



THE TORONTO AND REGION CONSERVATION AUTHORITY

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THE TORONTO AND REGION CONSERVATION AUTHORITY

**MEETING OF THE AUTHORITY #2/04
February 27, 2004**

The Authority Meeting #2/04, was held in the South Theatre, Black Creek Pioneer Village, on Friday, February 27, 2004. The Chair Dick O'Brien, called the meeting to order at 10:09 a.m.

PRESENT

Maria Augimeri	Member
David Barrow	Member
Gay Cowbourne	Member
Frank Dale	Member
Rob Ford	Member
David Gurin	Member
Cliff Jenkins	Member
Colleen Jordan	Member
Elaine Moore	Member
Dick O'Brien	Chair
Gerri Lynn O'Connor	Vice Chair
Bill O'Donnell	Member
Linda Pabst	Member
Shelley Petrie	Member
Maja Prentice	Member
Dave Ryan	Member
Andrew Schulz	Member
John Sprovieri	Member
Nancy Stewart	Member

REGRETS

Bas Balkissoon	Member
Glenn De Baeremaeker	Member
Michael Di Biase	Member
Frank Di Giorgio	Member
Bill Fisch	Member
Suzan Hall	Member
Glenn Mason	Member
Peter Milczyn	Member
Michael Thompson	Member

RES.#A34/04 - MINUTES

Moved by: David Barrow
Seconded by: Dave Ryan

THAT the Minutes of Meeting #1/04, held on January 30, 2004, be approved.

CARRIED

PRESENTATIONS

- (a) A presentation by Mike Price, General Manager, Water and Wastewater Service, City of Toronto, in regards to the City of Toronto's Wet Weather Flow Management Master Plan.

RES.#A35/04 - PRESENTATIONS

Moved by: Dave Ryan
Seconded by: Frank Dale

THAT above-noted presentation (a) be heard and received.

CARRIED

CORRESPONDENCE

- (a) A letter dated February 12, 2004 from Joanne Appleyard of 27 Kingsbury Crescent, Scarborough, in regards to proposal for acquisition of 27 Kingsbury Crescent.
- (b) A letter dated February 25, 2004, from Madeleine McDowell, Chair, Humber Heritage Committee, in regards to item 10.1 - City of Toronto Wet Weather Flow Management Master Plan (WWFMMP) Final Report.

RES.#A36/04 - CORRESPONDENCE

Moved by: Maja Prentice
Seconded by: Gay Cowbourne

THAT above-noted correspondence (a) and (b) be received.

CARRIED

CORRESPONDENCE (A)

Jo Anne Appleyard
27 Kingsbury Crescent
Scarborough, Ontario
M1W 1R8

February 12, 2004

VIA FAX: (416) 661-6898

Mr. James W. Dillane
Director, Finance and Business Development
Toronto and Region Conservation Authority
5 Shoreham Drive
Downsview, Ontario M3N 1R4

Dear Mr. Dillane:

Re: 27 Kingsbury Crescent
Scarborough Bluffs

Thank you for your letter of February 11, 2004, received by fax. I appreciate the enclosure of the 'Briefing Notes for Authority Members' - numbers 37 to 56.6 inclusive.

As a result of reasons referred to in your letter, the proposal for acquisition by the TRCA of the above-noted property could not be heard by the Executive Committee at its meeting on February 6, 2004.

I am writing to request that the proposal be listed on the agenda of the Authority meeting scheduled for Friday, February 27, 2004. I propose to be a 'delegation' of one on behalf of my son Peter and myself.

The reasons we believe the property ought to be purchased by the TRCA are indicated throughout the 45-document brief you received on February 6, 2004. Five copies of the brief were delivered to you, and an additional five copies are being sent to your office.

As recently discussed with you, I shall provide you with a written summary of the rationale for the proposed purchase at the meeting with you to be held on or before February 17, 2004.

Yours very truly,


Jo Anne Appleyard

:jag

CORRESPONDENCE (B)

HUMBER HERITAGE COMMITTEE 163 Humbercrest Blvd., Toronto, Ontario M6S 4L5

February 25, 2004.

The Chair and Members,
The Toronto and Region
Conservation Authority,
5 Shoreham Drive,
Downsview, Ontario.
M3N 1S4

Dear Chairman O'Brien;

The Humber Heritage Committee wishes to express its grave concern over the Wet Weather Flow Management Master Plan recommendation for the construction of a deflector arm on the east bank at the mouth of the Humber River.

As we have written previously, the Humber is the largest watershed in the G.T.A. draining an area equivalent to the Don, Rouge and Duffins Creek watersheds combined and has a drop in its length greater than six times the height of Niagara Falls, producing a very rapid scour to Bloor Street.

Below Bloor Street, the river flows in a broad meander through a low lying flat flood plain, largely comprising the ancient Humber Marshes.

By the time the flow reaches Lake Ontario, the current is slowed and as it enters Humber Bay, it is fighting weakly with the opposing currents of Mimico and Etobicoke Creeks and the Lake current.

For several thousand years, the current has turned east along the shoreline protecting the shore from the Lake current.

To extend the east bank approximately two kilometers further, will only cause increased turbidity as the current becomes moribund. It will turn Humber Bay into a silted marsh and strangle the River as was done to the Don a century ago by Toronto engineers.

We understood that one of the purposes of the W.W.F.M.M. Plan was the improvement of Great Lakes water quality in conjunction with the International Commission's Remedial Action Plan.

The expenditure of large sums, which do nothing to improve water quality but potentially damage natural water flow, should be anathema.

2.

The City of Toronto Council recognized this in the budget considerations last year when they instructed the Commissioner to set aside the deflector arm and return to them in April of this year with a further report.

We do not believe that it was intended as a "go ahead" for the project.

Unfortunately the proponents among the civil servants seem to be pursuing its implementation.

April is only a month away and we have heard nothing with regard to the request and report which was to include consultation.

The City's comments in the W.W.F.M.M. Plan Thirty Day Revision Summary Report with regard to the deflector arm are entirely negative to all criticism of the project, giving the impression that the projected cost of 40 million dollars will be spent on this unthinkable assault upon the environment.

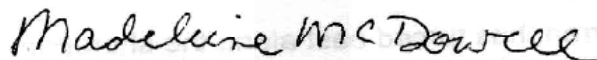
Finally, the Humber Heritage Committee was formed to achieve recognition and preservation of the Humber River's role in Canada's Nationhood and to gain the River status as a Canadian Heritage River. This happened in 1999.

The deflector arm would in all probability cost the River it's C.H.R.S. status, to which we take most emphatic exception.

We urge the Authority to take every action possible to stop the deflection arm.

Thank you for your kind attention.

Yours sincerely;



Madeleine McDowell
Chair, Humber Heritage Committee

SECTION I - ITEMS FOR AUTHORITY ACTION

RES.#A37/04 - CONSULTANT TEAM SELECTION FOR THE DON MOUTH NATURALIZATION AND PORT LANDS FLOOD PROTECTION PROJECT

The selection of a consultant team to develop a Functional Design for the Don Mouth Naturalization and Port Lands Flood Protection Project.

Moved by: Cliff Jenkins
Seconded by: Linda Pabst

WHEREAS the Toronto and Region Conservation Authority (TRCA) has been identified as the recipient agency to undertake the naturalization and flood protection of the mouth of the Don;

WHEREAS the Toronto Waterfront Revitalization Corporation (TWRC) and the TRCA signed a delivery agreement in December 2002 for the sum of \$2 million dollars for the delivery of two projects: the Lower Don River West Remedial Flood Protection Project and the Don Mouth Naturalization and Port Lands Flood Protection Project (DMNP);

WHEREAS the TRCA and the TWRC have recommended that the TRCA's delivery agreement be increased to \$3 million in recognition of the requirement to undertake two separate environmental assessments, increased administration costs, additional design requirements and the complexity of the issues;

WHEREAS the TWRC have requested the TRCA to accelerate the process for the individual environmental assessment (EA) for the Don Mouth Naturalization and Port Lands Flood Protection Project to provide timely input into other related issues;

THEREFORE LET IT BE RESOLVED THAT TRCA staff be directed to proceed with the Don Mouth Naturalization and Port Lands Flood Protection Coordinated Federal and Environmental Assessment Project in two stages to enable work on the individual EA to begin, in anticipation of the federal funding being released shortly;

THAT TRCA staff be directed to proceed with Project Stage One activities, which include conducting required baseline studies for the area, participating in consultation forums, establishing an individual environmental assessment terms of reference (EA ToR) as per the requirements of provincial EA regulations, and other project management activities;

THAT the consultant team led by Gartner Lee Limited be the awarded the contract(s) for the Don Mouth Naturalization and Port Lands Flood Protection Project, subject to TWRC written approval to retain Gartner Lee Limited and TWRC confirmation of funding availability for both stages of the project, as follows:

- a) Stage One Project activities at an upset cost of \$228,000, excluding GST, and**
- b) Stage Two Project activities at an upset cost of \$921,400, excluding GST, for the completion of the coordinated provincial and federal environmental assessment and related activities as per the terms of reference for this project;**

THAT TRCA staff report on the progress of the Stage One activities and progress towards the confirmation of the additional funding, and based on that report request direction from the Authority to proceed with Stage Two Project activities;

THAT TRCA staff be authorized to establish a 10% contingency fund for each of Stage One and Stage Two, to address any additional work required for the purpose of this study;

THAT as a component of the DMNP, TRCA staff budget an upset limit of \$75,000 for a design integration workshop and that the requirement for this workshop be confirmed during the Stage Two Project activities, subject to the confirmation of the TWRC;

THAT the TWRC be advised that the soil and groundwater characterization study related to this project remain an important component, for which the costs are not included in the award of contract(s) to the Gartner Lee Limited team, and in the event that this study is not available from TWRC or its designates, a further contract to address this work will be required at a cost not budgeted for within TRCA's Delivery Agreement;

THAT all the consulting teams be thanked for their participation in this competition;

AND FURTHER THAT staff be authorized and directed to take all necessary actions to implement the foregoing, including the signing of any documents.

CARRIED

BACKGROUND

Delivery Agreement for the Naturalization and Flood Protection for the Lower Don River

On December 17, 2002, a \$2 million Delivery Agreement for the Naturalization and Flood Protection for the Lower Don River was signed between the TWRC and TRCA. This Delivery Agreement called for two separate environmental assessments to be conducted at the mouth of the Don River: the Lower Don River West Remedial Flood Protection Project, which has been proceeding with a team led by Dillon Consulting and the Don Mouth Naturalization and Port Lands Flood Protection Project, the subject of the report.

Approvals from the federal government are anticipated shortly. In October 2003, the TWRC and TRCA approached the three levels of government to approve a \$1 million increase in funding for the two projects under this Delivery Agreement due to the recognition of the requirement to undertake two separate environmental assessments, the increased administration costs, the additional design requirements and the complexity of the issues involved.

Don Mouth Naturalization and Port Lands Flood Protection Project

The goal of this project is to develop a Functional Design and the projected costs for the Don Mouth Naturalization and Port Lands Flood Protection Project, through a federally-provincially coordinated environmental assessment process. This project has two objectives:

1. Naturalize the mouth and lower reaches of the Don River.
2. Permanently remove approximately 230 hectares of the Port Lands from the Regulatory Floodplain.

For the purposes of this Request for Proposal, naturalization refers to the establishment of a confined floodplain within the lower reaches and mouth of the Don River, which will, over the long-term:

- improve aquatic and terrestrial ecological function through the establishment of habitat priorities and targets based upon site and ecosystem analysis;
- contribute to the elimination of flooding to the Port Lands through Spill Zones 1 and 2 (figure 2), without exacerbating flood risk elsewhere;
- address sediment transport, deposition and potential ice jam conditions and impacts;
- accommodate changes in flows and Lake Ontario water levels resulting from climate change;
- enhance recreation opportunities and local aesthetics;
- provide natural habitat and pedestrian and bicycle trail linkages between Lake Ontario and the Don Watershed;
- mitigate soil and groundwater pollution from lands within the area identified for naturalization and flood protection works;
- enhance the low flow habitat conditions within the Don Narrows, if possible. The Don Narrows extends from Riverdale Park to the north side of the CN Railway (to be confirmed during the EA process - proposals will include a separate budget and schedule for the consideration of naturalization options north of Queen Street);
- protect and celebrate cultural heritage resources; and
- reduce or minimize the public's risk of exposure to West Nile virus.

Any naturalization alternatives to be considered that are unable to entirely contain the Regulatory Flood within the constructed floodplain, will require the identification and study of additional permanent flood protection measures to meet the second objective.

Given the high degree of urbanization and the large number of waterfront revitalization projects that are proceeding concurrently within the project area, all concepts being considered will need to be coordinated with other projects, strategies, plans and studies - both ongoing and completed. In addition to meeting all of the above conditions, naturalization-flood control alternatives must maintain existing road traffic capacity and maintain a rail connection to the Port Industrial Area. The rail condition may not be required pending the results of other concurrent planning processes.

On April 8, 2003, the first Technical Advisory Committee (TAC) meeting for the Naturalization and Flood Protection for the Lower Don River was held. Thirty-five representatives from twenty-six agencies and stakeholder groups attended this meeting. TAC members were presented the objectives for the Don Mouth Naturalization and Port Lands Flood Protection Project and a sub-committee was established to review the consultant proposals at the appropriate time.

At the August 29, 2003 TAC Meeting #2/03, TAC members were presented with the draft Request for Proposals for the DMNP and were requested to provide comments on the document.

On September 4, 2003, a Request for Expressions of Interest for the DMNP was submitted to thirty consulting firms that had previously expressed interest in the two Lower Don River Projects, and to the BidNavigator Website.

On September 26, 2003, five consulting teams submitted Expressions of Interest. These consulting teams were headed by the following:

1. Conestoga-Rovers and Associates
2. Golder Associates Limited
3. Gartner Lee Limited
4. Dillon Consulting Limited
5. MacViro

The Expression of Interest submitted by Conestoga-Rovers and Associates was disqualified as it arrived at the TRCA Head Office past the deadline.

Following a detailed evaluation of the four remaining Expressions of Interest, the TRCA, with the agreement of TWRC, invited the four remaining consulting teams to submit a proposal for the Don Mouth Naturalization and Port Lands Flood Protection Project on October 10, 2003. An on-site consultants meeting was held on October 17, 2003.

Consultant teams were asked to prepare a proposal to undertake the following activities as part of this project:

1. Review existing information to identify information gaps
2. Develop a detailed work plan, schedule, budget and delivery plan
3. Conduct a socioeconomic study of the area
4. Integrate baseline studies being conducted by others
 - Aquatic Habitat Study (TRCA)
 - Terrestrial Habitat Study (TRCA)
 - Cultural Heritage Study (TRCA)
 - Hydraulic Modeling Study (MMM)
 - Soils and Groundwater Characterization Study (TWRC through Canada Lands Company)
5. Rail Corridor Impact Assessment
6. Risk assessment for West Nile virus
7. Sediment Transport Study
8. Participate in public and stakeholder communications
 - Technical Advisory Committee
 - International Design Workshop
 - Public consultation forums
 - Project update meetings
 - Stakeholder meetings
9. Undertake all other required activities for the preparation and submission of the EA Terms of Reference and Individual EA document, including production of alternative designs
10. Undertake all other required activities for the preparation and submission of the Canadian Environmental Assessment Act (CEAA) document, including the development of the Functional Design
11. Project administration

The following four teams submitted proposals on November 11, 2003:

1. Golder Associates Limited
2. Gartner Lee Limited
3. Dillon Consulting Limited
4. MacViro - Brown & Storey

A budget breakdown of the four proposals and completion dates as they were submitted are as follows:

Budget Item	Golder	Gartner Lee	MacViro	Dillon
Project Costs	\$861,930.00	\$1,399,566.00	\$1,501,464.00	\$1,800,586.00
+ GST	\$60,335.00	\$97,970.00	\$105,102.48	\$126,041.00
Total Project Costs	\$922,265.00	\$1,497,536.00	\$1,606,566.48	\$1,926,627.00
Study Completion	April 2006	January 2007	May 2006	July 2006

PROPOSAL REVIEW PROCESS

Proposal Presentation

The four consulting teams presented their proposals to the TAC at meeting #3/03, held on November 18, 2003. TAC members were given the opportunity to request clarification following each presentation from the consulting team. After all four presentations were completed, TAC members discussed, in general terms, the presentations and highlighted key issues that should receive special attention during the detailed proposal review. TAC members identified that the key attributes that the successful consulting team should possess are as follows:

- 1) Very strong understanding of, and experience with, the EA process (provincial and federal).
- 2) Strong technical expertise in the fields of sediment transport, hydraulics / hydrology, contaminated soils and engineering.
- 3) Strong communication and collaboration skills, as well as the ability to be adaptable, are critical.

Overall, TAC members seemed to lean towards the presentations provided by Dillon and Gartner Lee.

Proposal Evaluations

TRCA staff and the TAC Proposal Review Sub-Committee received copies of the four proposals for evaluation by November 17, 2003.

The proposals were evaluated based on the following criteria

1. Delivery approach;
2. Ability to meet timelines;
3. Conformity to administrative and delivery agreement requirements; and
4. Innovation.

TRCA Staff Evaluation

Following the staff review, follow-up questions were submitted to Gartner Lee and Dillon to clarify concerns raised by TRCA staff.

TAC Proposal Review Sub-Committee

The TAC Proposal Review Sub-Committee met with TRCA staff on November 27, 2003 to provide their evaluation and comments on the proposals. The TAC Proposal Review Sub-Committee consisted of representatives from the following agencies and stakeholders:

1. City of Toronto - Waterfront Secretariat (represented staff from Water & Waste Water, Transportation Services, Community Planning, Parks & Recreation, Policy & Development and TEDCO).
2. Ministry of Natural Resources;
3. Ontario Realty Corporation;
4. Task Force to Bring Back the Don; and
5. Toronto Waterfront Revitalization Corporation.

Comments were also received from representatives of GO Transit and CN pertaining to railway operations and infrastructure, following the sub-committee meeting. A representative from Transport Canada was invited to sit on the sub-committee, however their issues were deemed to have been adequately addressed following the inclusion of their comments into the Request for Proposals, prior to submission to the consulting teams.

The TAC Sub-Committee concluded that either Dillon or Gartner Lee would be well suited to carry out this project, however, it was unanimous from all sub-committee members that Gartner Lee was ranked first overall. While the proposals from the Golder Associates team and the MacViro-Brown & Storey team had many excellent elements, both taken in as an overall package as defined in the Request for Proposal, they however fell short of the proposals prepared by Gartner Lee and Dillon.

Following the TAC Proposal Review Sub-Committee meeting, TRCA accepted the unanimous decision of the sub-committee to enter into contract negotiations with Gartner Lee Limited on December 19, 2003, to review this proposal, to identify cost-saving measures and to address the funding difficulties identified above.

Contract Negotiation Meeting with Gartner Lee

TRCA staff met with Gartner Lee staff on December 19, 2003 to discuss ways to reduce the overall project budget without undermining key desirable components, and to schedule for a two stage approach.

It was identified that Stage One would involve the development of the EA Workplan and the Individual EA Terms of Reference (as required for the provincial EA process). Stage Two activities would be to conduct the coordinated EA process and to develop a finalized Functional Design for a naturalized mouth of the Don.

Stage One	\$228,600.00
Stage Two	\$921,400.00
TOTAL	\$1,150,000.00

DETAILS OF WORK TO BE DONE

On TRCA and TWRC approval, and with written confirmation that the original \$2 million has been approved by the three levels of government, Gartner Lee Limited will immediately commence the Stage One authorized activities. The project schedule calls for the completion and approval of the Environmental Assessment Terms of Reference by Spring 2005. Stage Two activities will commence only after receipt of written approval from TWRC that the additional \$1 million has received approval from the levels of government. Stage Two activities, including the development of the Functional Design, and the completion of an Individual EA and CEAA Screening Report should be completed by Spring 2006.

Staff will provide status reports to the TRCA upon the completion of key project milestones. The TWRC, through the Portlands preparation priority project, has been working with Canada Lands Company to develop a delivery agreement that would include characterization of groundwater and soil contamination which is important to this project. At this point, no agreement for this work has been finalized, however, work is proceeding by the Canada Lands Company to retain a consultant to initiate this work as though the Delivery Agreement was in effect. In the unlikely event that this work is not carried out by the Canada Lands Company, TRCA may be required to carry out this work as an amendment to the contract with Gartner Lee, requiring a second Delivery Agreement between the TRCA and TWRC.

FINANCIAL DETAILS

Funds for the consulting team will be invoiced through the Toronto Waterfront Revitalization Corporation on a monthly basis, through account number 191-01.

Report prepared by: Ken Dion, extension 5230
For Information contact: Ken Dion, extension 5230
Date: February 19, 2004

RES.#A38/04 -

NATURAL HERITAGE LANDS PROTECTION AND ACQUISITION PROJECT 2001-2005

Flood Plain and Conservation Component / Duffins Creek Watershed
1320991 Ontario Ltd., CFN 35037. Purchase of property located west of
the 10th Line, north of 19th Avenue (Village of Stouffville), Town of
Whitchurch-Stouffville, Regional Municipality of York, under the "Natural
Heritage Lands Protection and Acquisition Project 2001-2005", Flood
Plain and Conservation Component, Duffins Creek Watershed.
(Executive Res.#B2/04)

Moved by: Frank Dale
Seconded by: Rob Ford

THAT 1.17 hectares (2.89 acres), more or less, of vacant land be purchased from 1320991 Ontario Ltd., being Part of Lot 33, Concession 9 and designated as Block 28 on a draft Plan of Subdivision prepared by Donevan Fleischmann Petrich Ltd., Ontario Land Surveyors, under their Job No. 2002-191-2, Town of Whitchurch-Stouffville, Regional Municipality of York, located west of the 10th Line, north of 19th Avenue (Village of Stouffville);

THAT the purchase price be \$2.00;

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

THAT the firm of Gardiner Roberts LLP, Barristers and Solicitors, 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 the appropriate TRCA officials be authorized and directed to execute all necessary documentation required.

CARRIED

RES.#A39/04 -

NATURAL HERITAGE LANDS PROTECTION AND ACQUISITION PROJECT 2001-2005

Flood Plain and Conservation Component / Duffins Creek Watershed
Lebovic Enterprises Ltd., CFN 35038. Purchase of property located west of the 10th Line, north of 19th Avenue (Village of Stouffville), Town of Whitchurch-Stouffville, Regional Municipality of York, under the "Natural Heritage Lands Protection and Acquisition Project 2001-2005", Flood Plain and Conservation Component, Duffins Creek Watershed.
(Executive Res.#B3/04)

Moved by: Frank Dale
Seconded by: Rob Ford

THAT 3.10 hectares (7.66 acres), more or less, of vacant land be purchased from Lebovic Enterprises Ltd., being Part of Lot 34, Concession 9 and designated as Block 68 and 69 on a draft Plan of Subdivision prepared by Donevan Fleischmann Petrich Ltd., Ontario Land Surveyors, under their Job No. 2002-191-1, together with a hydro easement across Block 68, Town of Whitchurch-Stouffville, Regional Municipality of York, located west of the 10th Line, north of 19th Avenue (Village of Stouffville);

THAT the purchase price be \$2.00;

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

THAT the firm of Gardiner Roberts LLP, Barristers and Solicitors, 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 the appropriate TRCA officials be authorized and directed to execute all necessary documentation required.

CARRIED

RES.#A40/04 - NATURAL HERITAGE LANDS PROTECTION AND ACQUISITION PROJECT 2001-2005
Flood Plain and Conservation Component / Humber River Watershed
Lindy Barrow, CFN 35034. Acquisition of a conservation easement, located on the east side of Innis Lake Road, north of Patterson Sideroad, Town of Caledon, Regional Municipality of Peel, Humber River Watershed.
(Executive Res.#B4/04)

Moved by: Frank Dale
Seconded by: Rob Ford

THAT a conservation easement for the protection of the environmental features and functions containing 2.8 hectares (6.9 acres), more or less, consisting of an irregular shaped parcel of land, be purchased from Lindy Barrow, said land being Part of Lot 27, Concession 2 (Albion) and designated as Part 5 on a Draft Plan of Survey prepared by Young & Young Surveying Inc., under their project No. 03-B4677A, Town of Caledon, Regional Municipality of Peel, on the east side of Innis Lake Road, north of Patterson Sideroad;

THAT the purchase price of the conservation easement be \$2.00;

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

THAT the firm of Gardiner Roberts LLP, Barristers and Solicitors, 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 the appropriate TRCA officials be authorized and directed to execute all necessary documentation required.

CARRIED

RES.#A41/04 - NATURAL HERITAGE LANDS PROTECTION AND ACQUISITION PROJECT 2001-2005

Flood Plain and Conservation Component / Humber River Watershed
The Estate of H.T.W. Atcheson (c/o Fred Smith), CFN 35033. Acquisition of a conservation easement, located on the east side of Innis Lake Road, north of Patterson Sideroad, Town of Caledon, Regional Municipality of Peel, Humber River Watershed.

(Executive Res.#B5/04)

Moved by: Frank Dale
Seconded by: Rob Ford

THAT a conservation easement for the protection of the environmental features and functions containing 18.7 hectares (46.2 acres), more or less, consisting of an irregular shaped parcel of land, be purchased from The Estate of H.T.W. Atcheson c/o Fred Smith, said land being Part of Lot 27, Concession 2 (Albion) and designated as Part 2 on a draft Plan of Survey prepared by Young & Young Surveying Inc., under their Project No. 03-B4677A, Town of Caledon, Regional Municipality of Peel, on the east side of Innis Lake Road, North of Patterson Sideroad;

THAT the purchase price of the conservation easement be \$2.00;

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

THAT the firm of Gardiner Roberts LLP, Barristers and Solicitors, 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 the appropriate TRCA officials be authorized and directed to execute all necessary documentation required.

CARRIED

RES.#A42/04 -

MERIN INVESTMENTS INC. AND THE CORPORATION OF THE TOWN OF MARKHAM

Request for a Permanent Easement for a Storm Sewer and Outfall in Exchange for a Small Fragment of Land, CFN 34886. Receipt of a request from Merin Investments Inc. and the Corporation of the Town of Markham to provide a permanent easement for storm sewer and outfall in exchange for a small fragment of land, located east of Markham Road, south of Regional Road #7, in the Town of Markham, Regional Municipality of York, Rouge River Watershed.
(Executive Res.#B6/04)

Moved by: Frank Dale
Seconded by: Rob Ford

THAT WHEREAS the Toronto and Region Conservation Authority (TRCA) is in receipt of a request from Merin Investments Inc. and the Corporation of the Town of Markham to provide a permanent easement for storm sewer and outfall in exchange for a small fragment of land, located east of Markham Road, south of Regional Road #7, in the Town of Markham, Regional Municipality of York, Rouge River Watershed;

AND WHEREAS it is in the opinion of TRCA that it is in the best interests of the TRCA in furthering its objectives, as set out in Section 20 of the Conservation Authorities Act, to cooperate with the Merin Investments Inc. and the Corporation of the Town of Markham in this instance;

THEREFORE LET IT BE RESOLVED THAT TRCA provide a permanent easement for storm sewer and outfall in exchange for a small fragment of land on the following basis:

- a) **The permanent easement containing a total of 0.036 hectares (0.088 acres), more or less, be granted to the Corporation of the Town of Markham for storm sewer and outfall, said land being Part of the West Half of Lot 9, Concession 8, Town of Markham, Regional Municipality of York;**
- b) **Merin Investments Inc. will convey to TRCA a fragment of land containing a total of 0.011 hectares (0.028 acres), more or less, said land being Part of the West Half of Lot 9, Concession 8, Town of Markham, Regional Municipality of York; and**
- c) **Merin Investments Inc. is to pay TRCA the consideration of \$22,243.00, plus all legal, survey, and other costs;**

THAT the Merin Investments Inc. is to fully indemnify the TRCA from any and all claims for injuries, damages, or costs of any nature, resulting in any way, either directly or indirectly, from the granting of this easement or carrying out of construction;

THAT a permit pursuant to Ontario Regulation 158 be obtained prior to the commencement of construction;

THAT Merin Investments Inc. provide security by way of Letter of Credit to ensure all construction is done to the satisfaction of TRCA;

THAT Merin Investments Inc. ensure that TRCA's tenant has access to the rental dwelling at all times during construction;

THAT the conveyance of land be subject to a landscaping plan, subject to the approval of TRCA staff;

THAT an archaeological review be carried out with any mitigative measures being carried out to the satisfaction of TRCA, all at the expense of Merin Investments Inc.;

THAT said easement be subject to the approval of the Minister of Natural Resources in accordance with Section 21(2) of the Conservation Authorities Act, R.S.O. 1990, Chapter C.27 as amended;

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

CARRIED

RES.#A43/04 -

FRENCHMAN'S BAY - WEST ROUGE CANOE CLUB

Licence Agreement Extension, CFN 26339. To extend the temporary licence agreement with the West Rouge Canoe Club for the existing location on the west spit of Frenchman's Bay in the City of Pickering for the next three years commencing with the period November 1, 2003 to October 31, 2004.

(Executive Res.#B7/04)

Moved by: Frank Dale

Seconded by: Rob Ford

THAT the request to extend the temporary licence agreement with the West Rouge Canoe Club for a paddling facility on Frenchman's Bay for the next three years commencing November 1, 2003, be approved subject to conditions satisfactory to Toronto and Region Conservation Authority (TRCA) staff and solicitor;

THAT the Authority's approval be subject to the City of Pickering Council's concurrence with the temporary licence agreement extension for the next three years;

THAT the appropriate TRCA officials be authorized and directed to take whatever action is required in connection with the continuation of the West Rouge Canoe Club paddling facility on TRCA lands, including the execution of appropriate documents;

AND FURTHER THAT the City of Pickering be so advised.

CARRIED

RES.#A44/04 - PHASE 2 CONSULTING ASSIGNMENT FOR THE SUSTAINABLE REDESIGN OF THE LIVING CITY CENTRE AT KORTRIGHT

The re-evaluation of the Toronto and Region Conservation Authority's (TRCA) sustainable building opportunities with respect to the redesign of The Living City Centre at Kortright, and subsequent revision to Phase 2 of the consulting team's scope of work for professional services.

(Executive Res.#B8/04)

Moved by: Frank Dale

Seconded by: Rob Ford

THAT Phase 2 of architectsAlliance's consulting assignment to provide professional services for the sustainable building, site and infrastructure redesign for The Living City Centre at Kortright be revised to reflect the recommended options evaluated during the Phase 1 work by both the consulting team and staff;

THAT Phase 2 of the previously approved work plan be sub-divided into detailed design, tendering and construction administration components, costing \$146,425 (excluding GST) and \$380,675 (excluding GST), respectively, to reflect a new construction limit of \$5.4 million, based on a 7.5% architectural fee;

THAT the design fees be allocated on a sliding scale basis, as contained in the architectsAlliance fee proposal, and be prorated accordingly, should the final construction costs be lower than the estimated \$5.4 million;

THAT staff proceed with the Phase 2 tendering and construction component of the project upon successful completion of a detailed design by architectsAlliance, and once capital funding is secured;

THAT staff be authorized to approve additional unspecified expenditures to a maximum of fifteen percent of the total design fees as a contingency allowance to architectsAlliance, if deemed necessary;

AND FURTHER THAT staff continue to provide updates to the Authority on the status of the project.

CARRIED

RES.#A45/04 - TORONTO AND REGION CONSERVATION AUTHORITY ROLE IN SUSTAINABILITY

Overview of the work of the Toronto and Region Conservation Authority (TRCA) in furthering in development of more sustainable urban and rural communities.

(Sustainability Communities Res.#E4/04)

Moved by: Andrew Schulz

Seconded by: Colleen Jordan

THAT the program of activities set out in the staff report and as presented in the summary of The Living City Centre programs be endorsed;

AND FURTHER THAT staff be directed to seek further opportunities and new partnerships which will support the efforts of the Toronto and Region Conservation Authority's member municipalities to create more sustainable urban and rural communities.

CARRIED

RES.#A46/04 - PEEL AND YORK CHILDREN'S WATER FESTIVALS

Report on 2003 festivals and direction to participate and deliver Toronto and Region Conservation Authority (TRCA) programs at the 2004 York and Peel Children's Water Festivals.

(Sustainability Communities Res.#E5/04)

Moved by: Andrew Schulz

Seconded by: Colleen Jordan

THAT staff continue to work with the Peel and York Festival Planning Committees to deliver the education and stewardship programs and products to achieve the objectives of TRCA's watershed management plans and The Living City program;

THAT staff continue to work with the Regions of Peel and York to assist them in achieving sustainability objectives in the planning and delivery of the children's water festivals;

THAT members of the Authority be invited to attend the VIP day at the festivals (Peel Festival on May 31, 2004 and York Festival on Tuesday, May 18, 2004);

AND FURTHER THAT staff report back to the Sustainable Community Board on the progress of these festivals.

CARRIED

RES.#A47/04 - CITY OF TORONTO WET WEATHER FLOW MANAGEMENT MASTER PLAN (WWFMMP) FINAL REPORT

Toronto and Region Conservation Authority (TRCA) comments on the Wet Weather Flow Management Master Plan, Wet Weather Flow Policy, and opportunities for TRCA to assist the City of Toronto in the plan's implementation.

(Watershed Mgt. Res.#D3/04)

Moved by: Linda Pabst
Seconded by: Bill O'Donnell

WHEREAS the City of Toronto's Wet Weather Flow Management Master Plan provides detailed recommendations for addressing stormwater, combined sewer overflow, and infiltration/inflow problems, which have been identified by the Toronto and Region Remedial Action Plan (Clean Waters Clear Choices, 1994) and local watershed management strategies (Forty Steps to a New Don -1994, Legacy - A Strategy for a Healthy Humber -1997; and Greening Our Watersheds - Revitalization Strategies for Etobicoke and Mimico Creeks, 2002) as representing the most significant sources of impairment to Toronto's watersheds and waterfront;

WHEREAS the City's WWFMMP study followed an innovative, comprehensive approach;

THEREFORE LET IT BE RESOLVED THAT the Chair of the Authority send a letter of congratulations to the City of Toronto on the completion of the Wet Weather Flow Management Master Plan and express TRCA's intent to assist the City of Toronto with the plan's implementation;

THAT the TRCA promote a consistent approach to wet weather flow management among all municipalities throughout the Toronto watersheds through inter-regional workshops and joint projects;

THAT TRCA staff assist in WWFMMP implementation by incorporating specific actions within work programs including: watershed planning studies, wet weather flow policy, Regional Watershed Monitoring Network, ongoing education, outreach, stewardship and regeneration programs, and stormwater management technology performance evaluations;

AND FURTHER THAT staff continue to meet regularly and work with City of Toronto staff on the completion of the technical and management guidelines to support the implementation of Wet Weather Flow Policy and projects.

CARRIED

RES.#A48/04 - TRANSPORT CANADA'S GREEN SPACE MASTER PLAN
Overview of the draft master plan for Transport Canada's Federal Green Space Lands and the proposed public consultation process.
(Watershed Mgt. Res.#D4/04)

Moved by: Linda Pabst
Seconded by: Bill O'Donnell

THAT staff review the master plan for Transport Canada's Federal Green Space Lands and prepare a follow-up report with recommendations to enable the Toronto and Region Conservation Authority (TRCA) to provide comments directly to Transport Canada;

THAT staff be directed to participate in the outlined public consultation process;

THAT the TRCA continue to work with Transport Canada to ensure that planning for Green Space Lands achieves the implementation of the A Watershed Plan for the Duffins Creek and Carruthers Creek, the Rouge North Management Plan, the Eastern Markham Strategic Review and the Oak Ridges Moraine Conservation Plan;

AND FURTHER THAT staff prepare a report on the outcomes of the public consultation process, proposed governance models for the Green Space Lands and future partnership opportunities with Transport Canada.

CARRIED

RES.#A49/04 - UPDATE ON THE WEB-BASED MAP DATA SERVER - "JUTURNA" PROJECT

Report on the project close for JUTURNA (a pilot web-based data management and Geographic Information System) under the Toronto and Region Conservation Authority's (TRCA) Regional Watershed Monitoring Program in the Humber watershed.
(Watershed Mgt. Res.#D5/04)

Moved by: Linda Pabst
Seconded by: Bill O'Donnell

THAT staff be directed to review the options for the expansion of this web-based map/data system to report on additional monitoring indicators in the Humber, other watersheds and the waterfront within the TRCA jurisdiction.

CARRIED

RES.#A50/04 - UXVILLE PROPERTIES LTD. ONTARIO MUNICIPAL BOARD HEARING

Township of Uxbridge, Regional Municipality of Durham. Authorization for party status before the Ontario Municipal Board (OMB) on referrals related to a draft plan of subdivision and zoning by-law amendment to permit an industrial subdivision on the Oak Ridges Moraine.
(Watershed Mgt. Res.#D6/04)

Moved by: Linda Pabst
Seconded by: Bill O'Donnell

THAT party status before the Ontario Municipal Board regarding approval of a draft plan of subdivision and zoning by-law amendment which are not in conformity with the Oak Ridges Moraine Conservation Act and Plan, be authorized;

THAT staff continue to work cooperatively with our municipal partners, provincial agencies and appellants by ensuring that the requirements of the Oak Ridges Moraine Conservation Act and Plan are upheld;

THAT staff be authorized to retain legal counsel to pursue this appeal before the Ontario Municipal Board;

AND FURTHER THAT the Ontario Municipal Board and all parties and participants to the hearing be so advised.

CARRIED

RES.#A51/04 - ASIAN LONGHORNED BEETLE (ALHB)
Status report on the survey and eradication efforts and Toronto and Region Conservation Authority (TRCA) expenditures in regard to ALHB
(*Watershed Mgt. Res.#D7/04*)

Moved by: Linda Pabst
Seconded by: Bill O'Donnell

THAT the Toronto and Region Conservation Authority continue to provide staff to assist in with field survey requirements at a total estimated cost of \$365,000, to be reimbursed by the Canadian Food Inspection Agency (CFIA), to the end of 2004;

THAT staff continue to assist in the development and implementation of ALHB survey, data collection and eradication protocols, on a cost recovery basis;

THAT staff be directed to identify potential TRCA properties that may be suitable for temporary wood collection and disposal operations in advance of the Ministerial Order;

THAT staff be authorized to engage certified arboricultural contractor(s) to support the timely completion of the host tree removal program as requested by CFIA, subject to the conditions of TRCA's Purchasing Policy;

AND FURTHER THAT staff report back on progress made towards a tree replacement program and implications for the TRCA.

CARRIED

RES.#A52/04 -

MEANDER BELT WIDTH DELINEATION PROCEDURES

To adopt a standard Toronto and Region Conservation Authority (TRCA) protocol for meander belt width delineation.
(*Watershed Mgt. Res.#D8/04*)

Moved by: Linda Pabst
Seconded by: Bill O'Donnell

THAT the report entitled "Belt Width Delineation Procedures", prepared by Parish Geomorphic Limited, be adopted as the standard protocol for delineating the meander belt width of watercourses within the jurisdiction of the Toronto and Region Conservation Authority;

AND FURTHER THAT TRCA staff be directed to undertake the preparation of a guidance document for the application of meander belt width delineation principles, as well as other guidelines and objectives of the TRCA and its partner agencies, in the design of watercourse crossings.

CARRIED

RES.#A53/04 -

AMENDMENT TO TERMS OF REFERENCE

Humber Watershed Alliance: 2004 - 2006 and Don Watershed Regeneration Council: 2004 - 2006. Amendments to Section 3 of the Terms of Reference for the Humber Watershed Alliance and Don Watershed Regeneration Council: 2004-2006.
(*Watershed Mgt. Res.#D9/04*)

Moved by: Linda Pabst
Seconded by: Bill O'Donnell

THAT the following amendments be made to Section 3.0 of the Terms of Reference for the Humber Watershed Alliance: 2004 - 2006 and the Don Watershed Regeneration Council: 2004 - 2006:

- i) the membership from the Toronto and Region Conservation Authority (TRCA) outlined in Section 3.1 be amended to read: "the Chair is Ex-officio"; and**
- ii) the subsection reference to 3.1.3 in the second paragraph of Section 3.6 be amended to 3.3, such that the paragraph read: "Resignations may be filled based on the recommendation of the selection committee as described in Item 3.3 above."**

CARRIED

RES.#A54/04 - ENVIRONMENTAL ASSESSMENT FOR THE NATURALIZATION AND FLOOD PROTECTION OF THE LOWER DON RIVER

Additional members to be appointed to the Community Liaison Committee for the Lower Don River West Remedial Flood Protection Project.

(Watershed Mgt. Res.#D10/04)

Moved by: Linda Pabst
Seconded by: Bill O'Donnell

THAT the positions available to community associations on the Community Liaison Committee (CLC) that were still vacant by the time Resolution #A198/03 was approved at Authority meeting #7/03, be filled with the community representatives listed in the staff report, to assist the TRCA and consultants in reaching out and maintaining contact with community residents, groups, associations and organizations;

THAT the CLC provide community input to the Toronto and Region Conservation Authority (TRCA) for the Lower Don River West Remedial Flood Protection Project, as required;

AND FURTHER THAT additional members of the public, as indicated in the staff report, be appointed to the Community Liaison Committee.

CARRIED

RES.#A55/04 - SECTION II - ITEMS FOR EXECUTIVE ACTION

Moved by: Maja Prentice
Seconded by: Gerri Lynn O'Connor

THAT Ontario Regulation 158 items 8.8.1 - 8.8.21, inclusive, contained in Section II of Executive Committee Minutes #1/04, held on February 6, 2004, be received.

CARRIED

RES.#A56/04 - SECTION II - ITEMS FOR EXECUTIVE ACTION

Moved by: Maria Augimeri
Seconded by: Linda Pabst

THAT Section II item 8.10, contained in Executive Committee Minutes #1/04, held on February 6, 2004, be received.

CARRIED

RES.#A57/04 - SECTION II - ITEMS FOR EXECUTIVE ACTION

Moved by: Bill O'Donnell
Seconded by: Elaine Moore

THAT Section II items 8.11 - 8.16, with the exception of 8.14 - Pine Valley Drive Link - OPA 600 OMB Appeal, contained in Executive Committee Minutes #1/04, held on February 6, 2004, be received.

CARRIED

Section II Items 8.11 - 8.16, with the exception of 8.14

PRODUCTION OF AN INTEGRATED WATERSHED TRAILS MAP

(Executive Res.#B16/04)

HYDROGEOLOGICAL CONSULTANT SERVICES

(Executive Res.#B17/04)

SHOREPLAN ENGINEERING LIMITED - CONTRACT EXTENSION

(Executive Res.#B18/04)

TORONTO REGION SUSTAINABILITY PROGRAM: TRANSITION PHASE/ ENVIRONMENT CANADA

(Executive Res.#B22/04)

ADMINISTRATION FEES FOR PLANNING SERVICES AND PERMITTING

(Executive Res.#B23/04)

COMMITTEE OF THE WHOLE

RES.#A58/04

Moved by: David Barrow
Seconded by: Gerri Lynn O'Connor

THAT the committee move into closed session to discuss item 8.14 - Pine Valley Drive Link - OPA 600 OMB Appeal.

CARRIED

ARISE AND REPORT

RES.#A59/04

Moved by: Gay Cowbourne
Seconded by: Maja Prentice

THAT the committee arise and report from closed session.

CARRIED

RES.#A60/04 - SECTION II - ITEMS FOR EXECUTIVE ACTION

Moved by: Bill O'Donnell
Seconded by: Elaine Moore

THAT Section II item 8.14 - Pine Valley Drive Link - OPA 600 OMB Appeal, contained in Executive Committee Minutes #1/04, held on February 6, 2004, be received.

CARRIED

SECTION IV - ITEMS FOR THE INFORMATION OF ANOTHER BOARD

RES.#A61/04 - SECTION IV - ITEMS FOR THE INFORMATION OF ANOTHER BOARD

Moved by: Nancy Stewart
Seconded by: David Barrow

THAT Section IV item 9.3 - Phase 2 Consulting Assignment for the Sustainable Redesign of The Living City Centre at Kortright, contained in Sustainable Communities Board Minutes #1/04, held on February 6, 2004, be received.

CARRIED

NEW BUSINESS

RES.#A62/04 - LAND ADJACENT TO WOOD GREEN RAVINE

Moved by: Gerri Lynn O'Connor
Seconded by: Gay Cowbourne

THAT staff report back on the status of, and the Toronto and Region Conservation Authority's interest in, the City of Toronto owned land adjacent to the Wood Green Ravine;

AND FURTHER THAT the local councillor and the City of Toronto be so advised.

CARRIED

TERMINATION

ON MOTION, the meeting terminated at 11:45 a.m., on Friday, February 27, 2004.

Dick O'Brien
Chair

Brian Denney
Secretary-Treasurer

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