



THE TORONTO AND REGION CONSERVATION AUTHORITY

Authority Meeting #4/04

Chair: Dick O'Brien
Vice Chair: Gerri Lynn O'Connor
Members:

**April 30, 2004
10:00 A.M.**

SOUTH THEATRE, BLACK CREEK PIONEER VILLAGE

AGENDA

- | | | <u>Pages</u> |
|-----|--|--------------|
| 1. | MINUTES OF MEETING #3/04
(Enclosed herewith on White) | |
| 2. | BUSINESS ARISING FROM THE MINUTES | |
| 3. | DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF | |
| 4. | DELEGATIONS | |
| 5. | PRESENTATIONS | |
| 5.1 | A presentation by Jim Dillane, Director, Finance and Business Development, in regards to item 9.2 - 2004 Budget - Operating and Capital. | |
| 5.2 | A presentation by Dena Lewis, Planning Ecologist, TRCA, in regards to item 11.1 - Terrestrial Natural Heritage Strategy. | |
| 6. | CORRESPONDENCE | |
| 7. | SECTION I - ITEMS FOR AUTHORITY ACTION | |
| 7.1 | MANDATE OF CONSERVATION AUTHORITIES | 13-40 |
| 7.2 | BLACK CREEK PIONEER VILLAGE
Cultural Tourism Marketing Fund Grant | 41-42 |

- 7.3 REGIONAL MUNICIPALITY OF DURHAM & CITY OF PICKERING**
Request for Permanent Easements for Storm Sewer Outfall and
Sanitary Sewer Connection, Duffins Creek Watershed, City of Pickering
CFN 35075
Report to Follow
- 7.4 ASIAN LONGHORNED BEETLE**
Report to Follow

NEXT MEETING OF THE AUTHORITY #5/04, TO BE HELD ON MAY 28, 2004,
AT 10:00 A.M. AT PARC DOWNSVIEW PARK

Brian Denney
Chief Administrative Officer

/af

**8. CONSIDERATION OF REPORTS OF THE EXECUTIVE COMMITTEE MEETING
#3/04, HELD ON APRIL 2, 2004**

Refer to pages printed on **PINK**

HEARING REPORT

8.1 HEARING REPORT

Application #423/03/TOR to regrade and place fill within the Fill Regulated Area
for the Humber River West Branch

Mario Faraone

3 Gibson Avenue, City of Toronto

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**8.2 NATURAL HERITAGE LANDS PROTECTION AND ACQUISITION PROJECT
2001-2005**

Flood Plain and Conservation Component/Humber River Watershed

Ballymore Developments (Richmond Hill) Corp.

CFN 35209

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**8.3 NATURAL HERITAGE LANDS PROTECTION AND ACQUISITION PROJECT
2001-2005**

Flood Plain and Conservation Component/Humber River Watershed

1265571 Ontario Ltd.

CFN 35107

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8.4 CITY OF BRAMPTON

Request for Permanent Easement for a Storm Sewer Outfall

Humber River Watershed, City of Brampton

CFN 35183

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Request for Permanent Easement for the Emery Creek Stormwater Quality
Control Ponds Project

Humber River Watershed, City of Toronto

CFN 32240

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8.6 SALE OF SURPLUS TRCA-OWNED LANDS

3203 Mayfield Road, City of Brampton

Etobicoke Creek Watershed

CFN 34049

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**8.7 STREAM FLOW MONITORING WITHIN THE AUTHORITY'S REGIONAL
MONITORING NETWORK PROGRAM**

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- 8.8 CONSULTANT SERVICES TO PREPARE 1:2,000 SCALE DIGITAL TOPOGRAPHIC MAPPING FOR THE PURPOSE OF FLOOD PLAIN MAPPING WITHIN THE ETOBICOKE CREEK WATERSHED, DON RIVER WATERSHED, HIGHLAND CREEK WATERSHED AND PETTICOAT CREEK WATERSHED** 188-190

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- 8.9 APPLICATIONS FOR PERMITS PURSUANT TO ONTARIO REGULATION 158**
Fill, Construction & Alteration to Waterway.

CITY OF TORONTO (TORONTO NORTH COMMUNITY COUNCIL)

8.9.1 BELL CANADA

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CITY OF TORONTO (TORONTO WEST COMMUNITY COUNCIL)

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CITY OF VAUGHAN

8.9.3 DOMINIC & MARIA LUCIANI

To place fill within a regulated area on Block 103, Plan 65M-2514, (28 Trevi Court), in the City of Vaughan, Humber River Watershed as located on the property owned by Dominic & Maria Luciani. 193-194

TOWN OF MARKHAM

8.9.4 HYDRO ONE NETWORKS INC.

To alter a waterway, construct in a flood plain, place fill within a regulated area on, (southwest of Warden Avenue and Highway 407), in the Town of Markham, Rouge River Watershed as located on the property owned by Hydro One Networks Inc.. 194-196

8.9.5 IRIS TAL

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8.9.6 DIERK AND SANDY NEUGEBAUER

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8.9.7 CORPORATION OF THE TOWN OF MARKHAM

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TOWN OF RICHMOND HILL

8.9.8 THE REGIONAL MUNICIPALITY OF YORK

To alter a waterway on (Gamble Road from Bathurst Street to Yonge Street), in the Town of Richmond Hill, Rouge River, Don River Watershed as located on the property owned by The Regional Municipality of York. 200-201

8.9.9 TOWN OF RICHMOND HILL

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CITY OF MISSISSAUGA

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WITHDRAWN

8.9.11 RIO CAN REAL ESTATE INVESTMENT

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CITY OF TORONTO (TORONTO NORTH COMMUNITY COUNCIL)

8.9.12 MICHAEL & PAM STEIN

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8.9.13 CITY OF TORONTO

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8.9.14 CITY OF TORONTO

To alter a waterway on, (Finch Avenue East of Jane Street), in the Toronto North Community Council, Humber River Watershed as located on the property owned by City of Toronto. 208-209

WITHDRAWN

8.9.15 CITY OF TORONTO

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CITY OF TORONTO (TORONTO WEST COMMUNITY COUNCIL)

8.9.16 ANTONIO AZEVEDO

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8.9.17 BRIAN & LORI CURTIS

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8.9.18 CITY OF TORONTO

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WITHDRAWN

8.9.19 ERIC PASKEVICS

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CITY OF TORONTO (TORONTO SOUTH COMMUNITY COUNCIL)

WITHDRAWN

8.9.20 CITY OF TORONTO (WORKS & EMERGENCY SERVICES)

To place fill within a regulated area on Leaside Bridge (Millwood Road), in the Toronto South Community Council, Don River Watershed as located on the property owned by City of Toronto (Works & Emergency Services). 213

8.9.21 RON & TRACY HABIJANAC

To place fill within a regulated area on Lot 16, Plan 66M-2374, (18 True Davidson Drive), in the Toronto South Community Council, Don River Watershed as located on the property owned by Ron & Tracy Habijanac. 213

CITY OF VAUGHAN

8.9.22 1119513 ONTARIO LTD.

To place fill within a regulated area on Part Lot 12, Concession 4, (140 Planchet Road), in the City of Vaughan, Don River Watershed as located on the property owned by 1119513 Ontario Ltd.. 214-215

8.9.23 ANGELA PAGGIOSI

To place fill within a regulated area on Lot 13, Plan 65M-3470, (93 Noah Crescent), in the City of Vaughan, Humber River Watershed as located on the property owned by Angela Paggiosi. 215-216

8.9.24 ARMANDO COLAFRANCESCHI

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8.9.25 CONCORD STORAGE INC.

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8.9.26 TONY MORELLI

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TOWN OF AJAX

8.9.27 NUGGET CONSTRUCTION COMPANY LIMITED

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TOWN OF CALEDON

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TOWN OF MARKHAM

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8.9.30 LINDVEST PROPERTIES (CORNELL) LTD.

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TOWN OF RICHMOND HILL

8.9.31 REGIONAL MUNICIPALITY OF YORK

To alter a waterway on (Gamble Road - Yonge Street to Leslie Street), in the Town of Richmond Hill, Rouge River Watershed as located on the property owned by Regional Municipality of York. 227-228

8.9.32 REGIONAL MUNICIPALITY OF YORK

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TO: Chair and Members of the Authority
Meeting #4/04, April 30, 2004

FROM: Brian Denney, Chief Administrative Officer

RE: MANDATE OF CONSERVATION AUTHORITIES

KEY ISSUE

Overview of powers designated to a conservation authority and the resulting rules and regulations.

RECOMMENDATION

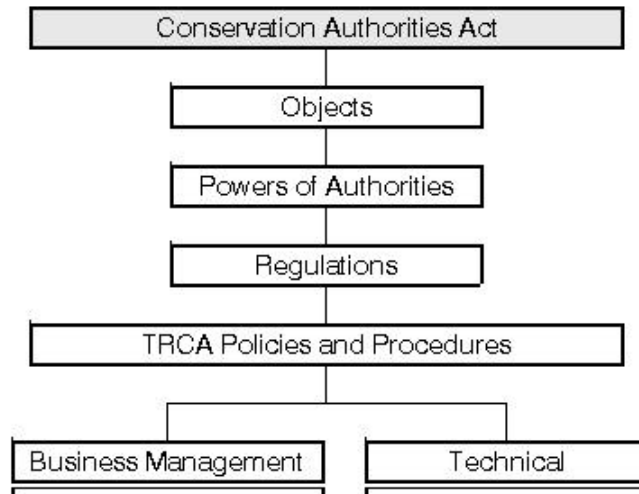
THAT the staff report on the mandate of conservation authorities and the legislation and policies governing the Toronto and Region Conservation Authority be received.

BACKGROUND

At Watershed Management Advisory Board Meeting #1/04, held on February 13, 2003, the members requested an overview of the powers delegated to the Toronto and Region Conservation Authority (TRCA). It was agreed that a report and presentation should be made to the Authority for the benefit of all members of the Authority. In this regard, the following summary of the mandate of conservation authorities, the legislation governing the TRCA, the resultant policies and approval process, as well as other regulations and legislation that effects decisions of TRCA, is being provided.

1. Conservation Authorities Act

The various levels of regulatory tools used by TRCA work in conjunction with one another to provide a comprehensive decision making process. Each conservation authority (CA) is established under the Conservation Authorities Act (CA Act), and is governed by the powers and regulations therein. The TRCA was established under the CA Act in 1957. The CA Act, an Ontario Statute, delegates certain rights and responsibilities to CAs. To enforce some rights and responsibilities, Ontario regulations been approved by the Minister of Natural Resources, whereas others are governed by the policies and procedures developed and approved by each CA individually, as prescribed for in the CA Act. The CA Act also allows CAs to approve a policy which determines the approval body for decisions made under certain regulations. In short, the Ontario regulation is approved by the Minister of Natural Resources, but the policies and procedures developed by a CA for administering regulations, and the decisions made under such regulations, are approved by the Authority or body designated by a CA. This hierarchy of regulatory tools can be summarized as follows:



As indicated, two of the key sections of the CA Act are the Objects and Powers of Authorities, as outlined below. The Objects are the mandate of CAs, which is achieved by the Powers of Authorities. Attachment 1 provides a guide to the regulatory tools used by TRCA in developing programs as prescribed for in the Powers of Authorities.

1.1 **Objects - Section 20**

- (1) *The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.*
- (2) *Despite subsection (1) and subject to any other legislation pertaining to these resources, authorities may enter into agreements to allow exploration, storage and extraction by others in order to share in the revenue from use of gas or oil resources owned by them if,*
 - (a) *the use is compatible with the conservation, restoration, development and management of other natural resources; and*
 - (b) *extraction occurs on land adjacent to, but not on, conservation authority land.*

1.2 **Powers of Authorities - Section 21**

- (1) *For the purposes of accomplishing its objects, an authority has power,*
 - (a) *to study and investigate the watershed and to determine a program whereby the natural resources of the watershed may be conserved, restored, developed and managed;*
 - (b) *for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;*
 - (c) *to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired.*

- (d) *despite subsection (2), to lease for a term of five years or less land acquired by the authority;*
- (e) *to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;*
- (f) *to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project;*
- (g) *to enter into agreements with owners of private lands to facilitate the due carrying out of any project;*
- (h) *to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;*
- (i) *to erect works and structures and create reservoirs by the construction of dams or otherwise;*
- (j) *to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;*
- (k) *to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;*
- (l) *to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper;*
- (m) *to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;*
- (m.1) *to charge fees for services approved by the Minister;*
- (n) *to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations;*
- (o) *to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;*
- (p) *to cause research to be done;*
- (q) *generally to do all such acts as are necessary for the due carrying out of any project.*

- (2) *If the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (c) without the approval of the Minister.*
- (3) *The Minister may impose terms and conditions on an approval given under subsection (2), including a condition that the authority pay a specified share of the proceeds of the disposition to the Minister.*

2. Ontario Regulations

Further rights are given to CAs in the other various sections of the CA Act. Sections 28, 29 and 30 have accompanying regulations which are approved by the Minister of Natural Resources. Certain sections of the CA Act allow for the Lieutenant Governor in Council to make regulations governing the content of regulations made by CAs.

2.1 Section 28

Section 28, and accompanying Ontario Regulation 158 - TRCA's Fill, Construction and Alteration to Waterways Regulation, is one of the most powerful duties of CAs under the CA Act. The Regulations by Authority outlined in Section 28 are as follows:

Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,

- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;*
- (b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;*
- (c) prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;*
- (d) providing for the appointment of officers to enforce any regulation made under this section or section 29;*
- (e) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section.*

2.1.1 Ontario Regulation 158

Under Section 28 of the CA Act, the TRCA administers Ontario Regulation 158, TRCA's Fill, Construction and Alteration to Waterways Regulation. Works involving the placement of fill, including site grading, construction in a floodplain and alteration of a watercourse require a permit from the TRCA. Pursuant to this regulation, TRCA's permission is required to:

- (a) *construct any building or structure or permit any building or structure to be constructed in or on a pond or swamp or in any area susceptible to flooding during a Regional Storm;*
- (b) *place or dump fill or permit fill to be placed or dumped in the areas described in the schedules whether such fill is already located in or upon such area, or brought to or on such area from some other place or places;*
- (c) *straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream, or watercourse.*

2.2 Section 29

Section 29, and accompanying Ontario Regulation 119 - Conservation Areas - Metropolitan Toronto and Region, outlines the prohibited actions of the public in TRCA conservation areas. The Regulations outlined in Section 29 are as follows:

- An authority may make regulations applicable to lands owned by the authority,*
- (a) *regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;*
 - (b) *providing for the protection and preservation from damage of the property of the authority;*
 - (c) *prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;*
 - (d) *prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for permits;*
 - (e) *regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;*
 - (f) *prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;*
 - (g) *prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof;*
 - (h) *subject to the Forest Fires Prevention Act and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires.*

Section 29 (2) - Offence, stipulates that:

Every person who contravenes any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

2.3 Section 30

Section 30, and the accompanying Administration Regulation, outlines the administrative responsibilities for CAs, as follows:

- Subject to the approval of the Minister, an authority shall make regulations,*
- (a) *providing for the calling of meetings of the authority and prescribing the procedure at those meetings;*
 - (b) *prescribing the powers and duties of the secretary-treasurer;*

- (c) *designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority; and*
- (d) *delegating all or any of its powers to the executive committee except,*
 - (i) *the termination of the services of the secretary-treasurer,*
 - (ii) *the power to raise money, and*
 - (iii) *the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority.*

Section 30 (d) will be reviewed further in this report under Section 1.0 of the Rationale - Powers Delegated to the Executive Committee.

Section 30.1 - Restriction on entry, is as follows:

- An authority or an officer appointed under a regulation made under clause 28 (1) (d) or (e) shall not enter land without,*
- (a) *the consent of the owner of the land and, if the occupier of the land is not the owner, the consent of the occupier of the land; or*
 - (b) *the authority of a warrant under the Provincial Offences Act, 1998, c. 18, Sched. I, s. 14.*

3. TRCA Policies and Procedures

Beyond these legislative/regulatory tools are the policies and procedures established by each CA individually to assist in administering the duties prescribed for CAs in the CA Act. These policies and procedures are approved by the Authority, or in certain circumstances the right to delegate approval responsibility to the Executive Committee is provided for in the CA Act, and such delegation is approved by the Authority. The policies and procedures can be broken into two categories: (i) Business Management and (ii) Technical. These policies and procedures include, but are not limited to, the following:

(i) Business Management

- Rules of Conduct
- Employee Code of Conduct
- West Nile Virus Employee and Volunteer Policy
- Various Other Human Resources Policies
- Purchasing Policy
- Electronic Communications Policy
- Records Retention Policy
- Policy for Use of Authority Vehicles
- Various Environmental Management Systems (EMS) Policies
- Reserves Policy
- Volunteer Policy
- Recognition Policy
- Policy and Procedures to Support Freedom of Information and Privacy Acts

(ii) **Technical**

- Valley and Stream Corridor Management Program
- Minor Landscaping and Minor Works Applications
- Watershed Plans and Strategies
- Terrestrial Natural Heritage Strategy
- Natural Heritage Lands Protection and Acquisition Project 2001 - 2005
- Land Management Plans
- Fisheries Management Plans

4. Other Regulatory Tools

Finally, CAs have regard for many other legislations, regulations and policies when making decisions but are not bound by these regulatory tools. CAs are also commenting agencies under many such regulatory tools but are not decision makers, unless delegated the responsibility of being the deciding authority or agent.

RATIONALE

In 1986, the Administrative Regulation was developed, and the Authority adopted the Rules of Conduct, both of which govern administrative procedures of TRCA. Section 30 (d) of the CA Act allows for the delegation of any of TRCA's powers or duties to the Executive Committee or to any other person or body, subject to any limitations and requirements that may be set out in the regulation. The ability to delegate powers to the Executive Committee as outlined in Section 16 of the approved Administrative Regulation, are the same as those outlined in Section 30 (d) of the CA Act. However, the specific powers delegated to the Executive Committee are stated in the Rules of Conduct, a policy of TRCA approved by the Authority, as follows:

2. *The Authority delegates the following powers to the Executive Committee:*

- 2.1 *to enter into contracts or agreements which are not for the acquisition or disposition of land but which are either necessarily incidental to a project approved pursuant to the Act or necessarily incidental to the works approved by the Authority;*
- 2.2 *to accept such tenders and to award contracts as described in subparagraph 2.1 in accordance with the specific monetary limits set by the Authority and in accordance with the policies and procedures established by the Authority;*
- 2.3 *to ensure that policies and practices are in place for the authorization of payments of accounts within the approved budget of the Authority in accordance with any monetary or other limits set by the Authority;*
- 2.4 *to authorize the purchase of goods, equipment or services necessary for carrying on the work of the Authority within the approved budget of the Authority in accordance with any monetary or other limits set by the Authority;*

- 2.5 *to employ the staff of the Authority as required, except for the staff referred to in Clauses 2.6.1, 2.6.2 and 2.6.3 of subparagraph 2.6 of this paragraph, subject to compliance with the limits to the number and to the salary and wage schedules established and approved by the Authority;*
- 2.6 *to terminate the services of the staff of the Authority except for,*
 - 2.6.1 *the Chief Administrative Officer,*
 - 2.6.2 *the Secretary-Treasurer,*
 - 2.6.3 *such other senior staff as the Authority may designate;*
- 2.7 *to direct the staff of the Authority;*
- 2.8 *to recommend and report to the Authority on all matters not within the jurisdiction of an Advisory Board or which may be assigned to it by the Authority;*
- 2.9 *to instruct legal counsel;*
- 2.10 *to exercise such additional powers, excluding those powers set out in Clause (d) of Subsection (1) of Section 30 of the Act, as may be assigned to it by the Authority during the months of July and August provided that a report be given to the Authority at the first meeting of the Authority thereafter;*
- 2.11 *to grant or refuse permission, and to hold hearings to which the applicant shall be a party before refusing such permission, for the doing of those things within the area under the jurisdiction of the Authority which are set out in Section 28 of the Act, all as provided for in the said Section 28 of the Act; and,*
- 2.12 *to authorize the investment of money not required immediately by the Authority:*
 - 2.12.1 *in treasury bills, bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or the Province of Ontario;
and*
 - 2.12.2 *in term deposits, investment certificates, debentures or any other evidences of indebtedness of any chartered bank, financial institution or corporation in accordance with the policies established by the Authority.*
- 3. *The Executive Committee may appoint sub-committees from among the members of the Authority to study, consider and report back to the Executive Committee on any subject over which the Executive Committee has jurisdiction.*

As outlined above in Section 2.11 of the TRCA Rules of Conduct, the authority to grant or refuse permission, and to hold hearings, pursuant to Section 28 of the CA Act and Ontario Regulation 158, has been delegated to the Executive Committee.

Hearing Process

Under Section 28 (12), permission required pursuant to Ontario Regulation 158 may be refused through a hearing process, if in the opinion of the TRCA, the conservation of land, control of flooding or pollution is affected. As noted, the Authority has delegated the responsibility of the hearing process to the Executive Committee, who sits as a formal Hearing Board which acts as a decision-making tribunal, if staff are recommending refusal of a permit application. If the decision of the Hearing Board is "to refuse", the owner/applicant has the right to appeal the decision to the Minister of Natural Resources within 30 days of receipt of the reasons for the decision.

Minor Landscaping and Minor Works Applications

Delegation of approvals under Section 28 of the CA Act, pursuant to Ontario Regulation 158, was granted by the Executive Committee to Development Services Section staff for approval of minor landscaping and minor works permits, on July 25, 2003 and November 14, 2003, respectively. These policies were developed in order to streamline the permit approvals process. This is in keeping with TRCA's objective of Business Excellence.

Valley and Stream Corridor Management Program

The Valley and Stream Corridor Management Program (VSCMP), which was adopted by the TRCA in 1994, is the main policy document used by Development Services Section staff to guide the review of development applications in regards to natural hazards and natural heritage areas. VSCMP has been adopted under Sections 20 & 21 of the CA Act - the objects and powers of authorities, respectively. The policy defines the following key valley and stream features:

- Valley Corridors/Top of Bank;
- Stream Corridors;
- Fill Regulated Area;
- Fill Extension Area;
- Environmentally Significant Areas (ESA);
- Areas of Natural and Scientific Interest (ANSI);
- Special Policy Area (SPA);
- Hydraulic Floodway (100 year flood); and
- Regional Storm Floodplain (Regulatory Floodplain).

The cross-section of valley corridor boundaries identified in VSCMP is outlined in Attachment 2.

Checklists and Guidelines

To ensure consistency and timeliness with development and planning reviews, a series of checklists and guidelines were established in December 2003 for use by applicants and TRCA staff, including:

- TRCA Requirements for Planning and Permit Application;
- Channel Modifications Requirements - Proposed Alteration of a Watercourse/Fill or Construction in a Regulated Area;
- Watercourse Crossing Requirements - Proposed Alteration of a Watercourse/Fill or Construction in a Regulated Area (including new and replacement structures, and extensions);
- Screening Checklist for Oak Ridges Moraine Conformity Assessment;
- TRCA Erosion and Sediment Control Guidelines;
- Forest Edge Management Plan Guidelines;

- Post-Construction Restoration Guidelines;
- Seed Mix Guidelines;
- Stormwater Management Facility Planting Guidelines;
- Stormwater Management Design Brief/Report Requirements;
- Watercourse Erosion Analysis Requirements in Support of Draft Plan Approval (as a component of Functional Servicing Plan);
- Master Environmental Servicing Plan Requirements (in support of Secondary Plans);
- Functional Servicing Plan Requirements (in support of Draft Plan Approval).

Screening

The TRCA has developed screening maps for use by municipalities to determine if applicants require approval from TRCA under Ontario Regulation 158, and if so the municipality directs the applicant to TRCA. Development Services Section staff also screen applications/property inquiries to determine if there is an interest on the part of TRCA and if further action is required.

If the property inquiry is within the City of Toronto, the city's Ravine By-law mapping is used as a reference against TRCA's digital mapping to determine the property's precise location and applicable natural features, thereby determining the extent of review and approvals required. If outside the City of Toronto but within TRCA's jurisdiction, TRCA's mapping is used to determine the same.

Watershed Plans and Strategies

Watershed plans or strategies have been prepared for most watersheds within TRCA's jurisdiction to guide annual programs of implementation and monitoring activities. These watershed plans/strategies are updated on a regular basis, as new issues emerge or new science develops.

Several issues have emerged that necessitate the preparation of plans for local watersheds. TRCA's regional municipal partners have asked TRCA to assist them in fulfilling the watershed planning requirements of the Oak Ridges Moraine Conservation Plan (ORMCP). The ORMCP requires that watershed plans be completed prior to April 2007, before any major development can be approved. There is a commitment to undertake the development of comprehensive plans for watershed units extending from the crest of the ORM to Lake Ontario, and an associated commitment to coordinate efforts with downstream municipalities and other watershed groups. Watershed plans are prepared in accordance with the generic watershed planning process.

The watershed planning process has contributed to the development of a watershed constituency, with an interest and commitment to protection and restoration of the watershed resources, including water quality and aquatic and terrestrial habitats. Public advisory groups have been developed and regularly participate in, and contribute to, enhanced water management efforts. Public outreach through events, publications and watershed report cards, has established a unique approach to fostering watershed protection and restoration.

Natural Heritage Lands Protection and Acquisition Project 2001 - 2005

The TRCA adopted the Natural Heritage Lands Protection and Acquisition Project 2001 - 2005 at Authority Meeting #9/00, held on October 27, 2000. Subsequently, the document was approved by the Minister of Natural Resources, as required by Section 24 of the CA Act. This project allows TRCA to further accomplish its objectives as provided by the Objects of the CA Act. In furthering these objectives, and to the extent permitted by the CA Act, the project objectives are:

to acquire property interests, whether by fee simple, leasehold, easement, covenant, or stewardship agreements, in hazard, conservation and environmentally significant land in order to protect against unwise land-use which would affect their ability to perform their natural functions and to conserve these lands for the benefit of the people within the Authority's watersheds.

Approval to explore requests for disposal or acquisition of land lies with the Executive Committee, with a decision recommendation to be approved by the Authority. However, if a grant has been made by the Minister of Natural Resources for these lands, approval from the Minister is required.

Other Regulatory Tools

Planning Act

Conservation authorities are a prescribed agency under the Planning Act, enabling CAs to comment on development applications to municipalities that may impact natural hazard and natural heritage systems. CAs can also initiate proceedings under the act in the form of appeals. CAs frequently request that municipalities include their comments in subdivision and site plan agreements, though there is no legal requirement to do so.

Under Section 3 of the Planning Act, the 1997 Provincial Policy Statement (PPS) was issued. Municipalities and other agencies involved in planning shall "have regard" for the policies of the PPS when reviewing and approving development applications. Through an agreement with the province, CAs are responsible for upholding Section 3.1 of the PPS, which outlines the need to direct development outside of natural hazard areas, such as valley and stream corridors.

Section 2.3 of the PPS outlines the provincial interest in protecting natural heritage features and areas from development, a responsibility delegated to regional municipalities. However, recognizing the expertise of CAs in the area of natural heritage protection, many CAs provide municipalities with technical review and advice on issues of natural heritage protection. The TRCA's role in protecting natural heritage through plan review is formalized in agreements with all of its regional municipal partners, and a mix of formal and informal agreements with local municipalities. The agreement between the Region of Peel, Credit Valley Conservation and TRCA has been recently updated to incorporate new requirements from the ORMCP and other initiatives. Similar processes are underway with York and Durham Regions and their respective CAs, including TRCA. Within these agreements is generally a provision for CA staff to attend Ontario Municipal Board (OMB) hearings to represent the region's interests with respect to services provided for under the agreements, but does not limit the CAs from independently appealing a decision to the OMB. Granting approval for staff to appear before the OMB is delegated to the Executive Committee.

In addition to reviewing site specific development applications, the TRCA provides input and technical support in the development and implementation of municipal official plans (OP), secondary plans, environmental studies and reports, and specific municipal by-laws (e.g. tree, ravine, sediment and erosion control, fill and grading, etc.). Through participation in various committees, workshops and studies, the TRCA provides valuable information and advice on flood control, stormwater management and the protection of natural features and functions within its watersheds. Involvement in these processes ensures that concerns of the TRCA are considered throughout the municipal land use planning process.

Master environmental servicing plans (MESPs) in support of secondary plans followed by functional servicing plans (FSPs) in support of draft plans are becoming the standard for directing development activities. Staff routinely input into and review these plans to ensure the TRCA's policy and program objectives are being met.

If TRCA staff are of the opinion that municipalities have not had regard for the PPS or TRCA policies in their approval of planning documents or individual planning applications, staff will request approval of the Executive Committee to appeal the decision to the OMB.

In addition to providing municipalities with advice on applications under the Planning Act, the TRCA provides plan review and technical clearance services for all development applications in respect to the Environmental Assessment Act, the Fisheries Act, the ORMCP, the Niagara Escarpment Planning and Development Act and other applicable legislation, and have regard for municipal official plans. The TRCA provides technical and scientific expertise to support the planning function of municipalities, providing recommendations on how development should proceed to maintain, or where possible, enhance or restore the natural environment.

Environmental Assessment Act

Environmental assessment (EA) is part of public decision making at all levels of government in Canada. Ontario's Environmental Assessment Act (EA Act) establishes a systematic review process to evaluate the environmental impact of proposed activities prior to the granting of government funds. The EA Act applies to public sector projects, but not to private projects unless specially designated.

The EA Act imposes a self-assessment process that includes mandatory public and municipal consultation at key stages, as well as detailed reviews by the Ontario Ministry of the Environment (MOE) and both federal and provincial regulatory agencies. It requires consultation with affected parties, and consideration of all reasonable alternatives.

Agencies such as TRCA review EA documents and provide input to ensure that their and other government policies and standards are upheld. They also provide technical standards, guidelines and expertise. The TRCA works in partnership with regional and local municipalities and the City of Toronto, providing information and technical support in the EA process with respect to public sector projects. TRCA often works in conjunction with other CAs and Conservation Ontario.

During the consultation stage, a “right” may exist for TRCA to suggest (not require) that certain preliminary background studies and needs assessments be done to the satisfaction of the TRCA. TRCA may also have a right to suggest the terms of reference for the EA contain certain provisions. The proponent submits the EA to MOE with a description of undertaking and its potential effect on the environment, also outlining possible alternatives. This EA is submitted to all interested provincial government ministries and agencies, as well as certain federal bodies, following which a summary review is prepared by MOE. TRCA is entitled to comment on the EA and government review. When an EA is approved by the Minister of the Environment and TRCA does not agree with the EA, TRCA may request that a full hearing be held. At the hearing, TRCA can put forward its case as to the appropriateness of the EA and the locations proposed. The Environmental Assessment Board prepares its decision based on hearing testimony. The Minister has 28 days to rescind the EA Board's decision or request another hearing. TRCA will have appeal rights to the courts depending on the circumstances, assuming it participated in the hearings.

Federal Fisheries Act

TRCA has a Level 3 Agreement with Fisheries and Oceans Canada (formerly Department of Fisheries and Oceans) which was signed on July 24, 1998. Under this agreement, a streamlined approach to addressing issues pertaining to the Federal Fisheries Act was established. CAs with a Level 3 Agreement determine whether the proposal has a potential for a Harmful Alteration, Disruption or Destruction (HADD) of fish habitat. CA staff work with the proponent to suggest ways to mitigate the HADD, and if mitigatable, write Letters of Advice on behalf of Fisheries and Oceans Canada. If the CA determines that the HADD cannot be mitigated then the CA will provide a skeleton of a Letter of Intent and a Fisheries and Oceans Canada application in order for the proponent to prepare a compensation package. The Letter of Intent is a document that is prepared by the proponent when there is a HADD, and this document indicates the measures of mitigation and compensation. Only Fisheries and Oceans Canada, through the Minister of Fisheries, can authorize compensation regarding a HADD pursuant to Section 35 (2) of the Federal Fisheries Act.

Oak Ridges Moraine Conservation Plan

In 2002, the finalized Oak Ridges Moraine Conservation Plan (ORMCP) was approved and filed as a Minister's regulation, Ontario Regulation 140/02 - Oak Ridges Moraine Conservation Act (ORMCA). At Authority Meeting #5/02, held on May 24, 2002, Resolution #A119/02 was approved as follows:

THAT staff be directed to administer all Ontario Regulation 158 permit applications for lands on the Oak Ridges Moraine in conformity with the Oak Ridges Moraine Conservation Plan;

AND FURTHER THAT staff continue to work with our partner agencies to implement the requirements of the Oak Ridges Moraine Conservation Plan, such as the undertaking of watershed plans, water budgets, official plan conformity and the review of environmental studies.

Applications under the Planning Act and Condominium Act are prescribed by the ORMCA to be approved in conformity with the ORMCP. Other matters (such as the Conservation Authorities Act) could be prescribed by a future regulation. Therefore, in regards to the ORMCA, permits issued by the TRCA under Ontario Regulation 158, that are not part of a Planning Act application need not conform to the ORMCP. However, as noted in Resolution #A119/02 above, TRCA resolved that all such permits be decided upon in conformity with the ORMCP, in order to assure the highest level of protection for the Oak Ridges Moraine.

Under the ORMCP, upper tier municipalities are charged with the responsibility for undertaking watershed plans and water budgets. This is traditionally a role that CAs have undertaken on behalf of their municipalities. In order to fulfill the watershed planning requirements of the ORMCP, Resolution #A196/03 was approved at Authority Meeting #7/03, held on September 26, 2003, as follows:

THAT the Integrated Watershed Planning Process described in Part 1 of the Workplan to Fulfill the Watershed Planning Requirements of the Oak Ridges Moraine Conservation Plan (ORMCP) Regulation O. Reg 140/02) be used to guide the preparation of work plans and budgets for individual watershed plans throughout the TRCA jurisdiction, and particularly for those watersheds draining the Oak Ridges Moraine;

THAT staff be directed to undertake the preparation of watershed plans, as per the planning schedule set out in this report, in cooperation with our watershed partners;

THAT staff promote this watershed planning process as the basis for the preparation of watershed-based source protection plans and report back on any necessary modifications, as the specific requirements of source protection plans or provincial ORMCP watershed planning guidelines become known;

AND FURTHER THAT all regional and local municipalities within the TRCA jurisdiction be informed of TRCA's long range watershed planning work program and of the Authority's commitment to undertaking this work in full co-operation with its watershed municipalities.

Additionally, the ORMCP requires of major development, certain site-specific studies to characterize and model the local groundwater regime to ensure the protection of water and environmental resources. In this regard, TRCA is participating in the York-Peel-Durham-Toronto (YPDT) Groundwater Study.

The Niagara Escarpment Planning and Development Act

The Niagara Escarpment Commission (NEC) and TRCA have an established partnership where TRCA staff provide technical review (engineering, ecological, geotechnical, etc.) for all NEC permit applications within TRCA's jurisdiction.

The Niagara Escarpment includes a variety of topographic features and land uses extending 725 km from Queenston on the Niagara River to the islands off Tobermory on the Bruce Peninsula. It is a source of some of southern Ontario's prime rivers and streams. NEC applications pertain only to the Town of Caledon in TRCA's jurisdiction.

All NEC applications are mandated under The Niagara Escarpment Planning and Development Act (NEPD Act). Under Section 24 of The NEPD Act, applications within the NEC's jurisdiction are required to obtain a development permit from the NEC. The NEC then circulates necessary documents to the appropriate CAs, municipalities and other required agencies.

All NEC applications submitted to TRCA are reviewed by Development Services Section staff, subject to the VSCMP policies. The TRCA provides technical and scientific expertise to support the environmental planning function on how development should proceed to maintain, or where possible, enhance or restore the natural environment. In some instances, requisite permits under Ontario Regulation 158 must be obtained by the applicant from TRCA.

Expropriations Act

Section 31 of the CA Act - Expropriations, is as follows:

The Expropriations Act applies where land is expropriated by an authority or where land is injuriously affected by an authority in the exercise of its statutory powers.

Under the Expropriations Act, TRCA clearly has the right to expropriate lands for its purposes and obviously to own lands for those purposes. If the province wishes to take land it can do so under the Expropriations Act and clearly, if TRCA is an affected owner, it may claim compensation. The compensation will most likely take the form of simple market value. Little if any other damages to TRCA are likely, though the damage to the environment may be great.

York-Peel-Durham-Toronto Groundwater Study

The YPDT Groundwater Study is being undertaken for the entire jurisdiction of the Regions of York, Peel, Durham and the City of Toronto, including the Oak Ridges Moraine area. The goal of the YPDT Groundwater Study is to "Provide a management approach that will consider all of the interrelationships between land use, groundwater use, and the natural heritage and hydrogeologic setting and ensure the overall maintenance of hydrogeological functions, such that valued groundwater and related resources are protected.". TRCA staff continue to lead the development of the groundwater management program, in cooperation with a steering committee made up of representatives from each of the other study partners: the regions and the City of Toronto, and Lake Simcoe, Credit Valley, Central Lake Ontario, Kawartha Region and Ganaraska Region Conservation Authorities. Work will continue to be coordinated to fulfill the ORMCP needs for the protection and management of groundwater systems associated with the ORM and the rest of the jurisdiction.

Rouge Park

The province announced the intent to establish the Rouge Park in 1990, and subsequently released the Rouge Park Management Plan in 1994. The vision for the park outlined in the management plan is:

The Rouge Park will be a special place of outstanding natural features and diverse cultural heritage in an urban-rural setting, protected and flourishing as an ecosystem in perpetuity. Human activities will exist in harmony with the natural values of the park. The park will be a sanctuary for nature and the human spirit.

In 1995, the Rouge Park Alliance (RPA) was formed and supported through capital contributions from the federal and provincial governments, to stimulate the continued planning and implementation of park plans. The RPA is a multilateral partnership body that is responsible for policy and planning for Rouge Park. For operational efficiency, the RPA follows many of the policies and procedures of the TRCA.

The balance of the initial \$10,000,000 federal capital endowment fund established at the onset of the park is held in trust by the Waterfront Regeneration Trust. The interest from the fund can be utilized for the benefit of the park itself. Operational funding is levied through member municipalities as part of TRCA budget process, using TRCA's funding formula, and is held in trust by TRCA, for use by the RPA. The RPA does not have the authority to purchase land, and as such, generally funds raised by the RPA for land acquisition are used by the TRCA to purchase the requested lands. Such acquisitions are subject to the regulations of the TRCA and therefore the CA Act. On April 21, 2004, the transfer of 3,383 acres of land from the Ontario Realty Corporation to TRCA for Rouge Park purposes was announced, the culmination of 5 years of work by the various partners.

The 13 partners in the RPA include the federal and provincial governments, the TRCA, the watershed municipalities, the Toronto Zoo, Save the Rouge Valley System Inc. and the Waterfront Regeneration Trust. The mandate of the RPA is to:

- complete the management plans;
- ensure organizational capability to implement the plans;
- oversee and coordinate implementation of the plans;
- ensure a solid financial plan;
- monitor success and improve the plans;
- remain a strong, informed and reasoned leader and advocate for the health, biodiversity and integrity of the Rouge Park; and
- ensure a balance perspective is maintained on a watershed scale.

In 1998, the Rouge Park Trail Development and Management Plan was launched by the RPA. In 2001, the Rouge North Management Plan for the area of the park north of Steeles Avenue was released. These two documents, in addition to the original Rouge Park Management Plan, 1994, guide the decision making process of the Rouge Park Alliance.

Stormwater Management Criteria

The ultimate goal of stormwater management is to maintain the health of streams, lakes and aquatic life as well as provide opportunities for human uses of water by mitigating the effects of urban development. To achieve this goal, stormwater management programs strive to maintain the natural hydrologic cycle, prevent an increased risk of flooding, prevent undesirable stream erosion and protect water quality.

Stormwater management applications require approval under Section 53 of the Ontario Water Resources Act, as administered by the Ministry of the Environment. The development of the Stormwater Management Planning and Design Manual, 2003, was initiated and funded by the Ontario MOE to assist with the review of applications prior to approval under the act. The manual updates the 1994 document and provides practical guidance which has been found effective in specific circumstances. However, it is not the intent of MOE to limit innovation with the design criteria outlined in the manual. In fact, it outlines that users must exercise judgment and flexibly adapt the guidance provided, taking into consideration specific site conditions (for example, TRCA staff will take into consideration when reviewing stormwater management pond designs the potential risks of developing West Nile virus breeding grounds at such facilities). Innovative designs and technologies are encouraged by MOE. This manual should be used in conjunction with other established manuals and practices, including municipal standards and TRCA's VSCMP. The development of the updated manual was funded and supported by MOE, the Government of Canada's Great Lakes Sustainability Fund (GLSF), Credit Valley Conservation and the TRCA, and is used as a guide for design criteria by TRCA's staff in reviewing stormwater management pond applications.

TRCA also participates in the Stormwater Assessment Monitoring and Performance (SWAMP) Program, along with the GLSF, MOE and the Municipal Engineer's Association. A number of individual municipalities and other owner/operator agencies have also participated in the SWAMP studies. The program was designed to provide extensive field-level evaluation of stormwater management technologies in southern Ontario. The SWAMP Program's objectives are:

- to monitor and evaluate the effectiveness of new or innovative stormwater management technologies; and
- to disseminate study results and recommendations within the stormwater management industry.

Safe Drinking Water Act

The act was adopted in 2002 to control and regulate drinking water systems and drinking water testing for the protection of human health and the prevention of drinking water health hazards in the province. TRCA has been undertaking water system upgrades at its public facilities to bring the water systems into compliance with the Safe Drinking Water Act.

Capital Programs

Waterfront and Erosion Control

Since 1970, TRCA has been implementing specific projects along the waterfront which have increased public access, enhanced the shoreline and improved the environment. During that period the understanding of coastal processes, aquatic/terrestrial systems and opportunities, the diversity of public use and the contribution to the quality of life has increased substantially.

Key priorities for 2004 which support the 30 years of investment in the waterfront are:

- Environmental monitoring / information management to support Toronto's waterfront revitalization and provide strategic habitat management directions.
- Implementation of the Ashbridge's Bay works to minimize long-term dredging and improve public navigation safety.

- Continue the implementation of the Tommy Thompson Park Master Plan, including baselands as a key component of the new Lake Ontario Park.
- Implementation of the Arsenal Lands Master Plan, including integration with Marie Curtis Park to create over 100 acres of waterfront park.
- Waterfront trail enhancements in Pickering and Ajax.

The Toronto Waterfront and Valley Erosion Control Program achieves its goals through both prevention and protection programming. The prevention part of the program is intended to ensure that new development will be safe from erosion hazards through the application of appropriate development controls, and that the receiving waters are protected through the implementation of stormwater management (VSCMP). The prevention programs are carried out through the participation in the municipal plan input and review process and through the administration of Ontario Regulation 158.

To address existing problems, or problems which arise from areas that were developed prior to the implementation of TRCA's preventative management plans, TRCA carries out a protection program. Where homes or private property are at risk from erosion (public safety) or where the natural valley and shoreline features and associated aquatic and terrestrial resources are being undermined from erosion, remedial works are proposed. In both cases, the design of erosion control works required to correct the existing problem not only reflects the protection issue but also will serve to improve or enhance the degraded existing condition through the creation of aquatic and terrestrial habitats.

In summary, the goal of this program is to:

minimize the hazards to life and property that result from erosion of river banks, valley walls and shorelines, and to protect and enhance the natural attributes of the valley and lakefront settings.

TRCA carries out its remedial works program on a technical priority basis. The list is updated and re-evaluated annually, as priorities can change from year-to-year, and sometimes even after a single storm event. In evaluating and assigning priorities for erosion control works, three major factors are considered: (i) potential effect to structures; (ii) valley wall/shoreline conditions; and, (iii) river and/or wave action. The potential effect on structures is deemed the most important and accordingly given more weight than the physical and geological conditions associated with the other two factors. In all cases, the design of erosion control works will provide protection to the required level and technical criteria, and where appropriate improve or enhance the aquatic and terrestrial habitats, through natural channel and shoreline designs.

Some examples of current priority projects include: Fishleigh Drive, Toronto parks sites, Lakehurst Crescent, Shoreline monitoring and maintenance, Wicksteed, Guild Inn and Parkway, etc.

Toronto and Region Remedial Action Plan

In 1972, Canada and the United States signed the first Great Lakes Water Quality Agreement (GLWQA). The GLWQA was renewed in 1978 with the purpose of restoring and maintaining the chemical, physical and geological integrity of the Great Lakes basin ecosystem. In 1987, a protocol to the agreement identified 42 Areas of Concern (AoCs) in the basin where one or more beneficial uses have been impaired. Of these 42 AoCs, 5 were shared between Canada and the United States in the connection channel areas, and 12 were within the Province of Ontario. The Toronto and Region is one of the largest and most complex of these 12 AoCs in Ontario.

The 1987 protocol also required that for each AoC in their jurisdiction, the governments develop and implement a Remedial Action Plan (RAP) embodying a systematic and comprehensive ecosystem approach to restore and protect beneficial uses. In response to this requirement a RAP Team was established. The protocol also required that the public be consulted in all actions taken.

In 1994, the Stage 2 document entitled "Clean Water Clear Choices" was published which identified 54 specific recommendations for the restoration of beneficial uses to the Toronto area. TRCA has a regeneration projects program under RAP as one vehicle to address these recommendations. The program involves the design, construction, maintenance and monitoring of works required to meet the goals and objectives of the TRCA and its resource management partners. Included are initiatives such as the: removal of stream barriers to fish migration; enhancement of riparian vegetation; improvement of water quality by retrofitting stormwater ponds; demonstrating and/or advocating the use of best management practices on both public and private lands; undertaking buffer plantings; enhancement and creation of terrestrial and aquatic habitat; and, reforestation to achieve natural heritage goals.

Toronto Waterfront Revitalization Corporation (TWRC)

At Authority Meeting #9/03, held on November 28, 2003, TRCA agreed to enter into the Toronto Waterfront Revitalization - Port Union Waterfront Improvements Project and the Mimico Waterfront Linear Park Project Delivery Agreements. The Delivery Agreements provide for the carrying out of the implementation and related activities by the TRCA, and funding by the TWRC.

The Port Union Delivery Agreement will ensure the realization of the \$16 million waterfront park link between the Highland Creek and the Rouge River, and the continuation of the Port Union Pedestrian Node component which was initiated in September 2002.

The Mimico Delivery Agreement with a total estimated cost of \$6.5 million will facilitate the completion of the environmental assessment approvals, property acquisition and implementation of the waterfront linear park between Grand Harbour and Norris Crescent.

Future Regulatory Tools and Policies

Terrestrial Natural Heritage Strategy

The TRCA determined the critical need for the Terrestrial Natural Heritage System Strategy (TNHS) due to loss of natural cover and species diversity across the TRCA's jurisdiction. This was brought about cumulatively from using a site-based, short-term approach to natural systems protection through land use planning. The cumulative loss of natural cover and biodiversity was the impetus for the development of a terrestrial natural heritage strategy. The intent of the TNHS is to raise the issues of land use change and its implication at both the regional and site scales together.

The draft strategy is included with this agenda, as recommended by the Watershed Management Advisory Board. Phase 3 of the strategy will be developed in 2004. The TNHS will work in concert with the VSCMP to further protect and restore natural heritage systems through the planning process.

Generic Regulation

In an effort to streamline the regulatory framework of the development approval process, a number of changes were made to the CA Act in 1998. The aim of the Generic Regulation process is to ensure consistency in regulating development in, and adjacent to, natural hazard lands across the province, and also to expand areas currently regulated by CAs. TRCA's existing Fill, Construction and Alteration to Waterways Regulation will be replaced with one Generic Regulation for all CAs, referred to as the Development, Interference of Wetlands and Alteration to Watercourses Regulation. Each CA is required to prepare a local regulation that complies with the Generic Regulation, to be approved by the Minister of Natural Resources. As part of the Generic Regulation conformity process, CAs will have the ability to exempt areas or types of development from the permit approvals process. The Generic Regulation was enacted on April 15, 2004.

Bill 27, Greenbelt Protection Act 2003

On December 16, 2003, Bill 27, an "Act to establish a greenbelt study area and to amend the Oak Ridges Moraine Conservation Act" received first reading in the legislature, and is expected to be back before the legislature this month. The intent of Bill 27 is not only to protect environmentally sensitive lands, but also to protect farmland, contain urban sprawl and encourage smart growth. Also identified is the importance of protecting a greenbelt area broader than just the Niagara Escarpment and ORM, and to protect significant agricultural and environmental lands for a variety of reasons, including an enhanced quality of life. These statements are very supportive of the goals and objectives of TRCA's TNHS, the watershed strategies and The Living City.

At Authority Meeting #1/04, held on January 30, 2004, Resolution #A22/04 resolved in part:

THAT the TRCA advise the Minister of Municipal Affairs that TRCA, in principle, supports Bill 27, Greenbelt Protection Act 2003;

THAT staff be directed to assist in the deliberations on the establishment of a greenbelt by providing information and expert advice on terrestrial and aquatic resources and opportunities for protection;

AND FURTHER THAT staff be directed to work with the Conservation Authorities Moraine Coalition to further this initiative and to report back as necessary.

Through this involvement, TRCA can offer advice and scientific expertise to the identification of lands to be included in the greenbelt, and thereby help to maximize biodiversity and achievement of the goals and objectives of the TNHS and The Living City, and the recommendations of watershed strategies. TRCA has extensive natural heritage information and studies to offer to the process, both complete and in progress, gathered in support of watershed strategies and integrated watershed management plans.

The greenbelt legislation proposes to amend three of the transitional/miscellaneous provisions of the ORMCA. The transitional provisions prescribe what sections of the ORMCP apply to development applications that were commenced prior to the ORMCA coming into effect, but on which no decision had been made prior to the ORMCA coming into effect. The first amendment appears to address municipal concerns by clarifying that legally existing uses and structures are permitted to continue, even if they are not in conformity with the ORMCP, providing they continue to be used for that purpose. The second amendment clarifies that section 17 (Further Approvals) relates specifically to applications for consents and subdivisions. It has the effect of "tightening up" the broad interpretations that the OMB and applicants have ascribed to this section, and better ensures the intent of the prescribed provisions in protecting the ecological integrity of the ORM are achieved. The third amendment proposes changes to the Minister's powers with respect to ORM applications appealed to the OMB. The legislation also allows the Minister to make regulations prohibiting site alteration, the cutting or removal of trees or the grading of land in the greenbelt study area.

Source Protection Planning

Conservation Ontario, on behalf of the CAs, participates on two of the province's source water protection committees: the Implementation Committee and the Technical Expert Committee. Both provide advice to the government on tools and approaches to implement watershed-based source protection planning.

The White Paper on Watershed-Based Source Protection Planning released by the province outlines a detailed approach to getting source protection plans underway in a timely manner. The proposed legislation would recognize groupings of existing CA watershed jurisdictions as a means of pooling resources, sharing expertise and coordinating work. Watershed regions would be designated through an agreement between the Minister of the Environment and the affected conservation authorities.

Adopted at Authority Meeting #3/02, held on March 26, 2004, was Resolution #A67/04 in regards to comments on the White Paper on Watershed-Based Source Protection Planning; endorsement of the proposed source protection planning region, encompassing the jurisdictions of TRCA, Central Lake Ontario and Credit Valley conservation authorities; and, approval of TRCA's proposed role as the lead conservation authority for that planning region.

Lakes and Rivers Improvement Act

The Lakes and Rivers Improvement Act (LRIA) was adopted in 1990 and has the following purposes:

- (a) *the management, protection, preservation and use of the waters of the lakes and rivers of Ontario and the land under them;*

- (b) *the protection and equitable exercise of public rights in or over the waters of the lakes and rivers of Ontario;*
- (c) *the protection of the interests of riparian owners;*
- (d) *the management, perpetuation and use of the fish, wildlife and other natural resources dependent on the lakes and rivers;*
- (e) *the protection of the natural amenities of the lakes and rivers and their shores and banks; and*
- (f) *the protection of persons and of property by ensuring that dams are suitably located, constructed, operated and maintained and are of an appropriate nature with regard to the purposes of clauses (a) to (e). 1998, c. 18, Sched. I, s. 23.*

Conservation Ontario, on behalf of the CAs, is working towards a delegation agreement with the Ministry of Natural Resources (MNR) whereby CAs will take responsibility for approvals under the act within their jurisdiction, in an effort to streamline the approvals process and improve customer service. Currently, duplication exists between Sections 14 and 16 of LRIA with Section 28 of the CA Act, therefore a consolidation of required approvals or exempting works that require a Section 28 permit from obtaining a LRIA permit is being explored. The intention is that the CAs will be the administering agency.

Air Quality and Energy Efficiency

TRCA is implementing or participating in numerous programs and initiatives to improve air quality in the Toronto area, including programs designed at improving energy efficiency. One such initiative is the partnership with the Clean Air Partnership (CAP) which the Authority entered into through Resolution #A234/03 at Authority Meeting #8/03, held on October 31, 2003, as follows:

THAT the Chair and Chief Administrative Officer be authorized to enter into a Memorandum of Understanding with The Clean Air Partnership to develop and implement GTA-wide clean air initiatives;

THAT the Toronto and Region Conservation Authority become a partner of the GTA Clean Air Council, and in so doing, submit the attached summary of TRCA clean air initiatives to the Clean Air Council to be incorporated into their next report on Government's Actions on Clean Air in the Greater Toronto Area;

AND FURTHER THAT the Toronto and Region Conservation Authority work with The Clean Air Partnership and GTA Clean Air Council to develop a regional scale clean air plan, as the first joint project of the partnership.

The TRCA and CAP programs meet our common objectives of developing sustainable communities. Further, the TRCA recognizes air quality as an indicator of overall community health which is integrally linked to urban form, water quality, biodiversity and climate change, all of which are relevant issues to The Living City vision. The focus of CAP's programs is to engage the community to reduce local greenhouse gas and smog precursor emissions.

The agenda of The Living City Centre at the Kortright Centre for Conservation as it relates to CAP focuses on energy efficiency, green building design and sustainable community planning. Kortright's existing renewable energy and education programs support CAP's objectives while several of the new programs of The Living City Centre are directly linked to CAP's programs. Common projects include Greening Health Care, the Mayor's Megawatt Challenge and Super-Sustainable Schools. The Mayor's Megawatt Challenge was part of the joint call for action in the 2003 Toronto and Region Inter-governmental Declaration on Clean Air presented at last year's Smog Summit. The program model of The Living City Centre also seeks to work in partnership with similar target audiences, including utilities, schools, businesses, governments and community groups, and to develop and deliver market and community-based strategies to reduce energy use and clean the air.

Clean air initiatives of the TRCA are in the areas of:

- **Transportation** - participation in the Black Creek Transportation Management Association and TRCA's Environmental Management System (EMS) green fleet program.
- **Energy** - purchase of green electricity; EMS program; retrofit of facilities; Smog Alert days and the breathing wall;
- **Natural and Built Environment** - ownership, acquisition and management of extensive natural areas to mitigate some of the negative impacts of air emissions; development of a program to link air quality, ecosystem health and human health parameters; reforestation, naturalization and ecological restoration projects; development of tools for sustainable community principles and design, including measures to reduce emissions from transportation, residential, and commercial use; participation in the Canadian Climate Impacts and Adaptation Research Network (C-CIARN); in water budget modeling, TRCA is incorporating a climate change trend analysis to model impacts on groundwater and surface water; testing and quantifying the feasibility of greenroof systems for stormwater management; and, TRCA's pesticide use policy.
- **Education and Outreach** - partnering with 20/20: The Way to Clean Air, a campaign to help employees reduce their energy use by 20%; participation in the Clean Air Commute Week for staff since 2002; provide workshops regarding home energy and transportation energy reductions and alternative energy to staff; Kortright Centre for Conservation is home to the largest alternative energy demonstration in Canada and conducts many workshops on renewable energy; The Living City Centre program; education programs to students; and, stewardship programs.

TRCA is also moving forward with involvement in Natural Resources Canada Energy Innovators Initiative whereby TRCA commits to a long-term corporate energy management program to reduce energy use.

Report prepared by: Kathy Stranks, extension 5264

For Information contact: Kathy Stranks, extension 5264, Brian Denney, extension 6290

Date: March 16, 2004

Attachments: 2

Attachment 1

Conservation Authorities Act - Section 21(1): Powers of Authorities

The following is an overview of some of the Powers of Authorities from Section 21(1) of the Conservation Authorities Act (CA Act), the regulation or policy governing actions under these powers, and the approval process for decisions made under the power. This is an overview of responsibilities and therefore TRCA is not limited to those outlined here.

Section 21(1) - Powers of Authorities

(a) *to study and investigate the watershed and to determine a program whereby the natural resources of the watershed may be conserved, restored, developed and managed.*

Achieved through development of policy documents which have been, or are to be, approved by the Authority, and endorsed by municipalities and the province. Such documents include: watershed strategies, draft Terrestrial Natural Heritage Strategy (TNHS) and Valley and Stream Corridor Management Program (VSCMP).

(b) *for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;*

Approval to conduct such work is granted by the Authority.

(c) *to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired.*

TRCA has developed the Natural Heritage Lands Protection and Acquisition Project 2001 - 2005 and numerous management plans, all of which are approved by the Authority. These documents determine TRCA's interest and potential use for lands, including granting of permanent and conservation easements. Approval to explore requests for disposal or acquisition of land lies with the Executive Committee, with a decision recommendation to be approved by the Authority. However, if a grant has been made by the Minister of Natural Resources for these lands, approval from the Minister is required.

TRCA is an expropriating agency as outlined in Section 31 of the CA Act, and adheres to the Expropriations Act.

(d) *despite subsection (2), to lease for a term of five years or less land acquired by the authority.*

Decisions are again made by the Authority, using TRCA management plans as a guide. Rental agreements of residential housing owned by TRCA are approved by staff on a yearly basis.

(e) *to purchase or acquire any personal property that it may require and sell or otherwise deal therewith.*

TRCA has a Purchasing Policy, approved by the Authority. This policy outlines the decision making body based on the monetary value of the purchase as follows:

Approval by Staff:

Consultant Selection - < \$5,000

Purchase of goods/services - < \$25,000

Approval by the Executive Committee:

Consultant Selection - \$5,000 to \$99,999.99

Purchase of goods/services - \$25,000 to \$99,999.99

Approval by the Authority:

Consultant Selection - \$100,000 +

Purchase of goods/services - \$100,000 +

- (f) *to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the carrying out of any project.*

Purchase of materials is outlined under Power (e) above. TRCA's Rules of Conduct designates employment powers to the Executive Committee, except for the Chief Administrative Officer, Secretary-Treasurer and such other senior staff as the Authority may designate. Section 30 (d)(i) of the CA Act prescribes that the Executive Committee can not be designated the power to terminate the services of the Secretary-Treasurer.

- (g) *to enter into agreements with owners of private lands to facilitate the due carrying out of any project.*

Section 2.1 of the TRCA Rules of Conduct delegates approval to enter into such agreements to the Executive Committee. If such an agreement has a cost of \$100,000 or greater, than approval would be required by the Authority as per TRCA's Purchasing Policy.

- (h) *to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them.*

The operating budget is determined by modified Current Value Assessment (CVA). The capital budget is determined as follows (a) benefiting within each participating municipality; (b) Generally benefiting all municipalities (CVA). Approval of the levy to participating municipalities is made by the Authority.

- (i) *to erect works and structures and create reservoirs by the construction of dams or otherwise.*
- (j) *to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof.*

The decisions made under powers (i) and (j) are made by either the Executive Committee or Authority, depending on monetary cost, as per the Purchasing Policy. The Minister of Natural Resources and the Lieutenant Governor in Council may make regulations governing various actions of an authority, as per Sections 23 (1), 24 (6) and 28 (6) of the CA Act. TRCA has regard for the following such regulations and policies in making such decisions: Bill 148 - Emergency Plans Act; Lakes and Rivers Improvement Act; The City of Toronto Valley & Shoreline Regeneration Project (2002 - 2006); Erosion Control and Bank Stabilization Projects; and Valley and Stream Corridor Management Program.

(k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole.

TRCA is governed by Section 28 of the CA Act, Ontario Regulation 158 and TRCA's VSCMP. TRCA would also have regard for its draft TNHS policy when making such decisions. As per the CA Act, Administration Regulation and TRCA's Rules of Conduct, decision making authority under this power has been delegated to the Executive Committee.

(l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper;

TRCA management plans and Ontario Regulation 119 are the vehicles used to make decisions under this power. The Authority adopts the management plans, and also makes the decisions for these lands. Further to this power, Section 35 of the CA Act allows for use of water power created on TRCA lands.

(m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;

(m.1) to charge fees for services approved by the Minister;

Again, TRCA management plans and Ontario Regulation 119 are the vehicles used to make decisions under this power. The Authority makes the decision of what work shall be undertaken, while approval for the work itself may be made by the Executive Committee, as per the Purchasing Policy.

(n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations;

Decision authority has been delegated to the Executive Committee, as per Section 2.1 of the Rules of Conduct.

(o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;

Decision authority has been delegated to the Executive Committee, as per Section 2.1 of the Rules of Conduct.

(p) to cause research to be done;

The decision on what research shall be conducted by TRCA is made by the Authority.

(q) generally to do all such acts as are necessary for the due carrying out of any project.

Decisions in this regard may be made by either the Executive Committee or Authority. Decisions will compile with relevant TRCA policies and have regard for other legislation, as required.

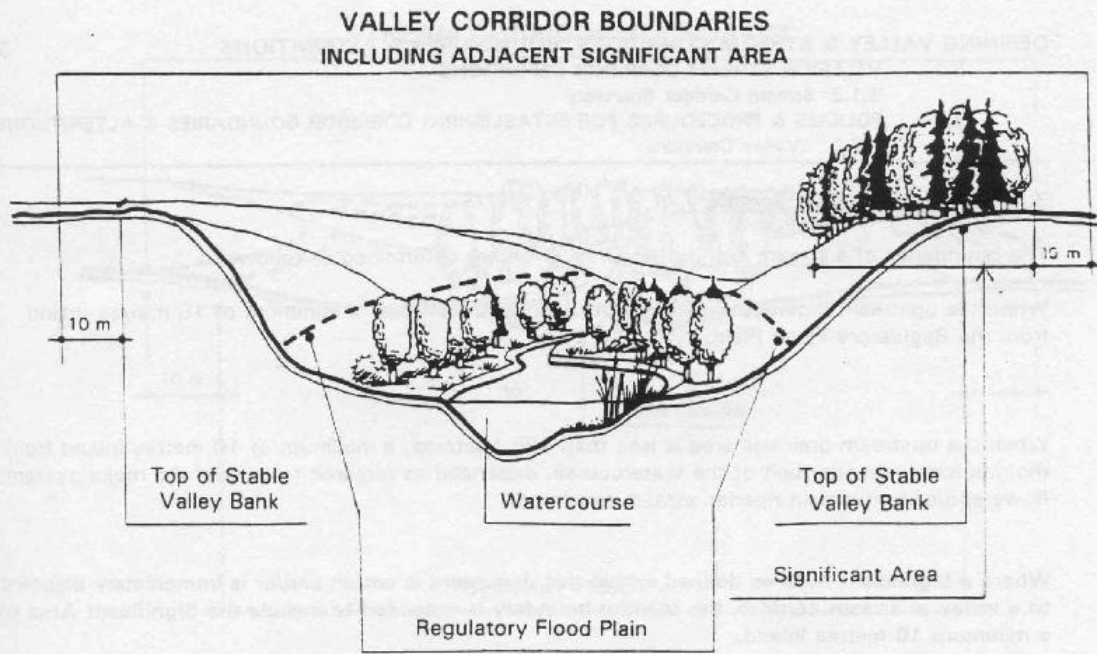
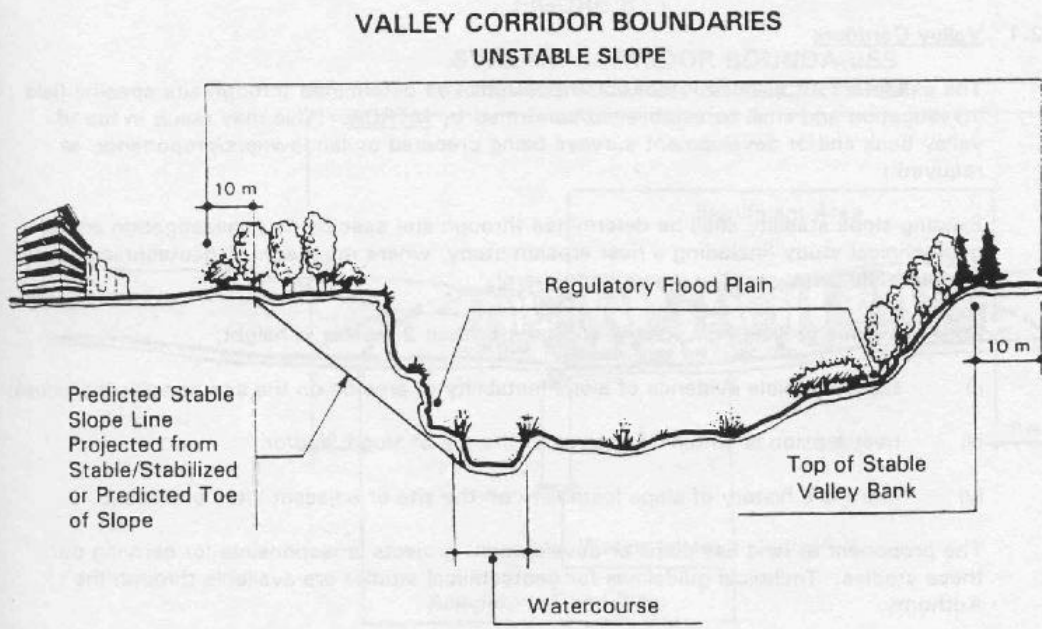


FIGURE 6



TO: Chair and Members of the Authority
Meeting #4/04, April 30, 2004

FROM: James W. Dillane, Director, Finance and Business Development

RE: BLACK CREEK PIONEER VILLAGE
Cultural Tourism Marketing Fund Grant

KEY ISSUE

Approval to enter into agreement with the Ontario Ministry of Culture for a Cultural Tourism Marketing Fund Grant.

RECOMMENDATION

THAT Toronto and Region Conservation Authority (TRCA) enter into an agreement with the Ontario Ministry of Culture to receive funding in the amount of \$103,500 to promote Black Creek Pioneer Village (BCPV) through various marketing initiatives as set out in the agreement;

THAT TRCA provide matching funds of \$34,500 as a condition of the grant; provision for which is made in the 2004 BCPV budget;

AND FURTHER THAT staff be directed to take actions necessary to implement the agreement including the signing of documents.

BACKGROUND

Ontario's tourism and cultural sectors have suffered declines in attendance due to the SARS outbreak and other external factors in 2003. In order to address the declines in attendance, the Ministry of Culture has established the Cultural Tourism Marketing Fund for the purpose of providing eligible cultural organizations with financial assistance to undertake special marketing activities to recapture audiences.

BCPV has applied for and received approval of a grant of \$103,500 for the 2004 promotion of Great Gardens, the Underground Railroad and 2 summer weekend festivals - the Metis Arts Festival and the Celtic Festival.

FINANCIAL DETAILS

Total project cost is \$138,000 of which 75% is funded by the Cultural Tourism Marketing Fund grant. Matching funding of \$34,500 will be contributed through project partnerships, including Parks Canada, the Southern Ontario Unit of the Herb Society of America, the Metis Arts Collective, media sponsorship and donations to BCPV through The Conservation Foundation of Greater Toronto.

Seventy-five percent of the grant will be released upon receipt of the Authority resolution and the signed agreement. Final payment will be made upon receipt of the final project report. This grant effectively doubles the BCPV paid advertising budget for 2004, providing opportunity to increase attendance and revenues and promote special attributes of the attraction more strategically.

Report prepared by: Marty Brent, extension 5403
For Information contact: Marty Brent, extension 5403
Date: April 20, 2004