

Board of Directors Meeting was held via videoconference, on Friday, November 19, 2021 pursuant to section C.12 of TRCA's Board of Directors Administrative By-Law. The Chair Jennifer Innis, called the meeting to order at 9:33 a.m.

PRESENT

| | |
|-------------------|------------|
| Jennifer Innis | Chair |
| Jack Heath | Vice-Chair |
| Paul Ainslie | Member |
| Kevin Ashe | Member |
| Ronald Chopowick | Member |
| Dipika Damerla | Member |
| Jennifer Drake | Member |
| Joe DiPaola | Member |
| Paula Fletcher | Member |
| Xiao Han | Member |
| Gordon Highet | Member |
| Linda Jackson | Member |
| Maria Kelleher | Member |
| Basudeb Mukherjee | Member |
| Michael Palleschi | Member |
| James Pasternak | Member |
| Steve Pellegrini | Member |
| Anthony Perruzza | Member |
| Gino Rosati | Member |
| Don Sinclair | Member |
| Connie Tang | Member |

ABSENT

| | |
|-----------------|--------|
| Shelley Carroll | Member |
| Joanne Dies | Member |
| Chris Fonseca | Member |
| Mike Layton | Member |
| Josh Matlow | Member |
| Rowena Santos | Member |

The Chair recited the Acknowledgement of Indigenous Territory.

DISCLOSURE OF PECUNIARY INTEREST

• Don Sinclair declared a pecuniary interest in regard to item 9.1 – Toronto and Region Conservation Authority's New Administrative Office Building Project, as his son's firm is involved in the planning function for the project. Mr. Sinclair did not take part in the discussion or vote on the item.

APPOINTMENT OF SCRUTINEERS

RES.#A217/21 - APPOINTMENT OF SCRUTINEERS

Moved by: Linda Jackson
Seconded by: Ronald Chopowick

THAT Ms. Alisa Mahrova, Clerk and Manager, Policy, TRCA; Mr. Daniel Ruberto, Deputy Clerk and Analyst, Policy, TRCA; Mr. Darryl Gray, Director, Education and Training, TRCA; be appointed as scrutineers for the election of two members of the Toronto and Region Conservation Authority's Board of Directors to the Natural Science and Education Committee.

CARRIED

ELECTION OF OFFICERS

MEMBERS OF THE TRCA NATURAL SCIENCE AND EDUCATION COMMITTEE

Jack Heath nominated Xiao Han for the Board of Directors representative position on the Natural Science and Education Committee. Xiao Han indicated she would stand for office.

Maria Kelleher nominated Connie Tang for the Board of Directors representative position on the Natural Science and Education Committee. Connie Tang indicated she would stand for office.

RES.#A218/21 - MOTION TO CLOSE NOMINATIONS

Moved by: Kevin Ashe
Seconded by: Maria Kelleher

THAT nominations for the Board of Directors representative positions on the TRCA Natural Science and Education Committee be closed.

CARRIED

Xiao Han and Connie Tang were declared elected by acclamation as members of the TRCA Natural Science and Education Committee.

RES.#A219/21 - MOTION TO AMEND AGENDA

Moved by: Anthony Perruzza
Seconded by: James Pasternak

THAT the walk-on item 7.2. – a letter from Ms. Madeleine McDowell, Resident, in regard to items 9.4 – Update on Municipal Comprehensive Reviews and TRCA Input and item 10.3 – Section IV – Ontario Regulation 166/06, as amended, be added to the agenda for the November 19, 2021 Board of Directors meeting.

CARRIED

RES.#A220/21 - MINUTES

Moved by: Jennifer Drake
Seconded by: Joe DiPaola

THAT the Minutes of Meeting held on October 22, 2021, be approved.

CARRIED

CORRESPONDENCE

7.1. A letter dated October 18, 2021, from Ms. Michelle Pasqua, Director, Asset Management Branch, Ministry of Transportation, in regard to GTA West Highway and Transit Corridor Study - TRCA Request for Voluntary Project Review.

7.2. A letter dated November 18, 2021, from Ms. Madeleine McDowell, Resident, in regard to items 9.4 – Update on Municipal Comprehensive Reviews and TRCA Input and item 10.3 – Section IV – Ontario Regulation 166/06, as amended.

RES.#A221/21 - CORRESPONDENCE

Moved by: Paula Fletcher
Seconded by: Ronald Chopowick

THAT above-noted correspondence items 7.1 and 7.2 be received.

CARRIED

October 18, 2021

Beth Williston
Associate Director
Infrastructure Planning and Permits | Development and Engineering Services
100 Exchange Avenue
Vaughan, ON L4K 5R6
beth.williston@trca.ca

Dear Beth Williston:

**RE: GTA West Highway and Transit Corridor Study – Toronto and Region
Conservation Authority Request for Voluntary Project Review**

The Ontario Ministry of Transportation (MTO) is in Stage 2 of the GTA West Transportation Corridor Route Planning, Preliminary Design and Provincial Environmental Assessment (EA) Study. Building on the recommendations from Stage 1, the EA Study will complete the preliminary design for a new transportation corridor within the Route Planning Study Area. The new highway and transit corridor will include: a 400-series highway, transitway and potential goods movement priority features.

The GTA West Transportation Corridor is vital transportation infrastructure that will help meet the projected growth in both population and employment identified in the Growth Plan for the Greater Golden Horseshoe (2020), and will deliver multiple benefits including:

- Greater connectivity between urban growth centres,
- Enhanced people and goods movement,
- Improved commuting, and
- Greater economic vitality.

On May 3, 2021, the Federal Minister of Environment and Climate Change designated the GTA West Project under the Federal Impact Assessment Act. Following the designation, MTO has started to develop materials required for the planning phase of the Federal Impact Assessment (IA) process, including the preparation of an Initial Project Description (IPD).

At the March 26, 2021 meeting with the Toronto and Region Conservation Authority's (TRCA's) Board of Directors, where the GTA West Project Team attended and presented, a specific request was made for MTO to follow TRCA's Voluntary Project Review (VPR) process. MTO also received the May 7, 2021 Board of Directors' adopted Resolution #A41/21 further requesting MTO to enter into a VPR Agreement with TRCA. The purpose of this letter is to inform you that while MTO is exempt from obtaining permits under the Conservation Authorities Act, MTO has made the decision to follow the TRCA VPR process during Detail Design of the GTA West project as a pilot for MTO.

MTO would like to arrange a meeting with TRCA staff to further define the scope of the VPR process including details of a potential service level agreement (e.g. roles and responsibilities, costs, schedule, etc.).

MTO continues to value TRCA's input into this project and looks forward to further engaging with staff as the study progresses.

If you have specific questions or concerns, please do not hesitate to contact Hossein Hosseini at 437-771-5385 or hossein.hosseini@ontario.ca. Study information is available on the project website: www.gta-west.com.

Sincerely,



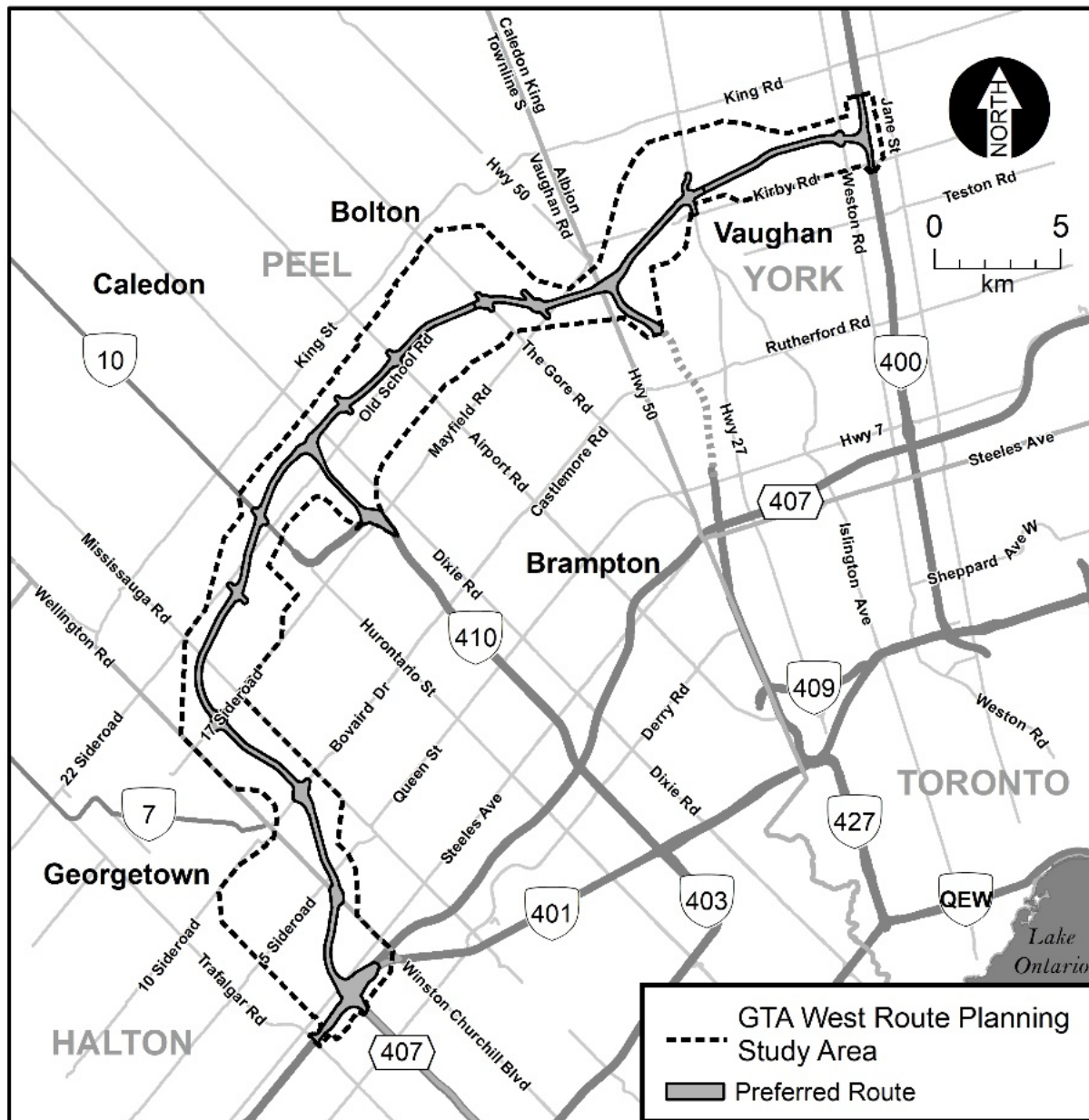
Michelle Pasqua

Director, Asset Management Branch

cc: Jakub Kilis, CVC Manager – Infrastructure and Regulations, jakub.kilis@cvc.ca
Suzanne Bevan, TRCA Senior Manager, suzanne.bevan@trca.ca
Steven McInnis, MTO Director Design and Engineering Branch,
steven.mcinnis@ontario.ca
Hossein Hosseini, MTO Project Manager, hossein.hosseini@ontario.ca
Chris Barber, MTO Senior Environmental Planner, chris.barber@ontario.ca
Keith Cherneski, MTO Senior Environmental Planner, Keith.Cherneski@ontario.ca
Mara Bullock, WSP Project Manager, Mara.Bullock@wsp.com
Britta Patkowski, AECOM Consultation and Engagement Lead,
britta.patkowski@aecom.com
Catherine Gentile, WSP Environment Lead, catherine.gentile@wsp.com

Encl. GTA West Route Planning Study Area Map with the Preferred Route Overlay

GTA West Route Planning Study Area with the Preferred Route Overlay



[REDACTED]
[REDACTED]
TRCA Board Meeting

Nov. 18, 2021

Dear Chair Innis and Members of the Board :

re. November 19th 2021 Agenda Items 9.4 and 10.1

I wish to express my very real concern that the cumulative effect of Municipal and Provincial infrastructure on the watersheds is inadequately accounted for, if at all, and is resulting in the diminution of rivers and streams, to the point of their becoming ephemeral and no longer source protected.

Water is our most precious resource and it upon which both carbon sequestration and life its self are dependant. Water vapour is one of the driving forces in Climate change along with other greenhouse gasses.

The incremental and persistent demands being made upon the natural environment by urbanization become self destructive. Our growing population must certainly be accommodated. The destruction of the natural environment in which that population is to be located must not happen. We are at a crucial moment in Planning, which requires the acknowledgement that Mitigation cannot surpass Conservation in importance.

Our remaining forests, wetlands, streams, landforms and topsoil are at the knife edge of survival for what remains within the Golden Horseshoe, including us.

What has prompted this letter is in part November 19, 2021 Agenda Item 9.4 but more majorly Item, 10.1 : a simple permit for placement/compaction of fill, grading and installation of servicing connections. Thirty years ago this site was a defended, protected headwaters for a small branch of a stream (Rainbow Creek) flowing into the Humber - remaining so even at the time of the Humber's Heritage River Designation in 1998/99. Various infrastructure developments have incrementally caused diminution of the source until the stream has become ephemeral and indefensible in court.

In the face of Settlement Area Boundary Expansion, and of major Highway development, I feel that I must express my above concern (which is also incremental)

Thank you for your kind attention,

[REDACTED]
Madeleine McDowell

Section I – Items for Board of Directors Action

RES.#A222/21 - 2022 APPOINTMENTS TO THE NATURAL SCIENCE AND EDUCATION COMMITTEE

Approval of appointments to the Natural Science and Education Committee (NSEC) until November 14, 2022.

Moved by: Linda Jackson
Seconded by: Connie Tang

WHEREAS at its Meeting held on February 26, 2021, Toronto and Region Conservation Authority's (TRCA) Board of Directors endorsed the Final Report and Recommendations of the Outdoor Education Task Force, including the establishment of a multi-stakeholder Natural Science and Education Committee (NSEC) as an advisory board of TRCA's Board of Directors;

AND WHEREAS at its Meeting held on May 28, 2021, TRCA's Board of Directors approved the establishment of NSEC as outlined in the Terms of Reference and directed TRCA staff to send a formal request for representation to member organizations;

THEREFORE, LET IT BE RESOLVED THAT the following members be appointed to NSEC until November 14, 2022, or until their successors are appointed;

School Board Trustees:

Mr. Stan Cameron, Peel District School Board
Mr. Nadeem Mahmood, York District School Board
Mr. Garry Tanuan, Toronto Catholic District School Board
Ms. Jennifer Wigston, York Catholic District School Board:
Ms. Manna Wong, Toronto District School Board

Youth Representatives:

Ms. Alissa Gallizzi
Mr. Sam Matrosov

THAT TRCA staff be delegated authority to process remaining member appointments upon their nomination as follows:

School Board Trustee Representatives:
Dufferin Peel Catholic District School Board
Durham District School Board
Durham Catholic District School Board

Up to 2 Ministry of Education Representatives;

Up to 2 Indigenous representatives with a Treaty right or historical affiliation to TRCA's jurisdiction;

AND FURTHER THAT the proposed update to the NSEC Terms of Reference be approved.
CARRIED

BACKGROUND AND RATIONALE

TRCA's Board of Directors, at its meeting held on May 28, 2021, adopted Resolution #A107/21 in part as follows:

THEREFORE, LET IT BE RESOLVED THAT the Natural Science and Education Committee be established as outlined in Attachment 1: Natural Science and Education Committee Terms of Reference;

THAT a formal request for representation on the Natural Science and Education Committee be made to member organizations, as per Attachment 1: Natural Science and Education Committee Terms of Reference;

AND FURTHER THAT staff report on proposed appointments to the Natural Science and Education Committee for Board of Directors approval at the October 22, 2021 Board of Directors meeting.

NSEC was established to study and make recommendations to the TRCA Board of Directors regarding improvements and future needs as it pertains to the provision, planning or access for students to out-of-classroom learning related to natural science, conservation and the environment in the Greater Toronto Area region.

In order to ensure representation from key public-sector stakeholders, membership is comprised of representatives from the following:

- (a) School Board Trustee from each of the area school boards (up to 10);
- (b) TRCA Board of Directors Member (up to 2);
- (c) Ministry of Education (up to 2);
- (d) Indigenous representatives with a Treaty right or historical affiliation to TRCA's jurisdiction (up to 2);
- (e) Youth representatives (up to 2) attending an educational institution in TRCA's jurisdiction.

TRCA staff sent formal requests for representation to the school boards in TRCA's jurisdiction and received appointments from Peel District School Board, York Region District School Board, Toronto Catholic District School Board, York Catholic District School Board, and Toronto District School Board. Staff recommend appointment of members of these Boards upon receiving nominations by their Boards of Trustees. The Dufferin Peel Catholic District School Board, Durham Catholic District School Board, and Durham District School Board were not able to provide nominations for appointment in time for this report. Staff are working with these school boards to secure an appointee to participate in the committee.

TRCA staff planned and implemented recruitment for two youth representatives, in accordance with TRCA's *Public Appointments* policy approved at the October 22, 2021 Board of Directors Meeting (RES.#A205/21). TRCA received great interest from youth attending education institutions in TRCA's jurisdiction. The Screening Committee, comprised of TRCA staff, reviewed all submitted applications based on the approved competency areas and formed a short list of candidates for interviews. Short-listed candidates were then interviewed by the Selection Committee, comprised of a member of the TRCA Board of Directors (Mr. Basudeb Mukherjee) and two TRCA staff members. After careful consideration, the Selection Committee has selected two youth representatives for Board of Directors approval.

To improve efficiency of the re-appointment process in the future, TRCA staff are working on

aligning membership term timelines with the municipal Term of Council timeline, which concludes on November 14, 2022. Therefore, in order to transition to a membership timeline that aligns with the municipal Term of Council, TRCA staff propose to appoint NSEC members to a 1 year term ending on November 14, 2022.

The updated NSEC Terms of Reference includes an addition of section 6.05, allowing the Clerk's Office to reduce quorum requirements by the number of vacant positions, if recruitment for any vacant positions is no longer feasible. This ensures the preservation of quorum and that valuable NSEC input regarding out-of-classroom learning continues to be provided to TRCA staff.

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 7 – Build partnerships and new business models

Strategy 5 – Foster sustainable citizenship

DETAILS OF WORK TO BE DONE

Staff will continue to work with the Dufferin Peel Catholic District School Board, Durham Catholic District School Board, and Durham District School Board to secure appointees to participate in the committee. Staff will contact Indigenous communities with a Treaty right or historical affiliation to TRCA's jurisdiction for the appointment of up to two (2) Indigenous representatives, as well as the Government of Ontario to appoint up to two (2) Ministry of Education representatives to the committee.

Following the one-year term ending on November 14, 2022, recruitment for the new four-year term will be conducted following the October 24, 2022 municipal elections in accordance with TRCA's *Public Appointments* policy.

Report prepared by: Daniel Ruberto, extension 6445

Emails: daniel.ruberto@trca.ca

For Information contact: Daniel Ruberto, extension 6445 , Darryl Gray, extension 5881

Emails: daniel.ruberto@trca.ca; darryl.gray@trca.ca

Date: November 4, 2021

Attachments: 2

Attachment 1: Revised Natural Science and Education Committee Terms of Reference
Attachment 2: NSEC Youth Representative Competency Areas and Select Applications (CONFIDENTIAL). * Note: The attachment will be circulated to Board Members separately, pursuant to subsection C.4.(2)(b) of TRCA's Board of Directors Administrative By-Law, as the subject matter pertains to personal matters about an identifiable individual.

Attachment 1: Toronto and Region Natural Science and Education
Committee Terms of Reference

**TORONTO AND REGION NATURAL SCIENCE AND EDUCATION COMMITTEE TERMS OF
REFERENCE**

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Attachment 1: Toronto and Region Natural Science and Education
Committee Terms of Reference

1. PURPOSE

- 1.01. To establish a multi-stakeholder committee as a subcommittee of the Board of Directors of TRCA to advise and coordinate the efficient implementation of recommendations from the Outdoor Education Task Force advisory board as it pertains to the provision, planning or access for students to out-of-classroom learning related to natural science, conservation, and environment in the Toronto region.
- 1.02. To meet the current and future needs of the student population in the Greater Toronto Area region as it pertains to out-of-classroom learning related to natural science, conservation, and the environment, and ensure equity of access to programs and services.

2. OBJECTIVES

- 2.01. Through working with TRCA and government, agency and community partners advance implementation of the recommendations of the Outdoor Education Task Force as endorsed by the TRCA Board of Directors (2021) by leveraging expertise, assets and capacity within the out-of-classroom learning system related to natural science, conservation, and environment, with a particular emphasis on deriving enhanced value from publicly-owned and managed facilities and programs through improved collaboration and integration:
 - (a) Establish Consistent Access and Curricular Standards Across TRCA and School Boards.
 - (b) Establish a Unified Performance Measurement System.
 - (c) Advance Shared-Ownership and Access Models That Enhance and Sustain an Overall Out-Of-Classroom Learning System.
 - (d) Develop a Long-Term Equitable Access Financial Plan.

3. AUTHORITY

- 3.01. To study and make recommendations to the Board of Directors of TRCA regarding recommendations to TRCA and government and agency partners on improvements and future needs as it pertains to the provision, planning or access for students to out-of-classroom learning related to natural science, conservation and the environment in the Greater Toronto Area region.
- 3.02. The work of the Subcommittee of the Board is to meet needs located wholly or partially within the school boards of TRCA's participating municipalities.

4. MEMBERSHIP AND ELECTIONS

- 4.01. Membership to consist of:
 - (a) School Board Trustee from each of the area school boards (up to 10);
 - (b) TRCA Board of Directors Member (up to 2);

Attachment 1: Toronto and Region Natural Science and Education
Committee Terms of Reference

- (c) Ministry of Education (up to 2);
- (d) Indigenous representatives with a Treaty right or historical affiliation to TRCA's jurisdiction (up to 2);
- (e) Youth representatives (up to 2) attending an educational institution in TRCA's jurisdiction.

Membership for School Board Trustees will be based on proportional membership from School Boards in TRCA's jurisdiction. The Minister of Education will be formally requested by the TRCA Chair to designate two senior officials (one at a minimum Director level) within the Ministry of Education. Membership for Youth representatives will be advertised on TRCA's website and announced to TRCA's existing Youth Council that is part of the Regional Watershed Alliance subcommittee of the TRCA Board of Directors. Membership recommendations for Indigenous representatives will be requested by the TRCA Chair to the Chief of Indigenous communities with a Treaty Right or historical affiliation to TRCA's jurisdiction.

- 4.02. Committee members will be appointed for a four-year term aligned with municipal and school board Terms of Council or until their successors are appointed.
- 4.03. The Chair and Vice-Chair for this subcommittee of the Board of Directors will be elected from amongst its Members for the term of the Committee at the inaugural meeting of the term. The Board of Directors may appoint an interim Chair until such time as an election can take place. The election procedures and procedural matters used for this election and in the administration of the subcommittee will be that outlined in the Board of Directors Administration By-law.

5. ROLES AND RESPONSIBILITIES

- 5.01. The **Chair** is responsible for:
 - (a) Presiding over Committee meetings, setting the agenda and generally ensuring the effectiveness of meetings;
 - (b) Calling special meetings, as required;
 - (c) In the absence of the Chair, the Vice-Chair will perform the above functions;
 - (d) In the absence of the Chair and Vice-Chair, Members shall appoint an Acting Chair who, for the purposes of that meeting has all the powers and shall perform all the duties of the Chair.
- 5.02. **Committee Members** are responsible for:
 - (a) Working collaboratively to study and develop recommendations related to the mandate;
 - (b) Represent their school board or organization;
 - (c) Represent the interest of TRCA and/or those of their participating municipality, when representing TRCA's Board of Directors;
 - (d) Attending Committee meetings as required;
 - (e) Acting as a resource to TRCA, TRCA's municipal partners and the Toronto and Region Conservation Foundation by providing advice on matters of community interest;

Attachment 1: Toronto and Region Natural Science and Education
Committee Terms of Reference

- (f) Collaborating with other conservation authorities and lower tier municipalities on opportunities that transcend TRCA jurisdictional boundaries;
- (g) Maximizing the collective impact of the Committee through resource and data sharing, measuring, and reporting on regional priorities;
- (h) Reporting to the Board of Directors on a regular basis.

5.03. **TRCA's Director, Education and Training** is responsible for providing general support in regards to the activities and actions of the Committee and setting agenda for the meetings.

5.04. **TRCA's Clerk's Office** is responsible for acting in a Committee Clerk capacity, arranging meeting logistics, preparing the agenda, maintaining meeting minutes, tracking and delegating action items.

6. GOVERNANCE

6.01. The Committee is an advisory board of the Board of Directors and as such does not have decision-making power but shall make recommendations to the Board of Directors.

6.02. The Committee may establish subcommittees/working groups or standing committees as needed.

6.03. The Committee shall meet at minimum three times per year or more frequently as required. Members are required to attend all meetings of the Committee.

6.04. A quorum will consist of one-third of appointed Members. If there is no quorum within one half hour after the time appointed for the meeting, the Chair for the meeting shall declare the meeting adjourned due to a lack of a quorum, or shall recess until quorum arrives, and the Clerk shall record the names of the Members present and absent. If during a meeting a quorum is lost, then the Chair shall declare that the meeting shall stand recessed or adjourned, until the date of the next regular meeting or other meeting called in accordance with the provisions of the Board of Directors Administrative By-law. Agenda items may be covered and presented, and issues discussed, but no formal recommendation may be made by the remaining Members which do not constitute a quorum.

6.05. Should a member resign or be removed from the Committee, quorum provisions, until the vacancy is filled, will be reduced by the number of vacant positions, as determined by the Clerk.

6.06. At official Committee meetings, Members will be eligible for travel expenses according to Board of Directors Administrative By-Law, where these are not covered by their agency or other source. Members shall not receive a per diem or honorarium for attendance at meetings and functions.

Attachment 1: Toronto and Region Natural Science and Education
Committee Terms of Reference

- 6.07. If any part of the Terms of Reference conflicts with any provisions of the Board of Directors Administrative By-Law, the *Municipal Conflict of Interest Act* or the *Municipal Freedom of Information and Protection of Privacy Act* or a provision of a Regulation made under one of those Acts, the provision of that Act, Regulation, or By-Law prevails.
- 6.08. In all matters of procedure not specifically dealt with under the Terms of Reference, Board of Directors Administrative By-Law shall be binding.

7. REPORTING

- 7.01. The Committee is considered an advisory board of TRCA and shall make recommendations and report to the Board of Directors.
- 7.02. The minutes of the Committee will be received by the Board of Directors.
- 7.03. Each member shall report back to their appointing agency as required.

8. DEFINITIONS

None.

9. ADMINISTRATION

| | | | |
|-------------------------|--|--------------------------|--------------|
| Review Schedule: | 5 Years | Next Review Date: | May 28, 2026 |
| Revision History | | | |
| Version Number | Approval Authority and Date | | |
| 1 | Approved by Board of Directors, May 28, 2021 | | |

RES.#A223/21 -

APPOINTMENT OF OFFICER AND DESIGNATION AS PROVINCIAL OFFENCES OFFICER

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

- i) Enforcing Regulations of the Toronto and Region Conservation Authority pursuant to Section 28 and 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

Moved by: Linda Jackson
Seconded by: Connie Tang

THAT Nolan Patterson be appointed as an Officer and Provincial Offences Officer for the purposes of compliance and enforcement of Section 28 and 29 of the *Conservation Authorities Act*, R.R.O. 1990, and the *Trespass to Property Act*, by the Board of Directors of the Toronto and Region Conservation Authority (TRCA), pursuant to Section 28(1)(d) of the *Conservation Authorities Act*.

CARRIED

BACKGROUND

The *Conservation Authorities Act* provides for a conservation authority to appoint officers to enforce its regulations. Furthermore, the Minister of Northern Development, Mines, 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

Resulting from a resignation in early September 2021, the Enforcement and Compliance business unit has experienced a vacant Enforcement Officer position. Following a successful recruitment process, Nolan Patterson was selected as the successful candidate to join this team. Nolan has been employed with TRCA's Conservation Parks and Lands Division for the past 14 years. He has successfully completed the Conservation Ontario Level 1 Officer training course and previously been appointed as a Provincial Offences Officer under Section 29 of the CA Act to assist with his former role within our Conservation Parks. This appointment will enable

Nolan to assist with the regulatory requirements and compliance objectives of TRCA under Section 28 of the CA Act and will reaffirm his appointment under Section 29 of the Act.

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

This position will fill an existing vacancy within the Enforcement and Compliance business unit. There are no additional expenses to the Enforcement and Compliance within TRCA's 2021 Operating Budget for this position.

DETAILS OF WORK TO BE DONE

Nolan has completed the first part of his training to become Certified Inspector of Sediment and Erosion Control (Can-CISEC) and will require in-field training relevant to this position.

Report prepared by: Brian Moyle, extension 5229

Emails: brian.moyle@trca.ca

For Information contact: Brian Moyle, extension 5229

Emails: brian.moyle@trca.ca

Date: November 9, 2021

Attachments: 2

Attachment 1: Background Information

Attachment 2: TRCA Staff Appointments as Officers and Provincial Offences Officers

Background Information

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 hazards/natural features permitting 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 and Policy Planning Divisions (Directors, 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 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 (7) full time appointed Enforcement Officers with one appointment pending
- Nine (12) appointed Provincial Offences Officer within our Conservation Parks

TRCA Staff Appointments as Officers and Provincial Offences Officers:

1. Enforcement Officers – Policy Planning Division:

Brian Moyle, Manager, Enforcement and Compliance
Paul Nowak, Enforcement Officer
Michael Brestansky, Enforcement Officer
Christopher Cummings, Enforcement Officer
Julia Pinder, Enforcement Officer
Emily Lacroix, Enforcement Officer
Griffin DeGuzman, Enforcement Officer

2. Provincial Offences Officers – Conservation Parks and Lands Division:

Doug Miller, Senior Manager, Conservation Parks
Sven Pittelkow, 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
Margaret Milner, Lead Hand, Indian Line Campground
Dean Ross, Lead Hand, Heart Lake CA and Glen Haffy CA
Kevin Laporte, Lead Hand, Petticoat Creek CA

3. Pending Appointment – Enforcement and Compliance:

Nolan Patterson, Enforcement Officer

RES.#A224/21 -

UPDATE ON MEMORANDUMS OF UNDERSTANDING AND SERVICE LEVEL AGREEMENTS WITH MUNICIPALITIES AND REQUESTED BOARD APPROVAL OF TRANSITION PLAN AS REQUIRED UNDER THE CONSERVATION AUTHORITIES ACT PHASE 1 REGULATIONS

To provide an update to the Board of Directors on work underway to update and achieve Memorandums of Understanding (MOUs) and Service Level Agreements (SLAs) with partner municipalities in the context of the updated *Conservation Authorities Act* (CA Act) and relevant regulations and to obtain Board approval of the Transition Plan required under O.reg. 687/21 under the Conservation Authorities Act.

Moved by: Linda Jackson
Seconded by: Connie Tang

THAT this progress report be received;

THAT the Board of Directors approve the attached Transition Plan, as required by O.Reg. 687/21: *Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act*;

THAT staff continue to report back to the Board of Directors on the progress of Memorandum of Understanding and Service Level Agreements;

AND FURTHER THAT the Clerk's Office circulate this report to TRCA's municipal partners and the Ministry of Environment, Conservation and Parks, in fulfillment of requirements associated with the development of a Transition Plan, and that this report also be circulated to Conservation Ontario, neighbouring conservation authorities, the Ministry of Northern Development, Mines, Natural Resources and Forestry, and Ministry of Municipal Affairs and Housing.

CARRIED

BACKGROUND

Since 2015, the *Conservation Authorities Act* (CA Act) has been amended several times in order to introduce measures that provide further clarity and transparency surrounding the various types of programs and services that conservation authorities provide to, and on behalf of, municipalities. These amendments were undertaken through the *Building Better Communities and Conserving Watersheds Act*, 2017 (Bill 139), the *More Homes, More Choice Act* (Bill 108), 2019, and the *Protect, Support and Recover from COVID-19 Act (Budget Measures)*, 2020 (Bill 229). As a result of these amendments to the CA Act, conservation authorities will need to execute Memorandums of Understanding (MOUs) and Service Level Agreements (SLAs) with partner municipalities to deliver services deemed to be municipal (non-mandatory). Background on the resulting CA Act amendments and implications for the provision of municipal (non-mandatory) services to partner municipalities, as well as a full description of related Board resolutions directing TRCA staff to undertake discussions with municipal partners to develop and execute MOUs and SLAs, was presented at the Board of Directors February 26, 2021 meeting (RES.#A26/21). The most recent update on MOU and SLA discussions with municipalities was received by the Board of Directors at the June 24, 2021 meeting (RES.#A143/21).

TRCA staff also continues to participate in the Province's Conservation Authorities Working Group (CAWG), announced December 16, 2020. TRCA has representation on the Working Group, with additional representation from other conservation authorities (CAs), Conservation Ontario, the Association of Municipalities of Ontario, and municipal, development and agriculture sectors.

Subsequent to the Ministry of Environment, Conservation and Parks (MECP) posting a document, entitled a "Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities" ("the Consultation Guide") on the [Environmental Registry of Ontario](#) on May 13, 2021, MECP released finalized Phase 1 regulations on October 1, 2021. The regulations are as follows:

- [O.Reg. 686/21: Mandatory Programs and Services](#)
- [O.Reg. 687/21: Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act](#)
- [O.Reg. 688/21: Rules of Conduct in Conservation Areas](#)

TRCA staff provided a detailed analysis of the new regulations in the report Finalized Phase 1 Regulations Under the Conservation Authorities Act, Environmental Registry of Ontario Posting (ERO #019-2986) (Item #8.5), at the Board of Directors meeting held on October 22, 2021.

TRCA continues to participate in the Province's Conservation Authorities Working Group as the Province develops Phase 2 of the CA Act regulations, which will focus on municipal levy, budget process and provincial policy for the charging of CA fees.

RATIONALE

The newly finalized CA Act regulations set out several details that are relevant to MOUs and SLAs with municipal partners. *O.Reg. 686/21: Mandatory Programs and Services* confirms the CA services that are considered mandatory, thus providing greater certainty for municipalities in understanding which CA services are non-mandatory and, if desired by the municipality, must be encompassed within an agreement.

Requirements for MOUs and SLAs

O.Reg 687/21: Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act lays out timelines and requirements for the MOU process. Required timelines include the following:

- The development of a Transition Plan, which includes a timeline for the CA to meet the requirements for the first and second phases of the transition period (see below). The Transition Plan must be sent to all participating municipalities in the CA's area of jurisdiction and to MECP by **December 31, 2021**. The Transition Plan must also be published on the CA's website or be made available to the public by such other means as the CA considers advisable.
- The first phase of the transition period, which includes preparing an inventory of CA programs and services and circulating the inventory to all participating municipalities in the CA's area of jurisdiction, as well as any other municipality that the CA has entered into, or intends to enter into, an agreement with. The first phase of the transition period must be completed by **February 28, 2021** but changes can be made to the inventory after that date in response to municipal feedback. The inventory must include:
 - Costs associated with delivering the listed programs and services;
 - A classification of the programs and services according to which category they

- fall under (Category 1 – mandatory programs and services provided under section 21.1 of the Act; Category 2 – municipal programs and services provided under section 21.1.1 of the Act; and Category 3 – other programs and services provided under section 21.1.2 of the Act that the authority has determined to be advisable to further the purpose of the Act);
 - An explanation of the rationale for categorizing programs and services as Category 1;
 - Identification of the municipalities on behalf of which Category 2 programs and services are provided and the date on which agreements were entered for those services;
 - The funding sources for Category 3 programs and services currently being delivered and whether agreements will be entered with municipalities after the transition date in order to continue delivering those programs and services.
- The second phase of the transition period includes CA consultation with municipalities on the inventory outlined above, CAs taking the necessary steps to enter into MOUs and SLAs with municipalities, and the submission of six progress reports to MECP on specified dates providing an update on the MOU development process and associated discussions with partner municipalities. Requirements for the agreement themselves, including term length and other conditions, are also outlined. The deadline for completion of the second phase of the transition period, which includes the execution of MOUs and SLAs with partner municipalities for Category 2 and Category 3 programs and services, is **January 1, 2024**.

For further details on the requirements above, please see [O.Reg. 687/21: Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act](#).

Staff have completed the Transition Plan in advance of the Province's December 31, 2021 deadline and have included it for the review, comment and approval of the Board of Directors (**Attachment 1**). The Transition Plan may be updated pending feedback from MECP or the Board of Directors.

As TRCA has already developed a draft template MOU, SLA and Letter Agreement, and as TRCA staff currently provides quarterly reports to the Board of Directors on progress on developing agreements with partner municipalities, it is anticipated that TRCA will meet or exceed the requirements laid out by the Province. Staff have also completed a preliminary review of TRCA Service Areas and Program Areas based on previous CA Act amendments and the Consultation Guide in order to identify which services fall within different mandatory and non-mandatory categories. Staff will continue to review these Service Areas and Program Areas based on the information in the newly released CA Act regulations in compliance with the requirements laid out under the first phase of the transition period.

Developing and Executing MOUs and SLAs with Partner Municipalities

Staff continue to undertake discussions with partner municipalities on TRCA's service areas and program areas (**Attachment 2**) as part of the development of MOUs and SLAs. The release of the Phase 1 CA Act regulations provides additional clarity and certainty for municipalities to enter into MOUs and SLAs with TRCA. It is possible that municipalities that are currently levied for TRCA services (i.e. City of Toronto and the Regional municipalities of Peel, York and Durham) may wish to wait for the Phase 2 levy regulations prior to entering into overarching agreements with CAs. TRCA is hopeful that we will be able to maintain our current funding mechanisms for the existing programs and services that we provide these partner municipalities. Through the Phase 2 regulation development process, we are actively working

with the Province through the CAWG and through direct discussions with MECP staff to allow our current levying practices, which align to the municipal budgeting process, to continue, rather than introduce unnecessary complexities for a process that is working well for all parties.

Local municipalities, which are not levied for CA services and instead receive them through the corresponding Regional government, or on a fee-for-service basis, can and should enter into MOUs and SLAs with TRCA based on the following rationale:

- Where a local municipality wishes to procure TRCA to deliver fee for service work, an established MOU and SLA will allow for a more streamlined procurement and agreement process;
- The process of developing and executing MOUs and SLAs with partner municipalities provides a forum for TRCA to understand the needs of each municipality now and into the future, as well as helping partner municipalities understand the breadth of TRCA services;
- Where needed, TRCA can offer services that a municipality may not have in-house;
- Many municipalities have procurement by-laws or policies that allow them to procure services from CAs or non-profit organizations, such as TRCA;
- Having an overarching MOU and SLA(s) to cover most fee for service work between TRCA and a municipality allows for greater transparency and administrative ease for both organizations.

Since the last update to the Board of Directors on the MOU-SLA process (September 24, 2021 meeting), discussions with many partner municipalities have continued to progress (**Attachment 3**). This progress includes the following:

- Many municipal staff have expressed an interest in better understanding the newly released regulations. As such, TRCA staff are setting up meetings with many partner municipalities to share information and implications.
- Discussions on MOUs and SLAs have progressed to a more detailed stage with many municipalities. Detailed discussions include developing a municipality-specific process for developing and executing MOUs and SLAs, municipal staff review and discussion of TRCA's list of services, considering which services they currently utilize or might utilize, and municipal staff utilizing the template MOU and SLA drafted by TRCA in the development of MOUs and SLAs for execution. This may also include municipal staff review of the template or adapted MOU and SLA with their legal counsel and/or conferring with their procurement/purchasing staff to understand any limitations and whether amendments may be required to current municipal procurement mechanisms.
- Where relevant, staff have undertaken some joint meetings with municipal staff and neighbouring conservation authorities in order to better coordinate the development of MOUs and SLAs to ensure consistent services across a municipal jurisdiction.

While the new regulations have set out a deadline of January 1, 2024 for the execution of agreements with participating municipalities, TRCA continue to recommend that partner municipalities work with TRCA to develop and execute MOUs and SLAs for Q1/Q2 2022. This is due to the benefits of entering into these agreements, outlined above, as well as the fact that TRCA and municipal staff have already worked with many partner municipalities to develop advanced drafts of MOUs and SLAs that can be finalized based on the newly released regulations.

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 7 – Build partnerships and new business models

FINANCIAL DETAILS

There is no immediate financial impact due to carrying out the recommendations above. The process of undertaking agreements with municipalities related to non-mandatory municipal programs and services provided by TRCA under the amended *Conservation Authorities Act*, as well as with other external organizations, is expected to have positive financial impacts for TRCA based on the interest from most municipalities in providing funding and or jointly seeking funding for a selection of TRCA service areas that support areas of need for the municipalities in question and shared municipal and TRCA interests.

Report prepared by: Nancy Gaffney, extension 5313, Victoria Kramkowski, extension 5707

Emails: Nancy.Gaffney@trca.ca, Victoria.Kramkowski@trca.ca,

For Information contact: Nancy Gaffney, extension 5313, Victoria Kramkowski, extension 5707

Emails: Nancy.Gaffney@trca.ca, Victoria.Kramkowski@trca.ca

Attachments: 3

Attachment 1: Draft Transition Plan

Attachment 2: TRCA Service Areas

Attachment 3: Municipal MOU/SLA Status Progress Table

Toronto and Region Conservation Authority
Memorandum of Understanding and Service Level Transition Plan
November 2021

Purpose

Toronto and Region Conservation Authority's (TRCA) Memorandum of Understanding (MOU) and Service Level Agreement (SLA) Transition Plan sets out the process and timelines through which TRCA is developing and executing MOUs and SLAs with participating municipalities in order to fund any Service Areas, Program Areas and/or initiatives that are not deemed to be mandatory core services in the *Conservation Authorities Act* and associated regulations.

TRCA's participating municipalities include one single tier and three upper tier/regional municipalities which fund TRCA programs and services through levy and an existing budget process (see below). TRCA is also undertaking the process of developing MOUs and SLAs with lower tier municipalities within our jurisdiction for streamlining and transparency purposes but recognizes that the requirements under the *Conservation Authorities Act* and associated regulations applies to participating municipalities

Partner Municipalities within TRCA's Jurisdiction

Single Tier and Regional Municipalities/Participating Municipalities:

City of Toronto
Regional Municipality of Durham
Regional Municipality of Peel
Regional Municipality of York
Township of Adjala-Tosorontio
Town of Mono

Lower Tier Municipalities:

City of Ajax
Town of Aurora
City of Brampton
Town of Caledon
King Township
City of Markham
City of Mississauga
Town of Mono
City of Pickering
City of Richmond Hill
Township of Uxbridge
City of Vaughan
Town of Whitchurch-Stouffville

Workplan, Steps Required, Timelines, and Status:

The following workplan lays out steps taken by TRCA to date, as well as the remaining steps required and associated timelines to develop and enter into agreements with partner municipalities for non-mandatory programs and services at the request of a municipality with municipal funding through a MOU and non-mandatory programs and services an authority determines are advisable.

| Action | Status | Timelines | Details |
|---|--|---|--|
| Obtain TRCA Board of Directors approval to commence discussions and execute MOUs and SLAs with partner municipalities | Completed | Completed September 2020 | Board approval obtained to commence discussions with municipalities in June 2019 (Resolution #A121/19). Overarching Board approval obtained to execute MOUs and SLAs in September 2020 (Resolution #136/20) |
| Commence discussions with partner municipalities to develop MOUs | Ongoing | June 2019 – MOU completion | See “Consultation Process with Municipalities” section below for further details |
| Review municipal procurement policies and by-laws within TRCA jurisdiction to identify necessary amendments, if required | Completed | Completed September 2020 | Staff identified which municipal procurement policies and by-laws allow for single- or sole-sourcing TRCA services, dependent on the context. TRCA will work with municipalities to amend procurement mechanism, if needed, to allow for implementation of MOUs and SLAs |
| Develop required resources to facilitate and support MOU discussions with municipalities | Completed. Resources to be updated as required | Majority of resources completed September 2020. Letter Agreement template completed September 2021. Resources to be updated as required | Completed and approved by Board of Directors September 2020 (See Board Resolution #A136/20 for approval and for examples of resources developed). Resources are updated as required and are intended as a starting point for discussions with municipalities. Resources developed include: <ul style="list-style-type: none"> Detailed list of TRCA service areas and program areas Template MOU Template SLA Template Letter Agreement (Letter Agreement template completed September 2021 – Board Resolution #A177/21) Template Council report for municipal partners |

| | | | |
|---|---|---|---|
| | | | <ul style="list-style-type: none"> MOU/SLA Dashboard to show progress |
| Report regularly on progress on developing and executing MOUs and SLAs with partner municipalities | Ongoing, taking place approximately quarterly | <p>Ongoing, to take place quarterly and ensuring that progress reports align with the following required progress report submission dates set out by the Province:</p> <ul style="list-style-type: none"> July 1, 2022 October 1, 2022 January 1, 2023 April 1, 2023 July 1, 2023 October 1, 2023 | <p>To date, staff have reported publicly to the TRCA Board of Directors on progress made on MOUs and SLAs with partner municipalities on the following dates:</p> <ul style="list-style-type: none"> January 24, 2020 (Resolution #A237/19) April 24, 2020 (Resolution #A31/20) September 25, 2020 (Resolution #A136/20) February 26, 2021 (Resolution #A1/21) June 24, 2021 (Resolution #A143/21) September 24, 2021 (Resolution #A177/21) |
| Develop Transition Plan | Ongoing | <p>Development of Transition Plan: August 2021 – November 2021</p> <p>Planned Board endorsement of MOU Transition Plan: November 2021</p> <p>Submission of Transition Plan to Ministry of Environment, Conservation and Parks and partner municipalities: November/December 2021</p> | Transition Plan to be posted on website or otherwise made publicly available, as required. |
| First Phase of Transition Period | Preliminary assessment and categorization of programs and services completed. | Categorized inventory and associated information and rationale for categorization to be shared with MECP and partner | Categorization of programs and services, and associated rationale to be adjusted, if needed, following partner municipality feedback. |

| | | | |
|--|---|--|---|
| | Categorization of programs and services, and financing information, based on regulations ongoing. | municipalities: February 28, 2022 | |
| Second Phase of Transition Period | MOU development: Ongoing Consultation discussions on categorized inventory: forthcoming | Discussions with partner municipalities on MOU development: Ongoing until MOU execution, with deadline of January 1, 2024 Consultation discussions with partner municipalities on categorized inventory: January – May 2022 | See “Consultation Process with Municipalities” section below for further details on discussions being undertaken with partner municipalities in order to develop and execute MOUs and SLAs. |
| Municipal Council approval and execution of MOUs and SLAs | Ongoing | Target of January – June 2022, with all agreements to be approved and executed by December 31, 2023. | N/A |

Consultation Process with Municipalities

TRCA works closely with the partner municipalities within our jurisdiction to support and fulfill municipal needs, as well as leverage TRCA expertise to move forward municipal priorities. In addition to the consultations laid out below related to the development and execution of MOUs and SLAs for non-mandatory services, TRCA continues to collaborate and work with partner municipalities on individual projects, programs and properties, as well as at a strategic leadership level in order to identify opportunities, alignments and priorities.

This table lays out both the consultation process being undertaken by TRCA on the inventory of services and their classification, as well as for the overall development and execution of MOUs and SLAs.

| Action | Status | Timelines | Details |
|---|---------|---|--|
| Discussions with municipalities on MOUs *Refer to Municipal MOU/SLA Status Table below for details on milestones reached with individual municipalities | Ongoing | Discussions with interested municipalities began June 2019 Target completion date: January – June 2022, with MOUs and SLAs to be executed by December 31, 2023 | TRCA staff commenced discussions with partner municipalities beginning in June 2019. Discussions remain ongoing and include the following items: <ul style="list-style-type: none"> • Outlining purpose of developing MOUs and SLAs for non-mandatory services, including both legislative and regulatory context, as well as transparency and streamlining benefits • Outlining services provided by TRCA, including services currently provided to the municipality • Content and structure of proposed agreements • Municipal procurement policies and any amendments necessary • Identify services and programs required by each partner municipality, both current and projected, as well as approximate timelines • Ensure that discussions include all relevant |

| | | | |
|--|-----------|----------------------|--|
| | | | municipal staff and divisions, including legal and procurement staff when necessary. |
| Communication with municipalities on Regulatory Proposal Consultation Guide | Completed | May – June 2021 | <p>TRCA reached out to the Councils, leadership and staff of partner municipalities to advise them of the Province's release of the Regulatory Proposal Consultation Guide, including proposed timelines, identification of mandatory CA services, and other proposed requirements.</p> <p>TRCA reached out both on a staff-to-staff level, as well as by circulating the TRCA Board of Directors Report "TRCA Draft Comments to Environmental Registry of Ontario Posting (ERO #019-2986) – Regulatory Proposals (Phase 1) Under the Conservation Authorities Act", to partner municipalities by way of Board resolution (Resolution #A142/21 from June 25, 2021)</p> |
| Communication with municipalities on requirements set out in finalized CA Act regulations | Ongoing | October 2021 onwards | <p>TRCA reached out to the Councils, leadership and staff of partner municipalities to advise them of the Province's release of the finalized CA Act regulations and associated requirements and timelines.</p> <p>TRCA has reached out through a variety of channels including:</p> <ul style="list-style-type: none"> • Correspondence from TRCA leadership to municipal leadership • Board report brought to October 22, 2021 Board meeting on CA Act Phase 1 regulations (Item 8.5, Finalized Phase 1 Regulations Under the Conservation |

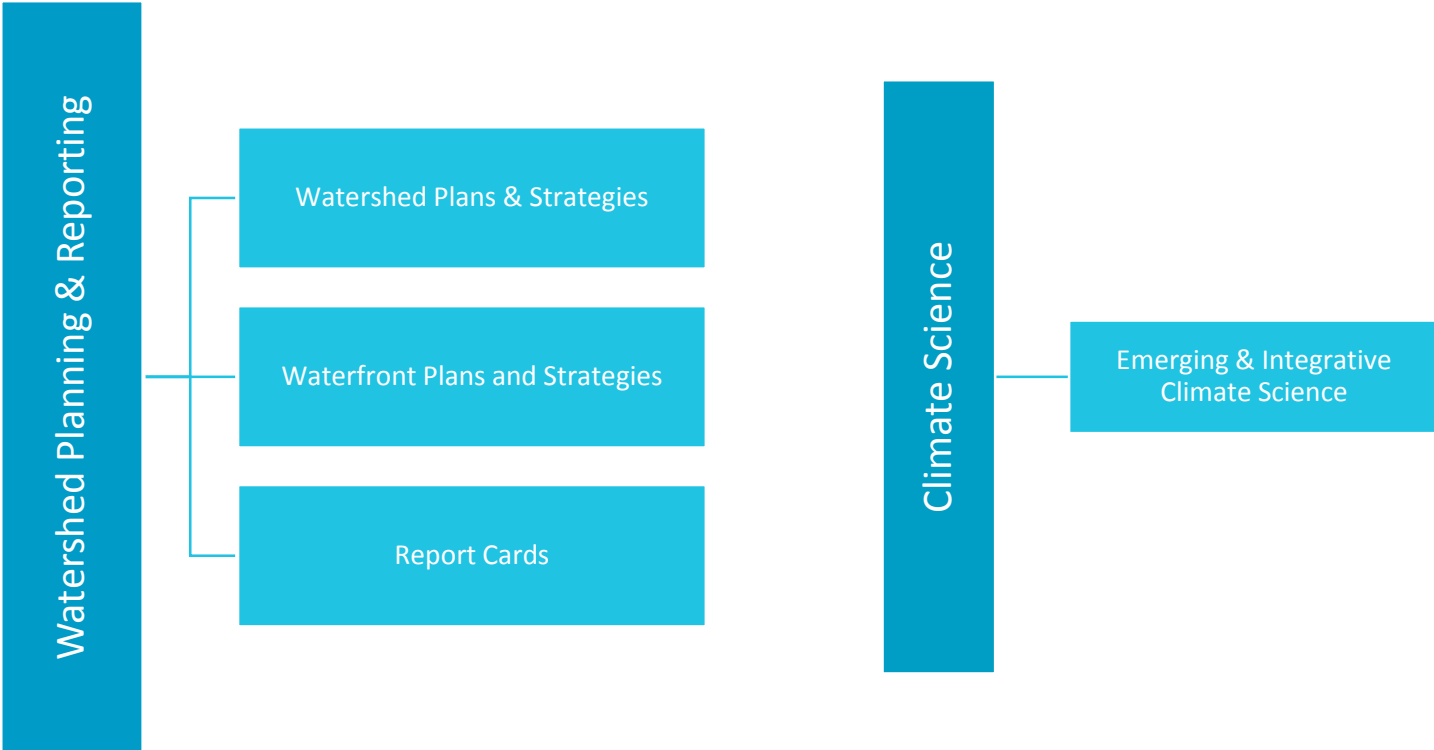
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|---|--|--|---|
| | | | <p>Authorities Act, Environmental Registry of Ontario Posting (ERO #019-2986)), to be shared both publicly and through correspondence to municipal partners</p> <ul style="list-style-type: none"> • Staff-to-staff communications, workshops, and discussions |
| Consultation with municipalities on TRCA inventory of services | Forthcoming | Consultation with municipalities on finalized inventory of services and classification, based on finalized regulations: January – May 2022 | TRCA will reach out to single-tier (City of Toronto), regional and local municipalities within our jurisdiction. Priority for this phase on consultation will be on single-tier and regional municipalities. |
| Communication with Municipal Councils | <p>Updates on MOU development: Ongoing</p> <p>Council approval of MOUs and SLAs: forthcoming</p> | <p>Providing update on MOU development to Councils: Provided quarterly through circulated Board reports</p> <p>Transition Plan circulation: December 2021, through circulation of associated Board report</p> <p>Council approval of MOUs and SLAs: Q4 2021 – Q4 2023, with target of Q1/Q2 2022</p> | TRCA staff will work closely with municipal staff to coordinate any needed information for Council, both in response to Councillor requests, as well as for reports associated with bringing MOUs and SLAs to Council for approval |

Service Area 1

Watershed Studies and Strategies

Main program areas include reporting on the health of TRCA watersheds and Lake Ontario waterfront, analysis of the impacts of urban growth and climate change effects, and the development of strategies to maintain and improve watershed and waterfront health.

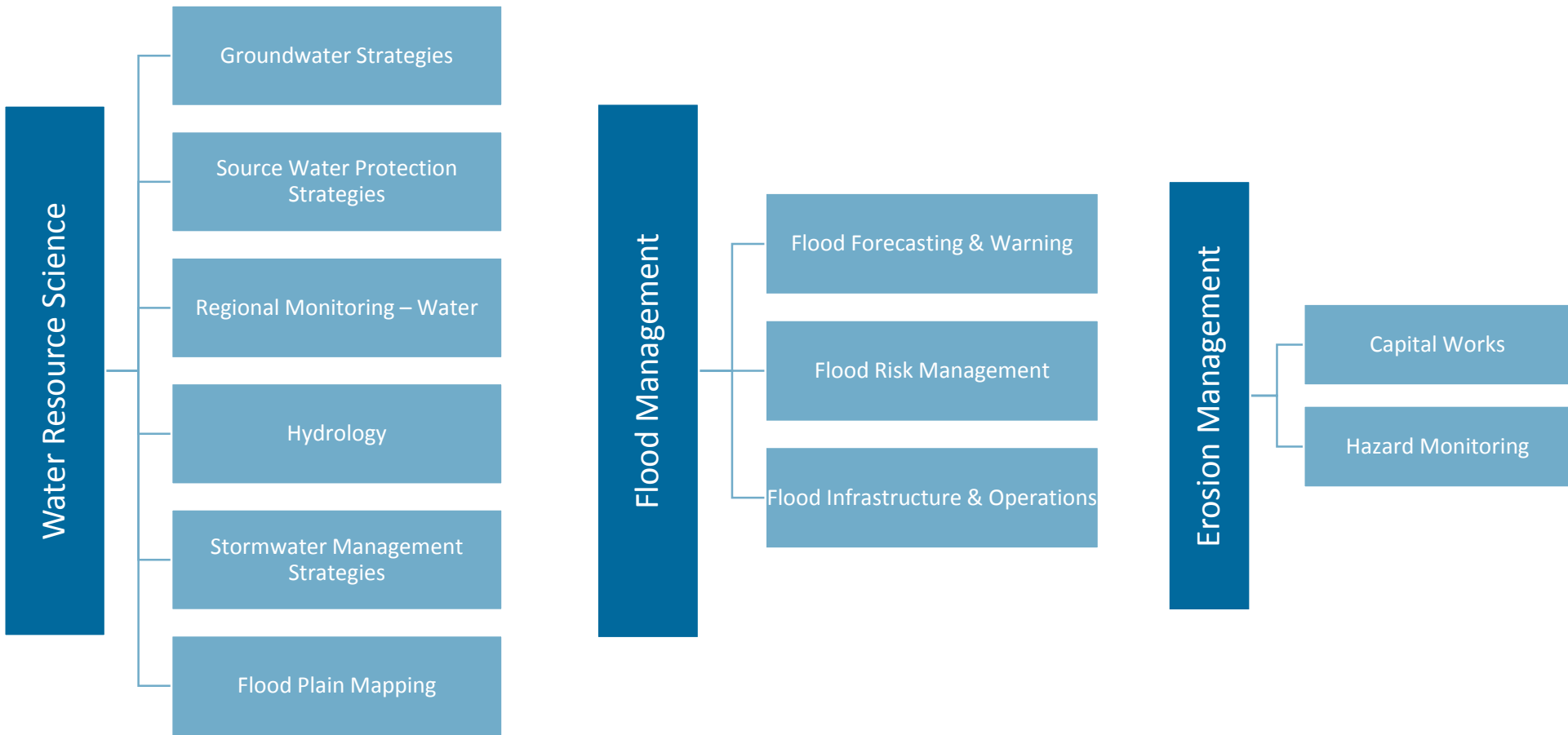
Attachment 2: TRCA Service Areas



Service Area 2

Water Risk Management

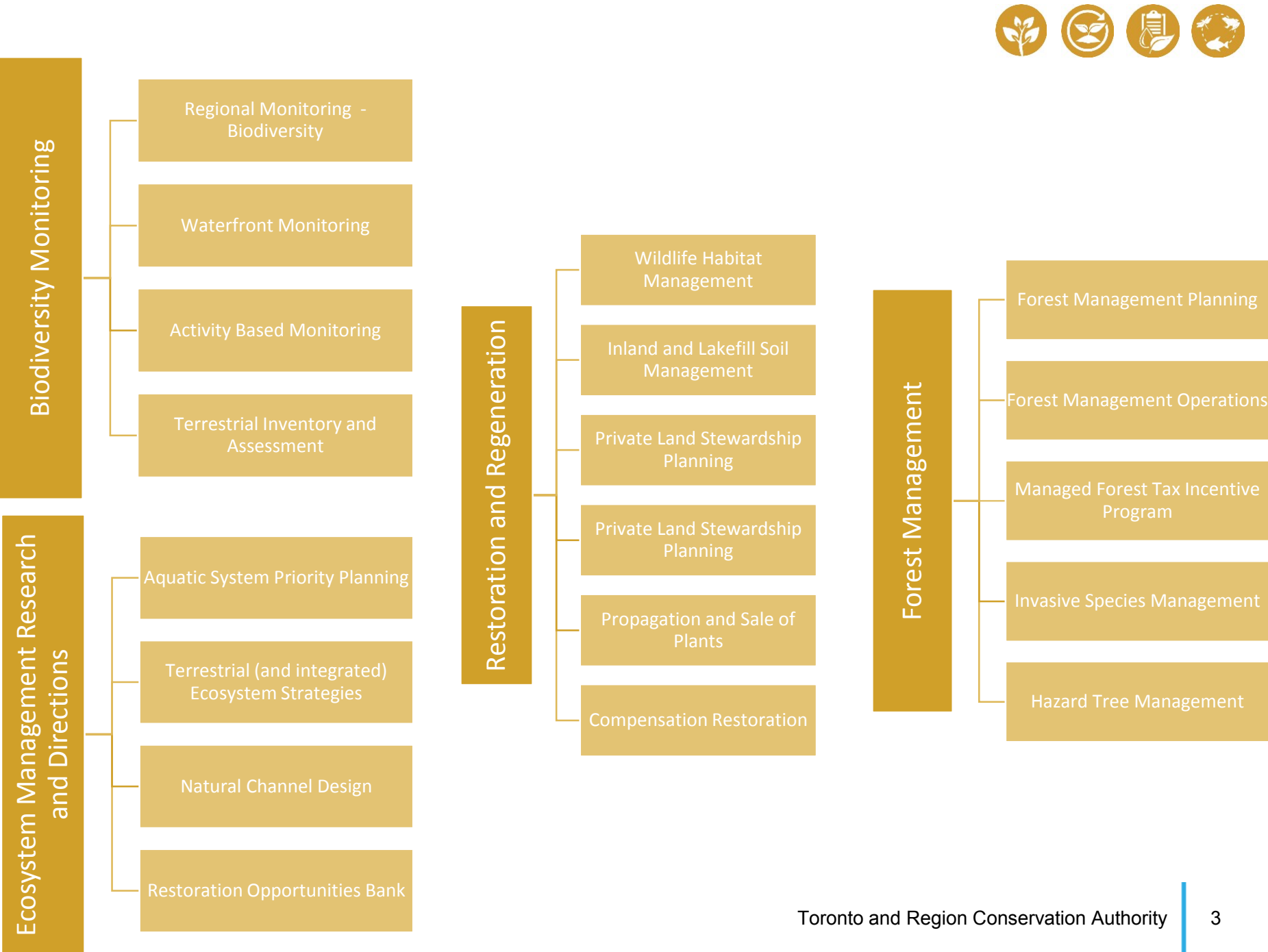
The strategic management of water resources, based on physical sciences and applied engineering (hydrology, hydraulics, fluvial geomorphology, hydrogeology and environmental science) through an understanding of water's natural processes, features and functions within the urban landscape. Core activities include environmental and hydrometric monitoring and research; developing state of the science technologies for modeling and flood forecasting; hazard management of erosion sites, unstable slopes and flood vulnerable areas. These activities are critical to reducing risk to life and property. The entire hydrologic cycle is included in this service area, from rainfall to runoff to its outlet at Lake Ontario and all of the processes in between.



Service Area 3

Regional Biodiversity

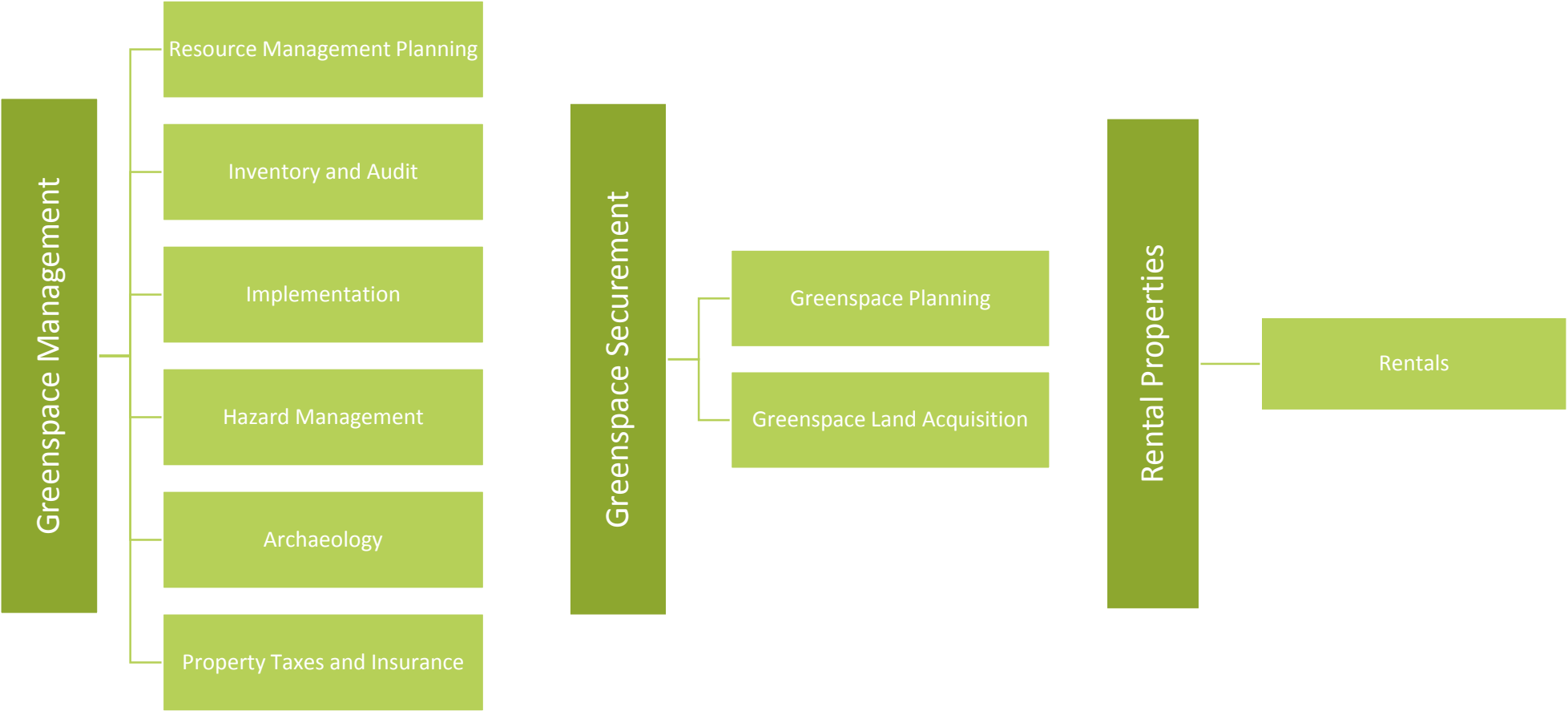
Includes programs, projects and activities that together create a comprehensive and integrated approach to regional biodiversity and ecosystem management. Main activities include monitoring of ecological conditions and ecosystem trends, ecosystem planning and research, habitat restoration and regeneration, and management of existing regional biodiversity. The result of this work demonstrates the benefit biodiversity provides to community and human well-being.



Service Area 4

Greenspace Securement and Management

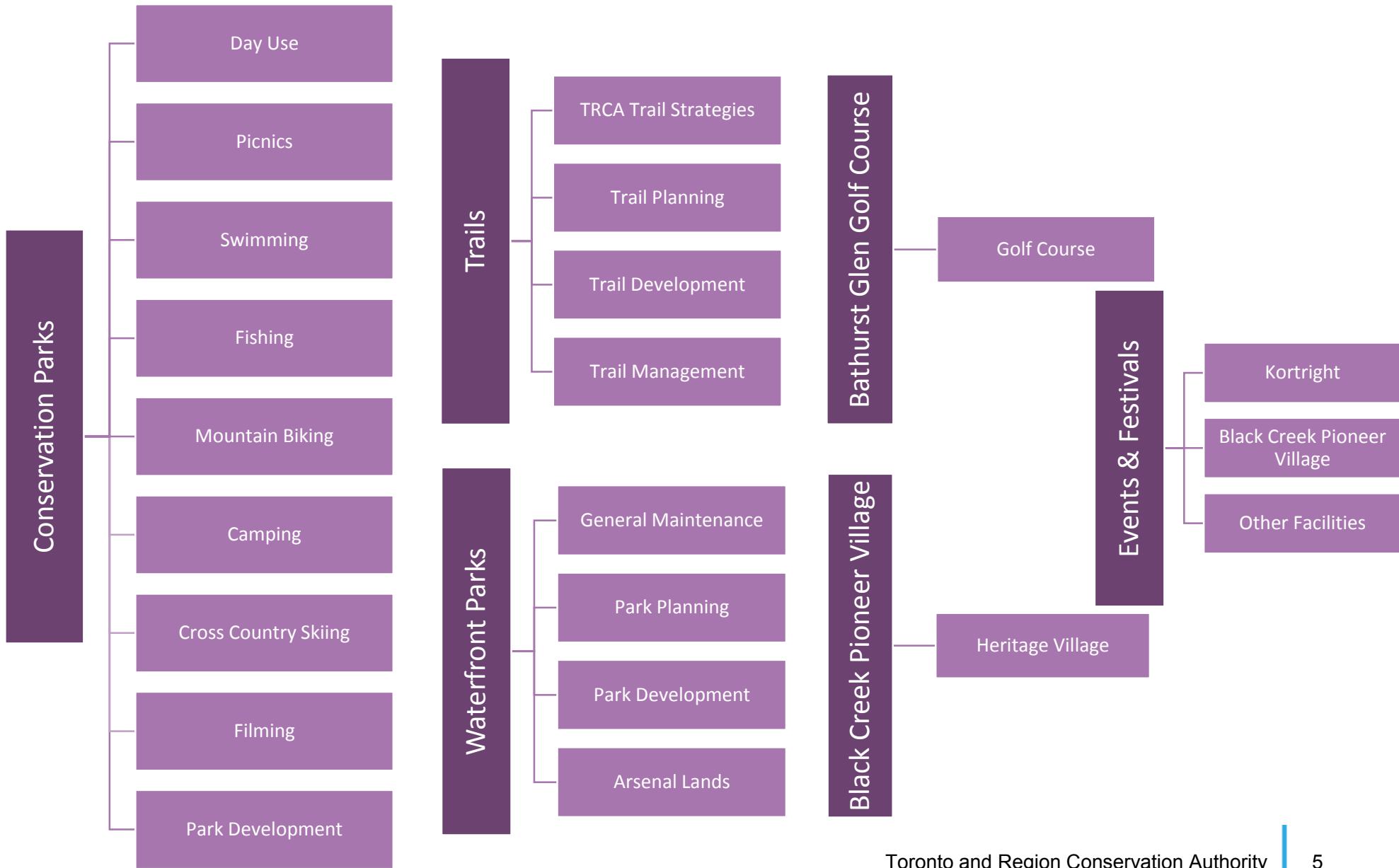
Includes the acquisition of a public interest in and management of environmentally significant lands in order to protect their natural functions and services and to conserve the land for the benefit of current and future generations. Key program areas include greenlands acquisition, inventory and audit, master planning, land hazard management, and the protection of archeologically significant resources.



Service Area 5

Tourism and Recreation

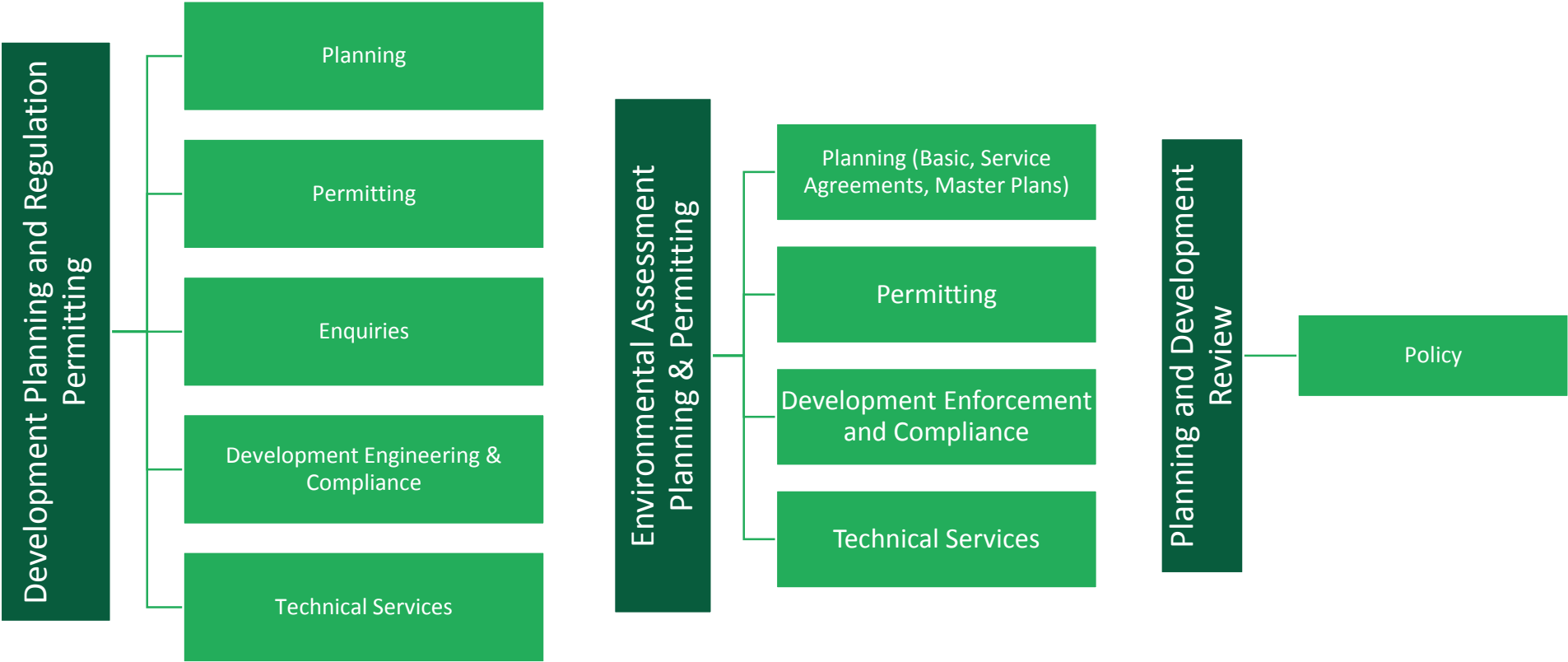
Provides memorable experiences for guests in nature-based settings, which make positive contributions to community health and well-being, while advancing the economic development goals of partner municipalities. Programs include management, maintenance and enhancement of conservation parks and recreation facilities. TRCA delivers these services through leveraging public and private partnerships that focus on community development, tourism and recreational offerings.





Planning and Development Review

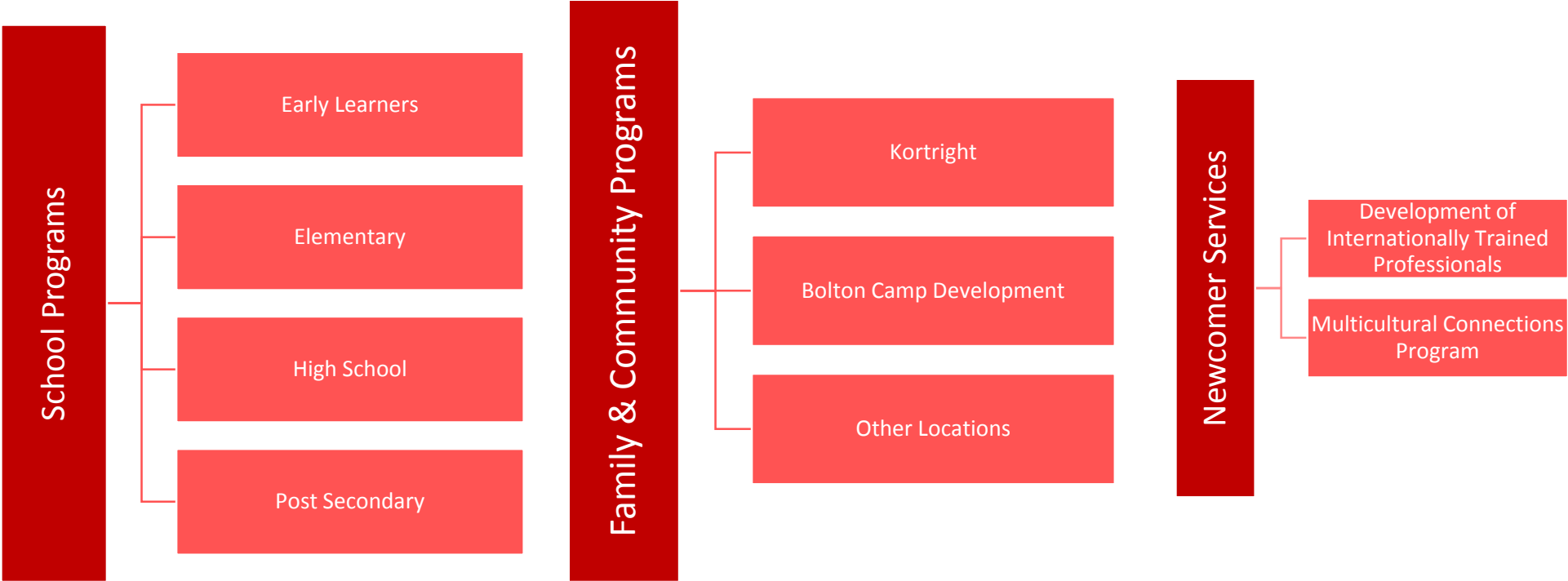
TRCA's role in this process as a public commenting body, provincially- delegated reviewer for natural hazards, service provider, regulatory authority, resource management agency and landowner is guided by board-approved policies to further the conservation, restoration, development and management of natural resources. These policies are consistent with the requirements of federal, provincial and municipal legislation and incorporate the latest science revealed through TRCA's integrated watershed research to inform municipalities and other approval authorities. TRCA's input in municipal decision-making guides growth, redevelopment, revitalization and intensification throughout TRCA's jurisdiction.



Service Area 7

Education and Outreach

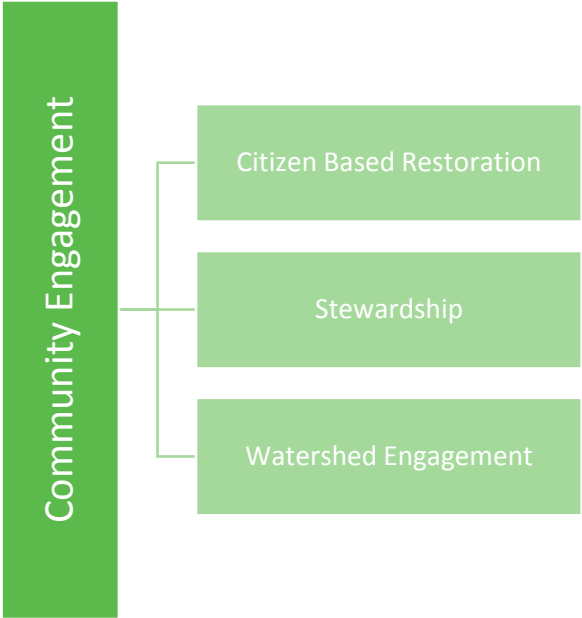
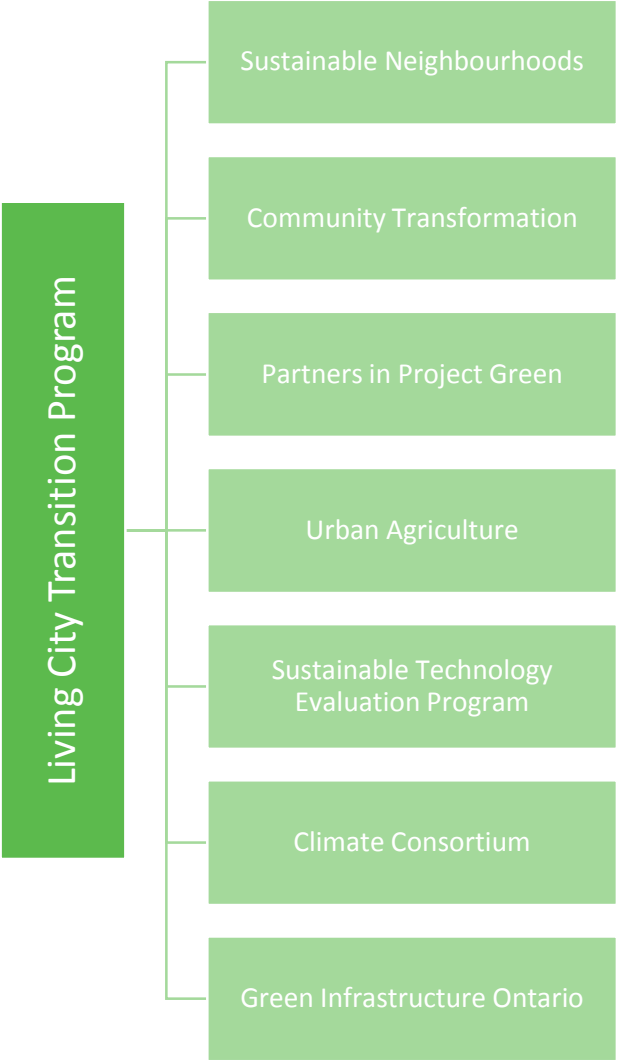
Education and Outreach programs support municipal and provincial objectives for environmental education in schools, build professional capacity and competitiveness in the region's sustainable economic sectors, and engage the broader population to become active in developing healthy, sustainable communities. Formal and non-formal education and training is delivered to develop a culture of life-long learning for residents of all ages at TRCA education centres, academic institutions and in the community.



Service Area 8

Sustainable Communities

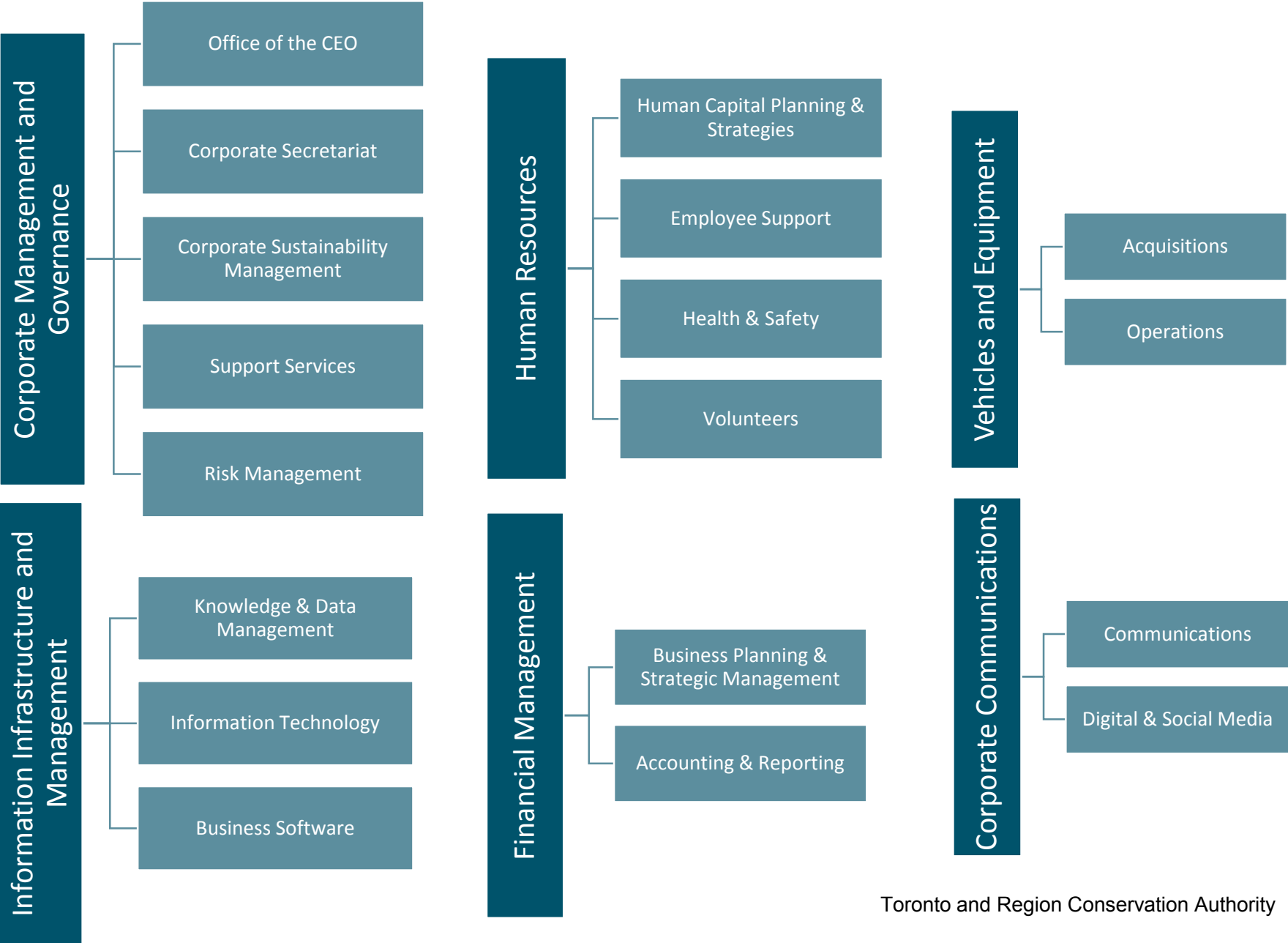
Supports municipal efforts to create sustainable communities. Projects and programs are developed to address gaps and to coordinate efforts across the region to increase efficiency, effectiveness and impact of programs. The scope of the service area is broad, encompassing programs that address neighbourhood and sector specific eco- efficiencies (water, energy, waste and GHG emissions), awareness of and need for adaptation to climate change, catalyzing the green economy with sustainable technologies, addressing food security through near urban agriculture, and engaging residents in awareness and sustainability action to foster a caring and involved citizenry.



Service Area 9

Corporate Services

Includes financial, administrative and technical services that enable TRCA staff to develop new capacity to efficiently and effectively deliver service area objectives.



Attachment 3: Municipal MOU/SLA Status Progress Table

| Municipality | Initial Meeting or Discussions Held | Draft MOU and SLA Shared | Draft Corporate Report Shared | Detailed Discussions Undertaken | Advanced MOU Development or Execution |
|---|--|---------------------------------|--------------------------------------|--|--|
| Adjala-Tosorontio | X | X | | | |
| Mono | X | X | | | |
| City of Toronto | | | | | |
| Parks Forestry and Recreation, and Transportation | X | X | X | X | X |
| Toronto Water | X | X | X | X | X |
| Waste Management | X | | | | |
| Create TO | X | X | | X | X |
| Toronto Botanical Gardens | X | X | X | X | X |
| Durham Region | | | | | |
| Region of Durham | X | X | X | X | |
| Ajax | X | X | X | X | |
| Pickering | X | X | X | X | |
| Uxbridge | X | X | X | X | |
| Peel Region | | | | | |
| Region of Peel | X | X | X | X | X* |
| Brampton | X | X | X | X | X |
| Caledon | X | X | X | | |
| Mississauga | X | X | X | X | |
| York Region | | | | | |
| Region of York | X | X | | X | |
| King | X | X | X | X | X |
| Markham | X | X | X | X | X |
| Richmond Hill | X | X | X | X | |
| Vaughan | X | X | X | X | |
| Whitchurch-Stouffville | X | X | X | X | X |

*Region of Peel received Regional Council Approval to execute an SLA for Regional Infrastructure EA Review and Permits on September 9, 2021 (Resolution #2021-909)

RES.#A225/21 -

**2021 MEMORANDUM OF UNDERSTANDING BETWEEN
CONSERVATION ONTARIO AND HYDRO ONE NETWORKS INC.**

To provide information on the updated 2021 Memorandum of Understanding (MOU) between Conservation Ontario (CO) and Hydro One Networks Incorporated (HONI) and to request authority to enter into a Service Level Agreement (SLA) between Toronto and Region Conservation Authority (TRCA) and HONI that is consistent with the CO and HONI MOU.

Moved by: Linda Jackson
Seconded by: Connie Tang

WHEREAS an updated Memorandum of Understanding between Conservation Ontario (CO) and Hydro One Networks Incorporated (HONI) has been finalized;

AND WHEREAS the updated MOU sets out various communications and compliance protocols to expedite permit approvals for HONI activities within areas regulated under the Conservation Authorities Act and on lands owned by conservation authorities;

AND WHEREAS TRCA and HONI staff have identified the need for and benefits of a specific SLA between TRCA and HONI, to address certain matters and protocols in greater detail;

THEREFORE, LET IT BE RESOLVED THAT TRCA staff continue to work with HONI staff to prepare and execute a TRCA-specific HONI SLA;

THAT authorized TRCA officials be directed to take all necessary actions to finalize and execute a SLA with HONI;

AND FURTHER THAT the Clerk's Office circulate this report to CO and HONI.

CARRIED

BACKGROUND

HONI is Ontario's largest electricity transmission and distribution provider and its system accounts for approximately 98% of Ontario's transmission capacity. Its distribution system is the largest in Ontario, consisting of 123,000 circuit km of primarily low-voltage power lines. Pursuant to the *Electricity Act*, and the *Ontario Energy Board Act*, HONI is required to ensure safe, reliable, and cost-effective supply of electricity for the people in Ontario, which includes construction and maintenance.

In 2011, an MOU was established between CO and HONI which set out protocols for work planned or undertaken on lands regulated under the *Conservation Authorities Act (CA Act)*, as well as on Conservation Authority (CA)-owned lands located outside of a HONI easement or right-of-way. At that time HONI was considered a Crown Corporation and as such was exempt from requiring a CA permit under Section 28 of the *CA Act*. In the absence of a formal permitting process, the 2011 MOU identified the communication protocols and best management practices to be implemented by HONI staff for work within CA-regulated areas and on CA-owned lands.

As of May 2017, Hydro One and the Affiliates no longer held status as crown corporations, and as such, were no longer exempt from requiring a CA permit. On October 25, 2019, the Ministry

of Natural Resources and Forestry (MNR) confirmed that HONI was subject to Section 28 permitting requirements under the CA Act. At this time, HONI and CO began discussions regarding streamlining opportunities for future approvals related to routine works.

A draft MOU was prepared in March 2021 and consultation was held with CA and HONI staff, including TRCA. The final MOU was endorsed at the June 21, 2021, [Conservation Ontario Council meeting](#) and by HONI on July 19, 2021.

RATIONALE

The 2021 MOU between CO and HONI includes “Appendix One Protocol for Obtaining Permission under Section 28 of the *Conservation Authorities Act* for Common Hydro One Maintenance and Construction Activities” and the “Hydro One Application Form for Permission from Conservation Authorities” (Attachment 1).

The MOU acknowledges the requirements for the parties to fulfill their responsibilities under the *Electricity Act*, *Ontario Energy Board Act*, and *Conservation Authorities Act*, respectively, without compromising the intent of those statutes. It also outlines the roles and responsibilities of HONI staff, their respective contractors and CAs for work taking place in CA-regulated areas and on CA-owned land. The MOU promotes the use of newly developed standard processes, including streamlined compliance approaches and standard best practices to be followed between CAs and HONI for the activities listed and then detailed below.

- 1) HONI work activities on lands regulated under the CA Act;
- 2) HONI work activities on CA-owned lands;
- 3) HONI work activities on lands regulated under the CA Act as emergency works;
- 4) Ecological restoration activities, including joint ecological restoration opportunities, undertaken by CAs and HONI; and,
- 5) Undertaking communications between the two agencies.

1) HONI Work Activities on Lands Regulated Under the CA Act

The MOU identifies three (3) approaches to achieve compliance under Section 28 of the *CA Act* for HONI activities located within CA-regulated areas. Works will be reviewed by CA(s) to confirm the approach applicable for each application based on factors such as the level of risk associated with the hazard feature, project complexity and duration, for example. Work will then be planned to avoid, mitigate, or minimize impacts to the natural environment, including hazard areas and avoid increased risks to life and property. Consultation with the CA will be required to determine the best approach. This process is meant to streamline low-risk and routine activities normally undertaken by HONI and is meant to be an approach that can be applied across the province for all CA(s). The three (3) approaches include the following and are further detailed in the attached MOU.

- **Standard Best Practices (SBP) Approach:** This approach includes activities which are low-risk maintenance and construction activities or works that typically do not have associated regulatory impacts, such as geotechnical investigations beyond the limits of wetlands, watercourses, and valleys. Once the CA confirms that the proposed works fall under this approach, HONI will not be required to obtain any further permission from local CA(s) to undertake these activities.
- **Standard Compliance Requirements (SCR) Approach:** Under this approach, HONI will apply to CA(s) for permission to undertake a project by submitting the SCR Application Form (found in Attachment 1) and supporting information at which time the CA will review the submission to determine whether the proposed works meet the intent

of this approach. This approach is meant to cover activities that are routine in nature and occur regularly such as geotechnical investigations within the limits of a wetland, watercourse, or valleys. Forms geared to the nine (9) HONI SCR identified activities have been developed to streamline the process towards obtaining a CA Act Section 28 permission. The forms are meant to be a formal CA signoff and include activity-specific mitigation as well as general mitigation requirements to be followed by HONI. Where conditions need to be applied to an activity or where an SCR may not adequately address the works, the activity may need to proceed through the Regular Approach as listed below.

- **Regular Approach:** Activities under this approach are associated with a higher level of risk within regulated areas and include work such as the construction of new permanent access routes involving a wetland or watercourse crossing. The normal permitting approach would apply to these types of works.

2) HONI Work Activities on CA-Owned Lands

Under the *Electricity Act*, HONI transmission and distribution staff are granted powers of entry to lands where their transmission or distribution systems are located. Under that Act, HONI can use their powers of entry to perform a number of works on existing transmission and/or distribution facilities, as well as meters. When exercising these powers of entry, HONI must provide reasonable notice to the occupier of the property, restore the property to its original conditions insofar as is practicable, and provide compensation for damages caused by the entry. Through the MOU it is identified that HONI will provide reasonable notice to CA(s) for emergency works when the CA is either the occupier or the owner of the property where access is required. For all other works planned on CA-owned lands (e.g., non-emergency works), HONI will consult early in the planning process with the affected CA(s) to allow sufficient time for information requirements and timing considerations to be reviewed. For work on CA-owned lands within regulated areas, HONI will obtain CA permissions as established through this MOU.

3) HONI Work Activities on Lands Regulated Under the CA Act as Emergency Works

In emergency situations HONI may need to undertake immediate action to mitigate damages and/or repair infrastructure to meet requirements under the *Electricity Act* and the *Ontario Energy Board Act* to provide safe and reliable power. Within the context of this MOU, emergency works are defined as:

“Works required to mitigate emergency situations where prompt coordination of resources is required to address immediate or imminent damages and/or repairs to infrastructure for Hydro One to meet its requirements under the *Electricity Act* and the *Ontario Energy Board Act*. These works include assets that are at risk of failure or have already failed and may or may not yet be out of service. Emergency works typically fall into one of three priority levels: “high risk” (replace or rectify within 30 days), “medium risk” (replace or rectify within 30 – 90 days), and “low risk” (replace or rectify within 90+ days).”

The protocols for work within CA-regulated areas and CA-owned lands or a combination of both are further laid out in the 2021 MOU, including communication and signoff/permitting protocols.

4) Ecological Restoration Activities, Including Joint Ecological Restoration Opportunities, Undertaken by CA(s) and HONI

Site-specific restoration discussions will take place through applications for work in CA-regulated areas and CA-owned lands. Depending on the work, options may include seeding to stabilize bare/exposed soils, planting of native woody vegetation and repurposing temporary

access roads for use of trails, for example. It is also understood that restoration may be restricted along corridors to ensure compliance with the North American Electric Reliability Corporation standards and Ontario Energy Board standards as full restoration may not be possible in some locations due to clearance restrictions. Further, where agreed to by both parties, where full restoration is not possible on CA-owned lands, CA(s) may request compensation in lieu of site restoration where CA(s) may be planning alternate uses for the lands at the impacted sites. The MOU does not address or preclude unique or project-specific restoration works such as joint restoration projects which may be developed through separate agreements between both parties.

5) Undertaking Communications Between the Two Agencies

Procedures embedded within the MOU identify communication protocols with an emphasis on timely, clear, and open communication between all parties. Communication through annual forecasted workplan meetings for capital projects, standard review timing related to feedback on SCR applications and pre-consultation for complex projects for example are identified in the MOU.

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

FINANCIAL DETAILS

Fees are currently being charged to HONI based on the type of submission and level of complexity of the proposed works, as per the TRCA fee schedule.

DETAILS OF WORK TO BE DONE

1. Through our current practice we will continue to work with HONI to review and process permits and clearances within existing TRCA protocols, and as prescribed through the MOU. As required restoration and compensation will be included through individual project review as per the TRCA typical process.
2. TRCA staff are currently working with HONI to develop a Service Level Agreement (SLA) specific to work within TRCA's jurisdiction, using the MOU as a basis for those discussions. It is anticipated that the SLA will further scope TRCA review commitments and timing, HONI submission commitments, staffing requirements, communication protocols, and fees for services, while remaining consistent with the HONI-CO MOU. This SLA will be provided for CEO review and approval after it is reviewed by relevant program staff and Directors, TRCA Legal Counsel, and the CFOO.
3. Restoration and Infrastructure together with Infrastructure Planning and Permits staff are currently in discussions with HONI regarding additional partnership opportunities based on our current joint efforts related to the Meadoway Project.

Report prepared by: Sharon Lingertat, extension 5717

Emails: sharon.lingertat@trca.ca

For Information contact: Beth Williston, extension 5217 or Sharon Lingertat, extension 5717

Emails: beth.williston@trca.ca, sharon.lingertat@trca.ca

Date: October 4, 2021

Attachments: 1

Attachment 1: 2021 Memorandum of Understanding between Conservation Ontario and Hydro

One Networks Inc. including Appendix One Protocol for Obtaining Permission under Section 28 of the *Conservation Authorities Act* for Common Hydro One Maintenance and Construction Activities and the Hydro One Application Form for Permission from Conservation Authorities

2021 Memorandum of Understanding between Conservation Ontario and Hydro One Networks Inc.



Endorsed by Conservation Ontario Council: June 21, 2021
Endorsed by Hydro One Networks Incorporated: July 19, 2021

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This Memorandum of Understanding (MOU) has been prepared as an update to the 2011 MOU between Hydro One Networks Inc. (“Hydro One”) and Conservation Ontario, which detailed communication protocols to be followed between Hydro One and Conservation Authorities when Hydro One work activities are planned or undertaken on lands regulated under the *Conservation Authorities Act* (“CA Act”), as well as on *CA-owned lands*. The 2011 MOU acknowledged that, at the time, as a Crown Corporation, all of Hydro One’s construction, *maintenance* and emergency activities were exempt from CA permitting requirements under Section 28 of the CA Act and individual CA regulations. However, Hydro One and its *affiliates* no longer hold status as crown corporations, so the previous exemption status from CA permitting requirements under Section 28 of the CA Act and the individual CA regulations ceased to apply. As such, this updated MOU has been prepared, acknowledging the new requirement for Hydro One and its *affiliates* (Hydro One Telecom Inc. and Hydro One Sault Ste. Marie LP) to obtain CA *permission* under Section 28 of the CA Act for their work. This MOU outlines additional protocols and best practices to continue the positive working relationship between Hydro One (and its said *affiliates*) and Ontario’s CAs.

A draft of this updated MOU, as well as a draft application form for use by Hydro One for the new, recommended streamlined compliance approaches outlined in Appendix One of the MOU, was circulated to CA staff and Hydro One staff for simultaneous review. Comments from both the CA and Hydro One reviews are incorporated in this final document.

June 2021

**Memorandum of Understanding between
Conservation Ontario and Hydro One Networks Inc. (“Hydro One”)**

Glossary of Terms

Affiliates:

Hydro One Sault Ste. Marie LP and Hydro One Telecom Inc.

Compensation:

Financial contribution made by Hydro One or an Affiliate to a conservation authority as a result of damages occurred, to the extent that such damages are caused by Hydro One or an Affiliate or Hydro One’s contractors, during the course of Hydro One’s or an Affiliate’s maintenance or construction activities. Compensation may be provided in lieu of undertaking site restoration activities.

Conservation Authority (CA)

Local, watershed management agencies that deliver programs and services to protect and manage impacts on water and other natural resources in partnership with all levels of government, landowners and other organizations. Conservation authorities are established by or under the *Conservation Authorities Act* (“CA Act”). There are 36 conservation authorities across Ontario.

Conservation Authority Authorizations (“Authorizations”):

Written documentation from the conservation authority which provides permission or authority to undertake works within conservation authority-owned lands.

Conservation Authority-Owned Lands (“Conservation Areas”):

Lands owned or managed by the conservation authority. Conservation authority-owned or managed lands are private property, however some may be publicly accessible. Conservation authority-owned or managed lands may include forests, wetlands, areas of natural and scientific interest, recreational lands, natural heritage and cultural sites, as well as lands for flood and erosion control.

Conservation Authority Permissions (“Permissions”):

From O. Reg. 97/04: Content of Conservation Authority Regulations under subsection 28(1) of the *Conservation Authorities Act*. Development, Interference with Wetlands and Alterations to Shorelines and Watercourses:

Refers to a permission for development in or on hazardous lands, wetlands, areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes, or rivers and stream valleys, or in other areas where the Minister is of the opinion that the authority’s permission for development should be required, if, in the authority’s opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development

Conservation Authority Regulated Area(s) (“Regulated Areas”):

From the *Conservation Authorities Act*, Section 28 (5):

Areas that are:

- a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards;
- b) river or stream valleys;
- c) hazardous lands;
- d) wetlands; or
- e) other areas where, in the opinion of the Minister, development should be prohibited or regulated or should require the permission of the authority.

Conservation Ontario (CO)

A non-profit association that represents Ontario's 36 conservation authorities.

Ecological Restoration:

Activities which are undertaken to assist with the recovery and/or rehabilitation of areas that have been degraded, damaged or destroyed during the course of Hydro One maintenance or construction activities.

Depending on the works undertaken, a range of potential restoration options may be considered, including seeding to stabilize bare/exposed soils, planting of native woody vegetation, repurposing of temporary access roads (e.g., for use as trails), etc.

Emergency Works:

Works required to mitigate emergency situations where prompt coordination of resources is required to address immediate or imminent damages and/or repairs to infrastructure in order for Hydro One to meet its requirements under the *Electricity Act* and the *Ontario Energy Board Act*. These works include assets that are at risk of failure or have already failed, and may or may not yet be out of service. Emergency works typically fall into one of three priority levels: "high risk" (replace or rectify within 30 days), "medium risk" (replace or rectify within 30 – 90 days), and "low risk" (replace or rectify within 90+ days).

Maintenance:

The regular, routine actions, taken to lessen or postpone the natural deterioration of an asset (or fixture and/or equipment) of Hydro One or an Affiliate. These actions, including upkeep (e.g., vegetation management), repair, replacement and/or upgrading, are intended to keep the asset from premature loss due to failure, decline, wear or change attributable to normal use or the effect of the natural environment.

Vegetation Management:

The physical operation of providing specific tree and brush clearances from electrical apparatus and their support structures using arboricultural techniques specific to the electrical utility industry (e.g., tree removal and pruning, herbicides, grubbing, manual and mechanical cutting etc.).

Throughout this document, terms included in this glossary will appear in italics.

1.0 Preamble

Pursuant to the *Electricity Act*, the basic mandate of Hydro One is to ensure a safe, reliable and cost-effective supply of electricity to the people of Ontario. Regular *maintenance* and periodic construction of Hydro One's distribution and transmission infrastructure spanning across Ontario is necessary in order to fulfill this mandate. Guidelines, such as those of the North American Electric Reliability Corporation ("NERC") standardize many Hydro One activities to achieve reliability requirements. Further, standards are imposed on Hydro One by the *Ontario Energy Board Act*, and various codes and licences issued by the Ontario Energy Board pursuant to that statute.

Under the *Conservation Authorities Act* ("CA Act") the objects of *conservation authorities* (CAs) are to provide, in the areas over which they have jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. CAs are mandated under the CA Act to provide programs and services in their areas of jurisdiction, including programs and services related to: the risk of natural hazards, the conservation and management of lands owned or controlled by the authority, the authority's duties, functions and responsibilities as a source protection authority under the *Clean Water Act*, as well as other programs or services prescribed by the regulations or those provided through a municipal Memorandum of Understanding or at the direction of the CA's Board.

In 2011, Hydro One and *Conservation Ontario* entered into a Memorandum of Understanding (MOU). The MOU detailed the protocols that would be followed between CAs and Hydro One when Hydro One work activities are planned or undertaken on lands regulated under the CA Act, as well as on *CA-owned lands*. Through the MOU, *Conservation Ontario* acknowledged and agreed at the time that, as a crown corporation, all of Hydro One's activities (i.e., construction, *maintenance* or emergency activities) were exempt from CA permitting requirements under Section 28 of the CA Act and the individual CA "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" Regulations. In the absence of the formal permitting process, the 2011 MOU outlined the communication process to be followed between Hydro One and CAs, as well as Best Management Practices which could be implemented by Hydro One when carrying out construction and/or *maintenance* operations on *CA-owned lands*.

As of May 2017, Hydro One and the *Affiliates* no longer held status as crown corporations, and the previous exemption status from CA permitting requirements under Section 28 of the CA Act and the individual CA "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" regulations ceased to apply. The requirement for Hydro One and *Affiliates* to obtain *authorization* for projects undertaken within *CA-owned lands* is not affected by the change in their status from being crown corporations.

Acknowledging this new requirement for Hydro One and the *Affiliates* to obtain *CA permission* under Section 28 of the CA Act for their works, and the history of positive working relationships, *Conservation Ontario* and the CAs wish to continue to work with Hydro One and the *Affiliates* through this updated MOU. The intent of this MOU is to enhance the communication protocols and promote the use of newly developed standard processes, including recommended streamlined processes for CA Act Section 28 *permissions* and standard best practices for projects undertaken within *CA-regulated areas* and *CA-owned lands*.

Hydro One acknowledges that it and the *Affiliates* are subject to other provincial and federal legislation and are responsible for consulting with other relevant agencies, which may include CAs, as necessary to meet all legislative and regulatory requirements. Participation in this MOU does not relieve Hydro One and the *Affiliates* from the obligation of securing any other necessary approvals; however, where other legislation identifies the need for *authorizations* or *permissions* by CAs as addressed in this MOU, it is recommended that the processes established in this MOU be utilized.

2.0 Purpose

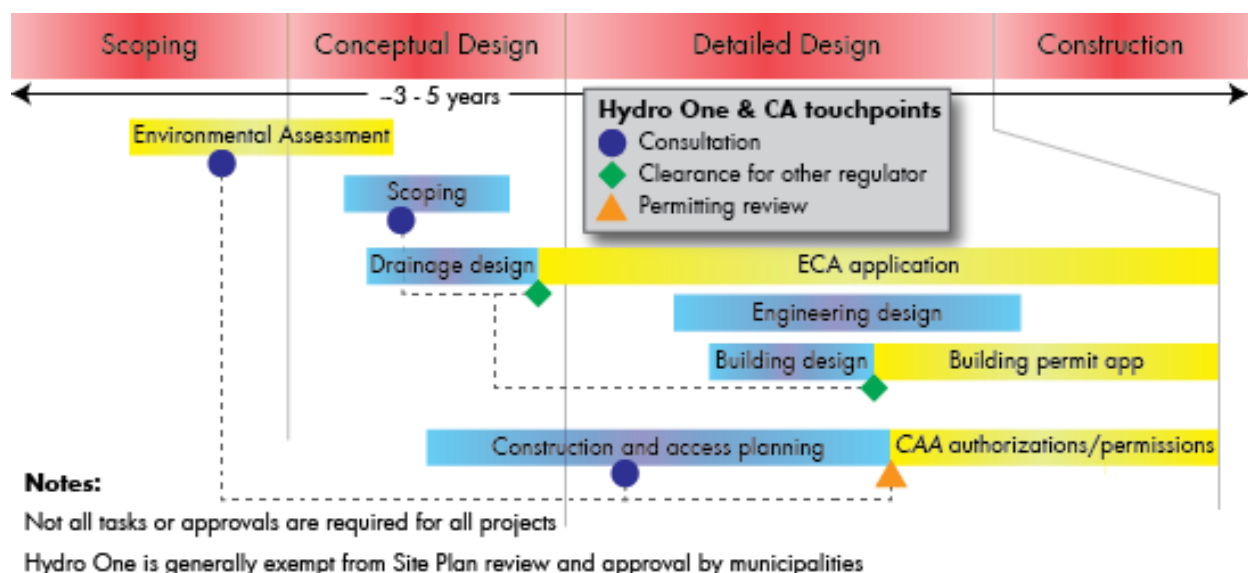
This MOU details the roles and responsibilities of Hydro One, the *Affiliates* and their respective contractors, and CAs for Hydro One's and the *Affiliates*' works taking place in *CA-regulated areas* or *CA-owned lands*. Specifically, this MOU promotes the use of newly developed standard processes, including streamlined compliance approaches and standard best practices to be followed between CAs and Hydro One and the *Affiliates* for:

- (a) Hydro One's and the *Affiliates*' work activities on lands regulated under the CA Act (see Appendix One for further details);
- (b) Hydro One's and the *Affiliates*' work activities on *CA-owned lands* (see Section 7);
- (c) Hydro One's and the *Affiliates*' work activities on lands regulated under the CA Act as *emergency works* (see Section 8);
- (d) *Ecological restoration* activities, including joint *ecological restoration* opportunities, undertaken by CAs and Hydro One and the *Affiliates* (see Section 10); and,
- (e) Undertaking communications between the two agencies (see section 6).

As part of this updated MOU, recommended streamlined compliance (permitting) protocols have been developed which outline standard application and communication processes, and general and activity-specific mitigation measures for Hydro One's and the *Affiliates*' work activities taking place in *CA-regulated areas*. These protocols can be found in Appendix One.

Hydro One acknowledges that CAs may be agencies identified for consultation under various legislation (e.g., *Environmental Assessment Act*, *Environmental Protection Act*, *Clean Water Act*, etc.). Direct consultation with CAs for activities and approvals outside of this MOU remains the responsibility of Hydro One and is not part of this MOU. However, where consultation identifies the need for *authorizations* or *permissions* by CAs as addressed in this MOU, it is recommended that the processes established in this MOU be utilized. An overview of the general interactions between Hydro One and its *Affiliates*, and CAs during a typical new construction project is presented in the figure below.

Figure 1: Overview of Interactions between Hydro One and CAs (New Construction Projects)



3.0 Guiding Principles

- The parties are committed to undertaking positive client service and will work together to fulfil their responsibilities under the *Electricity Act*, the *Ontario Energy Board Act*, and *Conservation Authorities Act*, respectively, without compromising the intent of those statutes.
- Works will be planned to avoid, mitigate, or minimize impacts to the natural environment (in that order), including hazard features (to every extent possible) and will not result in increased risks to public health or safety. Where avoidance is not possible and features are degraded, damaged or destroyed, Hydro One will work collaboratively with the CA to address the impact(s).
- The parties agree to share information which would assist and expedite decision-making and communication, and contribute to best practices for Hydro One and CAs. Such information may include: property details for *CA-owned lands*; applicable and available geospatial data layers for *CA-regulated areas* and *CA-owned lands*; and information on policies and/or procedures which may influence the proposed works.

4.0 Background

Hydro One is Ontario's largest electricity transmission and distribution provider with approximately 1.4 million customers across Ontario. Its system accounts for approximately 98% of Ontario's transmission capacity with approximately 30,000 circuit kilometres of high-voltage transmission lines. Additionally, its distribution system is the largest in Ontario, consisting of 123,000 circuit kilometres of primarily low-voltage power lines. Pursuant to the *Electricity Act*, and the *Ontario Energy Board Act*, Hydro One is required to ensure a safe, reliable and cost-effective supply of electricity to the people of Ontario. Construction and *maintenance* of its

electricity system is necessary to fulfill this mandate. Hydro One makes every effort, during the course of all activities, to avoid harm to the natural environment.

Conservation authorities undertake watershed-based programs that further the conservation, restoration, development and management of natural resources in watersheds in Ontario. There are 31 *conservation authorities* operating in southern Ontario and five *conservation authorities* delivering programs and services in northern Ontario. CAs are responsible for administering the “Development, Interference and Alteration Regulations” consistent with the “Content Regulation” (Ontario Regulation 97/04) under the CA Act. CAs have responsibilities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lakes, shorelines, watercourses, hazardous lands and wetlands or the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or wetland. Development taking place on or adjacent to these lands may require *permission* from the CA to confirm that the control of flooding, erosion, pollution, dynamic beaches and the conservation of land are not affected.

CAs are the second largest landowner in Ontario. CAs carry out various land management activities which protect, enhance and restore natural lands contained within conservation areas. Many conservation areas are managed in accordance with a management plan for the area, the best available natural heritage information for that area and/or in accordance with their Board-approved policies.

Hydro One is supportive of the CA mandate in general and when undertaking the above-mentioned activities. Hydro One works in cooperation with CAs and has for many years.

5.0 Roles and Responsibilities

(a) Hydro One agrees to:

- i. Identify and provide CAs with a list of applicable Hydro One contacts on an annual basis to ensure effective communication between both parties. As a best practice, Hydro One will endeavor to provide CAs with a list of contacts through discussions regarding the forecast workplans.
- ii. Obtain *permission* from the appropriate local CA(s) for planned *maintenance* and construction activities (“development” activities as defined in the *Conservation Authorities Act*) that may take place within *CA-regulated areas* (irrespective of property ownership) early in the planning process.
- iii. Obtain *authorization* from the appropriate local CA(s) for all *maintenance* and construction activities which may take place within *CA-owned lands* early in the planning process.
- iv. Provide available forecast workplans for capital projects, as well as any known additional *maintenance* or construction activities to be undertaken in *CA-regulated areas* or *CA-owned lands*, and keep the CA(s) apprised of changes, including any new proposed works. Hydro One will provide these workplans directly to the applicable CAs.
 - i. Where planned works may traverse multiple CA watershed boundaries, Hydro One should endeavour to schedule a meeting with all affected CAs to discuss consistent compliance and communication protocols.
- v. Inform the appropriate local CA(s) of emergency *maintenance* and/or construction activities that may take place within *CA-regulated areas* or *CA-*

- vi. Undertake approved works in accordance with the general and activity-specific mitigation measures outlined in Appendix One, unless otherwise approved by the appropriate local *CA(s)*.
- vii. Ensure that staff and contractors are knowledgeable of the terms and conditions of this MOU, including the attached recommended compliance protocols for Hydro One work activities in *CA-regulated areas*.
- viii. Participate in an annual review of this MOU and attached recommended compliance protocols and assist *Conservation Ontario* with the revision process, as required.

(b) Conservation Authorities agree to:

- i. Identify and provide Hydro One with a list of applicable *CA* contacts on an annual basis to ensure effective communication between the parties.
- ii. Share available and applicable geospatial data to assist Hydro One with pre-screening for proposed works (e.g., regulation limit mapping layers and conservation lands layers). *CAs* may choose to enter into data-sharing agreements prior to providing Hydro One with available data. Hydro One recognizes that *CAs* may charge a fee for data sharing.
- iii. Review, screen and provide initial feedback to Hydro One on planned capital projects, as well as known additional *maintenance* and construction activities submitted through the annual/forecast workplans. This may include identifying potential concerns with proposed works and providing initial feedback on compliance approaches for the proposed works.
- iv. Provide timely review and feedback on *conservation authority permission* applications submitted by Hydro One pursuant to Section 28 of the *CA Act*, consistent with the *CA's* board-approved policies. Details on the recommended procedures related to these reviews can be found in Appendix One.
- v. Provide timely review and feedback on *conservation authority authorizations* for Hydro One work activities on *CA-owned lands* which are outside *CA-regulated areas*, consistent with the *CA's* board-approved policies.

(c) Conservation Ontario agrees to:

- i. Ensure that *CA* staff are knowledgeable of the terms and conditions of this MOU, including the recommended compliance protocols for Hydro One work activities in *CA-regulated areas* outlined in Appendix One.
- ii. Coordinate, compile and communicate information, questions and concerns from either individual *CAs* or Hydro One to the other party, where appropriate.
- iii. Undertake an annual review of this MOU and attached compliance protocols and oversee the revision process, as required.

6.0 Communication Between Parties

All parties identified in this MOU commit to timely, clear, and open communication to ensure that project needs can be met within the desired timeframes, and that Hydro One and *CAs* can fulfil their responsibilities under the *Electricity Act* the *Ontario Energy Board Act* and *Conservation Authorities Act* respectively, without compromising the intent of those statutes.

Early and regular communication allows for adequate time for both Hydro One and individual CAs to review and provide feedback on the annual/forecast workplans, which Hydro One will prepare and submit to CAs for their review. Should the individual CA(s) identify concerns with a project, the CA(s) shall notify Hydro One as soon as possible.

In addition to these general principles for communication between the parties, detailed communication protocols for a number of Hydro One activities are documented in this MOU, as well as additional recommended communication and compliance protocols outlined in Appendix One. For communications protocols related to Hydro One's and the *Affiliates'* works on *CA-owned lands*, see Section 7.0. For communications protocols related to Emergency and Priority Works undertaken by Hydro One and the *Affiliates*, see Section 8.0.

7.0 Works Within Conservation Authority-Owned Lands

The following section summarizes the protocols to be followed by staff of Hydro One and the *Affiliates* and their respective contractors when works are to be undertaken on *CA-owned lands*.

All parties acknowledge that Hydro One's and the *Affiliates'* transmission and distribution staff are granted powers of entry under s. 40 of the *Electricity Act* to lands where their transmission or distribution systems are located. The *Electricity Act* identifies requirements for their staff when utilizing these powers of entry, including providing reasonable notice to the occupier of the property, restoring the property to its original conditions insofar as is practicable, and providing *compensation* for damages caused by the entry. As a best practice, Hydro One will endeavour to provide reasonable notice to CAs for *emergency works* on their properties, when the CA is either the occupier or the owner of the property where access is required. For all other works planned within *CA-owned lands*, Hydro One will endeavour to consult early in the planning process with the affected CA(s) to allow sufficient time for information requirements and timing considerations to be reviewed.

Hydro One recognizes that *CA-owned lands* may be located within or outside of *CA-regulated areas*. Where works are to be undertaken on *CA-owned lands*, Hydro One acknowledges that it will need to follow the protocols outlined in this section, as well as obtain *CA permissions* for any development activities undertaken within areas regulated under Section 28 of the CA Act. Recommended protocols for obtaining *permission* for works in *CA-regulated areas* can be found in Appendix One or by following the established processes of the applicable CA(s). The parties recognize that CAs as landowners do not relinquish any property rights through the application of this section. In addition to the requirements related to powers of entry under the *Electricity Act*, Hydro One commits to the following protocols to be followed when staff and contractors plan to undertake work on *CA-owned lands*:

- (a) Hydro One will obtain advanced *authorization* to undertake works from the CA as per each CA's protocols and will discuss the details, which may include: identifying preferred access routes and conditions of such access prior to commencement of work (details on vehicles and/or equipment accessing the property), proposed start and end dates of works, confirmation of certificate of insurance naming the CA as also insured, archaeological requirements and restoration plans. This will apply to both direct access to CA-owned property (via public roads) and indirect access across CA-owned property to Hydro One rights-of-way (ROWs).
- (b) Prior to commencing works on the property, the CA contact will provide Hydro One with

authorization to undertake the works, site specific information and/or property use requirements in writing. Where closure of footpaths / trails may be required, Hydro One will work with the CA to ensure appropriate public notice and trail closure details are provided.

- (c) Per Section 9.0 of this MOU, Hydro One acknowledges that CAs may charge a fee for *authorizations* on CA-owned lands.

Further details regarding protocols for access to CA-owned lands in emergency and priority situations are set out in Section 8.0 of this MOU.

8.0 Emergency and Priority Works

The parties acknowledge that there are emergency situations which require Hydro One and the Affiliates to undertake immediate action to mitigate damages and/or repair infrastructure in order for Hydro One to meet its requirements in the *Electricity Act* and the *Ontario Energy Board Act* to provide safe and reliable power. This MOU does not provide the ability to alter the requirement for Hydro One to obtain a *permission* for development related to *emergency works* under a regulation made under the *Conservation Authorities Act*, nor does it prevent Hydro One from fulfilling its requirements under the *Electricity Act* and the *Ontario Energy Board Act*.

Emergency works include any activity that requires prompt coordination of resources to address an immediate threat to public safety or the environment. This also includes limiting damage to property, equipment and the environment during and after an event, or imminent event, outside the scope of normal operations.

Priority works are typically identified through routine infrastructure inspections. Addressing these repairs is a priority for Hydro One, but this priority level generally does not include works which address immediate threats to public safety or the environment.

Table 1: Summary of Hydro One Priority Level Rankings (Emergency and Priority Works)

| Priority Level | Description | Hydro One responsibilities for works in CA regulated areas |
|--|---|--|
| High Risk (Emergency) Replace or rectify within 30 days | Infrastructure has failed already or can imminently fail. Emergency response required. | <ul style="list-style-type: none"> • <i>Emergency works</i> executed under <i>Electricity Act</i> and the <i>Ontario Energy Board Act</i>. • Provide notice of works to the applicable CA(s) as soon as reasonably possible • Provide description of works, additional information, applicable fees to CA to review works to ensure compliance under section 28 of the CA Act |
| Medium Risk (Emergency) Replace or rectify within 30 – 90 days | Infrastructure identified during routine inspections as requiring replacement as soon as reasonably possible. | <ul style="list-style-type: none"> • Provide notice of necessary works to appropriate CA(s) in advance of works taking place. • Provide all necessary information and applicable fees to CA(s) to allow CA to review works and issue written <i>permission</i> under section 28 of the CA Act (where timelines allow). • For expedited works to address |

| | | |
|--|---|--|
| | | immediate or escalating threats, provide notice and description of works, additional information and applicable fees to review works to ensure compliance under section 28 of the CA Act. |
| Low Risk (Non-Emergency, Priority) Replace or rectify within 90+ days | Non-critical component repairs that are identified and are considered low priority. | <ul style="list-style-type: none"> • Provide notice of necessary works to appropriate CA(s) in advance of works taking place. • Provide all necessary information and applicable fees to CA(s) to allow CA to review works and issue written <i>permission</i> under section 28 of the CA Act. |

The following summarizes the protocols agreed to between CAs and Hydro One when *emergency works* are required:

8.1 Emergency and Priority Works within CA-Regulated Areas:

Note: These protocols further apply to CA-owned lands, where the area of the CA-owned land is a regulated area.

1. When **emergency works** are required within *CA-regulated areas*, Hydro One will discuss the details of the necessary works with the applicable CA(s). Hydro One will endeavour to contact the applicable CA(s) as soon as reasonably possible. It is recognized that works in the “high risk” and priority level will require prompt coordination of resources, which may result in the CA becoming notified after the onset of the work.
2. For “high risk” **emergency works**, Hydro One will endeavour to notify the appropriate CA(s) at the earliest opportunity to discuss the works which have taken place, and provide any information to the CA(s) to ensure compliance under Section 28 of the CA Act can be achieved for these works. Where the *emergency works* align with one or more of the activities covered by “Standard Compliance Requirements” (see Appendix One), Hydro One will endeavour to undertake the works in compliance with all activity-specific and general mitigation measures listed for the activity(ies).
3. For “medium risk” **emergency works**, Hydro One will endeavour to notify the appropriate CA(s) of the necessary works prior to construction or *maintenance* activities taking place. In notifying the CA, Hydro One will provide the CA(s) with all available information. This may include a summary and location of the proposed works, detailed site maps, description of mitigation measures to be implemented, and any applicable fees. CA staff will work with Hydro One to issue *permission* for the works (if necessary) in accordance with the timelines identified in Table 1. Where the timeline for these works requires prompt coordination of resources to address an immediate or escalating threat, Hydro One will discuss any works undertaken with the appropriate CA(s), and provide information to the CA(s) to ensure compliance under Section 28 of the CA Act.
4. For “low risk” **priority** works, Hydro One will notify the appropriate CA(s) of the necessary works prior to construction or *maintenance* activities taking place. In notifying the CA, Hydro One will provide the CA(s) with all necessary information. This may include a summary and location of the proposed works, detailed site maps, description of mitigation measures to be implemented, and any applicable

- fees. CA staff will work with Hydro One and the *Affiliates* to issue *permission* for the works (if necessary) in accordance with the timelines identified in Table 1.
5. ROW restoration requirements, if necessary, and if permissible under *maintenance* standards, will be discussed. For instance, temporary emergency or priority works (e.g., watercourse crossing culverts, access roads) would typically be removed after work is completed. However, these works may be left in place with the agreement of the CA(s), any affected property owners and any other approval agency(ies). Where development will remain, it should be designed and constructed based on CA policies. Additional studies may be required by the CA(s) to ensure the development will not cause negative impacts.
 6. Any ROW restoration work will be carried out in accordance with a written record of concurrence between Hydro One and the CA. See section 10.0 of this document for more details.

8.2 Emergency and Priority Works within CA-Owned Lands (Outside of Regulated Areas):

It is recognized that CAs as landowners do not relinquish any property rights through the application of this section. As discussed in Section 7.0 of this MOU, all parties acknowledge that Hydro One transmission and distribution staff are granted powers of entry under s. 40 of the *Electricity Act* to lands where their transmission or distribution systems are located. The *Electricity Act* identifies requirements for Hydro One's and the *Affiliates*' staff when utilizing these powers of entry, including providing reasonable notice to the occupier of the property, restoring the property to original conditions insofar as is practicable, and providing *compensation* for any damages caused by the entry. As a best practice, Hydro One will endeavour to provide reasonable notice to CAs for emergency and priority works on their properties, and to accommodate site-specific information and/or property use requirements, such as archaeological requirements, when the CA is either the occupier or the owner of the property where access is required. While it is understood that some high risk *emergency works* will require prompt coordination of resources to address an immediate threat to public safety or the environment, however, Hydro One will endeavor to obtain advanced *authorization* from the applicable CA(s) to undertake the works, where time allows.

9.0 Fees

Hydro One acknowledges that there will be fees associated with regulation applications for works undertaken in *CA-regulated areas*. General information regarding application fees for works undertaken on *CA-regulated areas* can be accessed by contacting the CA. CAs should also have current fee schedules and policies uploaded to their individual websites.

For activities on *CA-owned lands*, it is recognized that there may be circumstances where a fee or security will be required (e.g., fees to access *CA-owned lands*, fees for archaeological investigations); this will be negotiated between Hydro One and the individual CA, unless otherwise set out within the current CA fee schedule or policy.

10.0 Restoration Works or Compensation

During project-specific discussions about *permissions* and/or *authorizations*, Hydro One and the individual CA(s) will discuss site restoration options for works in *CA regulated areas* and *CA-owned lands*. Depending on the works undertaken, a range of potential restoration options may be considered, including seeding to stabilize bare/exposed soils, planting of native woody vegetation, repurposing of temporary access roads (e.g., for use as trails), etc. Through discussions regarding restoration works, Hydro One and the CA will give consideration for applicable planting seasons and timing windows (e.g., for stream restorations works). Schedules/timelines for completing these works will be discussed between both parties.

It is understood that restoration may be restricted along corridors to ensure compliance with NERC reliability standards and Ontario Energy Board standards and that there may be instances where full restoration works may not be feasible. For example, in some situations, due to clearance restrictions, only ground cover restoration is permitted (i.e., no shrubs or trees). As a best practice, any areas of disturbed or base soil should be seeded with native, non-invasive herbaeaceous material while the ground is moist and conditions are appropriate for germination.

Where agreed to by both parties, where full restoration works may not be feasible by Hydro One following works on *CA-owned lands*, CAs may request *compensation* in lieu of site restoration. For example, CAs may opt to request *compensation* in lieu of Hydro One undertaking restoration activities in instances where CAs are planning alternative uses for the impacted sites (i.e., future trail development, new facilities, etc.).

It is noted that, while this MOU does not address unique or project-specific restoration works, such as joint restoration projects or natural area enhancement, nothing in this MOU precludes individual CAs and Hydro One and the *Affiliates* from entering into agreements to complete such projects. Where such works are proposed and agreed to by both parties, Hydro One and individual CAs will develop project-specific details.

11.0 Legal Liability

- (a) This MOU is an expression of the mutual intentions of the parties and is not legally binding or enforceable.
- (b) Nothing in this MOU precludes Hydro One and the *Affiliates* and individual CAs from entering into additional agreements (e.g., service level agreements) for services provided to either agency. Additional agreements are outside the scope of this MOU and are to be negotiated and managed between the individual CA and Hydro One.
- (c) Both parties agree and acknowledge that any enforcement action under the *Conservation Authorities Act* is at the sole discretion of the CA.
- (d) Nothing in this MOU removes the requirement for Hydro One to obtain and follow *permissions* for development, interference with wetlands and alterations to shorelines and watercourses under a regulation made under the *Conservation Authorities Act*. Hydro One acknowledges its responsibility to obtain *permissions* for applicable development or interference activities as identified in section 28 of the *Conservation Authorities Act*.
- (e) If there are any conflicts or inconsistencies between this MOU and any obligations under any applicable provincial or federal legislation, or associated regulations, including but

not limited to the *Electricity Act*, the *Ontario Energy Board Act*, and the *Conservation Authorities Act*, the obligations under the legislation shall prevail.

12.0 Term of the MOU

This MOU will be in force from the date of the later signature hereunder and will remain in effect until cancelled by either Party.

The parties agree to review and amend this MOU as required (e.g. due to regulatory changes, etc.) by mutual written agreement. *Conservation Ontario* will further undertake an annual review of this MOU and attached protocol, focusing on comments and/or concerns submitted by individual CAs or Hydro One each year. This MOU may be cancelled unilaterally by Hydro One or by *Conservation Ontario* by providing six months' written notice of the intention to cancel to the other Party, or by mutual agreement with any agreed period of notice.

13.0 Signatories

The Parties hereto have signed the Agreement, in counterparts, on the dates indicated below:

HYDRO ONE NETWORKS INC.

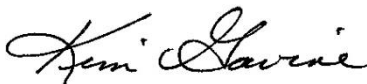


Elise Croll
Director, Environmental Services

July 19, 2021

Date

CONSERVATION ONTARIO



Kim Gavine
General Manager

July 14, 2021

Date

Appendix One

Protocol for Obtaining Permission under
Section 28 of the *Conservation Authorities Act*
for Common Hydro One Maintenance and
Construction Activities

Endorsed by Conservation Ontario Council: June 21, 2021
Endorsed by Hydro One Networks Incorporated: July 19, 2021

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Definitions

Access Road:

A road pre-existing or built to obtain access to a Hydro One asset for the purpose of construction, operation and/or maintenance.

Affiliates:

Hydro One Sault Ste. Marie LP and Hydro One Telecom Inc.

Development:

From the *Conservation Authorities Act*, Section 28 (25):

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

Distribution:

Distribution of electric power utilizing distribution infrastructure where the nominal operating voltage is equal to or less than 115 kV.

Hazardous Lands:

From the *Conservation Authorities Act*, Section 28 (25):

Land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock.

Mitigation:

Avoiding, eliminating or reducing to an acceptable level the potential effects of a project. It can also include rehabilitation, restoration, or enhancement where feasible, and the means by which projects can be modified to minimize or eliminate potential negative effects.

Pollution:

From the *Conservation Authorities Act*, Section 28 (25):

Any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under Section 28 (1) (c) of the *Conservation Authorities Act* applies.

Regulated Area(s):

From the *Conservation Authorities Act*, Section 28 (5):

Areas that are:

- f) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards;
- g) river or stream valleys;
- h) hazardous lands;

- i) *wetlands*; or
- j) other areas where, in the opinion of the Minister, *development* should be prohibited or regulated or should require the permission of the authority.

Right-of-Way (ROW):

A strip of land over which an Ontario Energy Board-licensed transmitter or distributor has occupational rights to occupy and use for the purposes of an electricity transmission line or lines as defined by the *Ontario Energy Board Act*. Synonymous with “Transmission Corridor” or “Distribution Corridor”.

Transmission:

Transmission of electric power utilizing transmission infrastructure where the nominal operating voltage is equal to or greater than 115 kV or equal to or less than 500 kV.

Watercourse:

From the *Conservation Authorities Act*, Section 28 (25):

An identifiable depression in the ground in which a flow of water regularly or continuously occurs

Wetland:

From the *Conservation Authorities Act*, Section 28 (25):

Land that,

- a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
- c) has hydric soils, the formation of which has been caused by the presence of abundant water, and
- d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,

but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a *wetland* characteristic referred to in clause (c) or (d).

Throughout this document, terms included in this glossary will appear in italics.

List of Acronyms and Abbreviations

| | |
|-----------|-------------------------------------|
| CA | Conservation Authority |
| CA Act | <i>Conservation Authorities Act</i> |
| ESC | Erosion and Sediment Control |
| Hydro One | Hydro One Networks Inc. |
| ROW | Right-of-Way |
| SBP | Standard Best Practices |
| SCR | Standard Compliance Requirements |

Preface

This document has been prepared by Conservation Ontario and Hydro One Networks Inc. ("Hydro One") as part of an update to the previous 2011 Memorandum of Understanding (MOU) between Conservation Ontario and Hydro One. The updated MOU has been prepared to reflect that, as of May 2017, Hydro One no longer holds status as a crown corporation and is thereby subject to permitting requirements under Section 28 of the *Conservation Authorities Act* ("CA Act") and the individual CA "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" regulations. This document outlines recommended procedures for Hydro One and the *Affiliates*, including any of their respective contractors, and Ontario's 36 Conservation Authorities ("CAs") for Hydro One's and the *Affiliates*' works taking place in *regulated areas* under Section 28 of the CA Act. The Protocol acknowledges the requirements for the parties to fulfill their responsibilities under the *Electricity Act*, *Ontario Energy Board Act*, and *Conservation Authorities Act*, respectively, without compromising the intent of those statutes, when Hydro One works are planned or undertaken within *CA-regulated areas*. The following Protocol is intended to outline recommended notification, communication, and compliance requirements, as well as best management practices which may be used by Hydro One with CAs.

1.0 Introduction

Pursuant to the *Electricity Act*, the basic mandate of Hydro One is to ensure a safe, reliable and cost-effective supply of electricity to the people of Ontario. Regular maintenance and periodic construction of Hydro One's and the *Affiliates'* *distribution* and *transmission* infrastructure is necessary in order to fulfill this mandate. Given that this infrastructure may be located in and on lands regulated by conservation authorities ("CAs") under the CA Act, permissions must be sought from the local CAs to undertake certain works in these *regulated areas*.

Hydro One makes every effort during the course of maintenance and construction activities to avoid any impact to the natural environment. It should be recognized that Hydro One *ROWs*, unlike other linear infrastructure, have been able to preserve and sustain most ecological features and functions of the landscape. A consequence of this positive characteristic of the infrastructure is that crews must traverse natural areas to access Hydro One infrastructure.

Under Section 28 of the CA Act, CAs regulate *development* in or adjacent to *watercourses*, *wetlands*, the shoreline of the Great Lakes-St. Lawrence River System or inland lakes, river or stream valleys, *hazardous lands* and other areas where, in the opinion of the Minister of Natural Resources and Forestry, *development* should be prohibited or regulated or should require the permission of the authority. A CA may grant permission for *development* if, in the opinion of the Authority, the control of flooding, erosion, dynamic beaches, *pollution* or the conservation of land is not affected. CAs also regulate activities that change, divert, or interfere in any way with the existing channel of a river, creek, stream or *watercourse*, or that change or interfere in any way with a *wetland*. Hydro One's and the *Affiliates'* infrastructure, (e.g., *distribution* or *transmission* lines and stations, *ROWs*, *access roads*) may be located in *regulated areas* as defined under the CA Act and, as such, construction and maintenance activities associated with this infrastructure may be regulated by CAs.

Comprehensive details of the *Electricity Act*, the *Ontario Energy Board Act*, and the *Conservation Authorities Act* are available online through e-Laws (www.e-laws.gov.on.ca).

This protocol has been developed to provide clear and consistent compliance approaches for Hydro One when completing works within *CA-regulated areas*. Hydro One and Conservation Ontario are supportive of the new recommended streamlined compliance approaches for lower-risk maintenance and construction activities. CAs are encouraged to utilize the streamlined approaches presented in this Protocol to provide consistency in the delivery of the Section 28 regulation process, while ensuring that CAs' regulatory responsibilities are fulfilled. This Protocol is intended to continue to support and enhance the positive working relationship between Hydro One and Ontario's CAs.

2.0 Purpose and Scope

This Protocol addresses anticipated maintenance and construction activities that may be undertaken by Hydro One and its *Affiliates*, or their respective contractors, for work within *CA regulated areas*. Table 1 identifies these activities and the recommended approaches for compliance with CA Section 28 regulations under the CA Act. These compliance approaches include:

1. CA Permission (using Regular Approach)
2. CA Permission (using Standard Compliance Requirements (SCRs))
3. Application of Standard Best Practices (SBPs)

It should be noted that not all scenarios are captured within this document. Each set of works will need to be reviewed by the CA to confirm what compliance approach is applicable. CAs will determine the appropriate compliance approach for projects based on a number of factors, including: the level of risk associated with the hazard feature, project complexity, duration, etc. Consultation with the CA will be required to determine the appropriate approach to achieving permission. Details on the recommended compliance approaches are discussed further in Section 3.

Good communication among all parties remains fundamental for the compliance approaches to be effective. Hydro One and CAs should be in regular communication to understand one another's interests and be aware of changes and developments (including changes to individual CA policies which may impact Hydro One's interests). As discussed in Section 5 of the Conservation Ontario-Hydro One MOU (2021), Hydro One and CAs should at minimum be in contact annually to review and discuss Hydro One's annual/forecast workplan within each individual CA's jurisdiction. These workplan reviews will provide an opportunity for both parties to discuss the necessary compliance approaches for Hydro One work activities early in the planning process and identify any concerns CAs may have with planned maintenance or construction activities. Where individual projects are proposed which were not included in the workplan review, Hydro One should initiate contact with the applicable CA(s) as early in the planning process as possible to discuss compliance requirements and approaches and to address any potential issues before they may become escalated.

3.0 Compliance Approaches

Under this Protocol, written permission under Section 28 of the CA Act can be achieved either by adhering to Standard Compliance Requirements (SCRs) issued by a CA or through the regular process of obtaining a CA Act Section 28 permission. Both approaches represent a form of written permission under Section 28 of the CA Act from the issuing CA. Table 1 at the end of this section provides an overview of the recommended compliance approaches for Hydro One's and the *Affiliates'* maintenance and construction activities. This table is not exhaustive, and CAs may identify additional projects which may require CA permissions through a review of project-specific details.

This section further provides an overview of Standard Best Practices (SBPs) to be followed by Hydro One for activities which are low-risk maintenance and construction activities and/or typically do not have associated regulatory impacts under Section 28 of the CA Act.

The following sections provide details on how and when these compliance approaches may be applied.

3.1 CA Permission (using Regular Approach)

Certain activities or regulated features within *CA-regulated areas* have a higher level of risk associated with *development* activities. Therefore, proponents may be required to obtain

permission under Section 28 of the CA Act to ensure that these activities do not further exacerbate risks associated with these hazard features.

For projects which are required to obtain permission under Section 28 of the CA Act through the regular approach, Hydro One will follow the established procedures of the local CA(s). Refer to Table 1 for more details.

3.2 CA Permission (using Standard Compliance Requirements (SCRs))

Recognizing that many of Hydro One's and the *Affiliates'* construction and maintenance activities are routine in nature and occur regularly across the Province, this Protocol includes a set of Standard Compliance Requirements (SCRs) which could be used locally by CAs as a form of CA Section 28 permission for certain Hydro One undertakings. For greater clarity, Hydro One would apply to the CA for permission to undertake a project by using the SCR Application Form, and the CA would review the application to determine whether the proposed works meet the SCRs.

Forms are provided for each activity covered by the SCR approach (Section 6) which contain both activity-specific *mitigation* requirements, as well as general *mitigation* requirements which are standards that must be maintained on a broad range of Hydro One maintenance and construction projects. Exceptions from the *mitigation* requirements should occur only in situations that demand the immediate actions of Hydro One (e.g., emergency works). CAs are encouraged to utilize the SCRs developed for specific Hydro One construction and/or maintenance activities as a means to provide a streamlined process towards obtaining a CA Act Section 28 permission, where appropriate.

Table 1 outlines the Hydro One construction and maintenance activities for which SCR forms are available for use by CAs to issue as a form of permission to undertake an activity under Section 28 of the CA Act. Refer to Table 1 for more details.

It is noted that through an individual CA review of proposed Hydro One works, the CA may need to apply conditions on approval of an activity consistent with their Board-approved policies and/or management plans, in addition to the activity-specific *mitigation* measures outlined in this Protocol. In these situations it is recognized that the SCR may not adequately address the concerns of the CA and the CA should, as a result, inform Hydro One that the specific activity will need to proceed with the regular approach for obtaining permission under Section 28 of the CA Act.

3.3 Application of Standard Best Practices (SBPs)

This Protocol identifies some activities which are low-risk maintenance and construction activities and/or typically do not have associated regulatory impacts under Section 28 of the CA Act. These activities are summarized in Table 1. As such, when the CA determines that Standard Best Practices (SBPs) apply to the work, Hydro One will not be required to obtain permission from the local CA(s) in order to undertake these activities in those instances. These activities may still occur within CA-regulated areas, however, there are no regulatory impacts typically associated with these activities, and they may not meet the definition of *development* under Section 28 of the CA Act.

When applicable, communication protocols outlined in sections 5, 6, 7 and 8 of the attached MOU should be followed to enable Hydro One and the applicable CA(s) to discuss the project and verify that CA permissions or authorizations are not required. For example, while forestry maintenance activities within existing corridors and access routes may not require permission under Section 28 of the CA Act, activities associated with the undertaking, such as access requirements for heavy machinery, modifications to existing grades or slopes, etc., may require CA permissions in order for the forestry maintenance activities to proceed. Communication protocols and procedures for this category of activities are outlined in section 6.1 of this Protocol. Hydro One should endeavour to follow the SBPs identified in Section 6.1 of this Protocol as a matter of good practice while undertaking these works.

3.4 Summary of Compliance Approaches

Section 6 of this document outlines the SCRs and SBPs for the Hydro One and *Affiliates* maintenance and construction activities covered under this Protocol. In total, nine activities are recommended for the SCR approach, and six activities are recommended for the application of SBPs. Table 1 (below) provides an overview of these activities and their recommended compliance approach. For clarity, Table 1 further outlines a number of common Hydro One maintenance and construction activities where the recommended compliance approach is for Hydro One to obtain CA permission following the established procedures of the local CA.

Table 1: Recommended Compliance Approaches for Hydro One Maintenance and Construction Activities

| Hydro One Activity | Recommended Compliance Approach: CA Permission (using Regular Approach) | Recommended Compliance Approach: CA Permission (using Standard Compliance Requirements) | Recommended Compliance Approach: Application of Standard Best Practices |
|--|---|---|---|
| <i>Emergency Works</i> (within CA-regulated areas or within CA-owned lands) | Follow procedures outlined in Section 8.0 of the MOU. | | |
| <i>Transmission</i> line works requiring below-grade disturbance/excavation | ✓ | | |
| Submarine electrical works | ✓ | | |
| New or extended footprint for <i>transmission</i> corridor or station (includes all activities such as forestry, construction, etc.) | ✓ | | |
| Modification or installation of station drainage/storm water management works | ✓ | | |
| New permanent access route or watercourse / wetland crossing installation | ✓ | | |
| Repair or remediate slope stability and erosion hazard impacting Hydro One Infrastructure | ✓ | | |
| Installation and removal of temporary <i>watercourse</i> crossing below high water mark | ✓ | | |
| Removal of beaver dam or other, similar obstructions | | ✓ | |
| Exposure, cleaning, and coating of below-grade foundations | | ✓ | |
| All <i>transmission</i> wood pole works (excluding new <i>transmission</i> lines) | | ✓ | |
| <i>Distribution</i> wood pole works within limits of <i>wetland</i> , <i>watercourse</i> or valleys (steep slopes) | | ✓ | |
| Station below-grade works, excluding drainage/storm water management works | | ✓ | |
| Maintenance of existing access route through limits of <i>wetland</i> , <i>watercourse</i> or valleys (steep slopes) | | ✓ | |
| Installation and removal of temporary access route, including temporary <i>watercourse</i> crossing above high water mark | | ✓ | |

| Hydro One Activity | Recommended Compliance Approach: CA Permission (using Regular Approach) | Recommended Compliance Approach: CA Permission (using Standard Compliance Requirements) | Recommended Compliance Approach: Application of Standard Best Practices |
|---|---|---|---|
| Forestry maintenance activities in existing corridors or access routes, within limits of <i>wetland</i> , <i>watercourse</i> or valleys (steep slopes) | | ✓ | |
| Geotechnical and/or intrusive archaeological investigations, within limits of <i>wetland</i> , <i>watercourse</i> or valleys (steep slopes) (applies to lines and stations) | | ✓ | |
| Geotechnical and/or intrusive archaeological investigations, beyond limits of <i>wetland</i> , <i>watercourse</i> or valleys (steep slopes) (applies to lines and stations) | | | ✓ |
| <i>Distribution</i> wood pole works beyond the limits of <i>wetland</i> , <i>watercourse</i> or valleys (steep slopes) | | | ✓ |
| Forestry maintenance activities in existing corridors or access routes, beyond limits of <i>wetland</i> , <i>watercourse</i> or valleys (steep slopes) | | | ✓ |
| Maintenance of existing access routes beyond limits of <i>wetland</i> or <i>watercourse</i> | | | ✓ |
| Above-grade infrastructure works (applies to existing lines and stations) | | | ✓ |
| Herbicide application | | | ✓ |

4.0 Procedures

Timely, clear and open communication between all parties is a best practice to ensure Hydro One's and the *Affiliates'* projects can proceed within the desired timeframe outlined in the annual/forecast workplans and CA regulatory responsibilities are met. Hydro One should communicate its annual workplan for maintenance and construction activities to the CA(s) as early in the year as possible to allow adequate time for both Hydro One and individual CA(s) to discuss the necessary approach for compliance.

An overview of the compliance process as per this Protocol is summarized in Figure 1.

Section 4.1 of this Protocol outlines the general steps to be taken when it is determined that a SCR approach is appropriate for Hydro One maintenance or construction activities in CA-*regulated areas*. The steps to be undertaken when SBPs apply for work which do not require permission under Section 28 of the CA Act are outlined in Section 4.2. For projects which are required to obtain permission under Section 28 of the CA Act through the regular approach, Hydro One will follow the established procedures of the local CA(s). Where maintenance or

construction activities are planned to be undertaken on CA-owned lands, Hydro One acknowledges the need to obtain authorization from the appropriate CA in addition to required permissions. See section 7.0 of the MOU (*Works Within Conservation Authority-Owned Lands*) for further details.

4.1 Procedures when Standard Compliance Requirements Apply

1. Hydro One will provide annual/forecast workplans for maintenance and construction activities planned to be undertaken in a CA's jurisdiction. Where appropriate, a meeting to discuss the workplan will be held between Hydro One and the local CA.
2. CA staff will review, screen and provide initial feedback on the annual/forecast workplan. This may include: identifying where planned activities are within *CA-regulated areas*; identifying concerns with any of the proposed projects; providing initial feedback on the appropriate compliance approach for individual projects; and providing any additional recommendations such as pre-consultation for specific projects which may be complex in nature.
3. For activities which are not provided as part of the annual/forecast workplans, Hydro One will endeavour to provide the individual CA(s) with as much notice of the proposed activities as possible. This will allow CAs to screen the proposed activities and determine the appropriate compliance requirements.
4. Where applicable, Hydro One will engage in pre-consultation with the individual CA(s) to further discuss the proposed undertaking(s), necessary approval processes, review and approval timelines, and complete application requirements (more details below).
5. Where a CA has determined that the desired approach for compliance is to utilize SCRs, Hydro One will prepare and submit a completed SCR Application Form, appropriate drawings/maps, fee(s) and any other necessary information to the individual CA(s).
6. Upon receipt of a completed SCR Application Form, the CA will review the application to ensure all necessary information has been included. Within 21 days (unless otherwise stated in the CA's Board-approved policies), the CA will notify Hydro One that the application is deemed complete and the CA review of the proposed works will commence.
7. Should the proposed works be able to proceed with permission granted from the local CA, the CA will send a signed copy of the SCR form back to Hydro One within 30 days (unless otherwise stated in the CA's Board-approved policies), following the confirmation of a complete application. By signing the SCR form, the CA is providing a written permission under the appropriate CA Act Section 28 regulation, and acknowledges its awareness of the works taking place. SCR forms shall be signed by a CA staff member with the delegated authority to grant permissions under section 28 of the CA Act.
8. Upon receipt of the signed SCR form, Hydro One will be able to begin undertaking the proposed works in accordance with the general and activity-specific *mitigation* measures for the specified activity. Hydro One acknowledges that the CA may monitor activities for adherence to the SCRs at their discretion. Where monitoring activities such as site visits may be required, Hydro One and associated contractors will ensure CA staff are provided with all necessary personal protective equipment specifications which may be required for entry into some work sites. CA staff are responsible for ensuring that they are in compliance with these specifications prior to entering the site. In the event of non-adherence by Hydro One to the general and activity-specific *mitigation* measures, CAs may follow their Authority's compliance procedures and, if necessary, enter into legal proceedings.

4.2 Procedures when Standard Best Practices Apply

1. Hydro One will provide annual/forecast workplans for maintenance and construction activities planned to be undertaken in a CA's jurisdiction. Where appropriate, a meeting to discuss the workplan will be held between Hydro One and the local CA.
2. CA staff will review, screen and provide initial feedback on the annual/forecast workplan. This may include: identifying where planned activities are within CA-regulated areas, identifying concerns with any of the proposed projects, providing initial feedback on the appropriate compliance approach for individual projects, and providing any additional recommendations such as pre-consultation for specific projects which may be complex in nature.
3. For activities which are not provided as part of the annual/forecast workplans, Hydro One will endeavour to provide the individual CA(s) with as much notice of the proposed activities as possible. This will allow CAs to screen the proposed activities to ensure that no additional compliance requirements will apply and that activities may proceed using the SBPs.
4. If the CA determines that no permission is required under Section 28 of the CA Act, the CA will notify Hydro One and Hydro One may proceed with the works, following any SBPs which apply. It is acknowledged that CAs may charge a fee to recover costs associated with the review of such works (e.g., clearance fees).

4.3 Site Visits

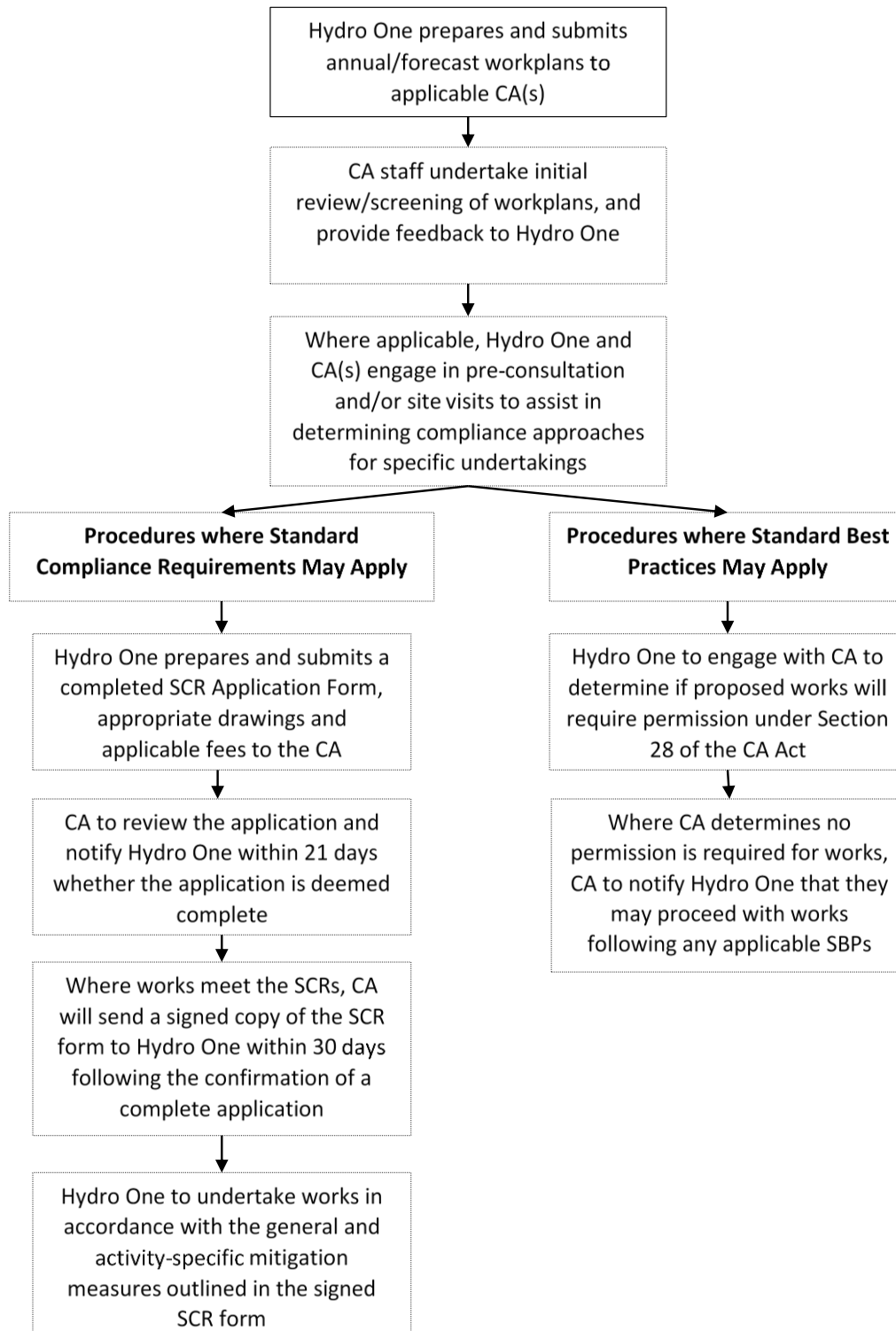
Where a CA determines that a site visit is necessary to determine the appropriate approach for compliance, Hydro One personnel and CA representative(s) should conduct site visits jointly where possible. It is recognized that CA staff may not always be permitted to enter into a Hydro One work site without being accompanied by appropriate Hydro One personnel. As previously stated, where site visits may be required, Hydro One and its contractors will ensure that CA staff are provided with all necessary personal protective equipment specifications which may be required for entry into some work sites. CA staff are responsible for ensuring they are in compliance with these specifications prior to entering the site. If a site visit is not possible, the CA should work with Hydro One to acquire the necessary information about the project.

4.4 Pre-Consultation

For complex undertakings, such as those which should proceed with the regular process for obtaining CA permission under Section 28 of the CA Act, pre-consultation between Hydro One and the applicable CA(s) is a best practice. Pre-consultation provides an opportunity for the CA and the applicant to discuss the proposed works; to confirm complete application requirements for CA review; to proactively discuss at the beginning of the process any fundamental issues that might prevent approval; and to outline the CA review and approval process, including anticipated timelines to process the application. While general compliance approaches for Hydro One work activities may be discussed during the annual workplan meeting between Hydro One and CA staff, pre-consultation meetings offer an opportunity to discuss complex undertakings and provide applicants with a clear route towards the submission requirements for a project.

Pre-consultation meetings may take place in-person, or through electronic means (e.g., videoconferencing/teleconferencing).

Figure 1: Summary of Procedures for Use of Standard Compliance Requirements and Standard Best Practices



5.0 Issue/Dispute Resolution

Generally, the protocols and procedures outlined in this document provide a number of touchpoints between Hydro One personnel and CA staff to ensure that applications for permission (either through the SCR or regular approach) can be designed to meet CA Board-approved policies, allowing Hydro One personnel to proceed with proposed works. Should issues arise between the two parties, there are a number of remedies built into the CA Act and CA policies and procedures. These include:

Administrative Review:

If Hydro One is not satisfied with the CA decision on whether an application for a permission is deemed complete (either through the SCR or regular approach), the applicant can request an administrative review by the CA General Manager or Chief Administrative Officer, and then, if not satisfied, by the CA Board of Directors. This review will be limited to a complete application policy review and will not include review of the technical merits of the application.

Section 28 Hearing Process:

There may be some instances where CA staff may recommend refusal of an application for permission should the proposal not meet the tests of the CA Act, Section 28 regulation or the Board-approved policies. In such cases, Hydro One has the opportunity to request a hearing before the Authority (Board), or, if the Authority so directs, before the Authority's Executive Committee.

If the application is refused by the Authority, Hydro One will be notified of the reasons for refusal in writing. Within 30 days of the notification, the applicant may appeal the decision of the Authority or Executive Committee to the Local Planning Appeal Tribunal (or its successor, see the *Conservation Authorities Act* for details), which may then dismiss the appeal or grant permission following a hearing.

Cancellation of Permission:

The Authority may cancel a permission if it is of the opinion that the conditions of the permission have not been met. In such cases, Hydro One has the opportunity to require a hearing before the Authority (Board), or, if the Authority so directs, before the Authority's Executive Committee.

In order to prevent situations where a CA may recommend refusal of a permit application or cancellation of an existing permission, Hydro One is encouraged to prepare and submit annual workplans to CAs for their review. The preparation of these workplans will allow for early feedback on proposed works outside of the formal application process, and will allow Hydro One to refine workplans to ensure projects may proceed as desired. Further, for complex projects, Hydro One personnel are encouraged to engage in pre-consultation meetings with the applicable CA(s) to proactively discuss project and site-specific considerations and work towards developing a clear understanding of CA requirements for approval of the proposed works.

6.0 Standard Compliance Requirements and Standard Best Practices for Hydro One Maintenance and Construction Activities

6.1 Standard Compliance Requirement Forms

STANDARD COMPLIANCE REQUIREMENTS

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

A. Removal of beaver dams or other, similar obstructions

Description of Typical Works

Removal of log jams, garbage, beaver dams or other similar obstructions within the *wetland* or *watercourse* where there is imminent risk to existing infrastructure.

Activity-Specific Mitigation Requirements

- Brush or debris is placed in a location where it cannot re-enter or block the *wetland* or channel.
- Minimize flooding upstream and downstream by drawing the water down slowly. An appropriate depth and flow should be maintained. Where a series of dams or similar obstructions are to be removed, works should proceed from downstream to upstream in order to avoid flooding impacts.
- Avoid performing work when flow conditions are elevated due to recent rainfall to minimize sediment and debris movement and erosion. Whenever possible, works should be undertaken during dry weather and under low flow conditions, with works scheduled to avoid wet, windy and rainy periods
- Where machinery will be used for debris removal, proponents will operate machinery in a manner than minimizes disturbance to the banks of the *watercourse* or *wetland*.
- Where Hydro One will need to pump and discharge water to undertake these activities, Hydro One will indicate where the water will be pumped and discharged, and take steps to avoid erosion and sedimentation issues.

General Mitigation Requirements

General *mitigation* requirements are standards that must be maintained on all Hydro One infrastructure construction and maintenance projects utilizing the SCR approach.

- Wherever possible, utilize existing trails, roads or access points to minimize disturbance when accessing the site. Where available, Hydro One should endeavour to utilize existing easements or *right-of-ways* to access sites.
- Choose appropriate conditions and equipment to minimize site disturbance (e.g., frozen or dry soil conditions or the use of load distributing machines or mats).
- Limit soil movement and erosion/sedimentation; use appropriate control measures before work begins and inspect and maintain those measures regularly until all disturbed areas are stabilized.
- Undertake works in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
- Perform work in appropriate flow conditions to minimize debris movement and erosion.

- Restore the disturbed site to stable conditions and similar grades and remediate any areas impacted by the works. Any necessary remediation works will be discussed and planned with the individual conservation authority.
- Vehicular refueling and maintenance will be conducted a minimum of 30-metres from any *wetlands, watercourses*, or bodies of water.
- All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
- Where steep slopes exist, the adequate setback from the toe or top of slope must be maintained to ensure that the slopes are not destabilized as a result of the proposed works. Earthworks and grading in the vicinity of the steep slopes/banks needs to be minimized, and all activities with potential adverse impact to the slopes/banks to be avoided.

The _____ Conservation Authority grants permission under Section 28 of the *Conservation Authorities Act* for work to be conducted at the location list below in accordance with the notification form, provided maintenance and construction activities are in compliance with the requirements set out above. This permission does not relieve Hydro One of the responsibility to obtain any other approvals which may be required from municipal, provincial or federal authorities.

File Number: _____

Period of Validity: _____ to _____

Site Location: _____ | Location Map Attached (Y / N)

Signature of Conservation Authority Official:

Name

Signature

Date: _____

STANDARD COMPLIANCE REQUIREMENTS

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

B. Exposure, cleaning, and coating of below-grade foundations

Description of Typical Works

A common Hydro One maintenance activity on steel structure foundations which includes minor excavation around the footings of structures followed by cleaning of steel and coating with anti-corrosion paint.

Activity-Specific Mitigation Requirements

- Consider the use of wooden construction matting or swamp mats to minimize site disturbance by equipment.
- Minimize work footprint in the *regulated areas* including along channel and bank slopes. Ensure strict adherence to infrastructure locations confirmed with the CA.
- All excavated material must be placed beyond the limits of the *regulated area*. If not practical or feasible, excavated material should be independently surrounded by proper sediment and erosion controls.
- Use spill protection practices during coating (i.e., use of tarps, secondary containment).

Where works are taking place in wetlands or watercourses:

- Use only clear stone or blasted rock (i.e., minimal fines) below the high water mark.
- Minimize water level fluctuations upstream and downstream by slowly augmenting water levels, when applicable.
- Perform the work in no/low flow conditions to minimize sediment and debris movement and erosion. Avoid work after recent precipitation or snowmelt.

General Mitigation Requirements

General *mitigation* requirements are standards that must be maintained on all Hydro One infrastructure construction and maintenance projects utilizing the SCR approach.

- Wherever possible, utilize existing trails, roads or access points to minimize disturbance when accessing the site. Where available, Hydro One should endeavour to utilize existing easements or *right-of-ways* to access sites.
 - Choose appropriate conditions and equipment to minimize site disturbance (e.g., frozen or dry soil conditions or the use of load distributing machines or mats).
 - Limit soil movement and erosion/sedimentation; use appropriate control measures before work begins and inspect and maintain those measures regularly until all disturbed areas are stabilized.
 - Undertake works in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
 - Perform work in appropriate flow conditions to minimize debris movement and erosion.
 - Restore the disturbed site to stable conditions and similar grades and remediate any areas impacted by the works. Any necessary remediation works will be discussed and planned with the individual conservation authority.
-

- Vehicular refueling and maintenance will be conducted a minimum of 30-metres from any *wetlands, watercourses*, or bodies of water.
- All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
- Where steep slopes exist, the adequate setback from the toe or top of slope must be maintained to ensure that the slopes are not destabilized as a result of the proposed works. Earthworks and grading in the vicinity of the steep slopes/banks needs to be minimized, and all activities with potential adverse impact to the slopes/banks to be avoided.

The _____ Conservation Authority grants permission under Section 28 of the *Conservation Authorities Act* for work to be conducted at the location list below in accordance with the notification form, provided maintenance and construction activities are in compliance with the requirements set out above. This permission does not relieve Hydro One of the responsibility to obtain any other approvals which may be required from municipal, provincial or federal authorities.

File Number: _____

Period of Validity: _____ to _____

Site Location: _____ | Location Map Attached (Y / N)

Signature of Conservation Authority Official:

Name

Signature

Date: _____

STANDARD COMPLIANCE REQUIREMENTS

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

C. All *transmission* wood pole works (excluding new *Transmission Lines*)

Description of Typical Works

A common Hydro One program involving the removal and replacement of wood pole structures for all *transmission* poles (i.e., “like-for-like replacement”). These activities are very localized with small project footprints due to the use of wood poles (instead of steel structures).

Activity-Specific Mitigation Requirements

- Work should be limited to the original footprint of the structure.
- Consider the use of wooden construction matting or swamp mats to minimize site disturbance by equipment.
- All excavated material must be placed beyond the limits of the *regulated area*. If not practical or feasible, excavated material should be independently surrounded by proper sediment and erosion controls.
- Any area of excavation should be isolated from the feature.

General Mitigation Requirements

General *mitigation* requirements are standards that must be maintained on all Hydro One infrastructure construction and maintenance projects utilizing the SCR approach.

- Wherever possible, utilize existing trails, roads or access points to minimize disturbance when accessing the site. Where available, Hydro One should endeavour to utilize existing easements or *right-of-ways* to access sites.
- Choose appropriate conditions and equipment to minimize site disturbance (e.g., frozen or dry soil conditions or the use of load distributing machines or mats).
- Limit soil movement and erosion/sedimentation; use appropriate control measures before work begins and inspect and maintain those measures regularly until all disturbed areas are stabilized.
- Undertake works in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
- Perform work in appropriate flow conditions to minimize debris movement and erosion.
- Restore the disturbed site to stable conditions and similar grades and remediate any areas impacted by the works. Any necessary remediation works will be discussed and planned with the individual conservation authority.
- Vehicular refueling and maintenance will be conducted a minimum of 30-metres from any *wetlands*, *watercourses*, or bodies of water.
- All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
- Where steep slopes exist, the adequate setback from the toe or top of slope must be maintained to ensure that the slopes are not destabilized as a result of the proposed works. Earthworks and grading in the vicinity of the steep slopes/banks needs to be minimized, and all activities with potential adverse impact to the slopes/banks to be avoided.

The _____ Conservation Authority grants permission under Section 28 of the *Conservation Authorities Act* for work to be conducted at the location list below in accordance with the notification form, provided maintenance and construction activities are in compliance with the requirements set out above. This permission does not relieve Hydro One of the responsibility to obtain any other approvals which may be required from municipal, provincial or federal authorities.

File Number: _____

Period of Validity: _____ to _____

Site Location: _____ | Location Map Attached (Y / N)

Signature of Conservation Authority Official:

Name

Signature

Date: _____

STANDARD COMPLIANCE REQUIREMENTS

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

- D. *Distribution* wood pole works within limits of a *wetland*, *watercourse* or valley (steep slopes)

Description of Typical Works

A common Hydro One program involving the removal and replacement of wood pole structures for *distribution* poles (i.e., “like-for-like replacement”). These work activities are very localized, with small project footprints.

Activity-Specific Mitigation Requirements

- Work should be limited to the original footprint of the structure.
- Consider the use of wooden construction matting or swamp mats to minimize site disturbance by equipment.
- All excavated material must be placed beyond the limits of the *regulated area*. If not practical or feasible, excavated material should be independently surrounded by proper sediment and erosion controls.
- Any area of excavation should be isolated from the feature.

General Mitigation Requirements

General *mitigation* requirements are standards that must be maintained on all Hydro One infrastructure construction and maintenance projects utilizing the SCR approach.

- Wherever possible, utilize existing trails, roads or access points to minimize disturbance when accessing the site. Where available, Hydro One should endeavour to utilize existing easements or *right-of-ways* to access sites.
- Choose appropriate conditions and equipment to minimize site disturbance (e.g., frozen or dry soil conditions or the use of load distributing machines or mats).
- Limit soil movement and erosion/sedimentation; use appropriate control measures before work begins and inspect and maintain those measures regularly until all disturbed areas are stabilized.
- Undertake works in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
- Perform work in appropriate flow conditions to minimize debris movement and erosion.
- Restore the disturbed site to stable conditions and similar grades and remediate any areas impacted by the works. Any necessary remediation works will be discussed and planned with the individual conservation authority.
- Vehicular refueling and maintenance will be conducted a minimum of 30-metres from any *wetlands*, *watercourses*, or bodies of water.
- All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
- Where steep slopes exist, the adequate setback from the toe or top of slope must be maintained to ensure that the slopes are not destabilized as a result of the proposed works. Earthworks and grading in the vicinity of the steep slopes/banks needs to be minimized, and all activities with potential adverse impact to the slopes/banks to be avoided.

The _____ Conservation Authority grants permission under Section 28 of the *Conservation Authorities Act* for work to be conducted at the location list below in accordance with the notification form, provided maintenance and construction activities are in compliance with the requirements set out above. This permission does not relieve Hydro One of the responsibility to obtain any other approvals which may be required from municipal, provincial or federal authorities.

File Number: _____

Period of Validity: _____ to _____

Site Location: _____ | Location Map Attached (Y / N)

Signature of Conservation Authority Official:

Name

Signature

Date: _____

STANDARD COMPLIANCE REQUIREMENTS

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

E. Station below-grade works, excluding drainage/storm water management works

Description of Typical Works

Works related to infrastructure below-grade (foundations, footings, drainage works, fences, firewalls, etc.) that require below-grade disturbance within the existing limits of a station only (does NOT apply to other Hydro One infrastructure).

Activity-Specific Mitigation Requirements

- Ensure strict adherence to infrastructure locations confirmed by the CA.
- All excavated material must be placed beyond the limits of the *regulated area*. If not practical or feasible, excavated material should be independently surrounded by proper sediment and erosion controls.

General Mitigation Requirements

General *mitigation* requirements are standards that must be maintained on all Hydro One infrastructure construction and maintenance projects utilizing the SCR approach.

- Wherever possible, utilize existing trails, roads or access points to minimize disturbance when accessing the site. Where available, Hydro One should endeavour to utilize existing easements or *right-of-ways* to access sites.
- Choose appropriate conditions and equipment to minimize site disturbance (e.g., frozen or dry soil conditions or the use of load distributing machines or mats).
- Limit soil movement and erosion/sedimentation; use appropriate control measures before work begins and inspect and maintain those measures regularly until all disturbed areas are stabilized.
- Undertake works in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
- Perform work in appropriate flow conditions to minimize debris movement and erosion.
- Restore the disturbed site to stable conditions and similar grades and remediate any areas impacted by the works. Any necessary remediation works will be discussed and planned with the individual conservation authority.
- Vehicular refueling and maintenance will be conducted a minimum of 30-metres from any *wetlands*, *watercourses*, or bodies of water.
- All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
- Where steep slopes exist, the adequate setback from the toe or top of slope must be maintained to ensure that the slopes are not destabilized as a result of the proposed works. Earthworks and grading in the vicinity of the steep slopes/banks needs to be minimized, and all activities with potential adverse impact to the slopes/banks to be avoided.

The _____ Conservation Authority grants permission under Section 28 of the *Conservation Authorities Act* for work to be conducted at the location list below in accordance with the notification form, provided maintenance and construction activities are in compliance with the requirements set out above. This permission does not relieve Hydro One of the

responsibility to obtain any other approvals which may be required from municipal, provincial or federal authorities.

File Number: _____

Period of Validity: _____ to _____

Site Location: _____ | Location Map Attached (Y / N)

Signature of Conservation Authority Official:

Name

Signature

Date: _____

STANDARD COMPLIANCE REQUIREMENTS

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

- F. Maintenance of existing access route through limits of *wetland*, *watercourse* or valleys (steep slopes)

Description of Typical Works

Maintenance of an existing corridor or access route, within the same footprint, through *regulated areas* where a *wetland*, *watercourse* or valley (steep slope) is present. Specific maintenance activities may include the addition of aggregate, debris removal, installing beaver baffles and culvert replacement. In most cases, excavation and any soil disturbance is not required.

Activity-Specific Mitigation Requirements

- Maintain the *access road* footprint within the *regulated area* including channel and bank slopes. Efforts should be made to ensure minimal impact to *wetlands*, *watercourse* channels and bank slopes.
- Grade changes to an existing road required due to sinking/slumping must be limited to the original grade to avoid impacts to flooding.
- Placement of any material cannot result in pooling or change in flow direction.
- All excavated material must be placed beyond the limits of the *regulated area*. If not practical or feasible, excavated material should be independently surrounded by proper sediment and erosion controls.
- Use only clear stone or blasted rock (i.e., minimal fines) below the high water mark.
- Avoid performing work when flow conditions are elevated due to recent rainfall to minimize sediment and debris movement and erosion. Whenever possible, works should be undertaken during dry weather and under low flow conditions, with works scheduled to avoid wet, windy and rainy periods
- If work is required to facilitate culvert replacement in dry conditions, a dam and pumping plan must be submitted and followed.
- Culverts are to be embedded at least 10% of the culvert's diameter. Culvert must remain the same size.
- Minimize water level fluctuations / flooding upstream and downstream by slowly augmenting water levels (drawing the water down slowly), when applicable. An appropriate depth and flow should be maintained (to be confirmed by the CA).

General Mitigation Requirements

General *mitigation* requirements are standards that must be maintained on all Hydro One infrastructure construction and maintenance projects utilizing the SCR approach.

- Wherever possible, utilize existing trails, roads or access points to minimize disturbance when accessing the site. Where available, Hydro One should endeavour to utilize existing easements or *right-of-ways* to access sites.
 - Choose appropriate conditions and equipment to minimize site disturbance (e.g., frozen or dry soil conditions or the use of load distributing machines or mats).
 - Limit soil movement and erosion/sedimentation; use appropriate control measures before work begins and inspect and maintain those measures regularly until all disturbed areas are stabilized.
-

- Undertake works in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
- Perform work in appropriate flow conditions to minimize debris movement and erosion.
- Restore the disturbed site to stable conditions and similar grades and remediate any areas impacted by the works. Any necessary remediation works will be discussed and planned with the individual conservation authority.
- Vehicular refueling and maintenance will be conducted a minimum of 30-metres from any *wetlands*, *watercourses*, or bodies of water.
- All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
- Where steep slopes exist, the adequate setback from the toe or top of slope must be maintained to ensure that the slopes are not destabilized as a result of the proposed works. Earthworks and grading in the vicinity of the steep slopes/banks needs to be minimized, and all activities with potential adverse impact to the slopes/banks to be avoided.

The _____ Conservation Authority grants permission under Section 28 of the *Conservation Authorities Act* for work to be conducted at the location list below in accordance with the notification form, provided maintenance and construction activities are in compliance with the requirements set out above. This permission does not relieve Hydro One of the responsibility to obtain any other approvals which may be required from municipal, provincial or federal authorities.

File Number: _____

Period of Validity: _____ to _____

Site Location: _____ | Location Map Attached (Y / N)

Signature of Conservation Authority Official:

| | |
|-------|-----------|
| _____ | _____ |
| Name | Signature |

Date: _____

STANDARD COMPLIANCE REQUIREMENTS

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

- G. Installation and removal of temporary access route, including temporary *watercourse* crossing above high water mark

Description of Typical Works

Temporary installation and use of construction aids primarily intended to facilitate access across or through *wetlands* or *watercourses*. This may include the use of aggregates, geotextile, timber mats, swamp mats and clear-span bridges.

Activity-Specific Mitigation Requirements

- Ensure that the exact location for installation of the temporary *access road* is confirmed with the CA staff. Exact locations will be marked in the field.
- Where possible, design and plan installation and removal to avoid or minimize below-grade impacts, including excavation and disturbance to soil and vegetation.
- Minimize footprint of the temporary *access road* within *CA-regulated areas*. Efforts should be made to ensure minimal impact to *wetlands*, *watercourse* channels and bank slopes.
- Use only clear stone or blasted rock (i.e., minimal fines) below the high water mark
- Avoid performing work when flow conditions are elevated due to recent rainfall to minimize sediment and debris movement and erosion. Whenever possible, works should be undertaken during dry weather and under low flow conditions, with works scheduled to avoid wet, windy and rainy periods
- When removing the *access roads*, stabilize the area to limit sedimentation. This could include the seeding of native, non-invasive materials.

General Mitigation Requirements

General *mitigation* requirements are standards that must be maintained on all Hydro One infrastructure construction and maintenance projects utilizing the SCR approach.

- Wherever possible, utilize existing trails, roads or access points to minimize disturbance when accessing the site. Where available, Hydro One should endeavour to utilize existing easements or *right-of-ways* to access sites.
- Choose appropriate conditions and equipment to minimize site disturbance (e.g., frozen or dry soil conditions or the use of load distributing machines or mats).
- Limit soil movement and erosion/sedimentation; use appropriate control measures before work begins and inspect and maintain those measures regularly until all disturbed areas are stabilized.
- Undertake works in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
- Perform work in appropriate flow conditions to minimize debris movement and erosion.
- Restore the disturbed site to stable conditions and similar grades and remediate any areas impacted by the works. Any necessary remediation works will be discussed and planned with the individual conservation authority.
- Vehicular refueling and maintenance will be conducted a minimum of 30-metres from any *wetlands*, *watercourses*, or bodies of water.

-
- All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
 - Where steep slopes exist, the adequate setback from the toe or top of slope must be maintained to ensure that the slopes are not destabilized as a result of the proposed works. Earthworks and grading in the vicinity of the steep slopes/banks needs to be minimized, and all activities with potential adverse impact to the slopes/banks to be avoided.

The _____ Conservation Authority grants permission under Section 28 of the *Conservation Authorities Act* for work to be conducted at the location list below in accordance with the notification form, provided maintenance and construction activities are in compliance with the requirements set out above. This permission does not relieve Hydro One of the responsibility to obtain any other approvals which may be required from municipal, provincial or federal authorities.

File Number: _____

Period of Validity: _____ to _____

Site Location: _____ | Location Map Attached (Y / N)

Signature of Conservation Authority Official:

Name

Signature

Date: _____

STANDARD COMPLIANCE REQUIREMENTS

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

H. Forestry maintenance activities in existing corridors or access routes, within limits of a *wetland*, *watercourse* or valley (steep slopes)

Description of Typical Works

The removal of trees and other vegetation within *CA-regulated areas* in existing Hydro One corridors or access routes. This may be required for *right-of-way* maintenance and site accessibility. In most cases, soil disturbance is not part of the approved works.

Activity-Specific Mitigation Requirements

- Remove vegetation selectively; compatible vegetation should be preserved where possible.
- Whenever possible, avoid removing roots and disturbing any soil. If soil disturbance is required, appropriate erosion and sedimentation control measures are required.
- Where vegetation removal is required on bank slopes, to preserve slope stability, the vegetative root structure should be preserved. Brushing the bank slope should not disturb soil or remove the roots of any trees or shrubs.
- Choose conditions and equipment appropriate to minimize site disturbance by equipment.
- Whenever possible, proponents should endeavour to complete this work during dry weather. Works should be scheduled to avoid wet, windy and rainy periods that may result in high flow volumes and/or increased erosion and sedimentation.
- Should soil disturbance be required the following is required:
 - Grades must be returned to stable conditions. Where possible, excavated soil/debris must be removed from the site.

General Mitigation Requirements

General *mitigation* requirements are standards that must be maintained on all Hydro One infrastructure construction and maintenance projects utilizing the SCR approach.

- Wherever possible, utilize existing trails, roads or access points to minimize disturbance when accessing the site. Where available, Hydro One should endeavour to utilize existing easements or *right-of-ways* to access sites.
- Choose appropriate conditions and equipment to minimize site disturbance (e.g., frozen or dry soil conditions or the use of load distributing machines or mats).
- Limit soil movement and erosion/sedimentation; use appropriate control measures before work begins and inspect and maintain those measures regularly until all disturbed areas are stabilized.
- Undertake works in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
- Perform work in appropriate flow conditions to minimize debris movement and erosion.
- Restore the disturbed site to stable conditions and similar grades and remediate any areas impacted by the works. Any necessary remediation works will be discussed and planned with the individual conservation authority.
- Vehicular refueling and maintenance will be conducted a minimum of 30-metres from any *wetlands*, *watercourses*, or bodies of water.

-
- All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
 - Where steep slopes exist, the adequate setback from the toe or top of slope must be maintained to ensure that the slopes are not destabilized as a result of the proposed works. Earthworks and grading in the vicinity of the steep slopes/banks needs to be minimized, and all activities with potential adverse impact to the slopes/banks to be avoided.

The _____ Conservation Authority grants permission under Section 28 of the *Conservation Authorities Act* for work to be conducted at the location list below in accordance with the notification form, provided maintenance and construction activities are in compliance with the requirements set out above. This permission does not relieve Hydro One of the responsibility to obtain any other approvals which may be required from municipal, provincial or federal authorities.

File Number: _____

Period of Validity: _____ to _____

Site Location: _____ | Location Map Attached (Y / N)

Signature of Conservation Authority Official:

Name

Signature

Date: _____

STANDARD COMPLIANCE REQUIREMENTS

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

- I. Geotechnical and/or intrusive archaeological investigations, within limits of *wetland*, *watercourse* or valleys (steep slopes) (applies to lines and stations)

Description of Typical Works

In preparation for large construction projects, intrusive geotechnical or archeological (Stage 2 and beyond) investigations may be required to obtain data on the geotechnical conditions of a site. These investigations require the disturbance of soils and other substrate below-grade. This work is generally conducted by external consultants with expertise in the subject area and are monitored by Hydro One.

Activity-Specific Mitigation Requirements

- Works should not result in a change of grade at the site area.
- All excavated material must be placed beyond the limits of the *regulated area*. If not practical or feasible, excavated material should be independently surrounded by proper sediment and erosion controls.
- Whenever possible, proponents should endeavour to complete this work during dry weather. Works should be scheduled to avoid wet, windy and rainy periods that may result in high flow volumes and/or increased erosion and sedimentation.
- Cuttings and drilling fluid from any drilling operations should be contained and removed offsite.

General Mitigation Requirements

General *mitigation* requirements are standards that must be maintained on all Hydro One infrastructure construction and maintenance projects utilizing the SCR approach.

- Wherever possible, utilize existing trails, roads or access points to minimize disturbance when accessing the site. Where available, Hydro One should endeavour to utilize existing easements or *right-of-ways* to access sites.
- Choose appropriate conditions and equipment to minimize site disturbance (e.g., frozen or dry soil conditions or the use of load distributing machines or mats).
- Limit soil movement and erosion/sedimentation; use appropriate control measures before work begins and inspect and maintain those measures regularly until all disturbed areas are stabilized.
- Undertake works in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
- Perform work in appropriate flow conditions to minimize debris movement and erosion.
- Restore the disturbed site to stable conditions and similar grades and remediate any areas impacted by the works. Any necessary remediation works will be discussed and planned with the individual conservation authority.
- Vehicular refueling and maintenance will be conducted a minimum of 30-metres from any *wetlands*, *watercourses*, or bodies of water.
- All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.

- Where steep slopes exist, the adequate setback from the toe or top of slope must be maintained to ensure that the slopes are not destabilized as a result of the proposed works. Earthworks and grading in the vicinity of the steep slopes/banks needs to be minimized, and all activities with potential adverse impact to the slopes/banks to be avoided.

The _____ Conservation Authority grants permission under Section 28 of the *Conservation Authorities Act* for work to be conducted at the location list below in accordance with the notification form, provided maintenance and construction activities are in compliance with the requirements set out above. This permission does not relieve Hydro One of the responsibility to obtain any other approvals which may be required from municipal, provincial or federal authorities.

File Number: _____

Period of Validity: _____ to _____

Site Location: _____ | Location Map Attached (Y / N)

Signature of Conservation Authority Official:

Name

Signature

Date: _____

6.2 Application of Standard Best Practices

STANDARD BEST PRACTICES

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

- A. Geotechnical and/or intrusive archaeological investigations, beyond limits of *wetland*, *watercourse* or valleys (steep slopes) (applies to lines and stations)

Description of Typical Works

In preparation for large construction projects, intrusive geotechnical or archeological (Stage 2 and beyond) investigations may be required to obtain data on the geotechnical conditions of a site. These investigations require the disturbance of soils and other substrate below-grade. This work is generally conducted by external consultants with expertise in the subject area and are monitored by Hydro One.

Standard Best Practices

- Works should not result in a change of grade at the site area.
 - Works should be undertaken in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
 - All excavated material must be placed beyond the limits of the *regulated area*. If not practical or feasible, excavated material should be independently surrounded by proper sediment and erosion controls.
 - Whenever possible, proponents should endeavour to complete this work during dry weather. Works should be scheduled to avoid wet, windy and rainy periods that may result in high flow volumes and/or increased erosion and sedimentation.
 - Minimize disturbance to the proposed work area by utilizing existing trails, *access roads* and access points.
 - Choose conditions and equipment appropriate to minimize site disturbance by equipment, particularly in proximity to the top and toe of hazardous slopes.
 - Vehicular refueling and maintenance will be conducted a minimum of 30 metres from any *wetlands*, *watercourses*, or bodies of water.
 - All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
 - Cuttings and drilling fluid from any drilling operations should be contained and removed offsite.
-

STANDARD BEST PRACTICES

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

- B. *Distribution* wood pole works beyond the limits of *wetland*, *watercourse* or valleys (steep slopes) (applies to lines and stations)

Description of Typical Works

A common Hydro One program involving the removal and replacement of wood pole structures for all *distribution* poles located beyond the limits of a *wetland*, *watercourse*, or valley (steep slopes) (i.e., “like-for-like” replacement). The activities are very localized with small project footprints due to the use of wood poles (instead of steel structures).

Standard Best Practices

- Work should be limited to the original footprint of the structure.
 - Consider the use of wooden construction matting or swamp mats to minimize site disturbance by equipment.
 - All excavated material must be placed beyond the limits of the *regulated area*. If not practical or feasible, excavated material should be independently surrounded by proper sediment and erosion controls.
 - Works should be undertaken in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
 - Any area of excavation should be isolated from the feature.
 - Wherever possible, utilize existing trails, roads or access points to minimize disturbance when accessing the site. Where available, Hydro One should endeavour to utilize existing easements or *right-of-ways* to access sites.
 - Choose conditions and equipment appropriate to minimize site disturbance by equipment (e.g., frozen or dry soil conditions or the use of load distributing machines or mats).
 - Restore the disturbed site to stable conditions and grades and remediate any areas impacted by the works. Any necessary remediation works will be discussed and planned with the individual conservation authority.
 - Vehicular refueling and maintenance will be conducted a minimum of 30 metres from any *wetlands*, *watercourses*, or bodies of water.
 - All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
-

STANDARD BEST PRACTICES

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

- C. Forestry maintenance activities in existing corridors or access routes, beyond limits of *wetland*, *watercourse* or valleys (steep slopes)

Description of Typical Works

The removal of trees and other vegetation within *CA-regulated areas* in existing Hydro One corridors or access routes. This may be required for *right-of-way* maintenance and site accessibility. In most cases, soil disturbance is not part of the approved works.

Standard Best Practices

- Remove vegetation selectively; compatible vegetation should be preserved where possible.
 - Whenever possible, avoid removing roots and disturbing any soil. If soil disturbance is required, appropriate erosion and sedimentation control measures are required.
 - Choose conditions and equipment appropriate to minimize site disturbance by equipment.
 - Works should be undertaken in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
 - Whenever possible, proponents should endeavour to complete this work during dry weather. Works should be scheduled to avoid wet, windy and rainy periods that may result in high flow volumes and/or increased erosion and sedimentation.
 - Should soil disturbance be required the following is required:
 - Grades must be returned to stable conditions. Where possible, excavated soil/debris must be removed from the site.
 - Vehicular refueling and maintenance will be conducted a minimum of 30 metres from any *wetlands*, *watercourses*, or bodies of water.
 - All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
-

STANDARD BEST PRACTICES

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

- D. Maintenance of existing access routes beyond limits of *wetland*, *watercourse* or valley (steep slopes)

Description of Typical Works

Maintenance activities associated with existing *access roads* within conservation authority *regulated areas* outside of hazard features but within *regulated area* (i.e., regulatory allowance).

Maintenance activities do not include extending or widening the *access road*, raising or lowering the grade, or changing the bedding material used.

Specific maintenance activities may include the addition of aggregate, debris removal, installing end protection, installing beaver baffles and culvert replacement. In most cases, excavation and any soil disturbance is not required.

Standard Best Practices

- Choose conditions and equipment appropriate to minimize site disturbance by equipment
 - Works should be undertaken in such a way as to minimize the entry of brush, debris, sediment or other deleterious substances into a *watercourse* or *wetland*. Brush or debris should be placed in a location where it cannot re-enter or block the *wetland* or *watercourse*.
 - Perform work in appropriate conditions (e.g., dry weather) to minimize debris movement and erosion
 - Limit soil movement and erosion; use control measures if necessary prior to commencing works.
 - Site access requirements must be shared with the CA prior to commencing works to confirm works will have no regulatory impacts.
 - Vehicular refueling and maintenance will be conducted a minimum of 30 metres from any *wetlands*, *watercourses*, or bodies of water.
 - All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
-

STANDARD BEST PRACTICES

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

E. Above-grade infrastructure works (applies to existing lines and stations)

Description of Typical Works

Works related to infrastructure above-grade (conductor, skywire, insulator, hardware, steel-replacement, tower coating, etc.) that does not require any below-grade disturbance. Applicable to activities in stations or along lines.

Standard Best Practices

- Choose conditions and equipment appropriate to minimize site disturbance by equipment, particularly in proximity to the top and toe of hazardous slopes.
 - Minimize footprint to the *regulated areas* including channel and bank slopes.
 - Avoid performing work when flow conditions are elevated due to seasonality or recent rainfall to minimize sediment and debris movement and erosion.
 - Site access requirements must be shared and approved by CA prior to commencing works.
 - Vehicular refueling and maintenance will be conducted a minimum of 30 metres from any *wetlands, watercourses*, or bodies of water.
 - All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
 - Where steep slopes exist, the adequate setback from the toe or top of slope must be maintained to ensure that the slopes are not destabilized as a result of the proposed works.
-

STANDARD BEST PRACTICES

Hydro One Maintenance and Construction Activities Undertaken in Regulated Areas under the *Conservation Authorities Act*

F. Herbicide Application

Description of Typical Works

Herbicide application by a qualified professional

Standard Best Practices

- Application of herbicide is not permitted within *wetlands* or near *watercourses*
 - To minimize spread of herbicide, proponents should endeavour to schedule this work to avoid wet, windy or rainy periods.
 - Any source protection requirements should be confirmed with the local source protection authority
 - Vehicular refueling and maintenance will be conducted a minimum of 30 metres from any *wetlands*, *watercourses*, or bodies of water.
 - All access to the work site shall be from either side of the *watercourse*. Equipment and vehicles are not permitted to cross through the *watercourse* unless otherwise approved by the CA.
 - Where steep slopes exist, the adequate setback from the toe or top of slope must be maintained to ensure that the slopes are not destabilized as a result of the proposed works.
-

**HYDRO ONE APPLICATION FORM FOR PERMISSION FROM CONSERVATION AUTHORITIES (FOR ACTIVITIES COVERED BY STANDARD COMPLIANCE REQUIREMENTS)
SUBJECT TO ONTARIO CONSERVATION AUTHORITIES ACT, S.28 "DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND
WATERCOURSES" REGULATIONS
Version: June 21, 2021**

A completed copy of this form is to be sent to each applicable conservation authority when applying for permission under section 28 of the *Conservation Authorities Act* for works where Standard Compliance Requirements apply as per Appendix One of the 2021 *Memorandum of Understanding between Conservation Ontario and Hydro One Networks Inc.* This application form may be updated periodically to reflect current legislative requirements, or amendments made to the aforementioned MOU.

Conservation authority use only.

Conservation authority:

File Number:

SECTION 1: Contact Information

Applicant / Agent / Contractor Information*:

*Note: If this application involves both an applicant and an agent, please provide the contact information for both in the fields below

| | Applicant Information | Agent Information |
|-----------------------------------|-----------------------|-------------------|
| Name: | | |
| Hydro One Line of Business: | | |
| Mailing Address (Street, PO Box): | | |
| City: | | |
| Postal Code: | | |
| Telephone: | | |
| Cell: | | |
| Email: | | |
| Fax: | | |

Hydro One is authorized to access the property and has provided notice to the property owner for the site(s) documented below as per Section 40 of the *Electricity Act*

YES ☐ NO ☐

Digital correspondence is preferred by the applicant/agent YES ☐ NO ☐

SECTION 2: Location of Proposed Works

| | | | | | | | | | | | | | |
|---|---|---------------|--|-----------|--|-----------|--|----------------|--|--------|--|--|--|
| Location Map Attached? | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | | | | | | |
| <i>Note: If no location map is attached at the time of submitting the application form, the CA may require a map be provided prior to deeming the application complete and initiating their review.</i> | | | | | | | | | | | | | |
| Municipality: (field required) | | | | | | | | | | | | | |
| Municipal Street Address: | | | | | | | | | | | | | |
| Legal Description (Lot, Plan, Concession) (if no fire number issued): | | | | | | | | | | | | | |
| Nearest Major Intersection: | | | | | | | | | | | | | |
| Geographic Location: | <table border="1"> <tr> <td>Latitude (Y):</td> <td></td> <td>UTM Y:</td> <td></td> <td>UTM Zone:</td> <td></td> </tr> <tr> <td>Longitude (X):</td> <td></td> <td>UTM X:</td> <td></td> <td></td> <td></td> </tr> </table> | Latitude (Y): | | UTM Y: | | UTM Zone: | | Longitude (X): | | UTM X: | | | |
| Latitude (Y): | | UTM Y: | | UTM Zone: | | | | | | | | | |
| Longitude (X): | | UTM X: | | | | | | | | | | | |

SECTION 3: Project Details

| | | | | | | | |
|--|---|---|--|--|--|-------|--|
| Is this work being undertaken in response to an Emergency situation as outlined in Section 8.0 of the 2021 CO-Hydro One MOU? | <input type="checkbox"/> YES <i>(Please identify priority level ranking (select one)):</i> | Has this work commenced or been completed? <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> High Risk (Emergency) <i>(Replace or rectify within 30 days)</i> <input type="checkbox"/> Medium Risk (Emergency) <i>(Replace or rectify within 30-90 days)</i> <input type="checkbox"/> Low Risk (Priority) <i>(Replace or rectify within 90+ days)</i> | Please provide details of the Emergency Works: | | | |
| Project Name (if applicable): | <input type="checkbox"/> NO | | | | | | |
| Proposed Start Date: | Day: | | | Month: | | Year: | |
| Anticipated Date of Completion: | Day: | | | Month: | | Year: | |
| Has a previous application to this CA been filed on this property? | <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> YES <i>(Provide Details):</i> | | | | | |

SECTION 4: Description of Hydro One Construction and/or Maintenance Activities to be Undertaken

| Activity <i>(Selection from drop-down menu)</i> | Description and Additional Information |
|--|--|
| | |
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SECTION 5: Submission Requirements

| | | |
|--|--|---|
| <p>The following information/items are attached in a covering letter/email with this application form for review by the conservation authority:</p> <p><i>Note: CA staff will notify the applicant if additional technical studies and/or plans will be required to process this application.</i></p> | <input type="checkbox"/> Four (4) copies of a plan/map of the work area <small>(applicable when paper application is submitted otherwise one electronic copy)</small> | <input type="checkbox"/> Confirmation that the project will results in no changes to drainage. If changes to drainage are anticipated, details before and after the development must be provided. |
| | <input type="checkbox"/> Applicable Permit Fee(s) | <input type="checkbox"/> Complete description of the type of fill proposed to be placed/dumped or confirmation that no fill is required for this project |
| | <input type="checkbox"/> Erosion and Sediment Control Plans | <input type="checkbox"/> Environmental Monitoring and Compliance Plans |
| | <input type="checkbox"/> Other technical studies or plans as the Authority may request <small>(E.g., Environmental Impact Statements, Geotechnical Studies, Culvert Sizing, etc.)</small> | |
| | <input type="checkbox"/> Confirmation that project will adhere to activity-specific mitigation requirements and general mitigation requirements as outlined in Appendix 1 of the CO-Hydro One MOU (2021) | |

Section 6: Applicant Statement and Signature

| | | |
|--|---|--|
| <p><i>By signing this application, consent is given to the applicable conservation authority's staff or officer(s) to enter the private property, other than a building or dwelling, at reasonable times for the purpose of considering a request related to the property for permission that is required by a regulation made under the Conservation Authorities Act, or for otherwise enforcing a regulation made under the Act where the authority or officer has reasonable grounds to believe that a contrvention of the regulation is causing or is likely to cause significant environmental damage, and entry is required to prevent or reduce the damage. It is acknowledged that some Hydro One sites may required clearance prior to entry. In such instances, Hydro One will work with the applicable conservation authority to schedule access to the site.</i></p> <p><i>I acknowledge and agree that any false or misleading statement made on this application will render null and void any permission granted at the discretion of the Authority.</i></p> <p><i>I hereby declare that I have read the above statements, and that the information I have provided is true and correct to the best of my knowledge and belief, and that all of the information, plans and submissions to be true, valid and current.</i></p> | <p>SIGNATURE:</p> <p align="center">_____ Applicant/Agent</p> | <p>DATE:</p> <p align="center">_____</p> |
|--|---|--|

RES.#A226/21 - REQUEST FOR PROPOSAL FOR BROCK NORTH PHASE II SOIL PLACEMENT

RFP No. 10036710

Award of Request for Proposal (RFP) No.10036710 for Brock North Phase II Restoration Soil Placement.

Moved by: Maria Kelleher
Seconded by: Gino Rosati

WHEREAS Toronto and Region Conservation Authority (TRCA) requires fill materials for Brock North Phase II Restoration;

AND WHEREAS the funds for receiving the clean fill is set aside exclusively for project costs and implementation of the Greenwood Conservation Lands Master Plan, including future restoration and habitat enhancement of the property and the phased implementation of the recreation plan, as approved by the Authority on February 26, 2016; (Resolution #A88/16);

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

THEREFORE, LET IT BE RESOLVED THAT Request for Proposal (RFP) No. 10036710 for Brock North Restoration fill placement be awarded to Roni Excavating Ltd with tipping fee revenue of \$5.70 per cubic metre or a total revenue of \$3,705,000 plus applicable taxes;

THAT should TRCA staff be unable to negotiate a contract with the above-mentioned proponent, staff be authorized to enter into and conclude contract negotiations with other Proponents that submitted proposals, beginning with the next highest ranked Proponent meeting TRCA specifications;

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

CARRIED

BACKGROUND

The Brock North site is located at 3205 Sideline 16, in the City of Pickering. The site is bounded by Sideline 16 to the west, Fifth Concession Road to the south, and naturalized areas to the north and east. The site, and the properties to the north and east, are owned and managed by TRCA. The site was historically a sand and gravel extraction pit that later became a temporary landfill site, from which the waste was removed, between December 1996 and March 1997. The former landfill site was then regraded and restored to a minimum standard.

The terrestrial landscape and hydrologic function of the Brock North lands have been severely altered through the previous aggregate extraction and landfill operations. TRCA completed a thorough site assessment of the Brock North Lands and completed a restoration plan in 2014 which addressed the ecological and hydrological restoration of the site. A key recommendation of the plan was to undertake significant earthworks and import fill to restore the site's hydrology to protect groundwater and improve the ecological function of the area.

In order to restore the hydrological regime and watershed function, the importation of fill materials is required to replace the historically removed materials and recreate functional site topography. It was first resolved at Authority Meeting #1/11, held on January 28, 2011 (Resolution #A13/11) that the Brock North tract be identified as a site for habitat restoration and enhancement through the strategic placing of clean fill. In addition, at Authority Meeting #5/16, held on June 24, 2016 (Resolution #A88/16) it was 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. It was also resolved that staff be authorized and directed to execute all the necessary documentation required to facilitate restoration implementation.

TRCA staff determined that importing more than one million cubic metres of fill is necessary to meet both restoration and Master Plan goals of the Greenwood Conservation Lands Master Plan. TRCA has implemented the restoration program in a phased approach. The 1st phase was completed earlier in 2021 and involved the placement of 435,000 cubic metres of clean soil. TRCA is now prepared to implement the final phase of the restoration which involves the placement of 650,000 cubic metres of clean soil.

TRCA will implement the Fill Quality Control Program that includes the pre-approval of all soil prior to delivery; followed by electronic fill tracking, monitoring and laboratory testing of soils received. TRCA staff has completed the competitive process to attract a capable and reputable soil supplier, and is prepared to begin work immediately, upon approval.

RATIONALE

RFP documentation was posted on the public procurement website www.biddingo.com on October 6, 2021 and closed on October 29, 2021. An optional pre-bid site meeting was held on October 13, 2021. A total of 40 firms downloaded the documents and eight proposals were received from the following Proponent(s):

- Roni Excavating Ltd
- GFL Infrastructure Group Inc
- TACC Construction Ltd
- Astro Excavating Inc
- Coreydale Contracting Ltd
- MGI Construction Corp
- Michael Bros
- Todd Brothers Contracting

The proposal from Michael Brothers was disqualified because it was received after the 12pm deadline on October 29, 2021. The proposals from Astro Excavating Inc, Coreydale Contracting Ltd, MGI Construction Corp and Todd Brothers were disqualified because of non-conformance with the bid bond and/or performance bonding requirements.

An Evaluation Committee comprised of staff from Restoration and Infrastructure reviewed the proposals. The criteria used to evaluate and select the recommended Proponent included the following:

| Criteria | Weight | Minimum Score |
|------------------------------------|---------------|----------------------|
| Proponents Information and Profile | 5 | n/a |
| Experience and Methodology | 10 | n/a |

| | | |
|---------------------------------------|-----|-----|
| Capabilities of Meeting Scope of Work | 15 | n/a |
| Proposed Work Plan and Timeframe | 10 | n/a |
| Sub-Total | 40 | n/a |
| Pricing | 60 | 37 |
| Sub-Total | 60 | 37 |
| Total Points | 100 | 37 |

Roni Excavating provided a complete and comprehensive proposal meeting all TRCA criteria and provided the highest compensation. Therefore, it is recommended that contract No. 10036710 be awarded to Roni Excavating Ltd with a total revenue of \$3,705,000 plus applicable taxes, it being the highest ranked Proponent meeting TRCA specifications. 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 strategic priority set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 7 – Build partnerships and new business models

Strategy 12 – Facilitate a region-wide approach to sustainability

Strategy 7 – Build partnerships and new business models

Strategy 3 – Rethink greenspace to maximize its value

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

All tipping revenues are to be used within the Brock lands to offset expenditures, as a condition of the sale from the City of Toronto to TRCA. All revenues and expenses associated with this project will be directed to account 106-19.

Report prepared by: David Hatton, extension 5365

Emails: david.hatton@trca.ca

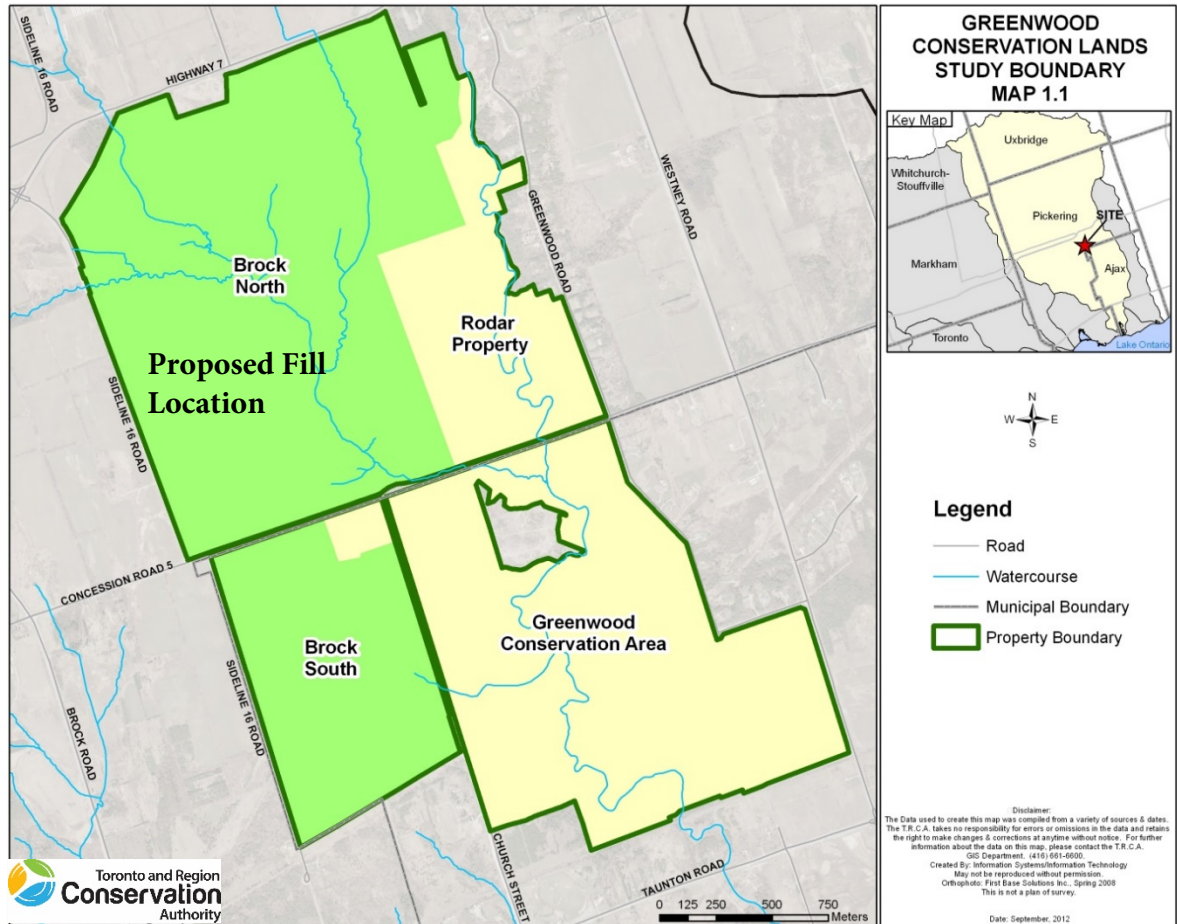
For Information contact: David Hatton, extension 5365

Emails: david.hatton@trca.ca

Date: November 4, 2021

Attachments: 1

Attachment 1: Brock North Proposed Fill Location Map



RES.#A227/21 - 2022 - 2023 MEETING SCHEDULE

Approval of the 2022 - 2023 Board of Directors and Executive Committee meeting schedule.

Moved by: Linda Jackson
Seconded by: Connie Tang

WHEREAS, according to the Board of Directors and Executive Committee Terms of Reference no meetings are held during the months of July, August, and December 2022;

AND WHEREAS approval of all major developments and infrastructure permits within the TRCA's regulatory jurisdiction for July and August 2021 was previously delegated to the Director, Development and Engineering Services and the approval of all time sensitive procurements and agreements was delegated to the Chief Executive Officer (RES.#A183/20);

THEREFORE, LET IT BE RESOLVED THAT the approval of all major development and infrastructure permits within the TRCA's regulatory jurisdiction for the months of December 2021 and July and August 2022 be delegated to the Director, Development and Engineering Services;

THAT staff provide a report to the Executive Committee at the January and September 2022 meetings to summarize permits that were approved under this delegation of Authority, as necessary;

THAT the approval of all time sensitive procurements and agreements for the months of December 2021 and July and August 2022 be delegated to the Chief Executive Officer or his designate;

THAT staff provide an information report to the Board of Directors at the January and September 2022 meetings to summarize procurements that were signed under this delegation of authority;

THAT the Board of Directors be requested to approve all permits issued under the Conservation Authorities Act at its November 2022 and January 2023 meetings in the absence of Executive Committee meetings;

THAT February 2022 meeting dates outlined in the Meeting Schedule 2021-2022 (RES.#A183/20) be rescinded;

THAT Meeting Schedule 2022-2023, as outlined in Attachment 1, be approved;

AND FURTHER THAT the schedule be distributed to the Minister of the Environment, Conservation and Parks, the municipalities in Toronto and Region Conservation Authority's jurisdiction, and Conservation Ontario.

CARRIED

BACKGROUND

Section C.2 of TRCA's Board of Directors Administrative By-Law ("By-Law") requires that Board of Directors approve an annual schedule for regular meetings of the Board of Directors and Executive Committee.

RATIONALE

The proposed meeting schedule is guided by a number of general scheduling assumptions and principles:

- Avoid conflicts with municipal council, board, and committee meeting dates, which usually fall on days other than Friday.
- Avoid Federation of Canadian Municipalities (FCM) Board of Directors meeting dates (March 1-4, September 13-16, November 21-25) and the FCM Annual Conference (June 2-5).
- Avoid statutory holidays, memorial days, days of cultural or religious significance, and school spring breaks.
- Avoid Fridays following the City of Toronto Council regular meetings, since in the past (in special circumstances) these meetings have been extended to Friday.
- Allow for summer and winter hiatus to better accommodate planned summer vacations and the December holiday season, in accordance with TRCA's Board of Directors and Executive Committee Terms of Reference, and in line with the practice in many municipalities.

To avoid potential conflicts with the City of Toronto Council meetings, previously approved February 4, 2022 Executive Committee and February 18, 2022 Board of Directors meeting dates (RES.A183/20) are rescinded and the meetings are to be scheduled for February 11, 2021 and February 25, 2021 respectively.

Some additional key considerations are discussed below.

Annual Meetings

At Authority Annual Meeting held on January 25, 2002, Resolution #A6/02 was approved in part as follows:

THAT the dates of future Annual Meetings be changed to accommodate the budget meeting schedule for our member municipalities, such that the Annual Meeting held following a municipal election be in January while the Annual Meetings in the interim two years between elections be moved to February;

In accordance with RES.#A6/02, the 2022 annual Board of Directors meeting is proposed to be held on Friday, February 25, 2022, and the 2023 annual Board of Directors meeting on Friday, January 13, 2023.

Municipal Election Year Considerations

Following the October 24, 2022 municipal election, the Term of municipal Councils and the majority of their appointments to TRCA expires on November 14, 2022. It is expected that municipal re-appointments will take place between November 16, 2022 and December 15, 2022.

To ensure quorum and business continuity, it is proposed that November 2022 Board of Directors meeting is held on November 10, 2022. As the meeting would be held only two weeks following the October 28, 2022 meeting, it is proposed that no Executive Committee meeting is held in November 2022 and the Board of Directors be responsible for the approval of any permits issued under the *Conservation Authorities Act* regulations. Further, as the Executive Committee is elected at the annual meeting of the Board of Directors in a year following municipal elections, it is recommended that no Executive Committee meeting is held in January 2023 and the Board of Directors be responsible for the approval of any permits issued under the

Conservation Authorities Act regulations. The regular Executive Committee schedule will resume in February 2023.

Summer and Winter Hiatus

As the busy summer construction season typically results in a high volume of permit approval requests and conversely there is a small possibility of permits required in December, staff request an exception to RES.#A28/16, which requires Executive Committee approval for all “major” development and infrastructure permits within the TRCA’s regulatory jurisdiction, in order to allow for the approval of all permits in the months of December 2021 and July, August 2022 to be delegated to the Director, Development and Engineering Services. Prior to any approval under this delegated authority TRCA staff will continue to ensure that all permits are compliant with the regulations under the *Conservation Authorities Act*. Further, any permits subject to this delegation of authority will be circulated to Executive Committee members and Board Members representing the area subject to the permit at least a week ahead of the approval date, which will enable Board Members to voice any concerns that may have in relation to the proposed permit. Finally, staff will report back to the January 2022 and September 2022 Executive Committee meeting with a summary report on all permits approved under this delegation of authority.

Similarly, it is recommended that the approval of all time sensitive procurements and agreements for the months of December 2021 and July and August 2022 be delegated to the Chief Executive Officer or their designate. Where it is anticipated that a contract would need to be awarded during the summer or winter hiatus, staff will prepare a summary report for November 2021 and June 2022 Board of Directors meetings, providing all information available at that time and recommending the course of action. Staff will further report back on any contracts awarded under this delegated authority at the January 2022 and September 2022 Board of Directors meetings.

Should another item require Board of Directors approval during the summer or winter hiatus, subsection C.2(4) of the By-law permits the Chair to call a special meeting, if necessary, as follows:

C.2(4) *The Chair may, at their pleasure or at the request of a Board Member, call a special meeting of the Board of Directors with seven days’ notice, in writing, or as is necessary. The Chair shall not refuse the calling of a special meeting with majority support. The notice shall state the business of the special meeting and only that business shall be considered at that special meeting. The agenda for special meetings of the Board of Directors shall be prepared, as the Chair may direct.*

Electronic Participation and In-person Meetings

It is expected that electronic participation in meetings will continue into 2022 in accordance with section C.12 of the By-law, until there is an opportunity to accommodate in-person meetings while complying with public health measures. TRCA staff will continue to monitor the provincial guidance and update the Board, as appropriate. Once in-person meetings can resume, they will be held at TRCA’s Head Office at 101 Exchange Avenue, Toronto. All meetings will begin at 9:30 a.m.. Board members are required to schedule to be in attendance at all meetings, from the start of the meeting until at least 1:30 p.m., in order to ensure quorum is maintained and continuity of TRCA operations is preserved.

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 7 – Build partnerships and new business models

FINANCIAL DETAILS

There are no financial implications associated with this report.

DETAILS OF WORK TO BE DONE

Once the schedule is approved a copy will be circulated to the Minister of the Environment, Conservation and Parks, the municipalities in Toronto and Region Conservation Authority's jurisdiction, and Conservation Ontario

Report prepared by: Alisa Mahrova, extension 5381

Emails: alisa.mahrova@trca.ca

For Information contact: Michael Tolensky, extension 5965

Emails: michael.tolensky@trca.ca

Date: November 2, 2021

Attachment: 1

Attachment 1: 2022 – 2023 Board of Directors and Executive Committee Meeting Schedule

TORONTO AND REGION CONSERVATION AUTHORITY 2022 - 2023 SCHEDULE OF MEETINGS
BOARD OF DIRECTORS AND EXECUTIVE COMMITTEE

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| January '22 | | | | | | |
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| May '22 | | | | | | |
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| 19 | 20 | 21 | 22 | 23 | 24 BoD | 25 |
| 26 | 27 | 28 | 29 | 30 | | |
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| July '22 | | | | | | |
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| August '22 | | | | | | |
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| November '22 | | | | | | |
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| January '23 | | | | | | |
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| February '23 | | | | | | |
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BoD = Board of Directors

EXEC = Executive Committee

* Annual Board of Directors Meeting

Statutory Holidays (Date Observed)

Festive Closure

Memorial Days

Mid-Winter Break (MoE) (Not a holiday; for information only)

TRCA meeting schedule also available online on TRCA's Board Meetings page.

RES.#A228/21 -

EXTENSION OF THE REGIONAL WATERSHED ALLIANCE TERM

Proposed extension of the Regional Watershed Alliance (RWA) term of appointment for watershed residents, sector experts, and municipal representatives until November 14, 2022, to align with the municipal Term of Council.

Moved by: Linda Jackson
Seconded by: Connie Tang

WHEREAS Toronto and Region Conservation Authority (TRCA) staff are working on aligning advisory board terms with the municipal Term of Council to streamline the appointments process;

AND WHEREAS TRCA Board of Directors appointments to the RWA were extended to November 14, 2022, or until successors are appointed at the February 26, 2021, TRCA Board of Directors meeting (RES.#A13/21);

AND WHEREAS the RWA approved the extension of appointment terms for watershed residents, sector experts, and municipal representatives and the update to the Terms of Reference at the November 10, 2021, RWA meeting (RES.#R18/21);

THEREFORE, LET IT BE RESOLVED THAT the member appointments for watershed residents and sector experts to the RWA be extended until November 14, 2022, or until their successors are appointed;

THAT TRCA staff be directed to request extension of municipal representative terms of appointment or appointments of new municipal representatives for a one year term ending on November 14, 2022, or until their successors are appointed;

AND FURTHER THAT the proposed update to the RWA Terms of Reference be approved.
CARRIED

BACKGROUND AND RATIONALE

The RWA is an advisory board to TRCA's Board of Directors, established in 2017 with a mandate to provide input on TRCA initiatives and advise the Board of Directors on matters of community interest. The RWA is comprised of approximately 45 voting members, which includes up to five (5) TRCA Board of Directors, twenty (20) watershed residents, up to ten (10) sector experts and organizations, up to eight (8) municipal representatives, up to one (1) provincial, and up to one (1) federal representative.

According to the RWA Terms of Reference, members are appointed for a 2-year period with a possibility of re-appointment. At the February 13, 2019, RWA meeting, members were re-appointed for the second term which is expiring at the end of 2021, which was received at the March 29, 2019 Board of Directors meeting (RES.#A40/19).

To improve efficiency of the re-appointment process in the future, TRCA staff are working on aligning the RWA membership term timeline with the municipal Term of Council timeline, which concludes on November 14, 2022. Therefore, in order to transition to a membership timeline that aligns with the municipal Term of Council, TRCA staff propose to extend membership terms on the RWA members by one (1) year to November 14, 2022.

TRCA staff discussed extension of appointments with RWA members. While most members expressed interest in extending their term, some members were not able to extend their term. Where members are not able to extend their term, TRCA staff will seek appointments for vacant positions as appropriate. A fulsome recruitment for the new two-year term will be conducted following the October 24, 2022, municipal elections in accordance with TRCA's *Public Appointments* policy.

The updated RWA Terms of Reference includes a minor revision to section 4.6 allowing the Clerk to reduce quorum by the number of vacant positions, if recruitment for any vacant positions is no longer feasible. This ensures the preservation of quorum and that valuable RWA input on TRCA programs and projects continues to be provided to TRCA staff.

At the November 10, 2021 meeting, the RWA approved the extension of appointment terms for watershed residents, sector experts, and municipal representatives to November 14, 2022. In addition, the RWA approved the update to the Terms of Reference and staff direction to request extension of municipal representative terms, or appoint new municipal representatives, for a one year term ending on November 14, 2022, or until their successors are appointed (RES.#R18/21).

Meetings will continue to be held approximately four times per year from 6:30 p.m. to 8:30 p.m.

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 7 – Build partnerships and new business models

DETAILS OF WORK TO BE DONE

TRCA staff will update the RWA Terms of Reference on the TRCA website and seek appointments for vacant positions as required. TRCA staff will also confirm extension of municipal representative appointments with the respective municipalities. Furthermore, TRCA staff will undergo a review of the appointments process and RWA Terms of Reference that is anticipated to be completed by the end of the extended term.

Report prepared by: Daniel Ruberto, extension 6445

Emails: daniel.ruberto@trca.ca

For Information contact: Daniel Ruberto, extension 6445, Victoria Kramkowski, extension 5707

Emails: daniel.ruberto@trca.ca, victoria.kramkowski@trca.ca

Date: November 12, 2021

Attachments: 1

Attachment 1: Revised Regional Watershed Alliance Terms of Reference

Regional Watershed Alliance Terms of Reference

The Regional Watershed Alliance (RWA) is considered an advisory board of TRCA.

1. Background

Since the 1980s, Toronto and Region Conservation Authority's (TRCA, also known as the Authority) watershed and waterfront committees and task forces have been instrumental in supporting the development and implementation of TRCA's watershed management activities. The *Rouge Comprehensive Basin Management Strategy* (1988), was TRCA's first initiative supported by a citizen based "public committee." The 1989 *Greenspace Strategy* committed to a program of watershed strategy development for each of TRCA's watersheds in cooperation with a public advisory committee for each watershed. Between 1980s and 2010s, the Duffins-Carruthers Watershed Resource Group, Rouge Park Alliance, Don Watershed Regeneration Council, Humber Watershed Alliance and Etobicoke-Mimico Watersheds Coalition have played a significant role in building community stewardship capacity to help TRCA deliver on priorities of watersheds and waterfront. Watershed and waterfront residents and stakeholders are also engaged through Conservation Lands stewardship committees and integrated/multi- objective or sector-based programs such as Sustainable Neighbourhood Retrofit Action Plans (SNAP) and Partners in Project Green: A Pearson Eco-Business Zone (PPG).

TRCA's *2013-2022 Strategic Plan* highlights regional sustainability challenges of increasing scope and scale - such as preparing for the impacts of climate change, transitioning to a low carbon economy, managing urbanization and growth pressures. The Plan also calls for regional engagement of a broad cross-section of the population at both local and regional scales within TRCA's jurisdiction. As such, in 2015, upon the completion of the existing terms for the Don, Humber and Etobicoke-Mimico watershed committees, the Authority directed staff to update TRCA's community-focused engagement model in light of new trends and opportunities in civic engagement and to facilitate the implementation of the *Strategic Plan*.

At the June 23, 2017 Authority Meeting #5/17, Authority adopted the Community Engagement Strategy along with a new citizen governance model. The citizen governance model includes the Regional Watershed Alliance and its subcommittees: the Youth Council and RWA Working Groups. An Indigenous Liaison Committee to the Board of Directors has also been approved as part of the proposed governance model (Figure 1). The RWA is a formal advisory board of TRCA which reports to the Board of Directors on regular basis. Terms of Reference for the RWA were adopted at the October 27, 2017 Authority Meeting #8/17 (RES.#A178/17).

2. Mission and Mandate

Mission: Create healthy watersheds and waterfront that achieve The Living City Vision of sustainable communities, regional biodiversity and healthy rivers and shorelines through advocacy, knowledge sharing and collective action.

Mandate: Reporting to the Board of Directors (Figure 1) and working closely with Toronto and Region Conservation Foundation, the RWA is an advisory

board to TRCA with the purpose of:

| | |
|---------------------------|---|
| <i>Advocacy:</i> | Advocacy for awareness, policy innovation and action within members' sectors, communities and jurisdictions on regional and local environmental and sustainability issues. |
| <i>Advisory:</i> | Input on TRCA initiatives, act as a sounding board to TRCA staff, and advise the Board of Directors on matters of community interest. |
| <i>Collective Action:</i> | Priority setting and collective investment in key sustainability and environmental issues for cross-jurisdictional and cross-sectoral actions. Support and leadership to the development of platform and campaigns to bring actors and stakeholders together to drive solutions through collective action and resource sharing. |
| <i>Reporting:</i> | Reporting on collective outcomes on regional sustainability to the public, TRCA municipal partners and stakeholders. Reporting to the Board of Directors on its work. |

3. Roles and Responsibilities

The Regional Watershed Alliance shall:

- 3.1. Adhere to the basic principles of sound ecosystem management and sustainability that recognizes the interrelationships between cultural heritage, physical characteristics, biological conditions and economic needs, and the integration of conservation, restoration, social and economic activities necessary for the health of the watersheds;
- 3.2. Forge partnerships and collaborations that build our collective capacity to advance the goals of TRCA's *Strategic Plan: Building The Living City 2013-2022* and TRCA *Strategic Plan – Five Year Update*, and provide a platform for collective action on cross-jurisdictional and cross-sectoral priorities;
- 3.3. Work with staff in setting regional and local priorities that help advance TRCA's and its municipal partners' objectives of sustainable communities, recommendations of TRCA's *2017 Community Engagement Strategy*, watershed plans, watershed report cards and *The Living City Report Card*;
- 3.4. Advocate on regional and local environmental policy issues through discussion papers, briefs and comments etc. and providing advice and comments to staff and the Board of Directors on relevant programs and policies impacting TRCA watersheds and communities. Examples include: TRCA's *Terrestrial Natural Heritage System Strategy*; *Sustainable Near-urban Agriculture Policy*; watershed plans; *TRCA Trails Strategy*; and *TRCA Greenspace Strategy*;
- 3.5. Implement the recommendations of the *Toronto and Region Remedial Action Plan* as they pertain to the TRCA waterfront and watersheds;

- 3.6. Work collaboratively with TRCA staff and partners to develop state of the watershed reports and *The Living City Report Card* which will address jurisdiction-wide sustainability issues;
- 3.7. Through watershed forums, events and on-line engagement, provide a forum for watershed communication by maintaining and enhancing contacts within the community. Mobilize and empower networks of local communities to build capacity and influence people's behavior;
- 3.8. Act as a resource to TRCA, TRCA's municipal partners and Toronto and Region Conservation Foundation by providing advice on matters of community interest;
- 3.9. Work with TRCA and Toronto and Region Conservation Foundation to identify priorities, seek new partnerships, public sector investment and other sources of funding;
- 3.10. Where appropriate, and when specifically requested, with input from staff, serve as a spokesperson for media and government relations on community-led initiatives related to the work of RWA members;
- 3.11. Establish subcommittees/working groups as needed, such as the Youth Council and other RWA Working Groups;
- 3.12. Seek political support at all levels of government;
- 3.13. Collaborate with other conservation authorities, municipalities, environmental non-government organizations (ENGO) and groups on opportunities that transcend TRCA jurisdictional boundaries;
- 3.14. Maximize the collective impact of TRCA and other environmental and sustainability champions in the region through resource and data sharing, measuring, and reporting on regional priorities; and
- 3.15. Report to the Board of Directors on a regular basis.

4. *Structure*

Supported by TRCA staff, the RWA has a Chair, Vice-Chair, and is comprised of approximately 45 voting members.

4.1 Membership

4.1.1 Voting Members

The RWA members are recruited based on a diverse skill set, sector and community specific expertise, network connections, demonstrated leadership, experience, and knowledge of the watersheds within TRCA's jurisdiction.

- **Toronto and Region Conservation Authority** (up to five voting representatives, Ex-officio)
 - Preferably one representative from each of TRCA's appointing member municipalities from the Board of Directors or interested members.

- **Watershed Residents** (up to 20 voting representatives)
 - Up to 20 watershed residents selected from across TRCA's nine watersheds and waterfront, aiming to have equal geographical and demographic representation.
- **Sector Experts and Organizations** (up to 10 voting representatives)
 - Up to 10 members from non-government, think-tanks, business and special interest groups, representing diverse sectors including youth and Indigenous groups.
- **Municipal Representatives** (up to eight voting representatives, Ex-officio)
 - Representatives of municipalities within TRCA's jurisdiction. These representatives could be political representatives representing the municipality or an Environmental Advisory Committee (EAC) representative.
- **Provincial Representative** (up to one voting representative, Ex-officio)
 - Up to one political representative or senior staff from the Province of Ontario.
- **Federal Representative** (up to one voting representative, Ex-officio)
 - Up to one local political representative or senior staff from the Government of Canada.

4.1.2 Non-Voting Experts

In addition to voting members, one to two non-voting experts with extensive experience in public sector or subject matter expertise can be invited to join to the RWA. These experts could be former TRCA or other conservation authority (CA) staff and are not required to be a resident of TRCA's watersheds. Senior municipal staff liaison may also be invited to join.

4.1.3 Guests

The Regional Watershed Alliance meetings are open to the public. Municipal or other agency staff may be invited as guests to offer presentations or participate in discussions on relevant issues. Guests will not have voting privileges nor be eligible for travel expenses to and from meetings.

4.1.4 Chair or Vice-Chair

The Chair and Vice-Chair of the RWA will be elected from amongst its members for a two-year term, following TRCA Administrative By-law election procedure. It is a responsibility of a nominated Member to ensure their eligibility for the entire term.

The RWA Chair and Vice-Chair will provide leadership in building a shared vision and commitment for moving forward with the Regional Watershed Alliance's mission, mandate and responsibilities.

The Chair will have the following additional responsibilities:

- Presiding over RWA meetings, setting the agenda and generally ensuring the effectiveness of meetings; and
- Recruiting new members to the RWA when openings arise.

In the absence of the Chair, the Vice-Chair will perform the above functions.

4.2 Appointment Process

4.2.1 Board of Directors Representatives

Board Members will be appointed by the Board of Directors as Ex-officio voting representatives.

4.2.2 Watershed Residents

Applications from watershed residents will be solicited through direct recruitment, announcements in newsletters, local newspapers, web sites, volunteer networks, and through various social media platforms. A committee of TRCA staff and/or board members will select the RWA resident members through the application process using a set of criteria to ensure suitability and eligibility.

4.2.3 Sector Experts and Organizations

Select organizations and agencies will be requested by TRCA to appoint a representative.

4.2.4 Municipal Representatives

Formal request for appointment of municipal representatives will be made to municipal councils. These representatives will be Ex-officio members.

4.2.5 Provincial and Federal Representatives

Federal and provincial representatives (member of Parliament or staff) with specific interest in TRCA's work and jurisdiction may be invited to participate as Ex-officio members.

4.3 Term of Appointment

RWA Members will be appointed for a revolving two-year term with a possible extension of up to two more years. This will allow for a staggered replacement process maintaining a balance between new and experienced members. The membership will be reviewed on an annual basis. Members, excluding Ex-officio members, unable to fulfill their commitments may be replaced as per the Board of Directors Administrative By-law.

4.4 Meetings

Members are required to attend quarterly evening meetings of the Regional Watershed Alliance and an annual Watershed Forum. An agenda will be circulated in advance of meetings.

The Chair will have the discretion to call additional meetings, if required. Some meetings

may be held during regular work hours depending on the preference and availability of members and staff or via conference call or online meetings.

4.5 Reporting

The RWA is considered an advisory board of TRCA. The RWA will report to the Board of Directors on membership, projects and progress through their meeting minutes or seek Board of Directors approval as necessary on specific initiatives.

The RWA is not a formal commenting body regarding review and approval of planning applications or permits.

4.6 Quorum and Governance

A quorum will consist of voting members in numbers greater than or equal to one-third of the total number of voting members on the RWA.

Should a member resign or be removed from the RWA, quorum provisions, until the vacancy is filled, will be reduced by the number of vacant positions, as determined by the Clerk.

Consensus-based decision making will be the preferred procedure. Formal decisions will be based on a simple majority vote. In the event of a tie, the vote fails.

4.7 Rules of Conduct

The RWA will adhere to the Board of Directors Administrative By-law as adopted by Resolution #A141/18 & Resolution #A142/18 at Authority Meeting #7/18, held on September 28, 2018, and as amended periodically or superseded by any bylaws enacted as per the *Conservation Authorities Act*. Other policies and legislation may be applicable in regard to code of conduct, conflict of interest and policies on volunteers.

4.8 TRCA Staff Support

The RWA will be supported by a team of staff from Government and Community Relations Business Unit including:

- Government and Community Relationship Specialists;
- Projects Managers;
- Administrative Support Staff;
- Other TRCA Staff, including the Clerk's Office, as required.

Staff will provide the following support functions:

- Coordination of RWA meetings;
- Administrative and financial support;
- Strategic guidance on alignment of RWA work plan priorities with other strategic opportunities;
- Coordination of work with the Toronto and Region Conservation Foundation;
- Toronto and Region Conservation Foundation support for management of any funds collectively raised by the RWA or any of its subcommittees that support the implementation of their work plans; and
- TRCA technical expertise on projects and initiatives of the Regional Watershed Alliance and its subcommittees.

4.9 Funding

Funding will be available for projects and activities of the RWA based on approved work plans and available TRCA budget. Members are encouraged to assist in securing other resources and partnerships for Regional Watershed Alliance projects and activities, whenever possible through collective public investment opportunities. In-kind or other support for the projects and activities of the Alliance are welcome from businesses, industries, government agencies, private foundations, educational institutions and others in accordance with TRCA policies. In-kind or other support will be coordinated with the assistance of Toronto and Region Conservation Foundation, where appropriate.

5. *Compensation For Regional Watershed Alliance Members*

At official RWA meetings, as well as RWA Working Groups, members will be eligible for travel expenses, according to TRCA Administrative By-law, where these are not covered by their agency or other source. Members shall not receive a per diem or honorarium for attendance at meetings and functions.

6. *Regional Watershed Alliance Working Groups*

The RWA Working Groups are formed as deemed appropriate by the RWA. These working groups may solicit local community representatives or experts to participate as needed. Mandate of these working groups can be watershed-wide or specifically focused around projects such as watershed plans. The RWA Working Groups will report to the RWA. The supporting TRCA staff will coordinate regular reports to the RWA on the activities of these groups.

Items pertaining to the working groups will be a standing item on the agenda of RWA meetings.

7. *Youth Council*

The Youth Council will be comprised of community youth champions, existing youth group representatives and new recruits. The Youth Council reports to the Regional Watershed Alliance.

7.1 *Mission:* Build healthy communities through improved connection to greenspace and nature.

7.2 *Mandate:* Reporting to the Regional Watershed Alliance (Figure 1) and working closely with TRCA and the RWA, the Youth Council will establish as a subcommittee to the RWA with the purpose of:

- Building Capacity and Engaging Youth - provide youth across the Toronto region with learning opportunities;
- Building a Youth Network/Strengthening Existing Networks - create/enhance a broad network of youth in the region who are interested in environmental and sustainability issues;
- Identifying Youth Perspectives - develop an understanding of youth opinion around current environmental issues and understand/investigate how these might be incorporated in the work of TRCA and its partners; and
 - Creating fun opportunities for Youth - provide entertaining and engaging learning

opportunities.

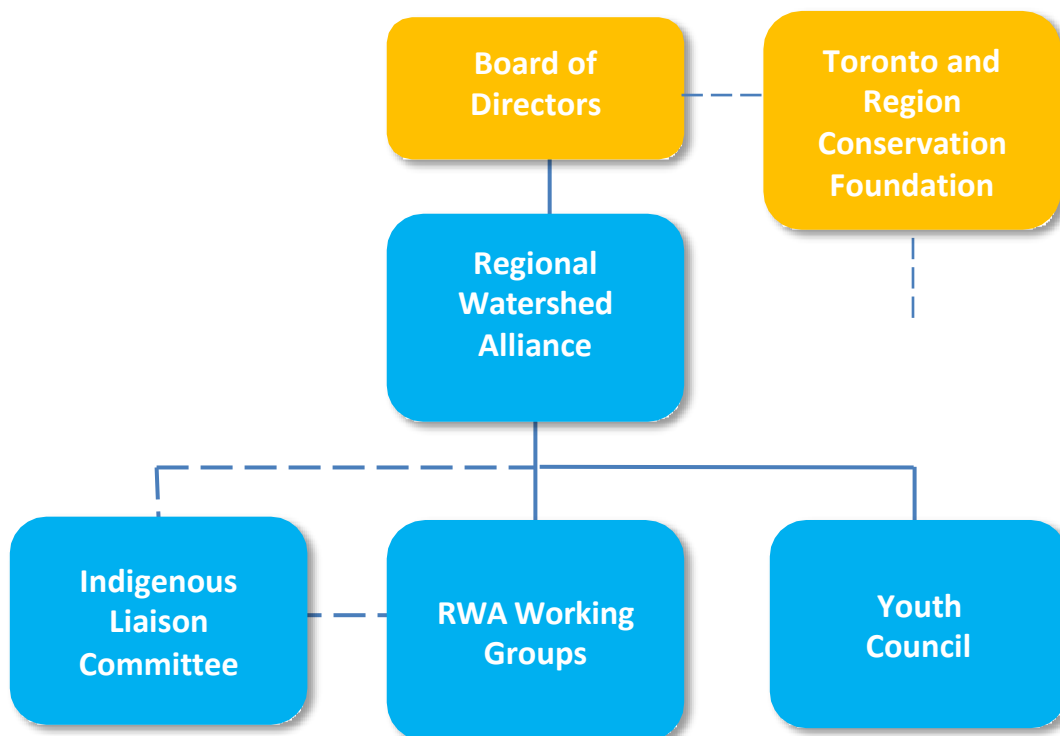
8. Indigenous Liaison Committee

The Indigenous Liaison Committee will be comprised of members and experts from different Indigenous communities in TRCA's jurisdiction. They will liaise on Indigenous interests and help build stronger relationships between TRCA and the larger Indigenous population in the jurisdiction. This Committee will advise the Board of Directors and staff on matters of community interest and liaise with the Regional Watershed Alliance on mission-driven collective projects. The Committee will not have a reporting relationship with the Regional Watershed Alliance or the Board of Directors.

The member(s) of this Committee may have membership on the Regional Watershed Alliance. This Committee will have opportunities to work with the Watershed/Waterfront Working Groups and Youth Council. TRCA staff and relevant stakeholders will collaborate on the development of a Terms of Reference for this Committee.

The formation of this Indigenous Liaison Committee will be put on hold until further recommendation from the province through updates to the *Conservation Authorities Act* as stated in RES.#002/17 at meeting #1/17 of the RWA on November 15, 2017.

Figure 1: TRCA Citizen Governance Model



Section III – Items for the Information of the Board

RES.#A229/21 - TORONTO AND REGION CONSERVATION AUTHORITY'S NEW ADMINISTRATIVE OFFICE BUILDING PROJECT

Update on Toronto and Region Conservation Authority's (TRCA) New Administration Office Building Project.

Moved by: Jennifer Drake
Seconded by: Jack Heath

IT IS RECOMMENDED THAT this staff report be received.

CARRIED

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 July 26, 2019, Board of Directors Res.#A145/19 staff provided an update on the budget for TRCA's Administrative Office Building project and were directed to award contracts based on the approval of the budget upper limit being increased from \$60,000,000 to \$65,538,000 which reflected the available sources of funding from stakeholders. This increase reflected that the project had qualified for a \$2,000,000 grant from Natural Resources Canada (NRCan).

On January 24, 2020, Board Meeting Res.#A232/19 authorized staff to extend the lease at 101 Exchange Avenue at the existing lease rate to February 2022 because of approval delays moving the building occupancy period to Nov. 2021/Jan. 2022.

On April 24, 2020, Board Meeting Res.#A44/20 received an update on the delay to the project related to COVID-19.

On November 20, 2020, RES.#A193/20 and February 26, 2021, RES.#A21/21 provided an update on the schedule and construction progress of the New Administrative Office Building. The building occupancy period has moved to June 2022 due to a combination of approval and construction delays.

On June 25, 2021, Board Meeting RES # 141/21 authorized TRCA officials to take whatever action necessary to amend the construction financing and amend the interest rate hedge with CIBC to secure the most cost-effective financing option for TRCA.

On June 25, 2021, Board Meeting RES #149/21 received an update on project progress including schedule, project budget including soft and hard cost contingency status.

RATIONALE

Municipal Approvals Update

The final requirement for Site Plan Approval, the access agreement with Tennis Canada, was issued to City Planning in May 2021. City Planning released the Site Plan Agreement for review August 3, 2021 and the agreement was executed and on title by August 12, 2021. Planning issued the clearance notice to the Building Department who in turn released the full building permit for the Project on August 23, 2021.

Schedule Update

Since the June 25, 2021 report, there have been further delays related to on site coordination issues and the mass timber trade experiencing manufacturing and supply chain challenges. The mass timber structure is expected to be completed by the end of November 2021 with the building fully enclosed by April 2022. The focus will then shift to interior construction, site servicing, and landscaping.

| | Baseline – December 19, 2019 | June 2021 Board Report | As of September 30, 2021 |
|-------------------------|------------------------------|------------------------|--------------------------|
| Occupancy Permit | November 24, 2021 | August 2022 | October 2022 |
| TRCA Move in Date | November 29, 2021 | August 2022 | October 2022 |
| Substantial Performance | December 17, 2021 | September 2022 | November 2022 |
| Total Completion | January 4, 2022 | September 2022 | November 2022 |

Given the project delays TRCA has developed a schedule contingency plan which includes discussions with the 101 Exchange landlord, construction project insurance broker, construction loan provider and others.

Construction Cost Update

An update to TRCA's construction budget, compared to the prior Board report brought forward on June 25, 2021, is provided below:

| | Construction Cost as of May 31, 2021 | Construction Cost as of Sept 30, 2021 | Variance |
|----------------------------------|--------------------------------------|---------------------------------------|------------------|
| Construction Cost | \$41,666,429 | \$42,127,265 | \$460,836 |
| General Conditions | \$6,187,565 | \$6,187,565 | \$0 |
| Construction Management Fee | \$954,311 | \$960,868 | \$6,557 |
| Construction Contingency | \$2,440,415 | \$2,457,797 | \$17,382 |
| Total Construction Costs | \$51,248,720 | \$51,733,495 | \$484,775 |
| Consultant Fees | \$4,484,509 | \$4,484,509 | \$0 |
| Permits | \$626,658 | \$626,658 | \$0 |
| Furniture/Fittings and Equipment | \$1,057,813 | \$1,057,813 | \$0 |
| Relocation Costs | \$2,026,697 | \$2,026,697 | \$0 |
| Project Mgmt. | \$1,548,391 | \$1,548,391 | \$0 |
| Financing Costs | \$1,940,016 | \$1,940,016 | \$0 |
| Non-Recoverable HST (1.76%) | \$1,071,661 | \$1,077,661 | \$6,000 |
| Soft Cost Contingency | \$1,146,077 | \$1,270,660 | \$124,583 |
| Total Costs | \$65,282,812 | \$65,765,900 | \$483,088 |
| Total Available Funds | \$65,765,900 | \$65,765,900 | \$0 |

| | | | |
|--|-----------|-----|-------------|
| Additional Unallocated Contingency Funds | \$483,088 | \$0 | (\$483,088) |
|--|-----------|-----|-------------|

Construction costs have increased due to the remaining tenders closing above the estimated amounts. The soft contingency has been increased to accommodate the costs due to schedule delay and escalation – see Soft Cost Contingency section below.

Site Access Update

The access agreement with Tennis Canada has been executed. This agreement was a prerequisite to finalizing a lease with the City of Toronto for the remainder of the road allowance providing vehicular access to the building site. Toronto staff will be bringing a report to City Council recommending nominal rent for this access agreement. The timing of the lease agreement going to Council will likely be Q1 2022.

Construction Contingency

The issues that affect construction costs are almost entirely related to changes made during the construction phase. As such, TRCA planned accordingly and included an industry standard 5% contingency on construction costs.

Following the January 2020 Procurement Guideline - Part 11.2 - Contract Change Approvals - staff will utilize this budget item to cover all change costs and Change Orders will be issued for approval and signing per the *CS-3.02-P Signing Officers Policy*.

Construction commenced January 2020 and several items have emerged to ensure the project is properly coordinated and meets the project sustainability and overall ambitions and all municipal building review conditions.

| Type of Change | Amount |
|---|----------------------------------|
| Allocated - Change has been issued and a trade price provided and reviewed and is either approved or waiting for TRCA approval. | \$913,950 (37% of contingency) |
| Not Yet Allocated - Changes that are out for trade pricing. This number is an estimate and will be revised. | \$205,484 (8% of contingency) |
| Construction Contingency Costs to date | \$1,119,434 |
| | |
| Total Construction Contingency | \$2,457,797 |
| | |
| Remaining Unallocated Construction Contingency | \$1,338,363 (55% of contingency) |

As reported at the October 23, 2020 Board of Directors' Meeting, there is a risk that delay claims and COVID-19 related costs may cause the project to go over budget.

Soft Cost Contingency:

| Type of Change | Amount |
|---|-----------|
| Allocated - Change has been issued by a consultant or other costs and approved by TRCA. | |
| Post Tender Value Engineering Cost Reduction | \$306,135 |
| Design/Building Future Proofing | \$258,885 |

| | |
|---|--------------------------------|
| Open-Loop Geo-Exchange Investigations | \$191,595 |
| Permits/Certifications | \$143,408 |
| Tennis Canada Negotiations | \$84,425 |
| Enbridge Design Charette | (\$30,000) |
| FCM Grant for Open Loop Geo Exchange Investigations | (\$175,000) |
| Total | \$779,448 (68% of contingency) |

| | |
|---|--------------------------------|
| Not Yet Allocated – Additional insurance required due to construction delays. This number is an estimate and will be revised. | \$349,720 (31% of contingency) |
| Projected Soft Contingency Costs | \$1,129,168 |
| Total Soft Cost Contingency Assuming Re-Allocation | \$1,270,660 |
| Remaining Unallocated Soft Cost Contingency | \$141,492 |

The portion denoted as “Not Yet Allocated” reflected anticipated costs related to the need to extend builders insurance due to the construction delays.

The approved changes listed above include costs related to the open-loop geo-exchange investigations some of which are covered through a grant provided by the Federation of Canadian Municipalities. The open-loop geo-exchange investigation, design, and construction, once proven to be viable, will be covered by the geo-exchange budget in the construction budget. It is expected the open loop system will provide operational savings through reduced energy use.

Construction Financing

In September 2021 TRCA renegotiated the interest rate for the construction loan due to the substantial delay to the project completion. TRCA completed this process, which included revising the financing agreement that provided a window period for the TRCA to start the interest rate swap to accommodate the construction schedule risk. TRCA will be issuing notices of borrowing to CIBC in November 2021, to borrow funds for the project.

Construction Update

The Construction Manager is working closely with the mass timber installer to coordinate a progressive handover of completed portions to commence mechanical and electrical trade work while the remaining structural installation continues. The mechanical and electrical trades have begun work on the west portion of the building running piping and wiring in the available electrical closets. The envelope trade has started the infill at the ground floor level. Commissioning meetings have started to coordinate all trade activities with the commissioning of the building. See Attachment 1 for construction photographs.

Geo-Thermal System Redesign

The redesign of the geo-thermal mechanical system from closed-loop to open-loop is ongoing. Two supply wells have been installed. The second well has been successful in testing thus far and staff are very confident it will provide the necessary water flow to support the building mechanical system. Next steps are to install the re-injection well based on the earlier monitoring well, which is expected to provide the required inflow. Meetings have been held with the Ministry of Environment Conservation and Parks (MECP) to begin the dialogue on system selection and

better understand the approval process. TRCA issued a letter to MECP on October 19, 2021, requesting that MECP prioritize the approval process which they have agreed to do.

Communications Activities

An article on the project was published in the August 2021 issue of Business Elite Canada magazine including an interview with CM and TRCA staff. TRCA and Design Team staff were interviewed for an article on mass timber in the August 3, 2021, Globe and Mail. TRCA and Design Team staff were interviewed for an article published August 18, 2021, on Toronto.com, Toronto Star and North York News on the new administration building. The project team is working with Queens University Engineering and Canadian Wood Council on course materials and learning tools for engineering students and Canadian Wood Council. Instructors from the University of Toronto School of Architecture have met with members of the design team in order to use the building for a course on energy modeling and design.

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 1 – Green the Toronto region’s economy

Strategy 7 – Build partnerships and new business models

Strategy 10 – Accelerate innovation

Report prepared by Jed Braithwaite, extension 5345

Email: jed.braithwaite@trca.ca

For Information contact: Jed Braithwaite, extension 5345

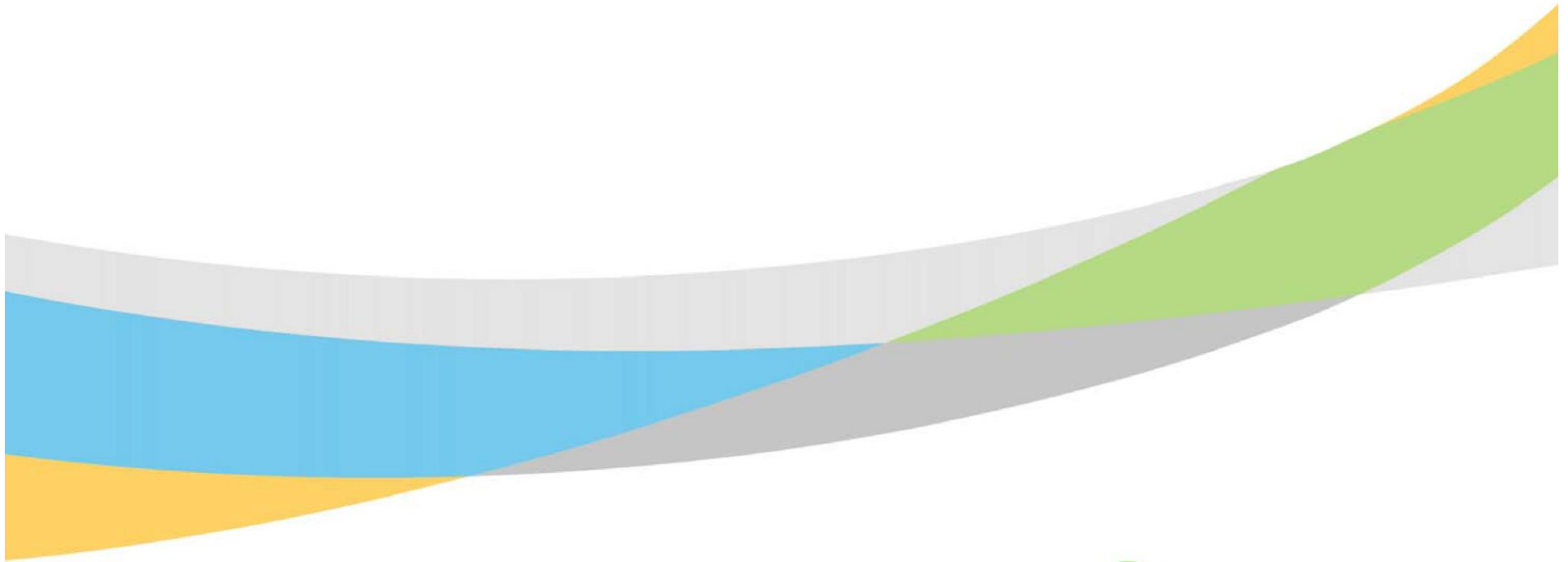
Email: jed.braithwaite@trca.ca

Date: October 29, 2021

Attachment: 1

Attachment 1: New Administrative Building Project Update - Construction Imagery

New Administrative Office Building: Construction Imagery



November 19, 2021

Construction Photographs

Exterior Views



Entrance View From Shoreham Dr.



Entrance Arrival



View from West



View from South-East

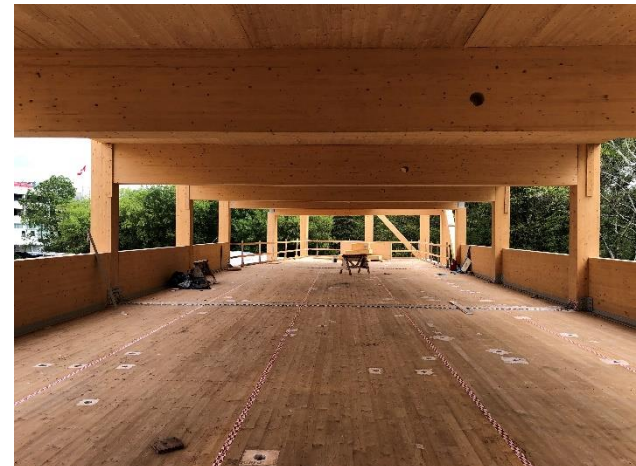
Interior Views



View of Entrance and Reception from Second Floor



View from Boardroom to Black Creek Ravine



Second Floor Looking South toward Planning Desk

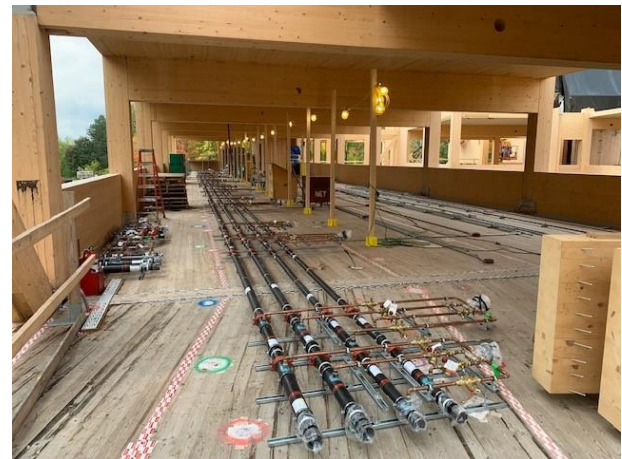
Interior Views



Installation of Main Stair



Ground Floor Concrete Pour



Installation of Mechanical Piping



View from the West





View from the South



Time Lapse Video of Construction



RES.#A230/21 -

HUMBER BAY PARK MASTER PLAN IMPLEMENTATION

To update the Board of Directors on the implementation of Phase 1 of the Humber Bay Park Master Plan.

Moved by: Paul Ainslie
Seconded by: Kevin Ashe

IT IS RECOMMENDED THAT this report on the Humber Bay Park Master Plan Implementation be received;

AND FURTHER THAT staff work with the City of Toronto, and stakeholders on implementation of the remaining components of the Master Plan.

CARRIED

BACKGROUND

Humber Bay Park was built by TRCA in the 1970s and opened as a public park in 1984. The Park is owned by Toronto and Region Conservation Authority (TRCA) and managed by the City of Toronto's Parks, Forestry & Recreation Division. The Humber Bay Park Master Plan process was launched in 2016 to address the growing park use as a result of rapid community development and associated population increases in the surrounding area and increased usage during the pandemic. Specifically, the plan will guide park improvements and maintenance, establish priorities, and inform the long-term budget and decision making relating to this important Waterfront Park. After extensive public consultation, the Master Plan was completed in late 2018 and at Board of Directors Meeting held on February 22, 2019, Resolution #A22/19 was approved as follows:

WHEREAS as exemplified in the Waterfront Agreement of October 11, 1972 the City of Toronto and TRCA are to create and develop waterfront lands which will enable public access to water oriented recreational facilities.

AND WHEREAS TRCA staff worked with City of Toronto Parks, Forestry and Recreation staff to prepare the Humber Bay Park Master Plan.

THEREFORE, BE IT RESOLVED THAT the Humber Bay Master Plan 2019 be received by TRCA Board of Directors for information;

AND FURTHER THAT staff be directed to work with the City of Toronto to advance and initiate projects to implement Master Plan priorities

The Humber Bay Park Master Plan will create an integrated and ecologically resilient park, while celebrating the unique character and setting of each area. The Master Plan will protect and enhance the naturalized landscape, habitat and recreational uses in the park; improve the safety and access to and within the park; and ensure that proposed improvements respond to existing and future needs of the community and city residents. The Humber Bay Park Master Plan received an award of merit from the Toronto Urban Design Awards under the category of Visions and Master Plans in 2019.

The City of Toronto is now embarking on implementation of Phase 1 of the Humber Bay Park Master Plan at Humber Bay Park East. Phase 1 includes the revitalization of the existing ponds to a functional recreational pond and a naturalized linear wetland. This requires the replacement of the failing pumping system for the ponds; creation of the revitalized pond and linear wetland,

demolition of existing buildings, and construction of a new building that is integrated with the landscape and includes public washroom amenities.

The City of Toronto requested that TRCA's Restoration and Infrastructure Division oversee the implementation of the pond naturalization, bridges and a boardwalk construction, building demolition, and overall site restoration making up a significant portion of Phase 1 of the Humber Bay Park Master Plan implementation. The City will lead the construction of the new building and services once the majority of TRCA's work is complete.

RATIONALE

The 2018 Master Service Agreement between the City of Toronto Parks and Forestry and Transportation Divisions and TRCA identifies the scope and type of projects to be undertaken by TRCA on behalf of the City. This Master Service Agreement includes project management and construction for projects that involve habitat wetland construction, pedestrian bridge construction/replacement, and trail development near the Lake Ontario shoreline.

TRCA and the City have a long history of partnering on very successful projects at Humber Bay Park and across the Toronto waterfront. The City and TRCA have been working together to find implementation efficiencies so as, to ensure related projects are implemented in close succession to minimize overall disturbance to park users.

TRCA is also undertaking shoreline works in Humber Bay Park in partnership with the City of Toronto through the federal Disaster Mitigation and Adaptation Fund to repair damaged shorelines as a result of recent storm and high-water events. Coordinating this shoreline work with the Master Plan implementation will enable TRCA's construction teams to achieve logistic and financial efficiencies and reduce overall disturbance to the park and its users.

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

Strategy 5 – Foster sustainable citizenship

FINANCIAL DETAILS

The budget to complete TRCA's portion of the Master Plan Phase 1 implementation is \$8.4 million, including contingency. Funds to complete the project will be available in 113-50.

DETAILS OF WORK TO BE DONE

TRCA has entered into a Letter Agreement under the 2018 Master Service Agreement to undertake the works. The project is anticipated to start this fall and will be completed by spring 2024. TRCA's portion of the works is expected to be complete in late 2022 and the estimated timeline on major milestones is included below.

Humber Bay Park East Pond Revitalization Construction Timeline

| | |
|---|-----------------------------|
| Public information session | October 2021 |
| Dewatering and Fish / Wildlife Collection | October 2021 |
| Erosion and Sediment Control / Tree Protection / Tree Removal | November-December 2021 |
| Park Amenity Removals / Demolitions | December 2021- January 2022 |
| Pond Contouring and Filling | January 2022 – May 2022 |
| Habitat Features Installation | February 2022 – March 2022 |
| Caisson & Boardwalk Installation | February 2022 – May 2022 |
| Bridge Installations | May 2022 – June 2022 |
| Pump System Installation | June 2022 – July 2022 |
| Construction Demobilization | July 2022 |
| Planting and Restoration | July 2022 - October 2022 |

Report prepared by: Karen McDonald, extension 5248

Emails: karen.mcdonald@trca.ca

For Information contact: Karen McDonald, extension 5248, Clifton Coppolino, extension 5772

Emails: karen.mcdonald@trca.ca, clifton.coppolino@trca.ca

Date: November 9, 2021

Attachments: 1

Attachment 1: Humber Bay Park East – Concept Plan

Humber Bay Park East
Ponds Project Site Plan

- 1. Existing Vegetated Berm
- 2. Existing Parking
- 3. Existing Trails
- 4. Constructed Wetland
- 5. Rehabilitated Active Recreation Pond
- 6. Existing Pond Outfall
- 7. Lake Ontario
- 8. Accessible Pathway to Roof Terrace
- 9. Rooftop Viewing Terrace
- 10. Terraced Outdoor Seating
- 11. Pond-side Terrace
- 12. Boardwalk
- 13. Project Boundary Limit
- 14. Mimico Creek



RES.#A231/21 -

**SCARBOROUGH WATERFRONT PROJECT DETAILED
DESIGN UPDATE**

Update on the status of the Scarborough Waterfront Project (SWP) West Segment detailed design process, including the Brimley Road South Multi-Use Trail, and the West Segment Shoreline and Multi-Use Trail.

Moved by: Paul Ainslie
Seconded by: Kevin Ashe

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);

AND 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;

AND 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;

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

AND WHEREAS TRCA received funding of \$4.895 million over two years as part of the 2019 City of Toronto Budget process to refine the preliminary overall costing for the entire SWP EA and report on 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;

THEREFORE, LET IT BE RESOLVED THAT the following update on the Scarborough Waterfront Project be received;

THAT a further update on the status of the SWP be brought forward to the Board of Directors following the completion of the West Segment detailed design phase in Spring 2022;

AND FURTHER THAT staff work with City of Toronto staff to secure budget to allow for implementation of the Brimley Road South Multi-use Trail and West Segment shoreline works, along with initiation of the Central Segment detailed design phase.

CARRIED

BACKGROUND

Toronto and Region Conservation Authority (TRCA), in partnership with the City of Toronto (the City), 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 (SWP) 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 then Minister Yurek, approving the SWP 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, initiated 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 priority in the West Segment detailed design process.

At TRCA Board of Directors Meeting #6/20, Friday, September 25, 2020, the Board approved the award of Contract No. 10034734 for the Detailed Design of the Brimley Road South Multi-Use Trail to McIntosh Perry Consulting Engineers Ltd. for a total cost not to exceed \$238,474 plus 10% contingency, plus applicable taxes, and the award of Contract No. 10034817 for the Detailed Design of the West Segment Shoreline and Multi-Use Trail to Shoreplan Engineering Ltd. for a total cost not to exceed \$1,108,170 plus 10% contingency, plus applicable taxes.

RATIONALE

Since Fall of 2020 TRCA, in partnership with key divisions of the City, has advanced detailed design of the West Segment of the SWP. The West Segment boundaries are between Bluffer's Park and the start of the Meadowcliffe Drive Erosion Control Project. Work includes 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. To best facilitate the planning and implementation process moving forward, the detailed design exercise for the West Segment has been split into two detailed design processes: Brimley Road South Multi-Use Trail, and West Segment Shoreline and Multi-Use Trail.

Status of Brimley Road South Multi-Use Trail Detailed Design

The Brimley Road South Multi-Use Trail is currently at 60% detailed design with anticipation that 90% design will be achieved by December 2021.

Since initiation of the detailed design phase in Fall 2020, the collection of necessary existing conditions data has been required to support refinement of the conceptual designs developed during the EA phase and further advance the design process. The following field surveys and investigations were completed between December 2020 and June 2021:

- Topographic surveying;
- Tree inventories and butternut health assessments;
- Geotechnical and subsurface utility investigations;
- Drainage assessment;
- Bat maternity roosting surveys;
- Stage 2 archaeological assessment;
- Ontario Land Survey (OLS) property surveys; and
- Private property appraisal and valuation analysis.

Due to the complex nature of the site and results of the studies/investigations noted above, considerations of the following items have impacted timelines and costing of the detailed design exercise:

- Underground water utility and infrastructure conflicts;
- Ecological considerations with identified Species at Risk (i.e., butternut tree);
- Trail lighting design integration; and
- Private property acquisition negotiations with affected landowners.

As described in the SWP EA, while the intent is to construct the Brimley Road South Multi-Use Trail within existing public lands where possible, some minor private property acquisition has been identified for nine (9) property owners along Larwood Boulevard. In advance of acquisition discussions with the affected property owners, TRCA completed a Mass Narrative Appraisal Report and Valuation Analysis in May 2021 for the partial takings on the identified lots for the development of the Brimley Road South Multi-Use Trail. In June 2021, TRCA initiated landowner negotiations for acquisition of ~7.4-9.4 m from the rear of nine (9) Larwood Boulevard properties. To date, TRCA has not completed any partial property transactions.

Through continued discussions, the majority of landowners have indicated they would prefer to proceed with the land expropriation process. TRCA will continue to work with the applicable City of Toronto divisions to complete the land acquisition process through 2021 and 2022. It should be noted that timelines associated with the securement of the necessary properties will greatly impact the ability to move this project to construction as phasing opportunities are limited and may not be cost efficient.

Status of West Segment Shoreline and Multi-Use Trail Detailed Design

The West Segment Shoreline is currently at 30% detailed design with anticipation that 60% design will be achieved in January 2022.

TRCA, in continued partnership with the City of Toronto, has continued with the collection of necessary existing conditions to support the refinement of the conceptual designs developed during the EA phase and further advance the design process. The following field surveys and investigations were completed between December 2020 and July 2021:

- Topographic and bathymetric surveys;
- Tree inventories;
- Geotechnical studies; and
- National Research Council (NRC) laboratory wave modelling of the expanded Bluffer's Park headland (modelling of the Meadowcliffe headland is in progress).

Ongoing coordination with the City of Toronto Parks, Forestry and Recreation project team for the upgrades to Bluffer's Park east washroom facility located within the West Segment project area also continues to be considered in the overall design process.

Public Engagement – Brimley Road Multi-Use Trail and West Segment Shoreline and Multi-use Trail

Project information and updates continue to be made available on the project website (<http://trca.ca/swp>).

The Project Team also intends to host two virtual Public Open House events for the Brimley Road South Multi-Use Trail Project, and the West Segment Shoreline and Multi-Use Trail Project, respectively.

The Brimley Road South Multi-Use Trail Public Open House will be hosted the week of December 6-13, 2021. Project information will be available online for the full week, with a live Q&A session planned on December 8, 2021 between 6-8pm. Further details will be made available on the project website, through newsletter circulations, and on TRCA's social media channels. Renderings will be available to help the public visualize the planned works, however, unfortunately they are not yet available for inclusion in this report. The project will be the first to pilot a new virtual public consultation tool TRCA is rolling out. The virtual platform will offer an 'in-person feel' and enhance user experience for digital public events, while increasing audience reach.

It is currently anticipated that the West Segment Shoreline and Multi-Use Trail Open House will be hosted in a similar format in Spring 2022, pending the status of the design.

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

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 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. However, due to the complex nature of the Brimley Road site and conflicts identified through additional studies and investigations, the cost of design and implementation has increased since the budgets developed in 2019. As such, TRCA has reached an agreement with senior City Finance staff to have the funds received re-allocated exclusively to the detailed design process for both the Brimley Road South Multi-Use Trail and the West Segment Shoreline and Multi-Use Trail Projects. This reallocation was made with the understanding that Transportation Services would be able to help supplement the implementation budget as this project is a high priority for their division. Discussions continue with Finance and Transportation Services to refine this funding model in support of a Fall 2022 implementation of the Brimley Road South Multi-Use Trail. The Federal Active Transportation Fund will also be considered as a potential contribution. This program was announced in the summer of 2021 however, intake of applications has not yet opened. The West Segment Shoreline and Multi-Use Trail implementation continue to remain on the unmet needs list.

Funds are being tracked through the 204-17 account code.

DETAILS OF WORK TO BE DONE

- TRCA will continue to work with City departments to refine the Brimley Road South Multi-Use Trail detailed design, with a virtual public open house slated for the week of December 6-13, 2021. Implementation of the work is expected in the Fall 2022, pending the finalization of funding contributions.
- TRCA will continue to work with City departments to refine the West Segment Shoreline and Multi-Use Trail detailed design, with a public open house slated for Spring 2022. Discussions with City staff to secure implementation funds will continue.
- TRCA will continue to work with the applicable City of Toronto divisions to complete the necessary partial property acquisition processes through 2021 and 2022 to support implementation of the Brimley Road South Multi-Use Trail.
- Following the completion of the West Segment detailed design phase (anticipated Spring 2022), 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.

Report prepared by: Katherine Hills Learney, extension 5913

Emails: katherine.learney@trca.ca

For Information contact: Lisa Turnbull, extension 5645

Emails: lisa.turnbull@trca.ca

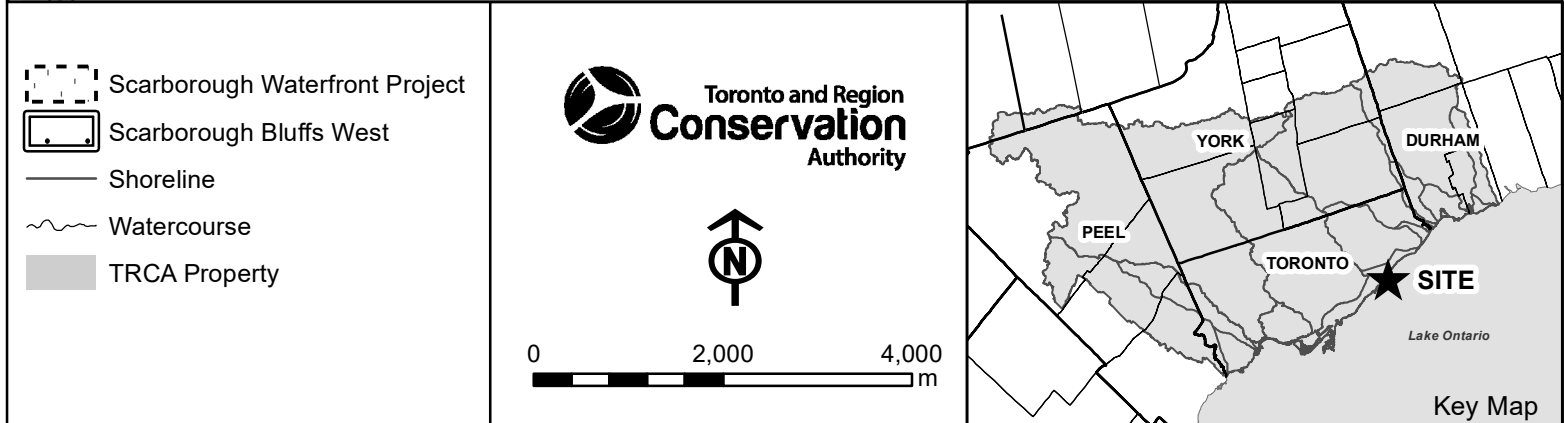
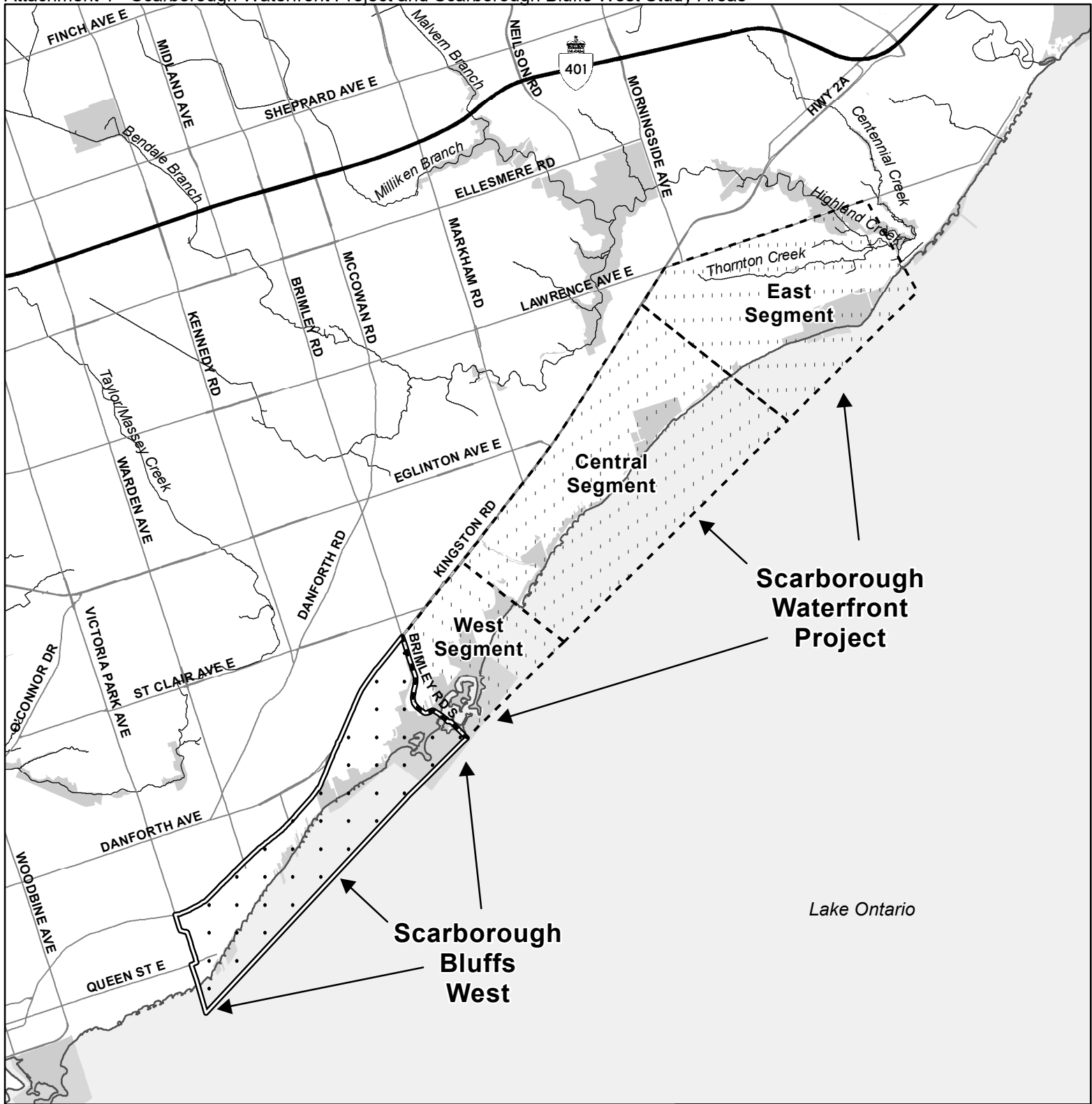
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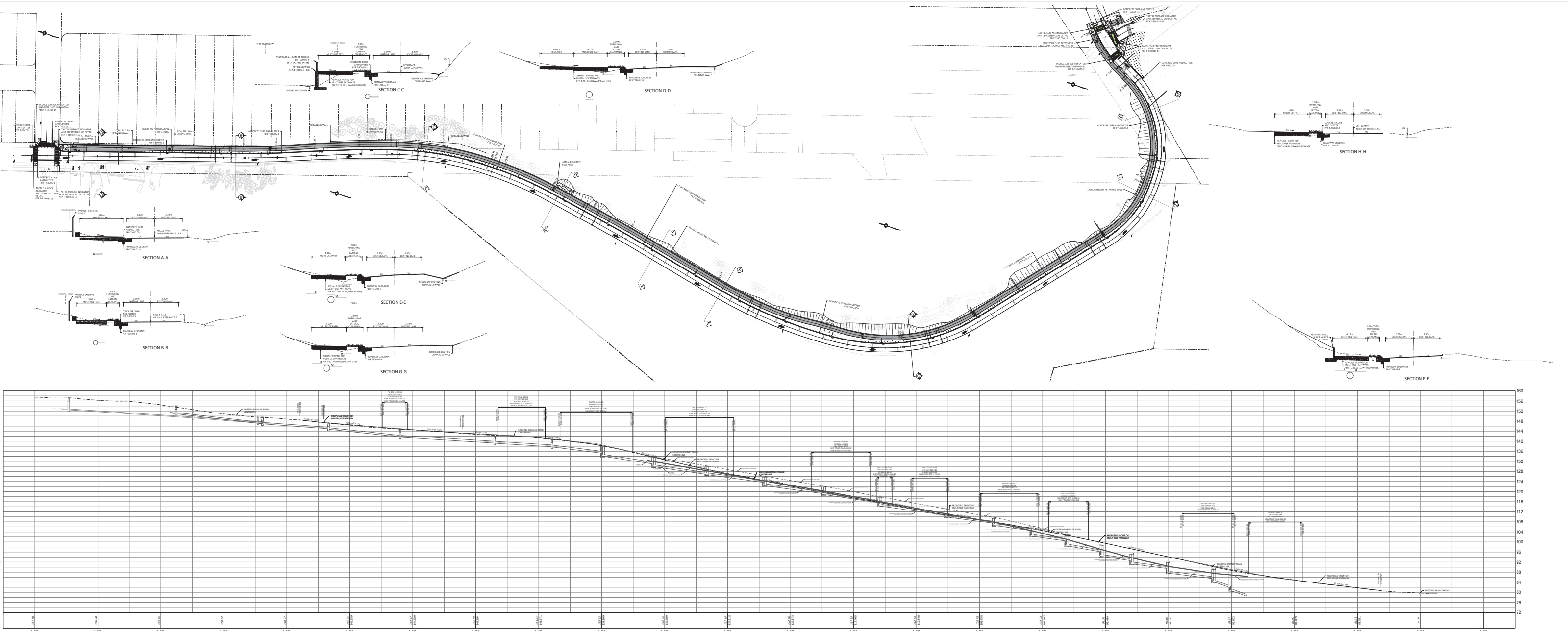
Attachment 1: Scarborough Waterfront Project and Scarborough Bluffs West Study Area

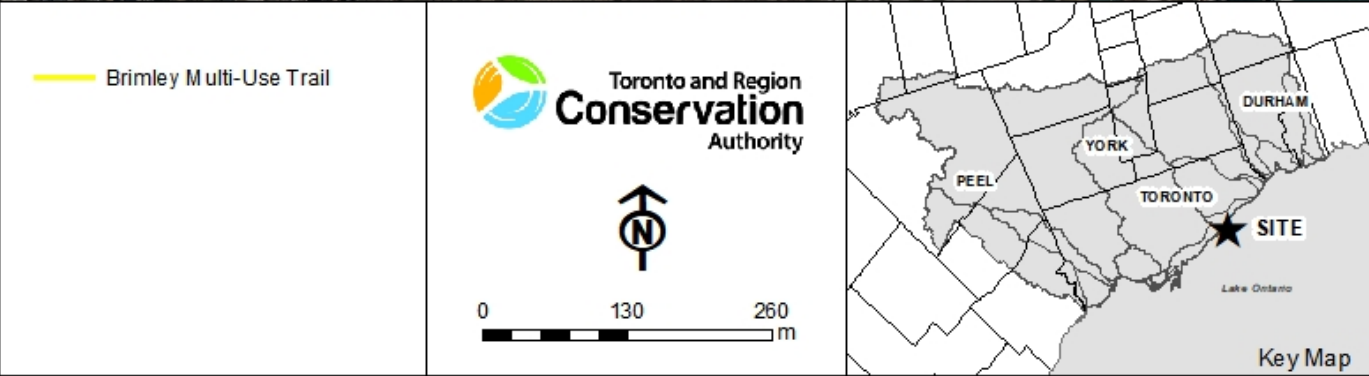
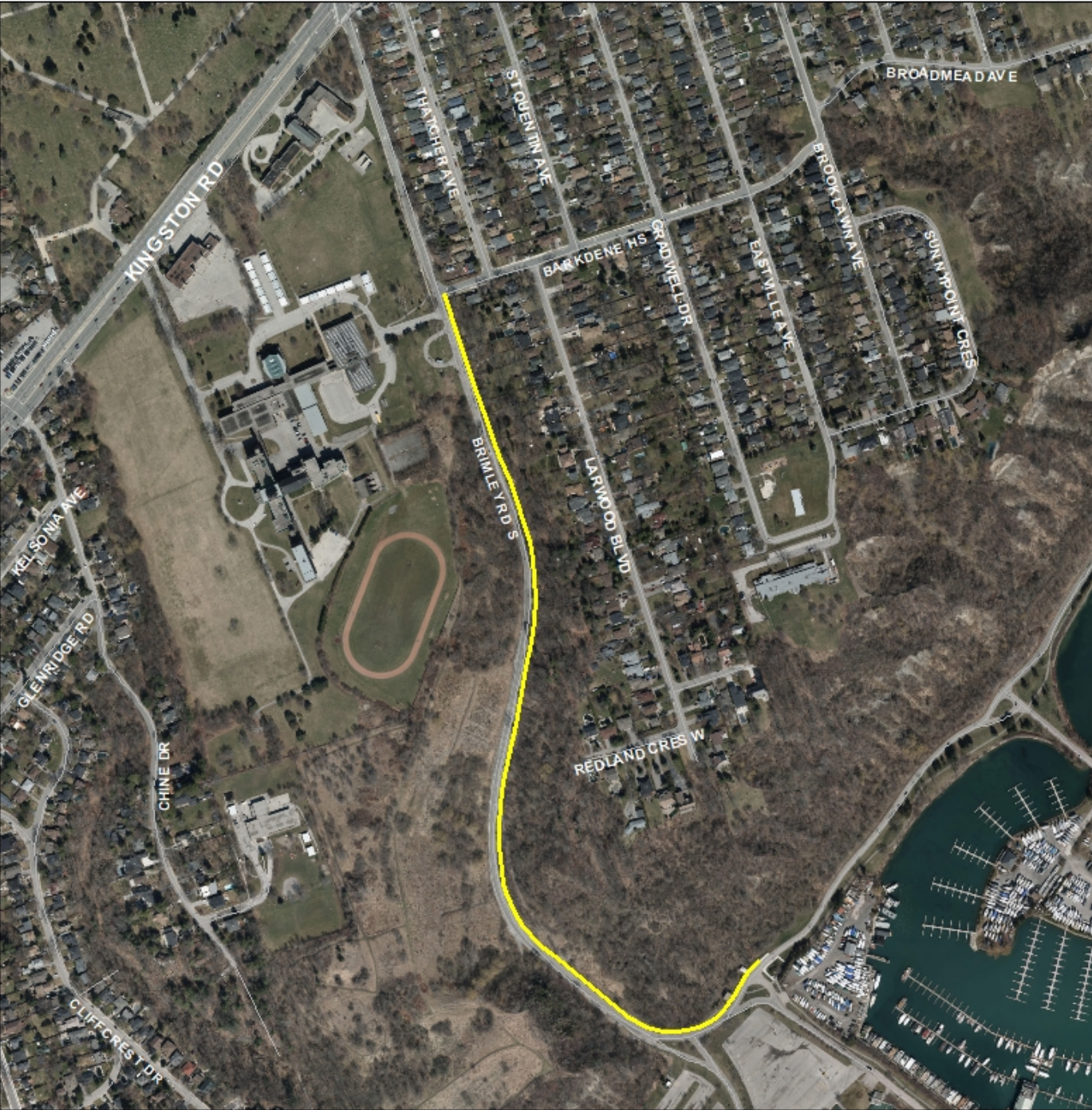
Attachment 2: Refined Brimley Road South Multi-Use Trail 60% Detailed Design

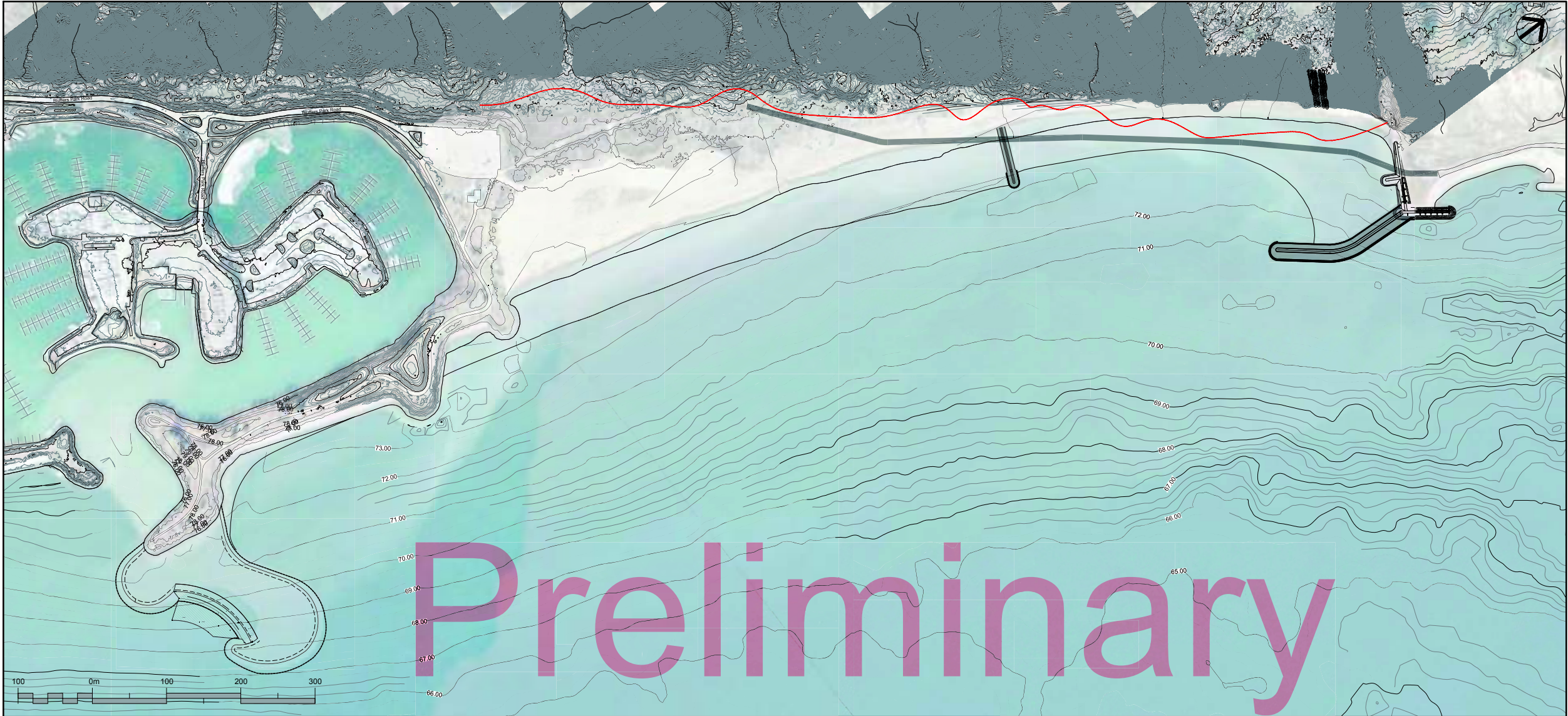
Attachment 3: Brimley Road South Multi-Use Trail Ortho Overlay

Attachment 4: West Segment Shoreline Draft 30% Detailed Design









Scale 1:5000

SITE PLAN

West Segment Shoreline Draft 30% Design

GENERAL NOTES

- 1. All dimensions in millimeters unless indicated otherwise.
- 2. All elevations in meters, GSC.

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| 1 | 2020/01/15 | Issued for Review Only, 30% | M.S. |

| No. | Date | Revisions | By |
|--|------|-----------|----|
| SHOREPLAN Shoreplan Engineering Limited 20 Holly Street, Suite 202 Toronto, Ontario M4S 3B1 Tel. (416) 487-4756 | | | |

Project Title
SCARBOROUGH WATERFRONT
PROJECT WEST SEGMENT
SHORELINE AND MULTI-USE TRAIL
TORONTO, ONTARIO

Drawing Title
SITE PLAN

Drawn By
Checked By
Date of Issue
Scale
AS SHOWN

Project No.
20-3400
Sheet No.
1 of 5

RES.#A232/21 -

UPDATE ON MUNICIPAL COMPREHENSIVE REVIEWS AND TRCA INPUT

To update and inform the Board of Directors on TRCA municipal partners' progress on their Municipal Comprehensive Reviews (MCR) and TRCA's input into the process.

Moved by: Paul Ainslie
Seconded by: Kevin Ashe

WHEREAS TRCA's municipal partners are undertaking Municipal Comprehensive Reviews as a requirement of the Province's Growth Plan for the Greater Golden Horseshoe;

AND WHEREAS municipalities have requested TRCA's science-based data and input on official plan background studies, mapping, and policy directions in their Municipal Comprehensive Review processes;

IT IS RECOMMENDED that this report on the progress of Municipal Comprehensive Reviews and TRCA's involvement be received;

AND FURTHER THAT the Clerk's Office so advise TRCA's municipal partners.

CARRIED

BACKGROUND

Municipal Implementation of the Growth Plan

The Province's A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) states that its timely implementation relies on the strong leadership of upper- and single-tier municipalities to provide more specific planning direction for their respective jurisdictions through a Municipal Comprehensive Review (MCR). In accordance with the *Places to Grow Act*, all upper- and single-tier municipalities in the Growth Plan Area must undertake integrated planning to manage forecasted growth to the horizon of the Plan (2051) and have their official plans in conformity with the Growth Plan by July 1, 2022. Lower-tier municipalities must bring their official plans into conformity with the applicable upper-tier official plan and Growth Plan by July 1, 2023. The timely initiation and completion of MCRs is also necessary in view of ensuring conformity with other provincial plans not yet incorporated into official plans (e.g., Provincial Policy Statement, 2020, source protection plans under the *Clean Water Act*, 2006). In the interim, the *Planning Act* requires that all decisions in respect of planning matters will conform with the Growth Plan as of its effective date (subject to any legislative or regulatory provisions providing otherwise).

Of key interest to TRCA in the MCR process, are Growth Plan policies for directing development away from hazardous lands, for watershed planning to inform municipal growth management, and for excluding protected environmental lands from municipal land needs assessments. The Growth Plan recognizes that watersheds are the most important scale for protecting the quality and quantity of water and requires municipalities to undertake watershed planning to inform the protection of water resource systems and decisions related to planning for growth. Given TRCA's experience and expertise in these areas, as municipalities undertake their MCR processes, they have requested TRCA's science-based data, input and advice.

RATIONALE

TRCA Input into Municipal Comprehensive Review Processes

TRCA's input into the MCR process supports municipalities in their official plan conformity exercises and works towards meeting shared objectives for building safe, sustainable, and resilient communities. In this capacity, TRCA is an advisor and science-based contributor to municipal planning approval authorities on updates to their official plans. To facilitate this, municipalities typically invite TRCA's membership on Technical Advisory Committees and circulate for TRCA's review: discussion papers on official plan themes or chapters, draft land use schedules containing natural heritage, water resource, and natural hazard mapping, policy directions reports, employment conversion requests, and draft official plan policies.

TRCA reviews the circulated planning documents to ensure they are consistent with the Provincial Policy Statement (PPS) and provincial plan directions on natural hazards, natural heritage, and water resources management that seek to avoid, minimize, and mitigate the impacts of urbanization and prepares for the impacts of a changing climate. Our perspective assists municipalities with their responsibility for identifying and protecting natural heritage and water resource systems while accommodating provincial population and employment growth forecasts. For natural hazards, TRCA must also implement its delegated responsibility to represent the provincial interest on natural hazards as represented in section 3.1 of the PPS. Finally, as a Source Protection Authority under the *Clean Water Act*, TRCA provides advice on municipal official plan conformity with the Credit Valley-TRCA-Central Lake Ontario (CTC) Source Protection Plan.

To date, several of our municipal partners engaged TRCA in their MCR and Regional Official Plan Review processes in recognition of our expertise in supporting municipal implementation of provincial environmental policy. As a resource management agency, TRCA monitors watershed conditions through field and desktop analysis and then compiles, documents, and maps watershed data. Most of this data is maintained in geospatial databases and is readily available for municipal use in official plan mapping schedules. TRCA recommends that municipalities consider incorporating these data layers into their municipal natural heritage system and include appropriate policies to provide for the long-term protection, restoration or enhancement of these natural features and areas. This is in addition to the natural hazard mapping data layers that TRCA provides, such as flood plain, crest of slope and meander belt. These comprehensive and current data layers and mapping information products are important for municipalities implementing provincial policy, as they assist with identifying and protecting natural heritage and water resource systems, ensuring watershed planning informs land use and infrastructure planning decisions, and directing growth to existing urban areas and away from hazardous areas.

The watershed-based, interdisciplinary perspective of TRCA's comments is key to an integrated watershed management approach that considers how science can best inform provincial environmental policy implementation in municipal official plans. TRCA's Planning Policy and Regulation business unit within the Policy Planning Division leads or co-leads reviews of MCR materials with Development and Engineering Services' Watershed Planning and Ecosystem Science business unit. Our business units circulate, coordinate, and synthesize comments among other relevant business units at TRCA. New municipal circulations of MCR materials are posted internally for staff's review, and comments are consolidated from different disciplines such as Development Planning and Permits, Infrastructure Planning and Permits, Planning Ecology, Water Resources Engineering, and other business units as applicable, such as Property, Conservation Lands and Trails. TRCA

Business Intelligence and Data Analytics staff work with Planning Policy and Regulation staff and Watershed Planning and Reporting staff to maintain an “MCR Dashboard” that tracks the progress of each municipality’s MCR process in stages from visioning, policy directions, through to drafting of policies and mapping schedules and TRCA’s input.

To date, TRCA has responded to upper- and single-tier municipal requests for several technical analyses, watershed studies, and reports, for which examples are provided by municipality below. Municipal planning staff have expressed appreciation to TRCA staff for our current and comprehensive data and valuable science-based input. At the same time, it is important for TRCA to contribute our data, comments, and recommendations on municipal official plan updates in order to encourage alignment and support of TRCA objectives and interests. Many of TRCA’s comments and recommendations within the MCR process are informed by the successes and challenges staff experience in their day-to-day plan review work with municipalities on individual planning applications. TRCA staff are hopeful that greater integration of TRCA recommendations within municipal planning documents will lead to greater compliance with TRCA policies in the development and infrastructure planning and review functions.

Peel Region

Known as Peel 2051, Peel Region’s website states that its Municipal Comprehensive Review will help the Region better plan for the future by taking action on new population and employment forecasts, responding to public and stakeholder feedback, and complying with new provincial legislation, plans, and policies. Peel Region planning staff have requested TRCA’s input throughout their MCR process, including on consolidating and updating existing watershed planning information in a Watershed Synthesis report to demonstrate watershed planning policy conformity, in updating and merging Credit Valley Conservation and TRCA natural heritage systems to inform updates to their Greenlands System. The Region also facilitated TRCA’s review of draft revised Regional Official Plan (ROP) policies for Peel Region’s Greenlands System through circulations and working meetings. TRCA is currently undertaking an update to the Etobicoke Creek Watershed Plan that will help inform growth planning exercises in Peel Region.

TRCA will have further opportunity for input on the ROP draft policies and mapping through the Region’s statutory public consultation process prior to Regional Council adoption in early 2022. Peel is currently pursuing a Settlement Area Boundary Expansion (SABE) in the Town of Caledon and has retained consultants to undertake a supporting scoped subwatershed study. The Region has used TRCA’s natural systems data to help inform the study; staff were involved in developing the Terms of Reference for the study and have been engaged throughout the process.

So far, Peel’s local municipalities of Caledon, Brampton and Mississauga have all engaged TRCA on the initial stages of updating their Official Plans to bring them into conformity with Peel’s new ROP once approved.

York Region

York Region’s MCR webpages state that the goal of the MCR process is to help ensure healthy and complete communities where residents of all abilities and ages can live, work and play. Similar to Peel Region, York Region engaged TRCA and Lake Simcoe and Region Conservation Authority (LSRCA) staff to develop a series of Watershed Synthesis reports. These reports were meant to summarize all existing watershed plan findings pertaining to the Region and consolidate this with newer watershed data that provides a more current

characterization of watershed conditions. The reports also provided management and policy recommendations tailored to York Region watersheds. Watershed planning is a provincial requirement for informing municipal growth management and TRCA and LSRCA staff were pleased to work together to assist the Region with conformity by sharing technical expertise of our respective watersheds. In addition, TRCA provided natural hazard, natural heritage and water resource mapping data to the Region at its request in order to complete draft mapping schedules for updating the York ROP.

York Region planning staff also engaged TRCA as part of their local municipal working group. TRCA participated in virtual working sessions with the Local Municipal MCR Working Group and in a one-on-one (TRCA staff and York Region staff) virtual meeting to discuss TRCA's input to the MCR process. Further to this, TRCA will be circulated as part of York Region's formal public consultation process on its draft policies and mapping prior to the end of this year.

At the time of writing this report, York Region was reviewing the possibility of a Settlement Area Boundary Expansion in the Region in order to accommodate forecasted growth. The location of urban expansion lands is to be determined through further consultation with local municipal staff and a completed Land Needs Assessment, which will be reflected in the draft ROP for public consultation.

Whitchurch-Stouffville, Aurora, Richmond Hill, Vaughan and King have all engaged TRCA on work they have begun to complete a review of their Official Plans in anticipation of the July 1, 2023 deadline to conform to the new ROP and provincial policy.

Durham Region

Durham Region staff were especially engaging as they established a Conservation Authority (CA) Working Group consisting of the five CAs covering Durham watersheds at the outset of their MCR process. Durham requested the CAs' input on several environmentally-themed discussion papers to inform its policy directions, some of which TRCA coordinated comments on behalf of the CA Working Group. At Durham's request, TRCA also assisted the Region in interpreting and delineating water resource system components, which was confirmed to Durham as appropriate by provincial staff.

The Carruthers Creek Watershed Plan was a collaborative effort among TRCA, Durham Region, the Town of Ajax, and the City of Pickering. Additional stakeholders and members of the public have been involved throughout the watershed planning process. The watershed plan provides an understanding of the current conditions of the watershed, assesses the potential environmental impact of future growth, and identifies measures to protect, enhance, and restore watershed health in the long-term. The watershed plan provides management recommendations to inform municipal growth management decisions and to mitigate impacts from existing and potential future land use and infrastructure development on natural systems.

Most recently, Durham planning staff expressed appreciation for TRCA comments on their Major Transit Station Policy Directions Report and Proposed Policy Directions Report. They are currently circulating technical reports as part of their Land Needs Assessment (e.g., Housing Intensification Study, Community Area Urban Land Needs Technical Report). Draft ROP policies circulation is expected sometime this winter as part of their formal public consultation process.

At the time of writing, Durham Region had recommended a Settlement Area Boundary Expansion (SABE) to accommodate provincially forecast growth to 2051. The staff report stated that the second phase of the Growth Management Study will focus on determining the most appropriate locations for any required SABE(s) and that the complete LNA will be brought to Council in the last quarter of 2021.

The local municipalities in Durham within TRCA's jurisdiction, Pickering, Ajax and Uxbridge, have not yet engaged TRCA in their local official plan review work.

City of Toronto

The City of Toronto's MCR Process, "Our Toronto", as described on its website states that it will focus on identifying where growth should go, and what is needed to support healthy, complete communities that are thriving and inclusive. The City has conducted virtual visioning sessions open to the public to gather feedback on important issues to residents. TRCA staff attended these high-level workshops and look forward to closer, one-on-one collaboration with Toronto planning staff on the development of draft revised official plan policies and natural heritage systems mapping for conformity with provincial policy.

Some consultation has taken place through City planning staff's participation in the Etobicoke Creek Watershed Plan, a "lost streams" mapping and analysis initiative led by TRCA and Ryerson University in partnership with the City, employment conversion requests, and a presentation by TRCA staff on a draft updated natural heritage and water resource system for TRCA's jurisdiction. Also of note is the Highland Creek Greening Strategy completed in 2020, as a means of identifying potential restoration priorities aligned with the City's Ravine Strategy and other City initiatives informing the MCR.

As a fully built-out urban landscape, the focus in Toronto is redevelopment and intensification, in which TRCA's interest is in ensuring that the risk associated with natural hazards is not increased and where possible flood plain remediation solutions are sought and stormwater management controls are updated. The protection and restoration of the natural heritage and water resource systems also remains a priority for TRCA and the City as well as the application of low impact development solutions and other forms of green infrastructure (e.g., urban trees and forests) that contributes to climate resilience and bolster ecological and hydrological functions. City planning staff have stated that a draft proposed official plan document will be circulated to stakeholders, including TRCA, in November 2021.

Comprehensive Zoning By-law Reviews

In 2020 and 2021, Pickering, Vaughan and King requested TRCA's input on their Comprehensive Zoning By-law updates, however, these are for conformity with current in force and effect Regional Official Plans for Durham and York, respectively. For these reviews, TRCA looks to ensure municipalities zone components of the natural heritage system for protection, and natural hazards to ensure risk associated with permitted use is avoided or minimized, including within Special Policy Areas. We also advise on how zoning by-laws can demonstrate conformity with the Credit Valley-TRCA-Central Lake Ontario Source Protection Plan. Finally, we work with TRCA Property Services staff to ensure TRCA-owned lands are zoned for environmental protection or for publicly accessible, nature-based recreation uses to continue or expand where appropriate.

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
Strategy 8 – Gather and share the best sustainability knowledge
Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

Staff are engaged in this policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-19. No additional funding is proposed to support the ongoing policy analysis work.

DETAILS OF WORK TO BE DONE

TRCA staff will continue to respond to requests for input from municipalities on their MCR processes and monitor their MCR webpages, as well as planning committee and council reports to ensure TRCA is aware of, and where appropriate, provide input to municipal planning policy initiatives for provincial policy conformity.

Report prepared by: Mary-Ann Burns, extension 5763

Emails: maryann.burns@trca.ca

For Information contact: Mary-Ann Burns, extension 5763; Laurie Nelson, extension 5281

Emails: maryann.burns@trca.ca; laurie.nelson@trca.ca

Date: October 29, 2021

RES.#A233/21 -

STATUS OF PICKERING DEVELOPMENTS (SQUIRES) INC. PERMIT APPLICATION UNDER 28.0.1 OF THE CONSERVATION AUTHORITIES ACT (MINISTER'S ZONING ORDERS)

Pickering Developments (Squires) Inc.

Withdrawal of the Minister's Zoning Order (MZO) permit application by Pickering Developments (Squires) Inc. for site grading and interference with a wetland to remove a Provincially Significant Wetland (PSW) located at 1802 Bayly Street, in the City of Pickering.

Moved by: Maria Kelleher
Seconded by: Jack Heath

IT IS RECOMMENDED THAT this report be received.

CARRIED

BACKGROUND

An MZO was issued on October 30, 2020, as Ontario Regulation 607/20, for lands including the lands subject to the permit application. Two environmental organizations filed an application for judicial review of the Minister's decision to issue the MZO on the basis that it was not consistent with the Provincial Policy Statement (PPS). The legal status of the MZO was not affected by the judicial review application because an application for judicial review is not an automatic stay of the decision to be reviewed.

On December 8, 2020, amendments adding Section 28.0.1 to the *Conservation Authorities Act* came into force. That section compels a conservation authority to issue a permit where a development project has been authorized by an MZO under the *Planning Act*, outside of the Greenbelt Area. On February 16, 2021, Pickering Developments (Squires) Inc. submitted the permit application. On March 4, 2021, Ontario Regulation 159/21 was issued requiring TRCA to make a decision on the application on or before March 12, 2021.

On March 12, 2021, following a hearing, TRCA's Board of Directors adopted Resolution #A38/21, with the effect of approving the permit with conditions. On that same day, the media reported that the major commercial tenant for the development project had abandoned consideration of the site, and statements issued through social media by the Minister of Municipal Affairs and Housing and the Mayor of Pickering indicated the development project would not proceed and the MZO could be amended to exclude the lands at 1802 Bayly Street.

RATIONALE

After the hearing, the applicant took no action with respect to the conditions to be fulfilled prior to execution of the agreement required under Section 28.0.1(24) of the Act. On March 22, 2021, Pickering City Council voted in favour of amending the MZO, and on July 2, 2021, the MZO was amended by Ontario Regulation 515/21 to exclude the lands at 1802 Bayly Street. By letter dated August 27, 2021, counsel for Pickering Developments (Squires) Inc. advised TRCA that the permit application is withdrawn.

Subsequent to the amendment of the MZO to exclude the site, and withdrawal of the permit application, the judicial review application filed by the environmental organizations was also withdrawn. The issue raised in the judicial review application regarding the requirement for the MZO to be consistent with the Provincial Policy Statement (PPS) was dealt with through the introduction on March 4, 2020 of the *Supporting Broadband and Infrastructure Expansion Act, 2021* (Bill 257), which received royal assent on April 12, 2021 and amended the *Planning Act*

such that a Minister's zoning order, for lands outside of the Greenbelt Area, does not have to be consistent with the PPS. The amendments apply retroactively such that any existing Minister Zoning Order is not required to be consistent with the PPS.

Report prepared by: Barbara Montgomery, extension 5682

Emails: barbara.montgomery@trca.ca

For Information contact: Barbara Montgomery, extension 5682

Emails: barbara.montgomery@trca.ca

Date: November 5, 2021

RES.#A234/21 - PARTNERS IN PROJECT GREEN EXECUTIVE MANAGEMENT COMMITTEE MINUTES

September 21, 2021 Meeting Minutes - [Link](#)

Moved by: Paul Ainslie

Seconded by: Kevin Ashe

THAT the Minutes of Partners in Project Green Executive Management Committee Meeting held on September 21, 2021, be received.

CARRIED

RES.#A235/21 - REGIONAL WATERSHED ALLIANCE MINUTES

September 22, 2021 Meeting Minutes - [Link](#)

Moved by: Paul Ainslie

Seconded by: Kevin Ashe

THAT the Minutes of Regional Watershed Alliance Meeting held on September 22, 2021, be received.

CARRIED

MATERIAL FROM EXECUTIVE COMMITTEE MEETING HELD ON NOVEMBER 5, 2021

[Meeting Minutes Link](#)

Section I - Items for Board of Directors Action

RES.#A236/21 -

0 DRYNOCH AVENUE, RICHMOND HILL

Donation of a parcel of land situated west of Drynoch Avenue and south of Snively Street, 0 Drynoch Avenue, in the City of Richmond Hill, Regional Municipality of York, under the "Greenspace Acquisition Project for 2021-2030", Flood Plain and Conservation Component, Humber River Watershed.

(Executive Committee RES.#B100/21)

Moved by: Linda Jackson

Seconded by: Gordon Highet

THAT Toronto and Region Conservation Authority (TRCA) accept title to the lands to be donated by the landowner, containing 0.14 hectares (0.346 acres), more or less, situated to the west of Drynoch Avenue and south of Snively Street, 0 Drynoch Avenue, said land being Lots 29 and 30 on Plan 201, all of PIN 032090264, in the City of Richmond Hill, Regional Municipality of York;

THAT the donation is to be on the following basis:

- a) The purchase price be \$2.00;**
- b) An income tax receipt to be made available to the owner for the final appraisal value, in accordance with the guidelines set out by the Canada Revenue Agency and terms of reference as required by the Ecological Gift Program;**
- c) TRCA be responsible for appraisal, environmental audit and vendor's reasonable legal fees associated with completion of the transaction;**

THAT TRCA extend its appreciation and thanks to the donor for their generous donation;

THAT TRCA receive conveyance of the land free from encumbrance, subject to existing service easements;

THAT the transaction be completed at the earliest possible date and that all reasonable expenses incurred incidental to the closing including legal costs and disbursements be paid by TRCA;

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.

CARRIED

RES.#A237/21 -

**VENDOR OF RECORD ARRANGEMENT FOR END-USER
COMPUTING DEVICES AND SERVICES – CONTRACT EXTENSION**

Extension of contract #10003898 from November 1, 2021 to November 1, 2025.

(Executive Committee RES.#B102/21)

Moved by: Linda Jackson
Seconded by: Gordon Highet

WHEREAS Toronto and Region Conservation Authority (TRCA) is engaged in a variety of programs/projects that require end-user computing devices and related services;

AND WHEREAS, at Authority Meeting #4/17, TRCA received approval to adopt the Ontario Education Collaborative Marketplace (OECM) Master Agreement with three (3) vendors: CDW Canada, Compugen Inc. and Dell Canada Inc.;

AND WHEREAS staff are satisfied with the goods and services provided to date under the current contract;

THEREFORE, LET IT BE RESOLVED THAT TRCA staff be directed to exercise their contractual right to extend the Vendor of Record (VOR) arrangement with CDW Canada, Compugen Inc. and Dell Canada for an additional four (4) years, to November 1, 2025, at a total cost not to exceed \$3,900,000, plus applicable taxes;

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

CARRIED

RES.#A238/21 -

**VENDOR OF RECORD ARRANGEMENTS FOR LAND USE PLANNING
AND APPRAISAL SERVICES**

Update regarding VOR Process for Land Use Planning Services and award of Request for Proposal (RFP) No. 10036307 for a Vendor of Record (VOR) arrangement for the supply of Appraisal Services for a three-year period.

(Executive Committee RES.#B103/21)

Moved by: Linda Jackson
Seconded by: Gordon Highet

WHEREAS Toronto and Region Conservation Authority (TRCA) is engaged in a variety of programs/projects that require expert appraisal services;

AND WHEREAS TRCA solicited proposals through a publicly advertised process and evaluated the proposals based on experience, certification and references;

THAT TRCA staff be directed to establish a Vendor of Record (VOR) arrangement with D. Bottero and Associates Limited and Newmark Knight Frank Canada Limited for the supply of appraisal services for November 2021 to December 2024;

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.

CARRIED

RES.#A239/21 - ONTARIO POWER GENERATION LEASE RENEWAL BEACHPOINT PROMENADE SITE

Proposal from Ontario Power Generation (OPG) to enter a lease renewal to utilize Toronto and Region Conservation Authority (TRCA) owned land to operate and maintain an environmental monitoring station located on Beachpoint Promenade, in the City of Pickering, Regional Municipality of Durham, Frenchman's Bay Watershed.
(Executive Committee RES.#B104/21)

Moved by: Linda Jackson
Seconded by: Gordon Highet

WHEREAS TRCA is in receipt of a request from OPG to enter into a lease agreement for the operation of an environmental monitoring station located on Beachpoint Promenade, in the City of Pickering, Regional Municipality of Durham, Frenchman's Bay Watershed;

AND WHEREAS it is in the opinion of TRCA that it is in the best interest of TRCA in furthering its objectives, as set out in Section 20 of the *Conservation Authorities Act*, to cooperate with OPG in this instance;

THEREFORE, LET IT BE RESOLVED THAT TRCA enter into a lease with OPG for the use of 0.002 hectares (0.006 acres), more or less, said land being Part of Lot 24, Range 3, on Beachpoint Promenade, City of Pickering, Regional Municipality of Durham;

THAT the lease with OPG be subject to the following terms and conditions:

- (i) that the term of the lease be for one year, together with an annual renewal option for the next four years at the sole option of TRCA;**
- (ii) that consideration be \$1,560 per annum, plus HST, with an annual increase of 5 percent throughout the term of the lease, plus HST;**
- (iii) that OPG be responsible for all approvals, maintenance and costs required for construction and operation of the environmental monitoring station;**
- (iv) that OPG be responsible for all costs associated with the removal of any equipment and materials associated with the construction and operation of the environmental monitoring station, at the end of the lease term, and restore the site to the satisfaction of TRCA;**
- (v) that the lease renewal will assume all other terms and conditions of the existing lease with OPG;**
- (vi) 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.

CARRIED

RES.#A240/21 -

ONTARIO POWER GENERATION LEASE RENEWAL PETTICOAT CREEK SITE

Proposal from Ontario Power Generation to enter a lease renewal to utilize Toronto and Region Conservation Authority (TRCA) owned land to operate and maintain an environmental monitoring station located within Petticoat Creek Conservation Area, municipally known as 1100 Whites Road, in the City of Pickering, Regional Municipality of Durham, Petticoat Creek watershed.

(Executive Committee RES.#B105/21)

Moved by: Linda Jackson
Seconded by: Gordon Highet

WHEREAS TRCA is in receipt of a request from OPG to enter into a lease agreement for the operation of an environmental monitoring station located within Petticoat Creek Conservation Area, municipally known as 1100 Whites Road, City of Pickering, Regional Municipality of Durham, Petticoat Creek watershed;

AND WHEREAS it is in the opinion of TRCA that it is in the best interest of TRCA in furthering its objectives, as set out in Section 20 of the *Conservation Authorities Act*, to cooperate with OPG in this instance;

THEREFORE, LET IT BE RESOLVED THAT TRCA enter into a lease with OPG for the use of 0.002 hectares (0.006 acres), more or less, said land being Part of Lot 29, Range 3, municipally known as 1100 Whites Road, City of Pickering, Regional Municipality of Durham;

THAT the lease subject to the following terms and conditions:

- (i) that the term of the lease be for one year, together with an annual renewal option for the next four years at the sole option of TRCA;**
- (ii) that consideration be \$1,560 per annum plus HST, with an annual increase of 5 percent throughout the term of the lease, plus HST;**
- (iii) that OPG be responsible for all approvals, maintenance and costs required for construction and operation of the environmental monitoring station;**
- (iv) that OPG be responsible for all costs associated with the removal of any equipment and materials associated with the construction and operation of the environmental monitoring station, at the end of the lease term, and restore the site to the satisfaction of TRCA;**
- (v) that the lease renewal will assume all other terms and conditions of the existing lease with OPG;**
- (vi) 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.

CARRIED

RES.#A241/21 -

MOODIES MOTEL LIMITED LEASE RENEWAL

Proposal from Moodie's Motel Limited to enter into a lease renewal to utilize Toronto and Region Conservation Authority (TRCA) owned land for the operation of their motel and camping establishment located north of Kingston Road West, west of Elizabeth Street, municipally known as 778 Kingston Road West, in the Town of Ajax, Regional Municipality of Durham, Duffins Creek watershed.

(Executive Committee RES.#B106/21)

Moved by: Linda Jackson
Seconded by: Gordon Highet

WHEREAS TRCA is in receipt of a request from Moodie's Motel Limited (Moodie's) to enter into a lease agreement for the use of TRCA land as part of their motel and camping operation located north of Kingston Road West, west of Elizabeth Street, municipally known as 778 Kingston Road West, Town of Ajax, Regional Municipality of Durham, Duffins Creek watershed;

AND WHEREAS it is in the opinion of TRCA that it is in the best interest of TRCA in furthering its objectives, as set out in Section 20 of the *Conservation Authorities Act*, to cooperate with Moodie's in this instance;

THEREFORE, LET IT BE RESOLVED THAT TRCA enter a lease with Moodie's for the use of 0.346 hectares (0.855 acres), more or less, said land being Part of Lots 16 and 17, Concession 2, and Part of Road Allowance between Lots 16 and 17, Concession 2, Town of Ajax and City of Pickering, municipally known as 778 Kingston Road West, Town of Ajax, Regional Municipality of Durham;

THAT the lease with Moodie's be subject to the following terms and conditions:

- (i) that the term of the lease be for one year;**
- (ii) that consideration be \$4,715 for the year, plus HST;**
- (iii) that Moodie's be responsible for all approvals, and costs required for the construction, maintenance, and the operation of their motel and camping establishment;**
- (iv) that Moodie's be responsible for all costs associated with the removal of any equipment and materials associated with the construction and operation of their motel and camping establishment, at the end of the lease term, and to restore the site to the satisfaction of TRCA;**
- (v) that the lease renewal will assume all other terms and conditions of the existing lease with Moodie's;**
- (vi) any other terms and conditions deemed appropriate by 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.

CARRIED

RES.#A242/21 -

**FRENCHMAN'S BAY YACHT CLUB INCORPORATED LEASE
RENEWAL**

Renew Frenchman's Bay Yacht Club (FBYC) lease for one year. Lease renewal permits FBYC to operate recreational boat club on Toronto and Region Conservation Authority (TRCA) land, municipally known as 635 Breezy Drive, in the City of Pickering, Regional Municipality of Durham (Frenchman's Bay Watershed).

(Executive Committee RES.#B107/21)

Moved by: Linda Jackson
Seconded by: Gordon Highet

WHEREAS TRCA is in receipt of Frenchman's Bay Yacht Club's (FBYC) request to renew their recreational boat club lease on TRCA land located at 635 Breezy Drive, in the City of Pickering, Regional Municipality of Durham (Frenchman's Bay Watershed);

AND WHEREAS renewing FBYC's lease furthers TRCA objectives, as set out in Section 20 of the *Conservation Authorities Act*, by cooperating with stakeholders to provide programs and services where use is compatible with and furthers conservation and management of natural resources;

THEREFORE, LET IT BE RESOLVED THAT TRCA and FBYC enter into a one-year lease agreement for the use of 0.775 hectares (1.914 acres), more or less, of land that is Part of Lot 25, Range 3, municipally known as 635 Breezy Drive, City of Pickering, Regional Municipality of Durham;

THAT the lease with FBYC be subject to the following terms and conditions:

- i. That the term of the lease is for one-year;
- ii. That consideration is \$7,992 for the one-year term;
- iii. That FBYC is responsible for all approvals, and costs required for construction, maintenance, and the operation of their yacht club for recreational boating purposes;
- iv. That FBYC is responsible for all costs associated with the removal of any equipment and materials associated with the construction and operation of their yacht club, at the end of the lease term, and to restore the site to the satisfaction of TRCA;
- v. That the lease renewal will assume all other required terms and conditions of the existing lease with FBYC;
- iv. Any other terms and conditions deemed appropriate by 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.

CARRIED

Section III – Items for the Information of the Board

RES.#A243/21 - SECTION III – ITEMS FOR THE INFORMATION OF THE BOARD

Moved by: Steve Pellegrini
Seconded by: James Pasternak

THAT Section III items 10.2.1 – 10.2.3, contained in November 5, 2021 Executive Committee minutes, be received.

CARRIED

Section III Item 10.2.1 – 10.2.3

2022 MUNICIPAL BUDGET UPDATE

(Executive Committee RES.#B108/21)

Q3 2021 COMMUNICATIONS SUMMARY

(Executive Committee RES.#B109/21)

UPDATE ON TRCA COMPENSATION ON BEHALF OF METROLINX

(Executive Committee RES.#B110/21)

Section IV - Ontario Regulation 166/06, As Amended

RES.#A244/21 - ONTARIO REGULATION 166/06, AS AMENDED *(Executive Committee RES.#B111/21 and RES.#B112/21)*

Moved by: Steve Pellegrini
Seconded by: James Pasternak

THAT items 10.1 – 10.3 – Section IV - Ontario Regulation 166/16, as amended, contained in Executive Committee Minutes, held on November 5, 2021, be received.

CARRIED

November 5, 2021 Executive Committee Closed Session Minutes

RES.#A245/21 - COVID-19 VACCINATION STATUS UPDATE *(Executive Committee RES.#B115/21)*

Moved by: Steve Pellegrini
Seconded by: James Pasternak

THAT confidential item 10.4.1 – COVID-19 Vaccination Status Update be received.

CARRIED

CLOSED SESSION REPORTS

RES.#A246/21 - FOOD SERVICES AGREEMENT UPDATE

Moved by: Gordon Highet
Seconded by: Linda Jackson

IT IS RECOMMENDED THAT this confidential report be received.

CARRIED

CLOSED SESSION

RES.#A247/21 - CLOSED SESSION

Moved by: Paul Ainslie
Seconded by: Ronald Chopowick

THAT pursuant to subsection C.4.(2)(k) and C.4.(2)(l) of TRCA's Board of Directors Administrative By-Law, the Board of Directors move into closed session to discuss item 11.2 – Financial Information Systems as the as the subject matter includes financial information that belongs to TRCA and has monetary value, and item 10.1.2 - Vendor of Record Arrangement for Supply and Delivery of Liquid Fuels, as the subject matter pertains to 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.

CARRIED

RES.#A248/21 - RISE AND REPORT

Moved by: Gino Rosati
Seconded by: Michael Palleschi

THAT the Board of Directors rise and report from closed session.

CARRIED

RES.#A249/21 - FINANCIAL INFORMATION SYSTEMS

Moved by: Gino Rosati
Seconded by: Michael Palleschi

IT IS RECOMMENDED THAT the Financial Information Systems report be received.

CARRIED

RES.#A250/21 -

VENDOR OF RECORD ARRANGEMENT FOR SUPPLY AND DELIVERY OF LIQUID FUELS

Award of Request for Proposal (RFP) No. 10036684 for a Vendor of Record (VOR) arrangement for supply and delivery of liquid fuels.
(Executive Committee RES.#B101/21)

Moved by: Gino Rosati
Seconded by: Michael Palleschi

WHEREAS Toronto and Region Conservation Authority (TRCA) is engaged in a variety of programs/projects that require liquid fuel, including diesel, gasoline, biodiesel and furnace oil;

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

LET IT BE RESOLVED THAT TRCA staff be directed to establish a Vendor of Record arrangement with Alpha Oil Inc, Armstrong Petroleums Limited, and Parkland Corporation (operating as Ultramar) for the supply of liquid fuels for a period of three (3) years with an option to extend for an additional two (2) years, at TRCA staff's discretion, at a total cost not to exceed \$1,098,212, plus applicable taxes;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of \$164,732 (approximately 15% of the anticipated expenditures), plus applicable taxes, in excess of the contract cost as a contingency allowance if deemed necessary;

THAT should TRCA staff be unable to negotiate a contract with the above-mentioned proponents, staff be authorized to enter into and conclude contract negotiations with other proponents that submitted proposals, beginning with the next highest ranked proponent meeting TRCA specifications;

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.

CARRIED

ADJOURNMENT

ON MOTION by Anthony Perruzza, the meeting adjourned at 11:08 a.m., on November 19, 2021.

Jennifer Innis
Chair

John MacKenzie
Chief Executive Officer

/dr