will be in gradual stages. Both Parks operations and Enforcement staff will be required to continue and maintain the current level of response and monitoring for the unforeseen future. As the reopening plan for Ontario evolves, it is also inevitable that the "pre-COVID-19" services for Enforcement and Compliance will have considerable pre-existing work pressures. There will be an exceptional backlog of development permits and inspections requiring attention, coupled with the commencement of the development season. Additional support on weekends for our Conservation Parks and trails during the summer months will be required. The ability to balance the necessary workload and expectations of our service delivery over the coming months will be difficult to satisfy, due to the modest size of the Enforcement and Compliance business unit.

Next Steps

In order to meet the increased demands on TRCA's Enforcement staff as the weather improves and as the Province moves to the next phase of reopening, the Enforcement and Compliance Section will be looking at internal redeployment opportunities for the business unit to have a designated administrative coordinator assigned to screen complaints, correspond with stakeholders and internal business units, and to provide data input support for officers relating to complaints and inquiries. TRCA will also commence the recruitment and training to fill the vacant Enforcement Officer position. In an effort to effectively address increasing pressures on the business unit, stakeholder expectations and work volume, TRCA will undertake a comprehensive review of the program and develop a business case over the next month that will identify staffing needs, budgets and explore tools and resources that can be implemented to meet the future needs of the program.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:
Strategy 9 – Measure performance

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