

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature et des
Parcs



Office of the Minister

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NOV 05 2019

357-2019-2024

Ms. Nancy Gaffney, Waterfront Specialist
Watershed Strategies Division
Toronto and Region Conservation Authority
5 Shoreham Drive
Downsview ON M3N 1S4
ngaffney@trca.on.on.ca

Dear Ms. Gaffney:

Thank you for the September 4, 2018 submission of the Scarborough Waterfront Project Amended Environmental Assessment. The Ministry of the Environment, Conservation and Parks has completed its review of the environmental assessment, and I wish to inform you that I have approved the undertaking subject to conditions in the Notice of Approval.

Attached is a signed copy of the Notice of Approval to Proceed with the Undertaking as required by the *Environmental Assessment Act*. Please be advised that the Toronto and Region Conservation Authority must ensure that the undertaking is designed, constructed and operated in accordance with the commitments set forth in the environmental assessment and the conditions outlined in the attached Notice of Approval.

Should you have any questions, please contact Cindy Batista, Special Project Officer in the Environmental Assessment and Permissions Branch, at 416-314-7225 or cindy.batista@ontario.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Yurek".

Jeff Yurek
Minister of the Environment, Conservation and Parks

Attachment

c: Doly Begum, MPP, Scarborough Southwest
Vijay Thanigasalan, MPP, Scarborough – Rouge Park
Mitzie Hunter, MPP, Scarborough Guildwood



Ontario

**Executive Council of Ontario
Order in Council**

**Conseil exécutif de l'Ontario
Décret**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

WHEREAS subsection 9(1) of the *Environmental Assessment Act* (the "Act") provides that the Minister of the Environment, Conservation and Parks, with the approval of the Lieutenant Governor in Council, may give approval to proceed with an undertaking, give approval to proceed with an undertaking subject to such conditions as the Minister considers necessary to carry out the purpose of the Act, or refuse to give approval to proceed with an undertaking; and

WHEREAS a Notice of Completion of the Review for the amended environmental assessment for the Scarborough Waterfront Project (the "undertaking") was published on February 22, 2019 and 110 submissions were received from the public before the prescribed deadline; and

WHEREAS, having considered the purpose of the Act, the amended environmental assessment of the undertaking, the terms of reference, the Ministry review of the environmental assessment and the submissions received, the undersigned Minister of the Environment, Conservation and Parks is of the opinion that the undertaking should be given approval to proceed, subject to the conditions specified in the attached approval;

THEREFORE, pursuant to subsection 9(1) of the *Environmental Assessment Act*, approval to proceed with the undertaking is given in the form attached, subject to the conditions specified therein.

ATTENDU QUE le paragraphe 9 (1) de la *Loi sur les évaluations environnementales* (la « Loi ») prévoit que le ministre de l'Environnement, de la Protection de la nature et des Parcs peut, avec l'approbation du lieutenant-gouverneur en conseil, autoriser l'exploitation d'une entreprise, autoriser l'exploitation d'une entreprise aux conditions que le ministre estime nécessaires pour réaliser l'objet de la Loi ou refuser d'autoriser l'exploitation d'une entreprise;

ATTENDU QU'un avis d'achèvement de l'examen de l'évaluation environnementale modifiée liée au projet du secteur riverain de Scarborough (l'« entreprise ») a été publié le 22 février 2019 et que 110 observations ont été reçues du public avant la date limite prescrite;

ATTENDU QUE, ayant pris en considération l'objet de la Loi, l'évaluation environnementale modifiée de l'entreprise, le cadre de référence, l'examen de l'évaluation environnementale par le ministère et les observations reçues, le ministre de l'Environnement, de la Protection de la nature et des Parcs soussigné est d'avis que l'exploitation de l'entreprise devrait être autorisée, sous réserve des conditions précisées dans l'autorisation ci-jointe;

PAR CONSÉQUENT, en vertu du paragraphe 9 (1) de la *Loi sur les évaluations environnementales*, l'autorisation de l'exploitation de l'entreprise est donnée dans le formulaire ci-joint, sous réserve des conditions qui y sont précisées.


Recommended: Minister of the Environment, Conservation and Parks

Recommandé par : Le ministre de l'Environnement, de la Protection de la nature et des Parcs


Concurred: Chair of Cabinet

Appuyé par : Le président | la présidente du Conseil des ministres

Approved and Ordered:
Approuvé et décrété le : SEP 13 2019



Lieutenant Governor
La lieutenante-gouverneure

ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING

RE: An Environmental Assessment for the Scarborough Waterfront Project

Proponent: Toronto and Region Conservation Authority

EA File No.: 03-02

EA Reference No.: 14134

Take notice that the period for requesting that the application or matters related to the application be referred to the Environmental Review Tribunal for a hearing and decision expired on March 29, 2019. I received no submissions requesting a hearing by the Environmental Review Tribunal before the expiration date.

Having considered the purpose of the Environmental Assessment Act, the approved terms of reference, the environmental assessment, the ministry review of the environmental assessment and submissions received, I hereby give approval to proceed with the undertaking, subject to the conditions set out below.

REASONS

My reasons for my decision are:

- (1) The proponent has complied with the requirements of the Environmental Assessment Act.
- (2) The environmental assessment has been prepared in accordance with the approved Terms of Reference.
- (3) On the basis of the proponent's environmental assessment and the ministry review, the proponent's conclusion that, on balance, the advantages of this undertaking outweigh its disadvantages appears to be valid.
- (4) The proponent has demonstrated that the environmental effects of the undertaking can be appropriately prevented, changed, mitigated or remedied.
- (5) The proponent has demonstrated that the preferred alternative achieves the most appropriate balance of advantages to disadvantages.
- (6) On the basis of the proponent's environmental assessment, the ministry review and the conditions of approval, the construction, operation and maintenance of the undertaking will be consistent with the purpose of the Environmental Assessment Act (section 2).
- (7) The ministry's review of: the government, public and Indigenous community submissions on the environmental assessment and the ministry review has indicated no outstanding concerns that have not been addressed or that cannot be addressed through commitments made during the environmental assessment process, through the conditions set out below or through future approvals that will be required.
- (8) I am not aware of any outstanding issues with respect to this undertaking which suggest that a hearing should be required; as such, a hearing is unnecessary and would cause undue delay to the implementation of the undertaking.

CONDITIONS

The approval is subject to the following conditions:

1. Definitions

1.1 For the purposes of these conditions:

"construction" means physical construction activities, including site preparation works, but does not include the tendering of contracts.

"Date of Approval" means the date on which the Order in Council pertaining to the approval of the environmental assessment was signed by the Lieutenant Governor in Council.

"Director" means the Director of the Environmental Assessment and Permissions Branch of the ministry.

“environmental assessment” means the document titled Scarborough Waterfront Project Environmental Assessment, as amended in September 2018.

“ministry” means the Ministry of the Environment, Conservation and Parks.

“proponent” means Toronto and Region Conservation Authority, its agents, successors, and assigns.

“Regional Director” means the Director of the ministry’s Central Regional Office.

“undertaking” means the design, construction, and maintenance of a continuous multi-use trail along and near the waterfront, improved pedestrian access to the waterfront, and erosion control works to address risk to public safety and increase natural habitats, along approximately 11 kilometres of shoreline from Bluffer’s Park east to East Point Park/Highland Creek in the City of Toronto, as described in the environmental assessment.

2. General Requirements

- 2.1 The proponent shall implement the undertaking in accordance with the environmental assessment, which is hereby incorporated into this Notice of Approval by reference, except as provided in the conditions of this Notice of Approval and as provided in any other approval or permit that may be issued for this undertaking.
- 2.2 Should the proponent wish to make changes to any document required by these conditions after the document has been accepted or approved by the ministry, the proponent shall obtain the written approval for the proposed changes from the ministry decision-maker in the condition requiring the document.
- 2.3 For any document required by these conditions to be prepared, submitted and/or posted publicly by the proponent, the Director may determine that the proponent is no longer required to prepare, submit or post the document. The Director shall provide written notice of the decision to the proponent. Until such time as the proponent has received written notice from the Director, the proponent must continue to prepare, submit and/or post the document as required by the conditions.
- 2.4 The proponent shall fulfill all commitments made in the environmental assessment.
- 2.5 The conditions of the Notice of Approval do not prevent more restrictive conditions being imposed under other statutes.

3. Public Record

- 3.1 Where a document is required for the public record, the proponent shall post the document on the proponent’s website and shall provide one hardcopy and one electronic copy of the document to the Director.
- 3.2 The environmental assessment Reference Number 14134 and File Number 03-02 shall be quoted on all documents submitted to the ministry pursuant to this Notice of Approval.

3.3 For every document submitted to the ministry, the proponent shall clearly identify which condition of approval the document is meant to fulfill.

4. Compliance Monitoring Program

4.1 The proponent shall prepare and submit to the Director for approval and for the public record an environmental assessment compliance monitoring program.

4.2 The compliance monitoring program shall be submitted to the Director within 60 days of the Date of Approval or such other date agreed upon by the Director in writing.

4.3 The compliance monitoring program shall include a description of how the proponent will:

a. monitor implementation of the undertaking in accordance with the environmental assessment with respect to mitigation measures, public consultation, and additional studies and work to be carried out;

b. monitor compliance with the conditions in this Notice of Approval; and

c. monitor compliance with all commitments made in the environmental assessment with respect to mitigation measures, public consultation, Indigenous consultation, and additional studies and work to be carried out.

4.4 The compliance monitoring program shall include an implementation schedule for monitoring activities to be completed.

4.5 The Director may require the proponent to amend the compliance monitoring program at any time. Should an amendment be required, the Director will notify the proponent in writing of the required amendment and the date by which the proponent must complete and submit the amendment to the Director.

4.6 The proponent shall submit the amended compliance monitoring program to the Director within the time period specified by the Director in the written notice.

4.7 The proponent shall implement the compliance monitoring program, including any amendments to it.

5. Compliance Reporting

5.1 The proponent shall prepare an annual compliance report outlining the results of the compliance monitoring program (Condition 4).

5.2 The first compliance report shall be submitted to the Director for review and for the public record one year following the Date of Approval. Each subsequent annual compliance report shall be submitted on the date that is the anniversary of the Date of Approval thereafter. Each report shall cover the previous year.

- 5.3 The proponent shall submit annual compliance reports until all conditions in this Notice of Approval are satisfied or the proponent is instructed otherwise in writing by the Director.
- 5.4 The proponent shall notify the Director in writing when the final annual compliance report is being submitted. The ministry will confirm whether the annual compliance reporting requirements in Conditions 5.1-5.3 have been fulfilled and the Director will confirm this in writing to the proponent.
- 5.5 The proponent shall retain, either in the proponent's office or in another location approved by the Director, copies of the annual compliance reports for each reporting year and any associated documentation of compliance monitoring activities. The proponent shall post the annual compliance reports for each reporting year on its website.
- 5.6 The proponent shall make the compliance reports and associated documentation available to the Director or a designate in a timely manner when requested to do so by the ministry.

6. Complaint Protocol

- 6.1 The proponent shall prepare and implement a complaint protocol for dealing with and responding to inquiries and complaints during all stages of the undertaking. The complaint protocol shall include a procedure for notifying the Regional Director of any complaints received by the proponent.
- 6.2 The proponent shall submit the complaint protocol to the Director for approval and for the public record at least 30 days before the start of construction or such other date that is agreed upon by the Director in writing.
- 6.3 The Director may require the proponent to amend the complaint protocol at any time. Should an amendment be required, the Director shall notify the proponent in writing of the amendment required and when the amendment must be completed.
- 6.4 The proponent shall submit an amended complaint protocol to the Director within the time period specified by the Director.
- 6.5 The proponent shall implement the complaint protocol and any amendments to it.
- 6.6 The proponent shall include a summary of the complaints received and how they were addressed in each of the annual compliance reports required by Condition 5.

7. Consultation During the Detailed Design Phase

- 7.1 During the detailed design phase of the undertaking, the proponent shall consult with the Ministry of Natural Resources and Forestry and the Ministry of the Environment, Conservation and Parks on the following: mitigation and timing window for in-water works; shoreline treatments; multi-use trail and land requirements for permanent

infrastructure; and, restoration works, prior obtaining any necessary approvals and/or permits.

- 7.2. During the detailed design phase of the undertaking, the proponent shall consider maximizing, maintaining or creating new sandy shorelines, consistent with the undertaking's objectives as described in the environmental assessment.
- 7.3 Prior to any construction of the trail through the East Segment of the undertaking on Dow Chemical Canada ULC's ("Dow Chemical") land as described in the environmental assessment, the proponent shall:
- (a) consult with Dow Chemical on the impacts of the trail on the company's operations;
 - (b) address public safety and site security concerns identified by Dow Chemical related to its operations and advise the company in this regard; and,
 - (c) report to the Director about how concerns in clause (b) will be addressed.

Any refinements that may be required to the trail shall be carried out in accordance with the amending procedures in the environmental assessment.

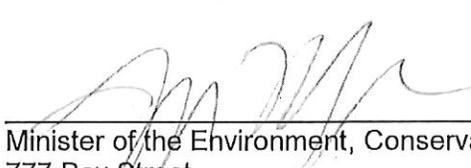
8. Change Process

- 8.1 The proponent shall notify the Director in writing of any proposed change to the undertaking that could result in greater adverse environmental effects than were identified in the environmental assessment. The proponent shall follow the amendment procedure as set out in Chapter 9 of the environmental assessment.

9. Duration of Approval

- 9.1 If construction of the undertaking has not commenced within 10 years of the Date of Approval, this Notice of Approval shall expire, unless otherwise extended by the Minister.

Dated the 5th day of Sept 2019 at TORONTO.


Minister of the Environment, Conservation and Parks
777 Bay Street
College Park 5th Floor
Toronto, Ontario
M7A 2J3

Approved by O.C. No. 1340/2019

Date O.C. Approved September 13, 2019