

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Meeting #1/19, Friday, February 08, 2019

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: ENBRIDGE GAS DISTRIBUTION
Request for Permanent Easement Required for Don River 30 Inch Natural Gas Pipeline Replacement Project. City of Toronto, Don River Watershed (CFN 60729)

KEY ISSUE

Receipt of a request from Enbridge Gas Distribution, for a permanent easement required for the Don River 30 Inch Natural Gas Pipeline Replacement Project, located south of Adelaide Street East and west of the Don River, municipally known as 155 Bayview Avenue, in the City of Toronto, Don River watershed.

RECOMMENDATION

THE EXECUTIVE COMMITTEE RECOMMENDS THAT WHEREAS the Toronto and Region Conservation Authority (TRCA) is in receipt of a request from Enbridge Gas Distribution for a permanent easement required for Don River 30 Inch Natural Gas Pipeline Replacement Project located south of Adelaide Street East and west of the Don River, municipally known as 155 Bayview Avenue, in the City of Toronto, Don River watershed;

AND WHEREAS 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 Enbridge Gas Distribution in this instance;

THEREFORE LET IT BE RESOLVED THAT a permanent easement containing 0.0055 hectares (0.0316 acres), more or less, of vacant land, required for Don River 30 inch Natural Gas Pipeline Replacement Project, said land being part of Block 9, Plan 66M-2473 designated as Parts 1-5 (inclusively) on draft R-Plan, in the City of Toronto, be conveyed to Enbridge Gas Distribution;

THAT consideration be \$775,125; all legal, appraisal, survey and other costs to be paid by Enbridge Gas Distribution;

THAT Enbridge Gas Distribution fully indemnify TRCA from any and all claims from injuries, damages or costs of any nature resulting in any way, either directly or indirectly, from this conveyance or the carrying out of construction;

THAT an archaeological investigation be completed, with any mitigation measures being carried out to the satisfaction of TRCA staff, at the expense of Enbridge Gas Distribution;

THAT a permit pursuant to Ontario Regulation 166/06, as amended, be obtained by Enbridge Gas Distribution prior to the commencement of construction;

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THAT all TRCA lands disturbed by the proposed works be revegetated/stabilized following construction and where deemed appropriate by TRCA staff, a landscape plan be prepared for TRCA staff review and approval in accordance with existing TRCA landscaping guidelines, at the expense of Enbridge Gas Distribution;

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

BACKGROUND

Enbridge Gas Distribution has requested a permanent easement across TRCA-owned lands required for Don River 30 Inch Natural Gas Pipeline Replacement Project, located south of Adelaide Street East and west of the Don River, municipally known as 155 Bayview Avenue, in the City of Toronto, Don River Watershed.

The Don River 30 Inch Natural Gas Pipeline Replacement Project proposes to abandon and replace approximately 0.35km of Nominal Pipe Size (NPS) 30 inch Extra High Pressure steel natural gas main. Currently, the NPS 30 is partially located on a bridge crossing the Don River. The bridge and pipe crossing are at risk from flooding. If the bridge is compromised it could impair the safe operation of the Don Valley Pipeline which supplies natural gas to downtown Toronto.

The project requires a Leave to Construct application to be filed with the Ontario Energy Board. As such an Environmental Assessment was completed which included alternative routing and proposed mitigation measures documented in an Environmental and Socio-Economic Impact Assessment Report (ER) completed by Stantec on behalf of Enbridge Gas Distribution.

Alternate route options for the NPS 30 were considered. The final preferred route (micro tunneling under the Don River) was selected based on the Environmental Report, public and stakeholder consultation and constructability.

TRCA staff and Enbridge Gas Distribution staff have worked diligently on the project to ensure the current Flood Protection Landform on the west side on the Don River will not be compromised and the proposed future Flood Protection Landform on the east side of the Don River can be built without compromising the proposed NPS 30.

The micro tunneling will commence on the TRCA's Corktown Common lands and proceed east under the Don River and exit on the east side on the City of Toronto lands.

The subject TRCA-owned lands were acquired from Infrastructure Ontario, on June 26, 2015 under the Greenlands Acquisition Project for 2011-2015.

Plantings

All lands disturbed by construction will be stabilized and, where deemed appropriate by TRCA staff, revegetated with native woody and herbaceous plant material in accordance with existing TRCA landscaping guidelines. A landscape plan will be prepared as part of the permit application submission.

Attachment 1 is a sketch illustrating the location of the permanent easement.

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FINANCIAL DETAILS

The easement compensation is based on a market value appraisal by Antec Appraisal Group which was reviewed by D. Bottero & Associates Limited. It is proposed that the unrestricted easement fees be utilized as TRCA considers proper, in the pursuit of furthering its mandate.

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Date: January 7, 2019

Attachments: 1

Attachment 1: The location of the permanent easement