

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Friday, April 30, 2021 Meeting

FROM: John MacKenzie, Chief Executive Officer

**RE: PORT LANDS FLOOD PROTECTION AND ENABLING INFRASTRUCTURE
PROJECT UPDATE**

KEY ISSUE

A progress update on the Port Lands Flood Protection and Enabling Infrastructure Project.

RECOMMENDATION

IT IS RECOMMENDED THAT the update on staff progress on the Port Lands Flood Protection and Enabling Infrastructure Project accompanying the presentation by Waterfront Toronto (WT) be received.

BACKGROUND

Coordinated Flood Protection Projects in the Lower Don River Area

Approximately 290 hectares of the Port Lands at the mouth of the Don River at Lake Ontario in the City of Toronto are vulnerable to flooding under a Regulatory flood event (a Hurricane Hazel-scale storm). In 2004, Toronto and Region Conservation Authority (TRCA) and the Toronto Waterfront Revitalization Corporation (now Waterfront Toronto or WT) initiated the Don Mouth Naturalization and Port Lands Flood Protection Project Environmental Assessment (DMNP EA) to explore opportunities to provide Regulatory flood protection, establish a naturalized river mouth, and facilitate redevelopment of the Port Lands.

In September 2011, the City of Toronto became a co-proponent on the DMNP EA and City Council unanimously approved the Port Lands Acceleration Initiative (PLAI) to develop a business and implementation plan to accelerate development opportunities. The DMNP EA was put on hold while the PLAI examined whether the Lower Don Lands could be developed more affordably and faster than previously anticipated. Ultimately, the PLAI indicated that large scale revitalization could occur based on phased implementation of the required flood protection and infrastructure. The DMNP EA was then completed and approved by the Ministry of the Environment and Climate Change in January 2015.

Following approval, TRCA, with the support of WT, began preliminary studies to inform project implementation and ensure compliance with the EA conditions set by the Ministry. At Authority Meeting #3/15, on March 27, 2015, Resolution #A38/15 provided staff direction to work in conjunction with the City of Toronto, WT, Toronto Port Lands Company (now CreateTO), and others to further develop project schedules, budgets, and the planning approach for preliminary design and due diligence studies related to the Lower Don Lands and the Don Mouth Naturalization and Port Lands Flood Protection Project.

At Authority Meeting #7/16, held on September 23, 2016, staff provided an update on the status of funding to proceed with detailed design and construction. The report included information on the Port Lands Flood Protection and Enabling Infrastructure (PLFPEI) Due Diligence Report which was completed to provide greater certainty on the costs, risks, scheduling and an implementation strategy associated with the proposal to naturalize the mouth of the Don River

Item 8.1

and provide flood protection to the area. The due diligence phase was completed in 2016 and resulted in a comprehensive plan based on the DMNP EA, integrated with the outcomes of the approved Lower Don Lands Environmental Assessment. In keeping with the goals of the PLAI, WT developed an ambitious plan to complete all 23 sub-projects comprising the PLFPEI by 2024 (**Attachment 1**). Two other projects with significant TRCA involvement related to the main Port Lands enabling infrastructure works are Cherry Street lake fill (CSLF) (Item “A” on **Attachment 1**), and the Broadview and Eastern Flood Protection Municipal Class Environmental Assessment (BEFP EA), shown on **Attachment 2**, attached.

The CSLF project involved stormwater management infrastructure and aquatic habitat creation which forms part of the future Promontory Park North. Work was completed in November 2019, and TRCA will provide maintenance and monitoring services to the end of 2021 on a fee-for-service basis to WT.

The BEFP EA is a collaborative effort with the City of Toronto, WT, and TRCA as co-proponents, and part of a larger flood protection initiative which includes the Lower Don River West Remedial Flood Protection project. The Lower Don West project was completed in 2012 and protects the West Don Lands neighbourhoods and parts of downtown Toronto. The BEFP EA Preferred Alternative would be the third and final component of flood protection in this area of Toronto. The Preferred Alternative identified through the EA process is a flood protection landform parallel to the east side of the Don Valley Parkway and Don River, south of Eastern Avenue. The Environmental Study Report (ESR) for this alternative describes a phased implementation strategy where flood protection would be realized for the bulk of the study area in Phase One, while maintaining the existing business at 1-9 Sunlight Park Road. Phase Two could be completed at a later date by the landowner, to achieve the full development potential of the property. The ESR was released for public and agency review as per *Environmental Assessment Act* notification requirements on April 13, 2021. Comments will be received until May 12, 2021. More information can be found at www.trca.ca/befp. TRCA is also working with the City of Toronto, Metrolinx, WT, benefiting landowners, and senior levels of government to try to secure funding for implementation of detailed design and construction of this landform.

Port Lands Flood Protection and Enabling Infrastructure Implementation Progress

TRCA staff have been working with WT on detailed design and permit review since 2018. Early site preparation activities included building demolition, earthworks, contaminated soil treatment, archaeological assessments, baseline conditions monitoring, and tree removal, to prepare the site for excavation and construction. At Board of Directors Meeting #5/19, held on May 24, 2019, the Board received an update from WT on these activities under resolution #A87/19.

On March 13, 2020, at Executive Meeting #1/20, the Executive Committee granted approval under resolution #B8/20 of the permit for WT's proposed works to build the structures which form the new Don River valley and adjacent wetlands.

TRCA continues to work closely with WT as earthworks and construction on some sub-projects progress simultaneously with detailed design and permit review for others. The future Don River, once only a concept, is now taking shape and the unique complexities of this unprecedented, large-scale engineering undertaking are becoming reality. While the channel will ultimately appear to be a natural, meandering river with adjacent wetlands and greenspace, there is a significant amount of highly engineered material and structures within the water lot which serve as a complex containment system for the contaminated soils.

Agency intervention to manage the river valley as a series of natural habitats, as well as to maintain the flood protection infrastructure and utilities to serve future urban development, will

Item 8.1

be required in perpetuity. As the infrastructure ages, new issues should be expected to arise. WT, the City of Toronto, and TRCA have commenced planning for the long-term operations, maintenance, and surveillance (OMS) of the future valley lands and park areas. Planning is advancing quickly, and significant preparation is required for the upcoming handover of the many properties, assets, and natural features comprising the river and park lands to a permanent landowner, to support WT's aggressive schedule to commission the new Don River by early 2024.

RATIONALE

Providing flood protection to the Port Lands was identified as a TRCA priority in the 1980s. TRCA's interest in naturalizing the Don River mouth has been a shared priority with the City of Toronto and the broader community as identified by the Task Force to Bring Back the Don's report "Taking Back the Don" in 1991. The 1992 "Regeneration: Royal Commission on the Future of the Toronto Waterfront" report also outlined the federal interest in the Lower Don, and provincial support aligned with these initiatives when all three levels of government jointly established the Toronto Waterfront Revitalization Corporation in 2001. As such, the current detailed design and implementation of WT's 23 enabling infrastructure sub-projects of the PLFPEI is the culmination of close to 40 years of consultation and planning, with TRCA at the forefront throughout the process.

Central to the Port Lands project, naturalizing the mouth of the Don River will not only facilitate flood protection for more than 240 hectares of land, but will also result in the creation of over 1,000 metres of new river channel and establish and enhance 30 hectares of new aquatic, wetland, and terrestrial habitat in the river valley. New parks and public realm features on lands outside the floodplain will comprise an additional 16 hectares of public greenspace. Together, these works will unlock the development potential of this prime waterfront area by transforming the underutilized, post-industrial site into a vibrant, mixed-use, sustainable community which will support Toronto's growth and economic competitiveness.

TRCA has a significant stake in the Port Lands Flood Protection project due to our role as co-proponent of the original DMNP EA. TRCA's CEO, along with senior provincial, federal, WT and City officials serve on the Executive Steering Committee for the PLFPEI to provide oversight and advice on this unprecedented investment in flood protection by all three levels of government. TRCA also has a legislated responsibility to issue permits under the *Conservation Authorities Act (2019)*, and to monitor compliance with the conditions of the DMNP EA. Additional interests also include flood mitigation, erosion control structures to control water flow and manage sediment/debris, and management of the ecology and natural asset infrastructure.

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

The current delivery agreement between TRCA and WT is in effect until 31 December 2023 for the sum of \$7,603,292, under account 191-20. As of December 31, 2020, \$2.3 million has been billed for TRCA's services. Details of work covered under this agreement are described below.

Item 8.1

DETAILS OF WORK TO BE DONE

Through TRCA's fee-for-service delivery agreement, on an ongoing basis staff provide a variety of technical support and expertise to WT and its sub-contractors related to hydrology, ecology, geotechnical, fluvial geomorphology, groundwater remediation, storm water management, flood protection and conveyance, archaeology, habitat restoration, environmental monitoring, permitting and construction considerations, to inform the detailed design and implementation of the project.

Infrastructure Planning staff work with WT to identify permit requirements under Ontario Regulation 166/06, and to streamline the permit process by simplifying, expediting, and aligning TRCA's review process and timelines with the project construction schedule, to the extent possible. The majority of the infrastructure permits to allow for the construction of new and replacement roads, utilities, sewers, bridges, community and pedestrian amenities will be reviewed and permitted under the current delegated permit approval process, per Authority Resolution #B138/13.

In 2021, design, permit review, and construction are simultaneously underway. Archaeological assessments and site monitoring continue. Permit submissions for parks and public realm features, the Don Roadway Flood Protection Landform, soil management, and various utility crossings are under review. Further, staff continue to be heavily involved in design review and planning for the future Sediment and Debris Management Area, which will also require a permit in 2021. In addition, staff are in ongoing negotiations with the City of Toronto, Ports Toronto, and WT regarding dredging of Keating Channel, which is required for both flood risk mitigation and to facilitate WT's construction activities in, and upstream, of the channel.

TRCA also conducts environmental monitoring and completes annual EA compliance reports to the provincial Ministry of the Environment, Conservation and Parks, in partnership with WT and in consultation with the City of Toronto, as the other DMNP EA co-proponents. Under the existing delivery agreement, pre-construction and construction phase monitoring will continue until 2023. A new delivery agreement will be necessary for post-construction EA compliance monitoring, which may be required for up to 15 years after the new river valley is operational.

Staff also work in collaboration with WT and the City of Toronto to determine final ownership and develop operations and maintenance plans for the long-term management of the Port Lands river valley and parks and public realm spaces, and features such as the future Sediment and Debris Management Area. Further, staff participate in the City of Toronto's Operating Budget Impact Committee, which will develop and advocate the adoption of a series of staff reports to Council which identify immediate and long-term operations and maintenance costs associated with the Port Lands, and coordinate input from various City divisions with the City's post-2021 Operating Budget and 2021-2030 Capital Plan submissions.

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Date: April 12, 2021

Attachments: 2

Attachment 1: Map of Port Lands Flood Protection Enabling Infrastructure Subprojects

Attachment 2: Map of Broadview and Eastern Flood Protection Municipal Class Environmental Assessment Study Area