



INDEX TO

AUTHORITY MEETING #8/14

Friday, October 31, 2014

MINUTES	
Minutes of Meeting #7/14, held on September 19, 2014	386
DRAFT ENGAGEMENT GUIDELINES	386
SCARBOROUGH WATERFRONT PROJECT	
Award of Contract #10000039 - Planning and Engineering Services	401
ENGINEERING SERVICES FOR BOB HUNTER MEMORIAL PARK	403
BLACK CREEK CHANNEL	
Contract RSD14-146 - Disposal of Stockpiled Soils	405
BLACK CREEK CHANNEL	
Contract RSD14-160 – Concrete Channel Repairs	407
MUD CREEK REACH 2 RESTORATION PROJECT	
Contract #10000122 – Creek Bypass Pumping System Works	410
COLONEL SAMUEL SMITH PARK	
Contract #10000116 - Lookout Structure	412
2015 BUDGET UPDATE	
Update on the status of the 2015 TRCA budget process (<i>Budget/Audit Res.#C10/14</i>)	415
GREENLANDS ACQUISITION PROJECT FOR 2011-2015	
Flood Plain Conservation Component/Mimico Creek Watershed Etobicoke District, City of Toronto, Queenscorp Group	415
GREENLANDS ACQUISITION PROJECT FOR 2011-2015	
Flood Plain and Conservation Component, Duffins Creek Watershed Whitshed Limited	416

MINISTRY OF TRANSPORTATION	
Request for Conveyance of Lands for Required Highway 427 Extension	417
AMBERLEA CREEK EROSION CONTROL PROJECT CONSTRUCTION	
Request for Tender #10000077 - Aggregate	419
AMBERLEA CREEK EROSION CONTROL PROJECT	
Contract #10000114 for Engineering Services	419
GOOD NEWS STORIES	419
IN THE NEWS	424
PUBLIC RECORD	
Authority Resolution #A185/10	430



**MEETING OF THE AUTHORITY #8/14
October 31, 2014**

The Authority Meeting #8/14, was held in Weston Room B, Black Creek Pioneer Village, on Friday, October 31, 2014. The Chair Gerri Lynn O'Connor, called the meeting to order at 9:52 a.m.

PRESENT

Maria Augimeri	Vice Chair
David Barrow	Member
Ben Cachola	Member
Ronald Chopowick	Member
Vincent Crisanti	Member
Michael Di Biase	Member
Jack Heath	Member
Colleen Jordan	Member
Mujeeb Khan	Member
Gloria Lindsay Luby	Member
Glenn Mason	Member
Mike Mattos	Member
Ron Moeser	Member
Gerri Lynn O'Connor	Chair
Linda Pabst	Member
Anthony Perruzza	Member
Deb Schulte	Member
John Sprovieri	Member
Jim Tovey	Member
Richard Whitehead	Member

ABSENT

Paul Ainslie	Member
Bob Callahan	Member
Raymond Cho	Member
Glenn De Baeremaeker	Member
Chris Fonseca	Member
John Parker	Member
Dave Ryan	Member
Cynthia Thorburn	Member

RES.#A163/14 - MINUTES

Moved by: Ronald Chopowick
Seconded by: Gloria Lindsay Luby

THAT the Minutes of Meeting #7/14, held on September 19, 2014, be approved.

CARRIED

SECTION I - ITEMS FOR AUTHORITY ACTION

RES.#A164/14 - DRAFT ENGAGEMENT GUIDELINES

Board endorsement of TRCA's Draft Engagement Guidelines and their circulation for comment.

Moved by: Jack Heath
Seconded by: Colleen Jordan

WHEREAS Toronto and Region Conservation Authority (TRCA) has had a long history of building relationships with Aboriginal communities that has brought a cultural richness to its programs and projects;

AND WHEREAS TRCA Restoration Services staff and Planning and Development staff have developed a draft guideline for directing TRCA staff in their engagement with Aboriginal communities (Attachment 1);

AND WHEREAS TRCA staff would like to seek input on the draft guidelines from Anishinaabe nations, the Huron-Wendat Nation, the Haudenosaunee Confederacy and Métis councils, before finalizing them for use by TRCA staff;

THEREFORE LET IT BE RESOLVED THAT the Authority endorse the Draft Engagement Guidelines for circulation to Anishinaabe nations, the Huron-Wendat Nation, the Haudenosaunee Confederacy and Métis councils (Attachment 2 for full list);

THAT staff report back to the Authority on the input received at the end of the commenting period;

AND FURTHER THAT the Ministry of Natural Resources and Forestry, the Ministry of the Environment and Climate Change, the Ministry of Aboriginal Affairs, the Ministry of Municipal Affairs and Housing, regional and local municipalities in TRCA's jurisdiction, Toronto Waterfront Revitalization Corporation, Conservation Ontario and neighbouring conservation authorities be so advised.

CARRIED

BACKGROUND

Over the last several decades, TRCA has developed important relationships with Aboriginal people (referred to within the Guidelines as nations, confederacies and councils), seeking and incorporating their input into TRCA projects and processes. While early engagement was informal, Constitutional amendments and Supreme Court of Canada decisions beginning in the 1980s set out more formal requirements for Aboriginal engagement. This case law underscores that Aboriginal people have a special relationship with the Crown that makes engagement an essential component of Crown decisions where there is potential to impact Aboriginal or treaty rights and interests. While parties that are not the Crown, such as conservation authorities, do not owe the Crown's duty to consult, they do have the responsibility to undertake "procedural aspects of consultation"¹, that may be delegated by the Crown. TRCA staff's experience has shown that meaningful and respectful engagement is key to successful projects. The TRCA Draft Engagement Guidelines provide guidance for TRCA staff about when and how to engage with Aboriginal people.

The following summarizes the history of TRCA's engagement with Aboriginal people as background to TRCA's Draft Engagement Guidelines.

Early Relationships: 1970s

TRCA's earliest known relationships with Aboriginal people began in the 1970s and were not triggered by direction from the federal or provincial governments. The relevant legislation during the 1970s and 1980s, such as the *Environmental Assessment Act*, the *Planning Act* and the *Ontario Heritage Act*, made no direct mention of Aboriginal people. Early relationships between TRCA and Aboriginal people stem from a shared interest in safeguarding ancestral archaeological sites, artifacts and burials. Specifically, TRCA staff routinely collaborate with descendant communities for the Boyd Archaeological Field School and have done so for more than 35 years. This has been done by inviting guest speakers on contemporary issues and traditional teachings of the different nations, hosting visits by elders and chiefs to the Seed-Barker site, and traditional ceremonies.

Evolving Relationships: 1980s - 2004

Legal developments in the 1980s caused Ontario to begin to articulate Aboriginal engagement requirements. Key milestones include: the repatriation of and amendment to the Canadian Constitution in 1982 that recognized and affirmed Aboriginal rights², and Supreme Court of Canada decisions that interpreted the constitutional protections in light of the Crown's fiduciary relationship to Aboriginal people³.

At this time, the Province of Ontario began to introduce stronger provincial mandates to address Aboriginal interests. Some key changes include:

- In 1985, Ontario established the Office of Native Affairs Policy, renamed the Native Affairs Directorate in 1987 and Ontario Native Affairs Secretariat in 1990, indicating growing provincial attention to Aboriginal people's concerns.

- In 1996 revisions to the *Environmental Assessment Act*, R.S.O 1990 mandated that the proponent consult with all interested persons when preparing an environmental assessment, and many proponents began to include Aboriginal communities on their notification lists. Engagement with Aboriginal people tended to be limited to notifications about projects, and TRCA met this standard.
- While the *Ontario Heritage Act* remained silent on engaging with descendant communities, archaeologists in general, and TRCA in particular, pushed forward with stronger engagement practices.
 - TRCA archaeology's internal guidelines were created during this time, and although silent on engagement, the document advocates for the preservation of Aboriginal heritage.
 - TRCA continued to collaborate informally with Aboriginal communities about the Boyd Archaeological Field School.

Due to evolving law and policy during the early 2000s, TRCA's relationships with a number of communities were challenging. This was especially true when addressing Aboriginal concerns and interests in ancestral archaeological sites and artifacts. As there was little direction from provincial ministries at the time regarding engagement practices, TRCA compiled a list of Aboriginal communities with interest in TRCA's jurisdiction including: the Mississaugas of the New Credit, the Huron-Wendat, Six Nations of the Grand River, the Williams Treaty First Nations and the Metis Nation of Ontario. TRCA began to engage in a dialogue with these communities that set the framework for future engagement processes.

Expectations Introduced: 2004 - 2010

The Supreme Court introduced the "Duty to Consult" with its trilogy of cases in 2004 and 2005.⁴ In 2007, the Ontario government established the Ministry of Aboriginal Affairs to replace the Secretariat, "reflecting the importance of developing a stronger, broader partnership with Aboriginal people in Ontario."⁵ Ontario further developed its policy with the following key changes:

- In 2006, Ontario introduced its "Draft Guidelines for Ministries on Consultation with Aboriginal Peoples related to Aboriginal Rights and Treaty Rights".⁶
- In 2007, the Ministry of the Environment Code of Practice for Consultation in Ontario's Environmental Assessment Process included some guidance on Aboriginal consultation.
- In 2007, the Municipal Class Environmental Assessment recognized "First Nations and Aboriginal Peoples are an important stakeholder group" but provided little guidance about what this meant in practice.
- In 2009, Conservation Ontario's Class Environmental Assessment for Remedial Flood and Erosion Control Projects was amended to include Aboriginal engagement requirements.

As noted in the above documents, engagement requires discussions with a view to addressing Aboriginal people's concerns. Meaningful engagement leads to positive and respectful relationships between the third party proponent and Aboriginal communities. TRCA has worked hard to build mutually respectful relationships with the Aboriginal communities who have an interest in TRCA's jurisdiction.

During this period, TRCA made a concerted effort to involve Aboriginal communities in their environmental assessment and archaeological processes, including:

- Don Mouth Naturalization and Port Lands Flood Protection Project Environmental Assessment (DMNP EA).
- Royal Rouge Trail Erosion Control Project EA.
- In 2007, the TRCA archaeology internal guidelines were revised to include the requirement for meaningful Aboriginal engagement.

Expectations Clarified: 2010 - present

In the last five years, progress has been made towards greater detail in provincial policy regarding engagement with Aboriginal communities, including:

- In 2013, the Ministry of the Environment amended the Conservation Ontario Class EA document to delegate the procedural aspects of rights-based Aboriginal consultation to proponents.
- The Code of Practice, Consultation in Ontario's Environmental Assessment Process, 2014 provides greater detail to proponents engaging Aboriginal people.
- The new Standards and Guidelines for Consultant Archaeologists (MTCS 2011), and the accompanying Aboriginal Engagement Bulletin (MTCS 2011), sets out licence requirements for engaging with descendant communities.
- TRCA hires Aboriginal archaeological monitors for archaeology projects that require such services, and where requested.
- The Provincial Policy Statement, 2014 (PPS 2014) for the first time acknowledges Aboriginal people, and the importance of consulting with Aboriginal communities on planning matters that may affect their rights and interests.

During this time, TRCA created a point person from the archaeology unit through which all of TRCA's communications with Aboriginal communities is coordinated. Additionally, TRCA has continued to conduct in depth and mutually respectful engagement for projects subject to legislation requiring engagement (e.g. Environmental Assessments), such as:

- East Don Trail Environmental Assessment;
- Lakeview Waterfront Connection Environmental Assessment;
- Ashbridges Bay Environmental Assessment.

Furthermore, TRCA has made a concerted effort to seek involvement from Aboriginal communities on projects that do not legally require engagement, but where common goals or shared interests might be present. For example:

- Management plans such as the Greenwood Conservation Lands Master Plan, where communities participated in the development of recommendations for the conservation lands related to habitat restoration and cultural heritage protection.

- Special projects such as the creation of the Heart Lake Medicine Wheel Garden, where Aboriginal community members and TRCA staff collaborated to plant the garden and organize the opening ceremony.
- Education projects such as the Boyd Archaeological Field School, where Aboriginal community members conducted lecture programs, ceremonies and site visits.

Current Highlights

- TRCA staff have been contributing to municipal and regional consultation documents,
 - Example: the City of Toronto engagement guidelines for environmental assessments.
- TRCA staff have been involved in working groups and committees regarding the creation of municipal and regional consultation documents,
 - Example: York Region Official Plan and Archaeological Management Plan, and consultation protocol.
- Staff have been developing partnerships and initiatives with municipalities, such as the "Shared Path" in Toronto. Currently a similar project is being envisioned for Vaughan.
- Staff have been meeting with nations, confederacies and councils with an interest, or with established or asserted rights, in TRCA's jurisdiction.
- Staff circulated TRCA's Draft Living City Policies to Aboriginal communities.
- TRCA continues to encourage staff development, including attendance at conferences and meetings, and attending roundtables about Aboriginal engagement.

RATIONALE

The Supreme Court of Canada has determined that the provincial and federal governments ("the Crown") and its agents owe a duty to consult Aboriginal peoples when contemplating conduct that may adversely affect existing or asserted Aboriginal or treaty rights. While third parties such as TRCA do not have this duty, the Crown may delegate procedural aspects of consultation to them through legislation or other means. As a result, TRCA conducts engagement for projects where and as delegated by legislation or other clear means.

TRCA is responsible for managing the engagement process for projects for which TRCA is the proponent. The TRCA department that currently carries out the engagement procedures is the Archaeology Resource Management Services department. The following is a list of legislation and related documents that may trigger engagement for TRCA Projects:

- *Environmental Assessment Act*;
- Conservation Ontario Class Environmental Assessment for Remedial Flood and Erosion Control Projects (Conservation Ontario, January 2002) as amended (CO Class EA);
- Approvals under the *Ontario Water Resources Act* (OWRA) or the *Environmental Protection Act* (EPA) may trigger engagement if delegated by the Ministry of the Environment and Climate Change;
- *Funeral, Burial and Cremation Services Act, 2002*;
- *Ontario Heritage Act, 1990*.

The Draft Engagement Guidelines were developed to address the growing need for the formalization of TRCA's engagement processes. The guidelines provide TRCA with direction about when and how to engage with Aboriginal communities during TRCA projects. The Guidelines focus on the legal requirements of engagement; however, they do not preclude TRCA from working with nations, confederacies and councils on other initiatives where they share common ground and goals. The document contains information about when TRCA is required by law to conduct engagement. Further, they provide direction about determining who should be engaged, how to initiate engagement, and the extent of engagement required for any given project. The document also includes information about what to do in emergency situations, and how to address disputes that might arise during the course of the engagement process.

The Draft Engagement Guidelines were authored based on knowledge informed by municipal and regional documents, as well as TRCA's in-house processes. These Guidelines were written under the guidance and advice of legal counsel to ensure compliance with the relevant legislation and case law. TRCA has also been working with relevant provincial ministries to capture the evolving requirements and processes of engagement and to analyze new information as it becomes available. This was especially important to ensure that TRCA practices are reflective of current provincial approaches and interpretations. In particular, TRCA has sought guidance from the relevant provincial ministries to clarify the roles and responsibilities of conservation authorities during the engagement process.

DETAILS OF WORK TO BE DONE

In the short term, it is recommended that these Draft Engagement Guidelines be endorsed by the Authority in draft format for circulation to aboriginal communities for comment. After taking any feedback received into consideration and making any necessary revisions to the draft guidelines, staff will report back to the Authority with a summary of these outcomes. In addition, TRCA must continue to seek guidance from provincial ministries as new information becomes available in order to ensure TRCA's practices comply with provincial approaches and provincial and federal case law. Moving forward, TRCA is looking to develop an operational manual for staff who will be using the Engagement Guidelines that will provide detail about the processes and procedures of engagement for varying types of TRCA projects.

FINANCIAL DETAILS

The Draft Engagement Guidelines reflect the current practices of TRCA when it engages with Aboriginal communities. In current practice, for projects where engagement occurs, the associated costs of TRCA's Archaeology Resource Management Services department must be incorporated into each project's budget, to be determined in discussion with TRCA's Archaeology Resource Management Services. TRCA will not pay application fees to aboriginal communities for engagement. However, under special circumstances, TRCA may cover (depending on available funding) modest, ordinary expenses such as travel and meals.

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Date: October 01, 2014

Attachments: 3

**DRAFT ENGAGEMENT GUIDELINES
(DRAFT – August 2014)**

INTRODUCTION

The following are Guidelines for Toronto and Region Conservation Authority (TRCA) when it engages with Anishinaabe, Haudenosaunee and Huron-Wendat nations, and Métis councils about TRCA projects.

The Supreme Court of Canada has determined that the provincial and federal government (“the Crown”) and its agents owe a duty to consult Aboriginal peoples when it contemplates conduct that may adversely affect existing or asserted Aboriginal or treaty rights. While third parties such as TRCA do not have this duty, the Crown may delegate procedural aspects of consultation to them through legislation or other means.

TRCA conducts engagement for projects where and as delegated by legislation or other clear means. Where TRCA is unsure if engagement has been triggered for a project, TRCA will attempt to obtain clarification from the Crown about any roles and responsibilities that may be delegated to TRCA.

TRCA is responsible for managing the engagement process for projects for which TRCA is the proponent. The TRCA department that currently carries out the engagement procedures is the Archaeology Resource Management Services department. For a glossary of terms, see **Appendix A**.

GENERAL PRINCIPLES

TRCA’s aim is to develop a positive relationship with nations, confederacies, and councils that have established or asserted rights that may be impacted by TRCA Projects, through a process of meaningful, mutually respectful engagement. There is no single way to conduct meaningful engagement. The process of engagement will vary depending on the project’s impacts and the level of interest indicated by nations, confederacies, and councils.

The engagement and commenting process must take place within the legislated timelines, described by the relevant legislation (e.g. *Environmental Assessment Act*).

These Guidelines do not preclude TRCA from working with nations, confederacies, and councils on other TRCA initiatives where they share common ground and goals such as educational programming, management/master plans, and property stewardship initiatives.

These Guidelines are not intended to alter the legal obligations of TRCA or nations, confederacies, and councils. TRCA will engage with nations, confederacies, and councils in accordance with these Guidelines, but must ensure that the engagement process meets the minimum standards set out in the relevant legislation.

WHEN TRCA IS REQUIRED BY LAW TO ENGAGE

TRCA carries out engagement for TRCA Projects that are subject to legislation requiring engagement.

The following is a list of legislation and related documents that may trigger engagement for TRCA Projects.

- *Environmental Assessment (EA) Act*
- Conservation Ontario Class Environmental Assessment for Remedial Flood and Erosion Control Projects (Conservation Ontario, January 2002) as amended (CO Class EA)
- Approvals under the *Ontario Water Resources Act (OWRA)* or *Environmental Protection Act (EPA)* may trigger engagement if delegated by the Ministry of Environment
- *Funeral, Burial and Cremation Services Act, 2002*
- *Ontario Heritage Act (1990)*

WHEN TRCA MAY CONDUCT ENGAGEMENT ON BEHALF OF THIRD PARTIES

When a third party's project or undertaking on TRCA-owned land triggers engagement, or when a third party employs TRCA as a consultant not on TRCA-owned land, TRCA may conduct engagement on behalf of the third party if agreed to in writing prior to the start of the project.

The parties will agree to roles and responsibilities for TRCA and the third party when conducting engagement. TRCA's Archaeology Resource Management Services may lead the engagement or assist the third party proponent with the process, if and as agreed. However, the third party proponent and the Crown will retain their respective responsibilities to ensure that the duty to consult is fulfilled.

Table 1 sets out some examples for determining when TRCA is the lead on engagement.

Table 1: Examples for Determining Engagement Lead

Legislation	Trigger for Engagement	PROPONENT		
		TRCA	Municipality	Provincial/Federal Governments
EA Act/ CO Class EA	Environmental Assessment	TRCA	TBD at project onset	TBD at project onset
OWRA/ EPA	Discharge or water taking requiring provincial approval (ECA or PTTW)	TRCA, if requested by Ministry of Environment	TBD at project onset	TBD at project onset
Funeral, Burial and Cremation Services Act	Identification of ancestral human remains	TRCA	TBD at project onset	TBD at project onset

Occasionally, TRCA may also be asked to take the lead on engagement when there are works by a municipality or a developer on TRCA-owned land that triggers engagement, or when one of TRCA's projects requires a *Planning Act* application and the municipality requests that TRCA conduct the engagement.

THE PROCESS OF ENGAGEMENT

DETERMINING WHICH NATIONS, CONFEDERACIES, AND COUCNILS SHOULD BE ENGAGED

TRCA will determine which nations, confederacies, and councils should be contacted based on understandings of:

- Traditional territories
- Aboriginal and Treaty rights (established or asserted)
- Potential impact of the project on Aboriginal and Treaty rights
- Additional information provided by the Crown

TRCA's Archaeology Resource Management Services will identify the nations, confederacies, and councils that may be affected by the project, and seek confirmation from the provincial Ministry or federal department responsible for the regulatory approval required for the undertaking. TRCA will contact the Ontario Ministry of Aboriginal Affairs (MAA) and Aboriginal Affairs and Northern Development Canada (AANDC) prior to the start of a project for advice as to which communities may have an interest in a project. These government agencies can also provide up-to-date information related to land claims and specific treaties.

GIVING NOTICE

Prior to the commencement of a TRCA project, TRCA will give notice to nations, confederacies, and councils about the project as required by the relevant legislation. The notification will provide sufficient information for communities to assess a project's potential impact on their Aboriginal and/or treaty rights. The notification will also ask nations, confederacies, and councils to inform TRCA in writing whether or not a project will impact their Aboriginal and/or treaty rights, and in what ways.

TRCA will give initial notice by mail, personal delivery, or email, as requested. If the nations, confederacies, and councils do not respond, TRCA may follow up to ensure that the original correspondence was received.

EXPRESSION OF INTEREST

If a nation, confederacy, or council expresses interest in a project, TRCA and the leadership or designated contact of the nation, confederacy, or council may meet to discuss the project, identify issues related to the impact on the Aboriginal and treaty rights, and discuss potential mitigation measures that may address the concerns expressed and impacts identified. In general, communication will begin in writing, and discussions may lead to phone conversations and/or in-person meetings when required.

Where an interested nation, confederacy, or council raises objections and then declines to participate, TRCA will seek advice from the Provincial or Federal government as appropriate. TRCA will continue to plan and implement the project consistent with legal requirements while continuing efforts to obtain input from the nation, confederacy, or council. TRCA will consider using a neutral third party to re-start discussions.

EXTENT OF ENGAGEMENT

Appropriate engagement will vary depending on the context. In most cases, engagement will include:

- Providing information about the project in a timely way,
- Seeking input on impacts of the project,
- Considering the input, and
- Designing appropriate, reasonable and cost effective mitigation of potential impacts.

TRCA's Archaeology Resource Management Services will determine the extent of engagement for the project in consultation with TRCA staff, any third party proponent, and the potentially impacted nations, confederacies, and councils.

The extent of engagement with each nation confederacy, and council will vary depending on the strength of the right or claim and the seriousness of the impact of the proposed project on the right or claim of the nation, confederacy, and council.

FUNDING

For projects where engagement will occur, the associated costs of TRCA's Archaeology Resource Management Services department must be incorporated into each project's budget, to be determined in discussion with TRCA's Archaeology Resource Management Services.

TRCA will not pay application fees to nations, confederacies, or councils for engagement. However, under special circumstances TRCA may cover (depending on available funding) modest, ordinary expenses such as travel and meals.

EMERGENCY SITUATIONS

Should a situation arise that could reasonably be considered an emergency involving danger to property or to human health or safety, TRCA may proceed to address the emergency as necessary. If an Environmental Assessment is required following the emergency works to determine a long term solution, engagement will occur as required by the *Environmental Assessment Act*.

ELEVATION OF MATTERS IN DISPUTE

TRCA will work cooperatively with nations, confederacies, or councils to resolve disputes. Should a dispute arise during the engagement process, TRCA will discuss the nature of the dispute with the nation, confederacy, or council's contact for engagement and attempt, in good faith, to reach a resolution that is agreeable to each party. Should TRCA and the nation, confederacy, or council's contact be unable to reach an agreement, TRCA will elevate the matter within its organization and make available the Chair of the TRCA Directors' Committee (the CEO) to the Chief, traditional Chiefs' Council, or President of the Métis Community Council, as appropriate to attempt to resolve the matter. Representatives of the nation, confederacy, or council may also choose to make a delegation to TRCA's Board. Where these efforts do not resolve a dispute, TRCA may seek to resolve a dispute through the use of a mediator. Where collaborative efforts do not achieve a resolution, the matter will be referred to the Crown

RECORD OF ENGAGEMENT

TRCA will keep detailed records respecting the process, including all correspondence, records of telephone conversations, e-mails, minutes and attendees of all meetings. This record of engagement will be included in the relevant reports, as may be required by the regulator. Nations, confederacies, or councils may share traditional knowledge with TRCA. In general, traditional knowledge refers to indigenous knowledge systems that have been developed and maintained over time. The TRCA will respect the policies and requests of the nation, confederacy, or council regarding the use of traditional knowledge. If a nation, confederacy, or council consents to share its traditional knowledge with the TRCA for the purpose of including in a project document submitted to the regulator, they should be informed that any portion of that knowledge that forms part of project documents may be made public and may be subject to the *Freedom of Information and Protection of Privacy Act*.

APPENDIX A: GLOSSARY OF TERMS

The following glossary terms apply to these Guidelines:

Aboriginal Peoples

As defined by the Ministry of Aboriginal Affairs (2013), Aboriginal Peoples is the collective name for the original people of North America and their descendants. The Canadian Constitution (the *Constitution Act, 1982*) recognizes three groups of Aboriginal peoples — Indians (commonly referred to as First Nations), Métis and Inuit. These are three separate peoples with unique heritages, languages, cultural practices and spiritual beliefs (Ministry of Aboriginal Affairs, 2013).

Wherever possible, TRCA refers to nations, councils or confederacies throughout this document. The term Aboriginal is used where it is part of a name of a government agency, or legal right or term in the Canadian Constitution, case law or statutes.

Aboriginal Rights

As defined by the Ministry of Aboriginal Affairs (2013), Aboriginal rights are collective rights, based on Aboriginal occupation and use of lands and customs, traditions and practices that make Aboriginal societies distinctive. For an activity to be an Aboriginal right, it must be an element of a practice, custom or tradition which is integral to the distinctive culture of the Aboriginal community claiming the right.

For First Nations communities: the activity must have existed at the time of first contact with Europeans. For Métis communities: the activity must have existed prior to the time of effective European control in an area.

In both instances, the current practice, custom or tradition must have continuity with the historic practice, custom or tradition, and it must remain integral to the community's culture. Present-day activities may be exercised in a modern way. Aboriginal rights are protected by section 35 (1) of the *Constitution Act, 1982*.

Aboriginal Title

As defined by the Ministry of Aboriginal Affairs (2013), Aboriginal title is a type of Aboriginal right. Aboriginal title is the Aboriginal society's ongoing collective right to use and occupy (subject to certain restrictions) those lands that they used and occupied exclusively at the time the Crown assumed sovereignty over those lands. For Aboriginal title to be established:

- an Aboriginal community needs to have occupied the lands prior to the Crown asserting sovereignty over the lands
- continuity must exist between present and pre-sovereignty occupation
- the occupation must have been exclusive at the time the Crown asserted sovereignty over those lands

Aboriginal rights or title may be modified or surrendered through treaties. The impact of a treaty on Aboriginal rights or title will depend on the interpretation of the particular treaty.

Crown

As defined by the Ministry of Aboriginal Affairs (2013), in Canada, and in other Commonwealth countries, which recognize the same Queen as the formal head of state, the state (or government) is commonly referred to as "the Crown." In Ontario, the Crown refers to the Ontario and Federal governments.

Duty to Consult

As defined by the Ministry of Aboriginal Affairs (2013), the Supreme Court of Canada has determined that the constitutional protection accorded Aboriginal rights and treaty rights under section 35 of the *Constitution Act, 1982* requires the Crown to consult with Aboriginal people when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that may adversely affect the right in question. The Supreme Court of Canada has further determined that third parties do not owe a duty to consult Aboriginal people. The Crown may delegate "procedural aspects" of Aboriginal consultation to third parties through legislation and associated regulations, guidelines and policies.

Engagement

Engagement refers to the "procedural aspects" of the Duty to Consult that the Provincial or Federal Crown may delegate to TRCA. The depth of engagement will vary depending on the strength of the right or claim and the seriousness of the impact of the proposed project on the right or claim.

Treaty

As defined by the Ministry of Aboriginal Affairs (2013), a treaty is an agreement made between the Crown and First Nations with the intention of creating mutually binding obligations, which would be solemnly respected.

Treaty Rights

As defined by the Ministry of Aboriginal Affairs (2013), Treaty rights are the specific rights of Aboriginal peoples embodied in the treaties they entered into with Crown governments (initially France and Britain, then Canada after Confederation). Generally, historic treaties are in writing. Courts have found that oral promises can also form part of a treaty and give rise to treaty rights. Some of the matters that treaty rights often relate to include:

- creating a reserve
- paying out money
- the right of Aboriginal communities to hunt, fish and trap subject to the terms of the treaty

Existing treaty rights are protected under section 35 of the *Constitution Act, 1982*.

Attachment 2 – Contact List

Beausoleil First Nation

Chippewas of Georgina Island First Nation

Chippewas of Rama-Mnjikaning First Nation

Conseil de la Nation Huronne-Wendat

Coordinator Williams Treaty First Nations

Curve Lake First Nation

Haudenosaunee Confederacy Chiefs Council, Haudenosaunee Development Institute

Hiawatha First Nation

Kawartha Nishnawbe First Nation

Mississaugas of Alderville First Nation

Mississaugas of Scugog Island First Nation

Mississaugas of the New Credit First Nation

Moose Deer Point

Six Nations of the Grand River Territory

Métis Nation of Ontario

Attachment 3 - Endnotes

¹ Haida Nation v. British Columbia (Minister of Forests), [2004] 3SCR 511 at 53

² Constitution Act, 1982

³ For example: Guerin v. Canada [1984] 2 SCR 335 confirmed the Crown's fiduciary relationship with Aboriginal people; R. v. Sparrow [1990] SCR 1075 set out the test for the Crown as a fiduciary when passing laws that could infringe on Aboriginal rights; Delgamuukw v. the Queen [1997] 3 SCR 1010 set out the test for establishing Aboriginal title.

⁴ Haida Nation v. British Columbia, [2004] 3 SCR 511, Taku River Tlinglit First Nation v. Tulsequah Chief Mine Project [2004] 3 SCR 550, Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage) [2005] 3 SCR 388

⁵ <https://www.ontario.ca/government/about-ministry-aboriginal-affairs>

⁶ <http://docs.files.ontario.ca/documents/258/3-maa-draft-guidelines-for-ministries-on.pdf>

RES.#A165/14 - SCARBOROUGH WATERFRONT PROJECT

Award of Contract #10000039 - Planning and Engineering Services.
Award of Contract #10000039 for planning and engineering services for the Scarborough waterfront Project Environmental Assessment.

Moved by: Michael Di Biase
Seconded by: Ron Moeser

THAT Contract #10000039 to provide planning and engineering services in support of the Scarborough Waterfront Project Environmental Assessment be awarded to Dillon Consulting at a total cost not to exceed \$479,879.00, plus HST, it being the highest ranked proposal best meeting Toronto and Region Conservation Authority (TRCA) specifications set out in the Request for Proposal;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of 30% of the contract cost as a contingency allowance if deemed necessary;

AND FURTHER THAT authorized officials be directed to take the necessary action to implement the contract including the signing and execution of documents.

CARRIED

BACKGROUND

Toronto City Council on December 16, 2013 adopted, in part, the following resolution:

City Council amend the Toronto Water budget by including \$1.5 million for Environmental Assessment work on the Scarborough Waterfront Erosion Control and Access Plan with funding coming from the Toronto Water Capital Reserve (Ex.36.17).

At Authority Meeting #3/14, held on April 25, 2014, Resolution #A36/14 was approved, in part, as follows:

...THEREFORE LET IT BE RESOLVED THAT TRCA staff be directed to work with the City of Toronto to initiate the Scarborough Waterfront Access Plan Individual Environmental Assessment.

Based on this direction, TRCA has initiated a study under the *Environmental Assessment Act* to create a system of public spaces along the Lake Ontario shoreline between Bluffer's Park and East Point Park. The preliminary objectives of the Project are: the integration of existing shoreline infrastructure or planned shoreline erosion works; acceleration of priority shoreline erosion control works along the Scarborough Bluffs and; the identification of access routes which will provide multiple benefits for public use and recreation, environmental sustainability and enhanced tourism opportunities. The preliminary vision of the Scarborough Waterfront Project is a system of linked scenic landscapes along the water's edge, providing a safe and accessible waterfront experience with opportunities to actively enjoy the outdoors, to relax and reflect, and to learn about and appreciate the natural and cultural heritage of the bluffs.

In support of the Environmental Assessment for the Scarborough Waterfront Project, TRCA requires a consultant team to provide professional planning and engineering services, as outlined in RFP #10000039, in order to fulfill the planning and design requirements as outlined in the *Ontario Environmental Assessment Act (EA Act)*.

RATIONALE

Request for Proposals (RFP) for planning and engineering services in support of the Scarborough Waterfront Project Environmental Assessment was made publically available to prospective consultants via Biddingo.com on August 27, 2014 with a closing date of September 24, 2014. On September 24, TRCA received six proposals and bids in advance of the submission deadline. A summary of the bids submitted is provided as follows:

Firm	Bid (Plus HST)
Dillon Consulting Limited	\$427,579.00
MMM	\$586,617.50
SNC Lavalin	\$637,742.00
SENES	\$797,243.00
AECOM	\$664,628.50
Golder & Associates	\$1,190,295.00

The contract costs consists of a base cost of \$427,579, plus \$12,300 for additional assistance during Terms of Reference and Environmental Assessment review period, plus \$40,000 for up to 20 additional meetings over the 10 meetings required in the RFP, for a total cost not to exceed \$479,879, plus 30% contingency.

All six members of the Proposal Selection Committee, consisting of staff from TRCA and the City of Toronto, received copies of the proposals on September 24, 2014. At the Proposal Selection Committee review meeting held on September 29, 2014, consensus was reached by all members of the Committee that the proposal submitted by the team led by Dillon Consulting Limited best matched the criteria of the Request for Proposal and was the highest ranking proposal.

Proposals were evaluated and ranked based on the core requirements of the Request for Proposals. The criteria used to evaluate the submission and to select the successful consultant included the following:

- applicable experience of the responding consulting firms;
- experience, qualifications and availability of individual team members proposed for this project, including ability to work with multiple agencies and partners on a complex EA process that is undertaken in close proximity to other major projects;
- consultants understanding of the assignment;
- proposed approach and methodology for this assignment including an assessment of any anticipated difficulties and the proposed approach to overcome them;
- proposed schedule and work plan, and ability to comply with the proposed schedule;
- the itemized cost of additional works anticipated by the consultant above approved budget; and
- total upset fee limit, which shall include all fees and disbursements, excluding HST.

During the Proposal Selection Committee review meeting, it was discussed that an additional 20 meetings, above the 10 identified in RFP, may be required during the course of the environmental assessment, at an additional cost of \$40,000 (\$2,000 per additional meeting). Further, the Selection Review Committee recommended that a 30% contingency allowance be identified for the contract as the size, scope and complexity of the project may require as yet undetermined additional investigations or studies in order to complete the environmental assessment. As such, the total cost of the contract for planning and engineering services is \$479,879, plus 30% contingency, plus HST.

FINANCIAL DETAILS

Funds are available for the Scarborough Waterfront Project Environmental Assessment in the Toronto capital budget account 204-01.

Report prepared by: Alexis Moxley, extension 5243
Emails: amoxley@trca.on.ca
For Information contact: Connie Pinto, extension 5387
Emails: cpinto@trca.on.ca
Date: September 17, 2014

RES.#A166/14 - ENGINEERING SERVICES FOR BOB HUNTER MEMORIAL PARK
Supply and installation of one, 34 metre long, pre-engineered pedestrian bridge over Little Rouge Creek in Bob Hunter Memorial Park, in the City of Markham.

Moved by: Michael Di Biase
Seconded by: Ron Moeser

WHEREAS at Authority Meeting #3/10, Resolution #A49/10 approved Toronto and Region Conservation Authority (TRCA) staff to assist Region of York with Environmental Assessment conditions that pertain to Bob Hunter Memorial park, as part of the Southeast Collector Environmental Enhancement Project (SCEEP);

AND WHEREAS the supply and installation of one pedestrian bridge across the Little Rouge Creek as part of the Bub Hunter Multi-Use Trail, is a condition that pertains to Bob Hunter Memorial park;

THEREFORE LET IT BE RESOLVED THAT the contract for the supply and installation of one, 34 metre long, pre-engineered pedestrian bridge over Little Rouge Creek in Bob Hunter Memorial Park be awarded to R&M Construction at a total cost not to exceed \$196,614.00, plus HST, it being the lowest bid meeting TRCA specifications;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of 20% of the total cost of the contract for eligible disbursements and as a contingency allowance, if deemed necessary;

AND FURTHER THAT authorized officials be directed to take the action necessary to implement the contract including obtain any approvals and the signing and execution of documents.

CARRIED

BACKGROUND

In accordance with Authority Resolution #A49/10, TRCA, in partnership with the Region of York, is coordinating the design and construction of a 34 metre long, pre-engineered pedestrian bridge across the Little Rouge Creek as part of the Bub Hunter Multi-Use Trail. The bridge will be located within the Rouge National Urban Park and Little Rouge Creek Valley, and will provide pedestrians with safe access from the Little Rouge Corridor to Bob Hunter Memorial Park and the community of Boxgrove. The project is one of the SCEEP Environmental Assessment conditions that pertain to Bob Hunter Memorial Park.

RATIONALE

Tender RSD13-123 was publicly advertised on the electronic procurement website *Biddingo* (<http://www.biddingo.com>) on Monday September 15, 2014. Tender packages were sent directly to five contractors as follows:

- Hobden Construction Company Ltd.;
- McPherson-Andrews Contracting Ltd.;
- R&M Construction;
- Rutherford Contracting Ltd.;
- Serve Construction Ltd.

Bids were reviewed by TRCA staff (Ethan Griesbach, Chris Ulcar and Mark Lowe) on October 9th with the following results:

**RSD13-123 Installation of One Pedestrian Bridge Bob Hunter Memorial Park Phase IV
Pedestrian Bridge Design, City of Markham, Ontario**

BIDDERS	TOTAL TENDER AMOUNT (Plus HST)
McPherson-Andrews Contracting Limited	246,910.40
Bronte Construction	231,341.00
Serve Construction	409,761.00
R&M Construction	196,614.00
Rankine Construction Ltd.	252,109.00
Guardian Bridge Rapid Construction Inc.	244,029.50
Esposito Bros Construction Ltd.	204,061.00
Rutherford Contracting Ltd.	No Bid
Mopal Construction Limited	291,236.02
R Chad General Contracting	No Bid
Jarlian Construction	No Bid

Of the 11 contractors, three declined the opportunity to submit a bid – no reason was given. Restoration Services and Project Management Office staff reviewed the bid received from R&M Construction, against its own cost estimate and has determined that the bid is of reasonable value and also meets the requirements and deliverables as outlined in the contract documents. Further assessment by TRCA staff of R&M Construction's experiences and ability to undertake similar projects was conducted through a review of information provided by the contractor, which resulted in a conclusion that R&M Construction is capable of undertaking the scope of work.

Based on the bids received, staff recommend that R&M Construction be awarded Contract RSD13-123 for the installation of one, 34 metre long, pre-engineered pedestrian bridge across the Little Rouge Creek, in the City of Markham, for a total amount not to exceed \$196,614.00, plus 20% contingency to be expended as authorized by TRCA staff, plus HST, it being the lowest bid that meets TRCA specifications.

FINANCIAL DETAILS

Funds are provided by the Region of York through a funding agreement to implement the Southeast Collector Environmental Enhancements at Bob Hunter Memorial Park. Funds to undertake this project are available within account #111-78.

Report prepared by: Ethan Griesbach, extension 5364

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For Information contact: Mark Lowe, extension 5388

Emails: mlowe@trca.on.ca

Date: October 10, 2014

RES.#A167/14 -

BLACK CREEK CHANNEL

Contract RSD14-146 - Disposal of Stockpiled Soils. Award of Contract RSD14-146 for supply of all labour, materials and equipment necessary for disposal of 2,300 tonnes of stockpiled soils.

Moved by: Mike Mattos
Seconded by: Michael Di Biase

THAT Contract RSD14-146 for supply of all labour, materials and equipment necessary for disposal of 2,300 tonnes of stockpiled soils from the Black Creek Channel from Highway 401 to Queens Drive, in the City of Toronto be awarded to Roni Excavating at a total cost not to exceed \$108,882.00, plus HST, as they are the lowest bidder that best meets Toronto and Region Conservation Authority (TRCA) specifications;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of 10% of the contract cost as a contingency allowance if deemed necessary;

THAT should staff be unable to execute an acceptable contract with the awarded contractors, staff be authorized to enter into and conclude contract negotiations with the other contractors that submitted tenders, beginning with the next lowest bidder meeting TRCA specifications;

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

CARRIED

BACKGROUND

The Black Creek Flood Control Channel is a 9 km concrete lined, trapezoidal channel constructed in the 1960's – early 1970's, designed using engineering principles of the time to efficiently convey flow through the highly urbanized area. In the aftermath of a flood event that occurred on July 8th, 2013, large deposits of sediment were found in the limits of the channel, particularly in the area between Weston Road and Jane Street.

Following post-storm inspections by TRCA and City staff, it was determined that the accumulated sediment should be removed to restore conveyance capacity for future flood events. Phase 1, which consisted of removing sediment from Rockcliffe Boulevard to Weston Road was completed in November 2013. Phase 2, which is the focus of the current works, is the section of Black Creek Channel from Highway 401 to Queens Drive.

Soil testing to determine off-site disposal options for the sediment removed from the channel confirmed that the material is 'impacted' and must be hauled and disposed of by a Ministry of the Environment (MOE) licensed contractor to an MOE licensed facility.

RATIONALE

This project is aligned with leadership strategy number two in TRCA's new strategic plan. Through improvements to drainage and reduction of sediment inputs, this project will assist in the successful management of our regional water resources for current and future generations.

Tender RSD14-146 was publicly advertised on the electronic procurement website *Biddingo* (<http://www.biddingo.com/>) on Thursday, September 18th, 2014 with a mandatory site information meeting held on Monday, September 22nd, 2014. Tender packages were sent to 12 contractors as follows:

- Ambler & Co Inc.;
- Dynex Construction;
- Esposito Bros.;
- Four Seasons Site Development;
- Humberview Maintenance;
- Metric Construction;
- Roni Excavating Ltd.;
- Sunrise Contracting;
- Superior Disposal;
- TBG Landscape Inc;
- TG Infrastructure; and
- Titanium Contracting.

The Procurement Opening Committee opened tenders on Wednesday, September 25, 2014 with the following results:

Contract RSD14-146 Black Creek Channel – Disposal of Stockpiled Soils

BIDDERS	TOTAL TENDER AMOUNT (Plus HST)
Roni Excavating	\$108,882.00
TBG Landscape Inc.	\$111,222.90
Ambler & Co	\$112,395.10

Restoration Services staff reviewed the bid received from Roni Excavating against its own cost estimate and has determined that the bid is of reasonable value and also meets the requirements and deliverables as outlined in the contract documents. Further assessment by TRCA staff of Roni Excavating's experience and ability to undertake similar projects was conducted through reference checks which resulted in positive feedback that Roni Excavating is capable of undertaking the scope of work.

Based on the bids received, staff recommend that Roni Excavating be awarded Contract RSD14-141 for supply of all labour, materials and equipment necessary for disposal of 2,300 tonnes of stockpiled soils at a total amount not to exceed \$108,882.00, plus 10% contingency allowance if deemed necessary to be expended as authorized by TRCA staff, plus HST, it being the lowest bid that meets TRCA specifications.

FINANCIAL DETAILS

Funds to complete the project are available through TRCA's Black Creek Channel Maintenance account #107-25 from the City of Toronto.

Report prepared by: Craig Eden, 647-633-8406

Emails: creden@trca.on.ca

For Information contact: James Dickie, 416-392-9702

Emails: jdickie@trca.on.ca

Date: October 20, 2014

RES.#A168/14 -

BLACK CREEK CHANNEL

Contract RSD14-160 – Concrete Channel Repairs. Award of Contract RSD14-160 for supply of all labour, equipment and materials necessary for repairs to the Black Creek concrete channel within the vicinity of Lambton Golf Course and Jane Street near Alliance Avenue in the City of Toronto.

Moved by:

Mike Mattos

Seconded by:

Gloria Lindsay Luby

THAT Contract RSD14-160 for supply of all labour, equipment and materials necessary for concrete channel repairs at Black Creek Channel, in the City of Toronto be awarded to Esposito Bros. Construction at a total cost not to exceed \$236,362.98 plus HST, as they are the lowest bidder that best meets Toronto and Region Conservation Authority (TRCA) specifications;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of 30% of the contract price as a contingency allowance if deemed necessary;

THAT should staff be unable to negotiate a mutually acceptable tender agreement with the above-mentioned contractor, staff be authorized to enter into contract negotiations with other contractors, beginning with the next lowest bidder meeting TRCA specifications;

AND FURTHER THAT authorized officials be directed to take the necessary action to implement the contract including the signing and execution of documents.

CARRIED

BACKGROUND

The project site is located within the Black Creek Channel, within the confines of Lambton Golf and Country Club, as well as additional repairs in the channel close to the Jane Street Bridge near Alliance Avenue in the City of Toronto. The existing channel has been in service for over 40 years and the trapezoidal structure has received little maintenance over that time. The channel was designed to protect the largely urbanized surrounding area from the significant flood risk inherent in the region.

The repairs that will be completed are threefold. First, several concrete slabs that line the channel have been damaged over time. Full replacement is necessary of approximately 19 panels with an additional 100 square metres of patch/repair work to be done on other panels within the job site. Second, a drop structure will be repaired under the bridge at Scarlett Road. Finally, four erosion scars created due to high flow levels and the drop structure under the bridge at Scarlett Road will be repaired.

RATIONALE

This project is aligned with leadership strategy number two in TRCA's new strategic plan. Through repairs to the channel, this project will assist in the successful management of our regional water resources for current and future generations.

Tender RSD14-160 was publicly advertised on the electronic procurement website *Biddingo* (<http://www.biddingo.com/>) on October 7, 2014 with a mandatory site meeting held on October 14, 2014. Tender packages were sent to 28 contractors as follows:

- Quattro Construction Ltd;
- S. Larkin Developments;
- 827133 Ontario Ltd.;
- Alpeza General Contracting;
- AquaTech Dewatering Company Inc.;
- Atlas Dewatering Corporation;
- Bermingham Foundation Solutions;
- Bronte Construction;
- Camino Construction;
- Dean Construction;
- Dynex Construction;
- Esposito Bros. Construction;
- Four Seasons Site Development Ltd.;
- Galcon Marine Ltd.;
- Greco Construction;
- Hamilton Halton Construction Association;
- Martinway Contracting Limited;
- McPherson-Andrews Contracting Limited;
- PCL;
- R-Chad General Contracting Inc.;
- Rankine Construction Ltd.;
- Rockback Incorporated;
- Seawaves Development Services Inc.;
- Signature Contractors Windsor Inc.;
- Toronto Construction Association;
- Tower Restoration Ltd.;
- Trisan Construction; and;
- Velez Construction Inc.

The Procurement Opening Committee opened the tenders on October 21, 2014 with the following results:

**Tender RSD14-160
Black Creek Channel – Concrete Channel Repairs**

BIDDERS	TOTAL (Plus HST)
Esposito Bros. Construction	\$236,362.98
Four Seasons Site Development	\$241,000.00
Bronte Construction	\$270,000.00
R-Chad General Contractors Inc.	\$340,000.00
McPherson-Andrews Contracting Limited	\$412,060.00

Staff reviewed the bid received from Esposito Bros. Construction against its own cost estimate and has determined that the bid is of reasonable value and also meets the requirements and deliverables as outlined in the contract documents. Further assessment by TRCA staff of Esposito Bros. Construction's experience and ability to undertake similar projects was conducted through reference checks which resulted in positive feedback that Esposito Bros. Construction is capable of undertaking the scope of work.

Based on the evaluation of the bids received, staff recommend that Esposito Bros. Construction be awarded Contract RSD14-160 for the supply of all labour, materials and equipment necessary for concrete channel repairs at Black Creek Channel, in the City of Toronto for a total amount not to exceed \$236,362.98 to be expended as authorized by TRCA staff, plus a 30% contingency due to the unknown condition of the base underneath the concrete, plus HST, it being the lowest bid that meets TRCA specifications.

FINANCIAL DETAILS

50% of funding is provided through the Ministry of Natural Resources and Forestry's Water and Erosion Control Infrastructure (WECI) Program. The remaining 50% is provided by Toronto Enhanced Capital Funding within account 107-24.

Report prepared by: Craig Eden, 647-633-8406

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For Information contact: James Dickie, 416-844-3987

Emails: jdickie@trca.on.ca

Date: October 21, 2014

RES.#A169/14 - MUD CREEK REACH 2 RESTORATION PROJECT

Contract #10000122 – Creek Bypass Pumping System Works. Award of Contract #10000122 for supply of all labour, materials and equipment necessary for bypass pumping works within Mud Creek Reach 2 in the City of Toronto.

Moved by: Michael Di Biase

Seconded by: Ron Moeser

THAT Contract #10000122 for supply of all labour, materials and equipment necessary for bypass pumping works within Mud Creek Reach 2, in the City of Toronto be awarded to Xylem Inc. at a total cost not to exceed \$142,820.00, plus HST, as they are the lowest bidder that best meets Toronto and Region Conservation Authority (TRCA) specifications;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of \$14,282.00 as a contingency allowance if deemed necessary;

THAT should staff be unable to negotiate a mutually acceptable tender agreement with the above-mentioned contractor, staff be authorized to enter into contract negotiations with other contractors, beginning with the next lowest bidder meeting TRCA specifications;

AND FURTHER THAT authorized officials be directed to take the necessary action to implement the contract including the signing and execution of documents.

CARRIED

BACKGROUND

The erosion issues affecting Mud Creek have been a concern to both the City of Toronto and TRCA for several years. In 2010, Toronto Water commissioned a geomorphic assessment of Mud Creek to characterize the subwatershed and watercourse in order to support the design of channel stabilization works. The study was titled *Mud Creek Geomorphic Systems Master Plan* (herein referred to as “the Master Plan”) and was finalized in August 2012 as part of a Municipal Class Environmental Assessment (EA) undertaken by the City of Toronto. The Master Plan delineated Mud Creek into six distinct reaches each separated by culverts. Based on the findings of the Master Plan, the reaches were ranked by priority. Successful restoration works at Reach 1 and Reach 5 have been completed in recent years as their priorities ranked the highest and, in 2014, TRCA is preparing to implement similar works at Reach 2.

The scope of the proposed works for Reach 2 includes the removal of debris and failed gabion basket retaining walls, channel re-grading armourstone weir construction, and bank stabilization with armourstone retaining walls and vegetated rock buttresses. Additionally, conveyance capacity through the splitter pipe to the wetlands at the north end of the Don Valley Brick Works will be ensured by the construction of an armourstone weir directly upstream of the pipe which should encourage a scour pool at the inlet of the pipe.

In order to complete these operations, a bypass pumping system is required for de-watering the work area for a duration of 20 weeks. Due to the environmental and public sensitivities of the in-creek work, specialized pumps and precautions are included in the contract price.

RATIONALE

This project is aligned with leadership strategy number two in TRCA’s new strategic plan. The restoration work done within Mud Creek Reach 2 will assist in the successful management of our regional water resources for current and future generations.

Tender #10000122 was publicly advertised on the electronic procurement website *Biddingo* (<http://www.biddingo.com/>) on Thursday, October 2nd, 2014.

The Procurement Opening Committee opened the tenders on October 21, 2014 with the following results:

Tender #10000122
Mud Creek Restoration Project – Creek Bypass Pumping System Works

BIDDERS	TOTAL (Plus HST)
Xylem Inc.	\$142,820.00
Aquatech Pump and Power	\$167,500.00

Staff reviewed the bid received from Xylem Inc. against its own cost estimate and has determined that the bid is of reasonable value and also meets the requirements and deliverables as outlined in the contract documents. Further assessment by TRCA staff of Xylem Inc.'s experience and ability to undertake similar projects was conducted through reference checks which resulted in positive feedback that Xylem Inc. is capable of undertaking the scope of work.

Based on the evaluation of the bids received, staff recommend that Xylem Inc. be awarded Contract #10000122 for the supply of all labour, materials and equipment necessary to provide bypass pumping works within Mud Creek Reach 2 in the City of Toronto for a total amount not to exceed \$142,820.00 to be expended as authorized by TRCA staff, plus a 10% contingency, plus HST, it being the lowest bid that meets TRCA specifications.

FINANCIAL DETAILS

Funds are available within account #186-38 and are 100% recoverable from the City of Toronto.

Report prepared by: Craig Eden, 647-633-8406

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For Information contact: James Dickie, 416-844-3987

Emails: jdickie@trca.on.ca

Date: October 21, 2014

RES.#A170/14 - COLONEL SAMUEL SMITH PARK

Contract #10000116 - Lookout Structure. Award of Contract #10000116 for supply of all labour, materials and equipment necessary for construction of a lookout structure at Colonel Samuel Smith Park, in the City of Toronto.

Moved by: Michael Di Biase

Seconded by: Ron Moeser

THAT Contract #10000116 for supply of all labour, materials and equipment necessary for construction of a lookout structure at Colonel Samuel Smith Park, in the City of Toronto be awarded to Cedar Springs Landscape Group Ltd. (CSL Group) at a total cost not to exceed \$195,200.00, plus HST, as they are the lowest bidder that best meets Toronto and Region Conservation Authority (TRCA) specifications;

THAT TRCA staff be authorized to approve additional expenditures to a maximum of 10% of the contract cost as a contingency allowance if deemed necessary;

THAT should staff be unable to execute an acceptable contract with the awarded contractors, staff be authorized to enter into and conclude contract negotiations with the other contractors that submitted tenders, beginning with the next lowest bidder meeting TRCA specifications;

AND FURTHER THAT authorized Toronto and Region Conservation Authority (TRCA) officials be directed to take any action necessary to implement the agreement including obtaining any required approvals and the signing and execution of documents.

CARRIED

BACKGROUND

The current lookout structure located at Colonel Samuel Smith Park was constructed to coincide with the development of the park as a viewing platform from which visitors can observe wildlife and park scenery in a backwater estuary that connects to Lake Ontario. The current wood structure was built in the late 1990's and rests upon cement caissons. Over the years, due to the effects of weather, settlement and frost heaving, the lookout structure is no longer in a state of good repair. The City of Toronto, noting the deficiencies, contacted TRCA staff to remove and replace the existing structure with a new, more durable platform made of steel and wood.

TRCA now requires the services of a qualified contractor to carry out the construction of a new lookout structure at Colonel Samuel Smith Park in accordance with the approved design drawings and specifications.

RATIONALE

This project is aligned with leadership strategy number three in TRCA's new strategic plan. Through thoughtful planning and action this project will create a network of greenspace and green infrastructure that weaves through every community to connect a healthy and resilient landscape.

Tender #10000116 was publicly advertised on the electronic procurement website *Biddingo* (<http://www.biddingo.com/>) on Friday, October 3rd, 2014 with a mandatory site information meeting held on Friday, October 10th, 2014. Tender packages were sent to the following 13 contractors:

- Clearwater Structures;
- CSL Group Ltd;
- Esposito Bros. Construction;
- Ferdom Construction;
- HN Construction;
- Hobden Construction;
- Jeffrey G. Wallans;
- Koler Construction Inc.;
- McPherson-Andrews Contracting;
- Midome Construction Services Ltd.;
- Norfield Construction Inc.;
- ONIT Construction; and
- Rutherford Contracting.

The Procurement Opening Committee opened the Tenders on Tuesday, October 21st, 2014 with the following results:

**Tender #10000116
Colonel Samuel Smith Park - Lookout Structure**

BIDDERS	TOTAL TENDER AMOUNT (Plus HST)
CSL Group Ltd	\$195,200.00
ONIT Construction	\$206,327.00
Norfield Construction Inc	\$213,832.65
McPherson-Andrews Contracting	\$223,431.00
Koler Construction Inc.	\$232,784.00
Jeffrey G. Wallans	\$253,746.00
Midome Construction Services Ltd.	\$260,000.00
Esposito Bros Construction	\$279,402.56
HN Construction	\$396,000.00

Four contractors: Clearwater Structures, Ferdom Construction, Hobden Construction and Rutherford Contracting declined the opportunity to submit a bid, being unable to meet the timelines and specifications stated in the contract documents.

Restoration Services staff reviewed the bid received from CSL Group against its own cost estimate and has determined that the bid is of reasonable value and also meets the requirements as outlined in the contract documents. Further assessment by TRCA staff of CSL Group's experience and ability to undertake similar projects was conducted through reference checks which resulted in positive feedback that CSL Group is capable of undertaking the scope of work.

Based on the bids received, staff recommend that CSL Group be awarded Contract #10000116 for supply of all labour, materials and equipment necessary for construction of a lookout structure at Colonel Samuel Smith Park, in the City of Toronto, for a total amount not to exceed \$195,200.00, to be expended as authorized by TRCA staff, plus a 10% contingency, plus HST, it being the lowest bid that meets TRCA specifications.

The tender bid package included provision for an alternative price to supply and install custom IPE wood decking which was recommended by the consultant as the material is more durable and has a longer life span. The 10% contingency allowance is to cover this cost and any additional construction costs based on approved changes necessitated by unforeseen site conditions.

FINANCIAL DETAILS

Funds to undertake the demolition and reconstruction of the Colonel Sam Smith Park lookout structure and associated site restoration are 100% recoverable from the City of Toronto. Project costs will be assigned to account 117-41.

Report prepared by: Michelle Guy, 647-808-5809

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For Information contact: James Dickie, 416-392-9702

Emails: jdickie@trca.on.ca

Date: October 22, 2014

RES.#A171/14 - 2015 BUDGET UPDATE

Update on the status of the 2015 TRCA budget process.
(*Budget/Audit Res.#C10/14*)

Moved by: Michael Di Biase
Seconded by: Ronald Chopowick

THAT Toronto and Region Conservation Authority's (TRCA) 2015 operating budget make provision for a cost of living adjustment of two percent (2%) effective April 5, 2015;

THAT the preliminary estimates for the 2015 operating budget include municipal levy increases consistent with the guidelines determined by the respective participating municipality;

AND FURTHER THAT TRCA staff be directed to submit the 2015 estimates and multi-year funding requests to the City of Toronto, the regional municipalities of Peel, York and Durham, the Town of Mono and the Township of Adjala-Tosorontio in accordance with their respective submission schedules.

CARRIED

RES.#A172/14 - GREENLANDS ACQUISITION PROJECT FOR 2011-2015

Flood Plain Conservation Component/Mimico Creek Watershed
Etobicoke District, City of Toronto
Queenscorp Group, CFN 31362. Acquisition of property located midway between The Queensway and Queen Elizabeth Highway, at the rear of 150 Park Lawn, City of Toronto (Etobicoke District), under the "Greenlands Acquisition Project for 2011-2015", Flood Plain and Conservation Component, Mimico Creek Watershed.
(*Executive Res.#B91/14*)

Moved by: Linda Pabst
Seconded by: Ben Cachola

THAT 0.016 hectares (0.040 acres), more or less, of vacant land, being part of Lots 288, 289 and 290, Registered Plan M-137 66R-27610, City of Toronto, located to the rear of 150 Park Lawn Road, in the City of Toronto, be purchased from Queenscorp Group (2392184 Ontario Inc.);

THAT the purchase price be \$2.00;

THAT Toronto and Region Conservation Authority (TRCA) receive conveyance of the lands free from encumbrance, subject to existing service easements;

THAT Gardiner Roberts LLP, be instructed to complete the transaction at the earliest possible date. All reasonable expenses incurred incidental to the closing for land transfer tax, legal costs, and disbursements are to be paid;

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

CARRIED

RES.#A173/14 -

GREENLANDS ACQUISITION PROJECT FOR 2011-2015

Flood Plain and Conservation Component, Duffins Creek Watershed Whitshed Limited, CFN 51783. Acquisition of a lease agreement for an 11 year term on a property located to the east of Brock Road and south of Albright Road in the Township of Uxbridge, Regional Municipality of Durham, for the purpose of parking lot and trail connection development under the Flood Plain and Conservation Component, Duffins Creek watershed.

(Executive Res.#B92/14)

Moved by: Linda Pabst
Seconded by: Ben Cachola

THAT Toronto and Region Conservation Authority (TRCA) enter into a lease agreement with Whitshed Limited to operate and manage a parking lot and trail connection on lands owned by Whitshed Limited, being Part of Lot 5, Concession 8, containing approximately 3.36 hectares (8.30 acres), located in the Township of Uxbridge, Regional Municipality of Durham;

THAT the term of the lease agreement be for eleven (11) years;

THAT the consideration be a nominal sum of \$2.00 per annum;

THAT the final terms and conditions of the agreement be satisfactory to TRCA staff and solicitors;

AND FURTHER THAT the authorized TRCA officials be directed to take whatever actions may be required to give effect thereto including obtaining any necessary approvals and signing and execution of documents.

CARRIED

RES.#A174/14 - MINISTRY OF TRANSPORTATION

Request for Conveyance of Lands for Required Highway 427 Extension, CFN 51576. Conveyance of lands required for the construction of the extension of Highway 427, located north of Zenway Boulevard and East of Regional Road 27, City of Vaughan, Regional Municipality of York, Humber River Watershed.

(Executive Res.#B93/14)

Moved by: Deb Schulte
Seconded by: Linda Pabst

WHEREAS the Toronto and Region Conservation Authority (TRCA) is in receipt of a request from the Ministry of Transportation (MTO) to convey certain lands for the extension of Highway 427 to Major Mackenzie Drive in the City of Vaughan, Regional Municipality of York;

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 MTO in this instance;

THEREFORE LET IT BE RESOLVED THAT TRCA-owned lands containing 1.5767 hectares (3.896 acres), more or less, be conveyed to MTO for the extension of Highway 427, said lands being Part of Block 17, Registered Plan 65M-3966, City of Vaughan, Regional Municipality of York, designated as Part 1 on Registered Plan 65R-34775;

THAT consideration be \$40,000.00 in addition to TRCA's reasonable legal fees and other costs to be paid by MTO;

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

AMENDMENT
RES.#A175/14

Moved by: Deb Schulte
Seconded by: Linda Pabst

THAT the following be inserted after the second paragraph of the main motion:

THAT the bridges required for the crossings of the Rainbow Creek valley system associated with the construction of Highway 427 be designed and built so as to provide a safe and attractive pedestrian trail system under the highway that will link to the valley trail system on either side of the highway;

THAT TRCA retain an easement for use of the trail under the bridges;

THAT staff report back on the issue if required;

CARRIED

THE RESULTANT MOTION READS AS FOLLOWS:

WHEREAS the Toronto and Region Conservation Authority (TRCA) is in receipt of a request from the Ministry of Transportation (MTO) to convey certain lands for the extension of Highway 427 to Major Mackenzie Drive in the City of Vaughan, Regional Municipality of York;

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 MTO in this instance;

THEREFORE LET IT BE RESOLVED THAT TRCA-owned lands containing 1.5767 hectares (3.896 acres), more or less, be conveyed to MTO for the extension of Highway 427, said lands being Part of Block 17, Registered Plan 65M-3966, City of Vaughan, Regional Municipality of York, designated as Part 1 on Registered Plan 65R-34775;

THAT consideration be \$40,000.00 in addition to TRCA's reasonable legal fees and other costs to be paid by MTO;

THAT the bridges required for the crossings of the Rainbow Creek valley system associated with the construction of Highway 427 be designed and built so as to provide a safe and attractive pedestrian trail system under the highway that will link to the valley trail system on either side of the highway;

THAT TRCA retain an easement for use of the trail under the bridges;

THAT staff report back on the issue if required;

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

SECTION II - ITEMS FOR AUTHORITY INFORMATION

RES.#A176/14 - SECTION II - ITEMS FOR AUTHORITY INFORMATION

Moved by: Maria Augimeri
Seconded by: Richard Whitehead

THAT Section II Items EX8.1 and EX8.2, contained in Executive Committee Minutes #8/14, held on October 10, 2014, be received.

CARRIED

Section II Items EX8.1 & EX8.2

AMBERLEA CREEK EROSION CONTROL PROJECT CONSTRUCTION

Request for Tender #10000077 - Aggregate

(Executive Res. #B94/14)

AMBERLEA CREEK EROSION CONTROL PROJECT

Contract #10000114 for Engineering Services

(Executive Res. #B95/14)

SECTION IV - ITEMS FOR THE INFORMATION OF THE BOARD

RES.#A177/14 - GOOD NEWS STORIES

Overview of Toronto and Region Conservation Authority activities from July - September, 2014.

Moved by: Jim Tovey
Seconded by: Vincent Crisanti

THAT the summary of Good News Stories from July - September, 2014 be received.

CARRIED

BACKGROUND

As per Authority direction during 2006, a report covering highlights of Toronto and Region Conservation Authority's (TRCA) activities is provided to the Authority every few months. The stories for July - September, 2014 are as follows:

July and August

- Katy Perry visited Black Creek Pioneer Village (BCPV) and mentioned her visit during her concert the next day.
- Stewardship is a successful recipient of Canon's Take Root Program grant presented by Evergreen Foundation, an award of \$5,000 and a Canon PowerShot camera that will be put towards TRCA's existing Ontario Trillium Fund Valleywood Stewardship Project in Caledon - fall community planting event and creating stewardship kits for both of our two residential association groups (Valleywood & SouthFields Village).

- Ontario Power Authority has agreed to contribute \$250,000 to TRCA's Performance Based Conservation Pilot Program over the next three years. Enbridge Gas and Union Gas have also agreed to contribute \$40,000 each to the project. The project is being carried out in partnership with Brampton Hydro One, Milton Hydro, Halton Hills Hydro, Peel Region Water and Halton Region Water. The intent of the project is to test how much better the Performance Based Conservation approach is in achieving deep energy savings in the commercial and institutional sectors, than business as usual.
- Introduced the newly re-branded *Environmental Leaders of Tomorrow* program, bringing TRCA Education's suite of Integrated Learning Programs under one umbrella. Supporters of the program include: The W. Garfield Weston Foundation, Region of Peel, Telus Toronto Community Board, Canada Post Community Foundation, Manulife Paddle the Don and Alan & Patricia Koval Foundation.
- Through generous support from TD Friends of the Environment Foundation, TRCA has enhanced and expanded education programming at Tommy Thompson Park for students in grades 4 to 6. New programs will be offered during the fall and spring, focusing on the unique urban biodiversity of the park.
- Environment Canada approved three-year commitment of \$73,000 for monitoring water quality in the Ajax and Pickering nearshore. Over \$500,000 has been invested since 2006, through collaboration between TRCA, York and Durham regions, and Ministry of the Environment. This is one of the most comprehensive monitoring programs for the Great Lakes nearshore environment; results and analyses are shared with academics and the public.
- In preparation for the Monarch Teacher Network of Canada's "Teaching & Learning with Monarch Butterflies" workshops this summer, TRCA's Education team collected, reared and released more than 50 monarch butterflies. Over 120 educators and butterfly enthusiasts attended the five province-wide workshops. A newly developed workshop focussing on habitat creation for monarch butterflies and other pollinators was launched earlier this year, with sessions delivered in Winnipeg and Peel Region this summer.
- During TRCA's field surveys this year, TRCA recorded the second record for holly fern (*Polystichum lonchitis*) for the jurisdiction. This is a species that is usually restricted to high quality Niagara Escarpment sites. It was found at Palgrave Mill Pond Forest and Wildlife Area, so finding this species along with other sensitive species attests to the high quality of the site.
- A crowd source design competition for the San Romanoway Revival Project at Jane-Finch attracted a dozen designs from around the world and 900 votes for favorite designs. The winning entry, by a new Toronto-based landscape designer, will provide the basis for more detailed master planning and implementation of community gardens, rainwater harvesting and landscape improvements. Over 65 tower residents participated in an edible balcony garden project this summer, which also created local employment and skills training opportunities.
- Black Creek SNAP Harvest the Rain residential program introduced an exciting surplus harvest donation initiative this summer, with over 36 homeowners donating produce that is collected by Black Creek Community Farm and delivered by Second Harvest to a seniors program at the San Romanoway towers.

- Bayview Glen SNAP in Markham was awarded an FCM (Federation of Canadian Municipalities) Green Municipal Fund grant of \$70,000 for completion of the Action Plan.
- Have seen growth of the Kortright Nature Day Camp programming over the past three years. In 2012 TRCA had approximately 60 campers, 2013 saw 286 campers come through and 2014 was a record summer with 524 campers, and a high rate of return of campers each summer. This growth is attributed to redesigning the summer camp model in 2013 from a generic nature camp to specific themed weeks, a new staff selection and training process and an increase in marketing efforts and mediums.
- Kortright's Little Saplings outdoor-based, experiential learning parent and tot program has seen a growth from 11 spring participants to 39 fall participants. It is early to attribute the growth to any one thing, but given we did not engage in additional marketing efforts for this program, we are optimistic that the spike in registration was due to the quality programming our instructors delivered and the resulting word of mouth.
- On September 6, Kortright hosted its debut event for the 5 Peaks Trail Running Series race, with approximately 400 racers taking part in this event with many smiling faces and some muddy participants crossing the finish line. Kortright hopes to be an annual host site for this event.
- Partners in Project Green (PPG) Materials Exchange helped facilitate Ciba Vision's donation of 380 kg of medical supplies to Canadian Relief for Syria, who will distribute them to a hospital on the Syrian-Turkish border.
- Considerable media attention around TRCA, Bentall Kennedy, Sawmill Sid and Weston Forest Products collaboration to demonstrate that infected ash trees can be converted into useable lumber. 16 trees were milled on-site to produce 2,462 kgs of lumber to be distributed into the marketplace.
- PPG Materials Exchange facilitated introductions between Goodwill and Greenspace Waste for an enhanced plastic recycling solution that will allow Goodwill to reduce its sorting costs, increase its revenues and divert 16,400 kg per month from landfill.
- PPG Energy Leaders Consortium members exceeded their original collective annual energy savings target of 15,500 eMWh by 21%, three months ahead of schedule. The energy saved from their 52 conservation projects is equivalent to the annual GHG emissions from 640 light duty vehicles or average energy used by 632 Ontario homes.
- PPG Eco-Efficiency energy audits completed for Medallion Corporation on two large apartment buildings. Three energy conservation opportunities identified with anticipated annual electricity savings of \$50,000 and payback periods ranging from 4 to 36 months.
- PPG pilot project to assess water impact of on-site organics systems launched. STEP, PPG, Totally Green and Woodbine Entertainment collaborate on first five projects.
- PPG Let's Get Nosey Bus Tour on June 27 took 25 businesses to sites of innovative energy practices in the GTA. The GTAA Utilities Plant, Canadian Tire, Direct Energy Centre and Baka Mobile showed off their unique energy projects - everything from greenroofs to solar panel EV charging stations were demonstrated.
- DSC Labs recycled various plastics packaging from their imaging businesses diverting 254 kgs from landfill.

- Stewardship staff developed a new partnership with the Shoresh Jewish Environmental Program at their Kavanah Community Garden site in Vaughan. TRCA hosted a pollinator planting and workshop for families that expanded the garden to include native plants that attract pollinators. The garden will be used for a variety of programming for children and local families.
- The Conservation Youth Corps program engaged 174 high school students from York and Peel Region in July and August. They completed outdoor stewardship work at 20 sites and collectively earned 5,800 volunteer hours. Work tasks included building sustainable garden beds, removing invasive plants, building a forest boardwalk, creating a new trail, mulching, weeding and painting.
- A Youth Stewardship Program was successfully piloted in partnership with the Thorncliffe Park Women's Committee and the City of Toronto. This one week initiative engaged 18 youth in stewardship activities within their local ravine in the Don River watershed. The program culminated with the participating youth planning and leading their own ravine hike for their family and friends.
- Stewardship staff partnered with the Big Carrot on their greenroof to host environmental films, every Thursday evening in August. Each film screening including a tour of the greenroof and a meet and greet for over 120 Toronto residents.
- Stewardship staff partnered with King Township staff to initiate a series of eight guided nature walks at Davis Park in Nobleton and King City Trails in King City. The walks were well received by local residents and provided us with an opportunity to expand TRCA's outreach in this community and work collaboratively with King Township community engagement staff.
- Albion Hills Conservation Area hosted one of Ontario's premiere adventure races in August, generating over \$80,000 in revenue. Over 8,400 Mud Hero participants enjoyed this 6 km race featuring several military style obstacles.

September

- Toronto Hydro has agreed to sponsor Greening Health Care for 2014 and 2015 at a total value of \$28,500.
- On August 24th, hundreds of dolls (along with their “families”) attended the first Maplelea Meet-Up at BCPV. A successful first-time partnership event between BCPV and Avonlea Traditions, the Maplelea Meet-Up brought in close to 1,000 visitors who enjoyed a Victorian tea party, took part in doll-inspired activities in the Village, and shopped in the Maplelea pop-up shop.
- Education has produced two field trip guides designed to introduce TRCA's education sites and programs to teachers: 1 targeted at elementary teachers and 1 targeted at secondary teachers. Clean, concise and fresh - making it easy to say yes to TRCA education.
- Environmental monitoring projects have received a significant amount of positive media coverage over the past several months.
- The number of teams participating in the Heart Lake Dragon Boat Festival increased by 110% to a total of 11 teams and over 230 paddlers plus spectators.

- The Watershed Monitoring and Reporting team has updated their web content with more photos, stories and highlights of what TRCA's extensive monitoring data is showing.
- Toronto is expanding the stormwater cleanout program for 2014 to \$1.2 million and has earmarked an additional \$2.4 million for 2015.
- GIS finished updating natural cover layer, and according to what we are collecting and mapping, the amount of habitat coverage in the TRCA jurisdiction is increasing.
- Hosted SNAP Partner Recognition event to thank partners from our five neighbourhoods, share experiences and enjoy an inspiring keynote address from the Netherlands via live webcast. Published SNAP Five Year Program Review summary report with accomplishments of the five projects. Receiving \$95,000 from City of Markham for Bayview Glen SNAP.
- Increase in education programming at Tommy Thompson Park with the launch of a new program, City Life, Wildlife, which compliments the highly successful Winged Migration program.
- Completed restoration of Marigold Creek so now have fish passage up to the top of the creek.
- Toronto Water wants Restoration Services to do another five years of ravine and watercourse inspections to identify and assess potential hazards to water infrastructure.
- 70 secondary and college students were employed for the summer to redevelop Bolton Camp, including clearing and securing buildings, improving habitat on site, clearing brush, building trails, social media and event planning, as well as implementing short term recommendations stemming from the design charrette process. The culmination of their work was an Open House community event on October 4th which approximately 500 people attended.
- Ministry of Natural Resources and Forestry Assistant Deputy Minister and his staff toured TRCA's habitat works on the Toronto waterfront from TRCA's Aqualab.
- TRCA taking lead role with Conservation Ontario on: updating business case on flood management; flood insurance and hazard mapping; and updating stormwater regulations and practice.
- Observed a bullfrog in one of the wetlands TRCA created in Bob Hunter Memorial Park, the first recorded sighting in 10 years.
- TRCA staff invited to present results of a water budget analysis project at Ministry of the Environment and Climate Change's Best in Science symposium.

Report prepared by: Kathy Stranks, extension 5264

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Date: October 7, 2014

RES.#A178/14 -**IN THE NEWS**

Overview of Toronto and Region Conservation Authority media coverage from July - September, 2014.

Moved by: Jim Tovey
Seconded by: Vincent Crisanti

THAT the summary of media coverage from July - September, 2014 be received.

CARRIED

BACKGROUND

As per Authority direction during 2006, a report covering highlights of Toronto and Region Conservation Authority's (TRCA) news coverage for the preceding months is provided to the Authority on a quarterly basis.

A search on a news archives database (FP Infomart) for the period from July - September, 2014 that mentioned TRCA, Black Creek Pioneer Village (BCPV) and other TRCA properties and programs (example: Tommy Thompson Park) produced 71 media mentions. The total media hits resulted in a total circulation/reach of approximately 5,900,000 with a total advertising value of \$157,284.

These results only reflect a portion of media coverage, since the database does not monitor on-line media, event listings, broadcast radio/tv mentions, smaller community papers and trade publications.

The highlights below are examples of noteworthy media coverage received for July - September, 2014.

July

- On July 1st, Torontoist story "Urban Planner: July 1" mentions Black Creek Historic Brewery's specialty ale Maple Porter as one of things you can do while seeing Canada's past intertwined with its future as 40 people become Canadian citizens at Black Creek Pioneer Village.
- On July 4th, the Toronto Star story "City floats plan to raise DVP" the writer spoke to TRCA regarding the different solutions to end flooding on the Don Valley Parkway (DVP), such as raising the road level to combat problems along an often soggy stretch of the DVP.
- On July 4th, NRU Publishing story, "Greening Jane and Finch" is a story about how a design competition to revitalize the lands around the San Romanoway housing complex near Jane Street and Finch Avenue will beautify the area and add food resources to the community. TRCA has received 12 design ideas about the best way to revitalize the 6.5 hectare area around the complex and integrate elements such as urban agriculture and rainwater harvesting systems.
- On July 7th, the Toronto Sun and Owen Sound Sun Times story "Fish Condo lure fish back to T.O." describes the work that Toronto Waterfront Revitalization Corporation (TWRC), the Aquatic Habitat Group and TRCA are doing underwater to create new homes for fish. The homes are being created to bring different species back to the waterfront.

- On July 7th, the Beaches Mirror story "Don Was Here project explores historical path of the lower Don River" discusses a unique interactive urban intervention project that is giving people the chance to retrace the original route of the lower Don River. Don Was Here, was made possible through a partnership with TRCA, also included two walking tours that explored the changing face of Toronto's Don River Valley and the relationship between the river, the valley and the city that developed alongside and around it.
- On July 8th, thestar.com story, "Big Ideas: A new island to anchor the Port Lands" talks about Villiers Island, a project by TWRC, which aims to turn 54 acres of the Port Lands into a new lakefront area, complete with public art and streets lined with retail and mixed use residential properties. If the plan overcomes a long list of hurdles - including garnering at least \$800 million in funding and an environmental assessment - the island will be created when TRCA rebuilds the mouth of the Don River. The move is part of a plan to protect Riverdale and the Port Lands from flooding.
- On July 8th, CBC News did a story on the one year anniversary of the July 8, 2013 flood and spoke to a TRCA expert on lessons learned and Toronto's preparedness.
- On July 8th, East York Mirror story, "Trail bridge reopening set for Taylor Creek Park" discusses the July 12th reopening of the bridge located on the trail connecting Halsey and Barrington Avenue. The bridge was destroyed two years ago during an extreme rainstorm. The City of Toronto is currently working with TRCA on a restoration plan for Taylor Massey Creek. Public consultation for the environmental assessment was under review and the final report of the study to be brought to City Council in September.
- On July 11th, Stouffville Sun- Tribune story, "BMX Project on track at Bruce's Mill" discusses the new BMX track in Bruce's Mill Conservation Area. The town is leasing the land from TRCA for \$2 per year the next five years, with the option to renew. Along with the BMX track and Treetop Trekking, which opened in June, Bruce's Mill Conservation Area's defunct driving range will be resurrected, but not until next spring. It will be modelled after the driving range at Bathurst Glen Golf Course, which TRCA also operates. The Bruce's Mill driving range will be environmentally friendly and have a learning component to help grow the game with children.
- On July 17th, CTV News at Noon did several segments at Black Creek Pioneer Village to showcase the new Village Folk program.
- On July 21st, several radio and TV programs aired news about pop singer Katy Perry's visit to Black Creek Pioneer Village. Media outlets included CityNews, ET Talk on CTV, ET Canada, 92.5 FM and other Toronto media.
- On July 22nd, Toronto Star story, "Revisit zip line ride for Earl Bales Park, councillor says" reports that the City of Toronto should take another look at installing a zip line at North York's Earl Bales Park after a similar attraction was approved at the Toronto Zoo, the local councillor says. The city's forestry division had objections to the Earl Bales proposal initially as did TRCA which is responsible for overseeing river valley lands in Toronto, including the Earl Bales ski hill area. Meanwhile, TRCA opened a zip line a year ago at Heart Lake Conservation Area in Brampton. The two sites are different in that the Heart Lake zip line is not in an ecologically sensitive area, while the Earl Bales proposal was to put it on a forested slope.

- On July 22nd, North York Mirror story, "Black Creek Community Farm is a growing enterprise" is about the success of Black Creek Community Farm. The site is Toronto's largest urban farm as well as the City's first full-scale organic vegetable farm. It is owned by TRCA, the land is leased to Everdale, a not-for-profit organization that provides hands-on farming education through a number of programs.
- On July 23rd, Scarborough Mirror story, "Scarborough Waterfront Project would create continuous set of trails" is a story on how TRCA is planning for a park that will cover the entire waterfront of eastern Scarborough. TRCA is preparing an environmental study to create a "destination park featuring a system of linked scenic landscapes both along the top of the bluffs and at the water's edge," from Bluffers Park to East Point Park. Meant to extend a waterfront park already completed further to the east in Port Union, the larger stretch along Lake Ontario will give strollers and cyclists "safe public access to and along the waterfront while respecting the natural and scientific importance of the Scarborough Bluffs." Called the Scarborough Waterfront Project, it would effectively create a continuous set of trails, beaches and wetland areas from Bluffers to Pickering, and could cost \$70 million.
- On July 24th, Brampton Guardian story, "Banner year for Brampton aerial park". Despite a harsh winter and ice storm that ravaged much of Brampton's tree canopy, the operators of Treetop Trekking say it has been a banner year for their north end aerial park. Treetop Trekking Brampton located in Heart Lake Conservation Area, is gearing up to celebrate the park's first year in business. More than 14,000 climbers have visited the park since opening at Heart Lake Conservation Area in August, 2013.
- On July 30th, National Post story, "How does the Conservation Authority count fish around Toronto?" discusses urban fishing in Toronto and the electrofishing work conducted by TRCA.
- On July 30th, Brampton Guardian story, "Minister touts local splash pads, pools funded by feds" spotlights government spending on community projects in Peel Region. Brampton-Springdale Tory MP Parm Gill joined federal Economic Development Minister Gary Goodyear at the Wild Wetland Splash and Pool facility at Heart Lake Conservation Area in Brampton. Ottawa provided \$533,000 to TRCA, through the Recreational Infrastructure Canada (RIInC) program in Ontario, toward total project costs of up to \$1.6 million for this 840 sq.-m. swimming pool and splash pad with more than 30 wetland themed water features.
- On July 28th, media outlets, CBC News, Toronto Star, North York Mirror, Canadian Press, CBC Radio, Leader-Post, Waterloo Region Record and On the Scene Network covered the 100th anniversary of WWI British Home Child celebration at Black Creek Pioneer Village.
- On July 30th, NRU Publishing story, "Helping shape the new urban vision" highlights TRCA's Living City Policies. The article reports that TRCA is in the final stages of preparing The Living City Policies document, which is a consolidation of the 1994 Valley and Stream Corridor Management Program and other strategic documents.

August

- On August 5th, Global News did a feature on "Hidden Gems" in the city. Part of their series included a visit to Tommy Thompson Park and BCPV.

- On August 7th, Etobicoke Guardian story, "Botanical Garden and natural setting a hidden gem in Toronto" describes the Humber Arboretum. The Humber Arboretum and Centre for Urban Ecology create one of Toronto's premier urban ecosystems, while facilitating research and education and promoting conservation. It began through the initiative of Humber College horticulture students in 1977 and is a joint venture of the City of Toronto, Humber College and TRCA.
- On August 7th, North York Mirror story, "ARTS IN BRIEF: Quilts at the Creek comes to pioneer village" gives an overview of activities taking place at the Quilts at the Creek event at BCPV.
- On August 8th, Scarborough Mirror story, "Bluffs erosion concerns compel conservation authority to buy Scarborough House" describes how TRCA has agreed to pay \$1.4 million for a house on Midland Avenue overlooking the Scarborough Bluffs, and to let the owner stay on, paying market rent, for up to five years. Shoreline protection works below the bluffs stopped rapid erosion which may have threatened many homes above, but a section of works below 1 Midland Avenue and three Fishleigh Drive homes was never completed. A TRCA report in June said this was done deliberately, "as a result of objections from the public regarding the loss of a significant feature along the Scarborough Bluffs known as 'the needles,'" below 1 Midland Avenue.
- On August 12th, Mississauga News story "Development approval gives Guild Inn a new lease on life" is about how after sitting abandoned and boarded up for over a decade, there are high hopes that Scarborough's landmark Guild Inn may soon reopen its doors. The City of Toronto has approved Dynamic Hospitality and Entertainment to redevelop the historic inn. Under the plan, the City would sublease the restaurant, banquet hall and pavilion to Dynamic, as TRCA owns the Guild Inn and the City leases it from TRCA.
- On August 13th, Etobicoke Guardian story, "Top 12 fin-tastic fishing spots in Toronto" provides a list of fishing spots that were recommended by TRCA and the Ontario Ministry of Natural Resources.
- On August 13th, Yonge Street Media story, "Black Creek Community Farm, A hidden oasis near Jane and Finch" highlights the work being done at Black Creek Community Farm, a small, seven-acre farm that has technically been a part of the Toronto food system since 2004, but has recently come to light after being taken over by TRCA. After the City of Toronto cut its funding to the project in 2011, TRCA took over the land so it could be used for an urban agricultural project, which has become a blossoming priority for the organization.
- On August 14th, Yonge Street Media, CBC Radio Canada (French), Construction Canada covered Partners in Project Green event showcasing an innovative way to salvage the Toronto region's infested ash trees.
- August 15th, Toronto Star story, "Bitter winter a boon for Great Lakes" describes how boaters, cottagers and freighters on the Great Lakes are benefiting from last winter's polar vortex with water levels rising to average heights for the first time in more than a decade. TRCA spokesperson said in the article that it is too soon to tell whether the highs that lakes Michigan, Huron and Superior are experiencing are a climate change issue. Lake Ontario itself is just within the long-term average that it normally would be.

- August 16th, Globe and Mail story, "A different kind of summer job: students bring new life to run-down camp" is about the work being done at Bolton Camp by summer students. The teenagers were hired by TRCA to restore Bolton Camp. Many of the students are learning on the job, not to mention in the great outdoors, to sand, drill, build stairs and restore habitats, hands-on skills they would not necessarily learn in high school. The students, many hired from with Peel Region, worked at turning the rundown, overgrown plot of land into what potentially could be an ideal place for community groups and high school classes. TRCA bought the over 250 acres of land in 2011 from a developer. For most of its existence, Bolton Camp was a campsite for low-income families, where mothers received parenting classes and children were led through nature-based activities.
- On August 17th, Fairchild TV covered Quilts at the Creek at Black Creek Pioneer Village.
- On August 27th, Yonge Street Media story "A beginner's guide to wildlife in Toronto" gives an overview of wildlife in the City and the work TRCA does including electrofishing, wildlife monitoring, species of concern work and research at the Tommy Thompson Park Bird Research Station.
- On August 28th, Toronto Star story, "Invasive plant threatens birds on Leslie St. Spit" focuses on the fight to control phragmites australis from growing at Tommy Thompson Park. Phrag has been present in the park for over a decade, but became a real problem about five years ago. The phragmites incursion is bad news for shorebirds because it swallows the muddy border between water and shore that is flush with nutritious insects. TRCA has tried all manner of things to clear the park of phrag.

September

- On September 3rd, TVO Kids, filmed several back to school segments at BCPV to show their viewers what school was like in the 19th century.
- On September 4th, Brampton Guardian story, "Boisterous celebration planned for Dragonboat festival in Brampton" describes the synchronicity, endurance and team spirit that will be on full display at the 2014 Dragonboat Festival in Brampton. The colourful and high-energy event was organized by TRCA and the Etobicoke-Mimico Watersheds Coalition on September 13th at Heart Lake Conservation Area. Coverage of the event appeared in the Brampton Guardian after the event on September 14.
- On September 11th, Toronto Star story, "Rouge Park a go, Ottawa says" the paper learned that Ottawa is rejecting the Ontario government's demands on the Rouge National Urban Park and will proceed with or without the Province. On September 2nd, it was reported that Bill C-40 did not contain enough environmental protections. The Ontario government controls about two-thirds of the 58 square kilometres of land in what would be Canada's first urban national park. That includes a huge swath owned by TRCA that cannot be sold without provincial approval. The federal government owns the remaining third of the land, with the cities of Toronto and Markham having small parcels.

- On September 16th, Toronto Star story, "Tommy Thompson nature centre is open, but doesn't look like it" talks about the staff booth at Tommy Thompson Park that has been open on weekends since earlier this summer, to provide visitors with information on the park ecosystem. Fencing around the building remains in place due to issues with vandalism and graffiti. It is a place where the public can learn about the park's flora and fauna, and more displays and information will be added next year. Eventually, a visitor centre with washrooms will be built at the Leslie Street entrance.
- On September 17th, theweathernetwork.com story, "Where to watch the Salmon Run" included expert advice from TRCA staff on where to look to find salmon making their way up through the GTA's river system.
- On September 19th, North York Mirror story, "Gold members to tour behind-scenes buildings at Black Creek" highlights a members event to tour the Dalziel Barn and other buildings located on the Village's North Property.
- On September 20th, CBC.ca story, "What's on in Toronto this weekend" includes information about Pioneer Harvest Festival at BCPV.
- On September 22th, CBC Metro Morning, interviewed a TRCA expert regarding the salmon run at Morningside Park.
- On September 25th, Ajax News Advertiser story, "Ajax volunteers help to improve water quality" describes how the Town of Ajax received a grant for \$60,000 from the RBC Blue Water Project and \$20,000 from TRCA to install the bioswales at Paradise Beach, and volunteers planted 600 trees in the area.
- On September 25th, Vaughan Citizen story, "Arts, culture take centre stage in Vaughan at various local fests" describes how Vaughan Culture Days will see community organizations and local artists across the City offering free, interactive activities at various locations including City Hall, the McMichael Canadian Art Collection and the Kortright Centre for Conservation.
- On September 25th, York Guardian story, "Top 5 places to relive your childhood in Toronto" includes Black Creek Pioneer Village.
- On September 26th, North York Mirror story, "Black Creek Pioneer Village recognizes British Home Children" describes the British Home Child Day activities taking place at the Village on September 28th.
- On September 31st, The Weather Network morning show did several interview spots with TRCA experts about the salmon run.

Report prepared by: Rowena Calpito, extension 5632

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For Information contact: Rowena Calpito, extension 5632

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Date: October 15, 2014

RES.#A179/14 -

PUBLIC RECORD

Authority Resolution #A185/10

CFN 24191. Recommendation approving settlement of costs resulting from the expropriation of lands from V. and E. Gadzala Holdings Limited and 412264 Ontario Limited becomes a public record.

Moved by: Jim Tovey
Seconded by: Vincent Crisanti

IT IS RECOMMENDED THAT the following Resolution #A185/10 approved at Authority Meeting #8/10, held on October 29, 2010, be received and become a public record:

WHEREAS the Province of Ontario and the City of Toronto are 50% funding partners for the Revised Project for the Etobicoke Motel Strip Waterfront Park (March, 1993) at a project budget of \$8,350,000;

WHEREAS the Province and the City have agreed to fund their respective share of any additional costs associated with the expropriations of land should those costs exceed the amount of funding available for the project;

WHEREAS the Province and the City have contributed approximately \$10.7 million over and above the original project budget for payment of the Gadzala award for market value, riparian rights, disturbance damages, injurious affection, Gadzala's Divisional Court costs and interest and the Red Carpet Inns Limited settlement;

WHEREAS Gadzala has proposed a settlement of costs and interest on the costs associated with Toronto and Region Conservation Authority's (TRCA) expropriation and the City of Toronto's expropriation in the amount of \$3,100,000 if paid in full by October 29, 2010, and an additional payment of \$10,000 per month or part of a month if the payment is made after October 31, 2010;

THEREFORE LET IT BE RESOLVED THAT the Province of Ontario and City of Toronto be requested to provide their respective shares of the additional funding for the costs and interest on costs no later than November 26, 2010;

AND FURTHER THAT the City of Toronto and the Province of Ontario be so advised.

CARRIED

BACKGROUND

At Authority Meeting #8/10, held on October 29, 2010, Resolution #A185/10 was approved in camera as it pertains to legal matters in which TRCA is involved. Confidential minutes were retained as a record of this item at the meeting. As a matter of policy, TRCA reports back on in camera items when they can become public so a record of the resolution appears in public minutes.

RATIONALE

At the time the report was prepared, there was one remaining outstanding expropriation for this project. We have been unable to settle this expropriation as the former owner cannot be located.

Report prepared by: Mike Fenning, extension 5223
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For Information contact: Mike Fenning, extension 5223
Emails: mfenning@trca.on.ca
Date: October 21, 2014

RES.#A180/14 - SECTION IV - ITEMS FOR THE INFORMATION OF THE BOARD

Moved by: David Barrow
Seconded by: Ben Cachola

THAT Section IV item BAAB8.1 - 2014 Financial Progress Report to August 31, 2014, contained in Budget/Audit Advisory Board Minutes #3/14, held on October 31, 2014, be received.

CARRIED

ONTARIO REGULATION 166/06, AS AMENDED

RES.#A181/14 - APPLICATIONS FOR PERMITS PURSUANT TO ONTARIO REGULATION 166/06, AS AMENDED

Moved by: Richard Whitehead
Seconded by: Colleen Jordan

THAT Ontario Regulation 166/06, as amended, items EX10.1 - EX10.13, contained in Executive Committee Minutes #8/14, held on October 10, 2014, be received.

CARRIED

TERMINATION

ON MOTION, the meeting terminated at 10:49 a.m., on Friday, October 31, 2014.

Gerri Lynn O'Connor
Chair

Brian Denney
Secretary-Treasurer

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