

### Section III – Items for the Information of the Board

**TO:** Chair and Members of the Executive Committee  
Friday, November 05, 2021 Meeting

**FROM:** Anil Wijesooriya, Director, Restoration and Infrastructure

**RE: UPDATE ON TRCA COMPENSATION ON BEHALF OF METROLINX**

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#### KEY ISSUE

First annual report to the Board of Directors regarding natural heritage and Species At Risk (SAR) compensation projects undertaken on behalf of Metrolinx (Mx).

#### RECOMMENDATION

**IT IS RECOMMENDED THAT the 2021 staff report regarding natural heritage and SAR compensation projects undertaken by TRCA on behalf of Metrolinx be received.**

#### BACKGROUND

At the Board of Directors Meeting held on September 25, 2020, Toronto Region Conservation Authority (TRCA) received approval to enter into a service level agreement (SLA) with Metrolinx (Mx) to provide planning and restoration services associated natural heritage impacts resulting from new development projects. At this meeting it was resolved (#A123/20):

*That TRCA staff provide a report annually to the Board of Directors regarding any natural heritage or SAR compensation projects undertaken on behalf of Metrolinx;*

Since that time TRCA has continued to work closely with Mx to foster existing and develop new partnerships to achieve natural heritage offsets. To date, these partnerships have pertained to off-setting unavoidable losses due to new infrastructure projects as a part of the GO, Subway, and Light Rail Transit (LRT) programs. Metrolinx is a crown corporation and as such is exempt from requiring a permit under the CA Act. However, through our MOU and SLA TRCA staff continue to review Mx projects on a voluntary review basis. This report that has been prepared to address the Board's direction discusses three major initiatives that reflect all the ongoing partnership activities and projects pertaining to natural heritage and SAR compensation.

#### **Partnership Using Downed Trees for Habitat Projects**

Tree and vegetation removals are a required part of the GO Expansion program. Removals enable the safe delivery and operation of the infrastructure required for electrification and the increase in service level, inclusive of new tracks and layover facilities. Tree removals are required across the Greater Toronto Area, and TRCA staff are working with Mx to utilize non-invasive tree species cut down within Mx's Right-of-Way (ROW) as structural habitat enhancement on active restoration sites. A Work Order Form (WORF) under the SLA outlines the project details. Services provided under this WORF include coordination with Mx and their contractors to identify appropriate logs for habitat and moving them to active restoration or stockpile sites, as well as media support showing how the material is being used.

#### **Vegetation Compensation Agreements**

##### ***Mx GO - Proactive Tree Planting to Compensate for ROW Tree Removals***

In addition to work stated within the SLA, Mx and TRCA have entered a separate partnership to implement voluntary compensation projects associated with tree removals from Mx's ROW.

Through a Fee for Service (FFS) agreement, trees have been planted to replace those planned

## Item 9.3

to be removed from the Mx ROW as part of the GO Expansion program in the affected municipalities. Tree compensation numbers for natural heritage plantings were determined based on guidance from the Mx Vegetation Guideline (2020) which closely adheres to TRCA's Guideline for Determining Ecosystem Compensation (2018). Project sites were selected using TRCA's Restoration Opportunities Program and where additional planting could benefit active projects sites. The breakdown of number of trees removed and planted is provided in Table 1 below. On average Mx compensated for tree removals at a ratio 5:1. Table 2 below highlights where the trees were planted. Services provided under the FFS agreement include planning, design, implementation, five years of post-planting assessments and required maintenance.

*Table 1. Numbers by municipality.*

Municipality	Tree Removals	Total Comp Required	Planted 2020	Planted 2021	Total Planted	Average Comp Ratio (rounded)
Brampton	1	1		1	1	1:1
King	404	2,256		2,256	2,256	6:1
Markham	361	1,781	2,475	0	2,475	7:1
Mississauga	68	115		115	115	2:1
Pickering	119	620		620	620	5:1
Toronto	1,571	6,717	6,003	714	6,717	4:1
Vaughan	175	1,327		1,327	1,327	7:1
Whitchurch-Stouffville	247	2,267		2,267	2,267	9:1
<b>Total</b>	<b>2,946</b>	<b>15,084</b>	<b>8,478</b>	<b>7,300</b>	<b>15,778</b>	<b>5:1</b>

*Table 2. Planting location within affected municipality.*

Municipality	Planting Location			Total Planted
Brampton	Conservation Drive Park			1
King	Cold Creek Conservation Area			2,256
Markham	Austin Drive Park (700)	Cornell Precinct (1,775)		2,475
Mississauga	King's Park			115
Pickering	Brock Lands			620
Toronto	RNUP Meadowvale (5,543)	Sherway Trail (460)	Tommy Thompson Park (714)	6,717
Vaughan	Boyd Conservation Area			1,327
Whitchurch-Stouffville	Bruce's Mill Conservation Area			2,267
				<b>15,778</b>

### ***Mx Subway - Eglinton West Crosstown – Toronto***

TRCA has partnered with Mx and the City of Toronto to undertake a community planting event at Scarlett Mills Park. The planting engages the local community near the tree removals and will see 400 trees planted by the end of 2021.

## Item 9.3

### **Partnership to Implement Species at Risk Overall Benefit Requirements**

Mx has requested TRCA assist in identifying and implementing compensation projects associated with the Ministry of the Environment, Conservation and Parks' (MECP) registry and overall benefit requirements for impacts to species at risk (SAR). Potential sites were reviewed at the desktop level and confirmed on sites. Plans were developed based on site specific conditions and species requirements. The following partnership projects have been completed.

#### ***2020 Barn Swallow Nest Installations - Toronto***

In 2020 TRCA installed 47 Barn Swallow cups under the Humber Bridge as compensation for works on the Finch West Light Rail Transit project.

#### ***2021 Butternut Planting – King Township***

As part of the Barrie GO Line Expansion (Contract 3, Phase 2), TRCA has planted 328 Butternut and 328 companion trees at Cold Creek Conservation Area related to the SAR registry and overall benefit permit which Mx obtained from MECP for the removal of Butternut along the tracks. The planting service agreement includes five years of tending, watering, and reporting back to Mx.

### **RATIONALE**

The goals outlined in Mx's Sustainability Strategy (2015-2020), highlight their commitment to minimizing impacts on ecosystems, increasing climate resiliency, and enhancing community responsibility. In consultation with the TRCA Mx have developed their Vegetation Guideline to incorporate vegetation compensation, reuse, and invasive species management as key components of any project. Compensation discussions with TRCA staff are specific to removals on a file-by-file basis which are not otherwise required to be compensated for through TRCA or municipal permits, these are considered 'above and beyond' the standard or required compensation to meet the best management practices set out in the Mx Vegetation Guideline. For LRT projects, where regulation and by-laws apply, TRCA will continue to request compensation using the TRCA or municipal compensation guidelines.

### **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 1 – Green the Toronto region's economy**

**Strategy 3 – Rethink greenspace to maximize its value**

**Strategy 5 – Foster sustainable citizenship**

**Strategy 7 – Build partnerships and new business models**

### **FINANCIAL DETAILS**

Where work is completed via the above WORF under the 2020-2022 SLA with Mx for the GO Expansion project, invoices are issued by the Infrastructure Planning and Permits (IPP) division and funds are received to 110-65. The current WORF estimate is for \$22,000 + HST and will be renewed for 2022.

Funds for voluntary or SAR compensation projects are received on a file-by-file basis as special projects through fee for service agreements. The following agreements have been executed:

- the Mx GO Expansion program proactive spring 2020 to fall 2021 compensation planting service agreement has an upset limit of \$1,500,000 + HST.
- the Mx Subway - Eglinton Crosstown West Extension 2021 planting implementation is \$32,464 + HST, with an option for planting additional trees for the other Subway lines as required.

## Item 9.3

- the Mx Finch West LRT 2020 Barn Swallow structure installation cost was \$14,572+ HST.
- the Mx GO – Barrie Line Contract 3, Phase 2, 2021 SAR Butternut planting and tending agreement has an upset limit of \$241,298 + HST.

### **DETAILS OF WORK TO BE DONE**

TRCA staff continue to work with Mx to assist with compensation project development related to vegetation and natural feature losses as well as SAR compensation. Below is a list of projects for which TRCA and Mx are negotiating further fee for service agreements.

1. Mx GO - Expansion Program – SAR (Bats and Barn Swallows) - Toronto
2. Mx GO - Lakeshore East (Central) - SAR Butternut - Toronto
3. Mx GO - Lakeshore East - SAR Bats - Toronto
4. Mx GO - Oriole Station - Mx ROW Vegetation Removal - Toronto
5. Mx GO - Barrie Line C3P1 - Private and Public Vegetation Plantings - King Township
6. Mx GO - Barrie Line C3P1&2 - SAR Bats - King Township
7. Mx GO - Barrie Line C3P1 - SAR Redside Dace - King Township
8. Mx GO - Kitchener Line - SAR Bats habitat planting and structures – Removals from Township of Woolwich and Guelph/Eramosa, to be planted in Brampton, Toronto.

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