

**Scarborough Waterfront Project
Environmental Assessment**

**ENVIRONMENTAL ASSESSMENT
COMPLIANCE MONITORING PROGRAM**

**Per Provincial Environmental Assessment
Notice of Approval Condition 4**

EA-03-02/14134

Version 1

Date	Revision	Revisions(s)	Originator
Sept. 13, 2020		Provided to MECP for review	Katherine Hills Learney, TRCA

Scarborough Waterfront Project Environmental Assessment Compliance Monitoring Program
September 13, 2020

TABLE OF CONTENTS

1	FORWARD	1
2	PROJECT BACKGROUND	1
3	PROJECT AREA	1
3.1	West Segment – Bluffer’s Park to Meadowcliffe	3
3.2	Central Segment – Meadowcliffe to Grey Abbey	3
3.3	East Segment – Grey Abbey to East Point Park/Highland Creek.....	5
4	REGULATORY FRAMEWORK	5
5	ENVIRONMENTAL ASSESSMENT NOTICE OF APPROVAL CONDITIONS	8
5.1	Public Record.....	8
5.2	Compliance Monitoring Program	9
5.3	Compliance Report.....	9
5.4	Complaint Protocol.....	10
5.5	Consultation During the Detailed Design Phase	11
5.6	Change Process.....	12
5.7	Duration of Approval.....	12
6	COMPLIANCE MONITORING PROGRAM	12
6.1	Baseline Conditions Monitoring	14
6.2	Environmental Assessment Compliance Monitoring	15
6.2.1	EA Notice of Approval Conditions	15
6.2.2	EA Commitments and Mitigation Measures	16
6.2.3	Other Environmental Approvals.....	26
6.3	Environmental Performance Monitoring.....	27
7	IMPLEMENTATION SCHEDULE	28
8	DOCUMENTATION REQUIREMENTS	28
9	ANNUAL COMPLIANCE REPORT	28

LIST OF FIGURES

Figure 1. Scarborough Waterfront Project Area and Shoreline Segments	2
Figure 2. West Segment from Bluffer's Park to Meadowcliffe	4
Figure 3. Central Segment Meadowcliffe to Grey Abbey	6
Figure 4. East Segment: Grey Abbey to East Point Park.....	7

LIST OF TABLES

Table 1. West Segment: Monitoring Phases and Implementation Timelines	13
Table 2. Central Segment: Monitoring Phases and Implementation Timelines	13
Table 3. East Segment: Monitoring Phases and Implementation Timelines	14
Table 4. Notice of Approval Conditions Fulfillment Status Monitoring – Checklist.....	16
Table 5. EA Commitments for Detailed Design, Construction and Establishment – Checklist ...	17
Table 6. Mitigation Measures Fulfillment Status Monitoring – Checklist	19
Table 7. EA Public Consultation Provisions Status Monitoring – Checklist	23
Table 8. Other EA Commitments, Additional Studies and Work Recommendations for Monitoring – Checklist.....	24
Table 9. Potential Permits and Approvals.....	26

LIST OF APPENDICES

APPENDIX A.....	29
Appendix A.1 – Notice of Approval	
Appendix A.2 – Compliance Monitoring Program Extension	
APPENDIX B – Condition 4 Approval Requirements	38
APPENDIX C – Baseline Conditions Monitoring.....	43

1 FORWARD

This report has been prepared to satisfy Condition 4 of the Notice of Approval (EA-03-02/14134) for the Scarborough Waterfront Project (SWP) Environmental Assessment (EA) for the development of a Compliance Monitoring Program.

2 PROJECT BACKGROUND

Toronto and Region Conservation Authority (TRCA), in partnership with the City of Toronto, undertook an EA for the SWP, from Bluffer's Park east to East Point Park in the City of Toronto. This section of the Scarborough waterfront has been subject to many studies seeking to understand stressors on the ecosystem, public access issues and the nature of public safety and property risks posed by shoreline erosion. While the Scarborough Bluffs are an iconic feature of the Lake Ontario shoreline, due to limited public access and existing public safety hazards, the water's edge along this section of the waterfront is not formally accessible to the public. Ultimately, the SWP has the potential to create a regional destination park, which would provide formal public access along a currently inaccessible area of the Scarborough waterfront, while comprehensively addressing the risks to public safety and public property and enhancing the natural heritage system.

The vision of the SWP is to create a system of greenspaces along the Lake Ontario shoreline which respect and protect the significant natural and cultural features of the Bluffs, enhance the terrestrial and aquatic habitat, and provide a safe and enjoyable waterfront experience.

The project objectives are as follows:

- 1) **Natural Environment:** Protect and enhance terrestrial and aquatic natural features and linkages.
- 2) **Risk:** Manage public safety and property risk.
- 3) **Experience:** Provide an enjoyable waterfront experience.
- 4) **Coordination:** Maintain consistency and coordinate with other initiatives.
- 5) **Value for Cost:** Maximize the benefits achieved through the Project in relation to the estimated Project cost.

Background information regarding the natural heritage elements and processes on adjacent lands can be found in the Scarborough Waterfront Project Environmental Assessment and Appendices (TRCA 2018).

3 PROJECT AREA

Project works will be focused along the shoreline area, including both the toe and top of the Bluffs, and will include any identified access routes. This area is referred to as the Project Area (**Figure 1**).

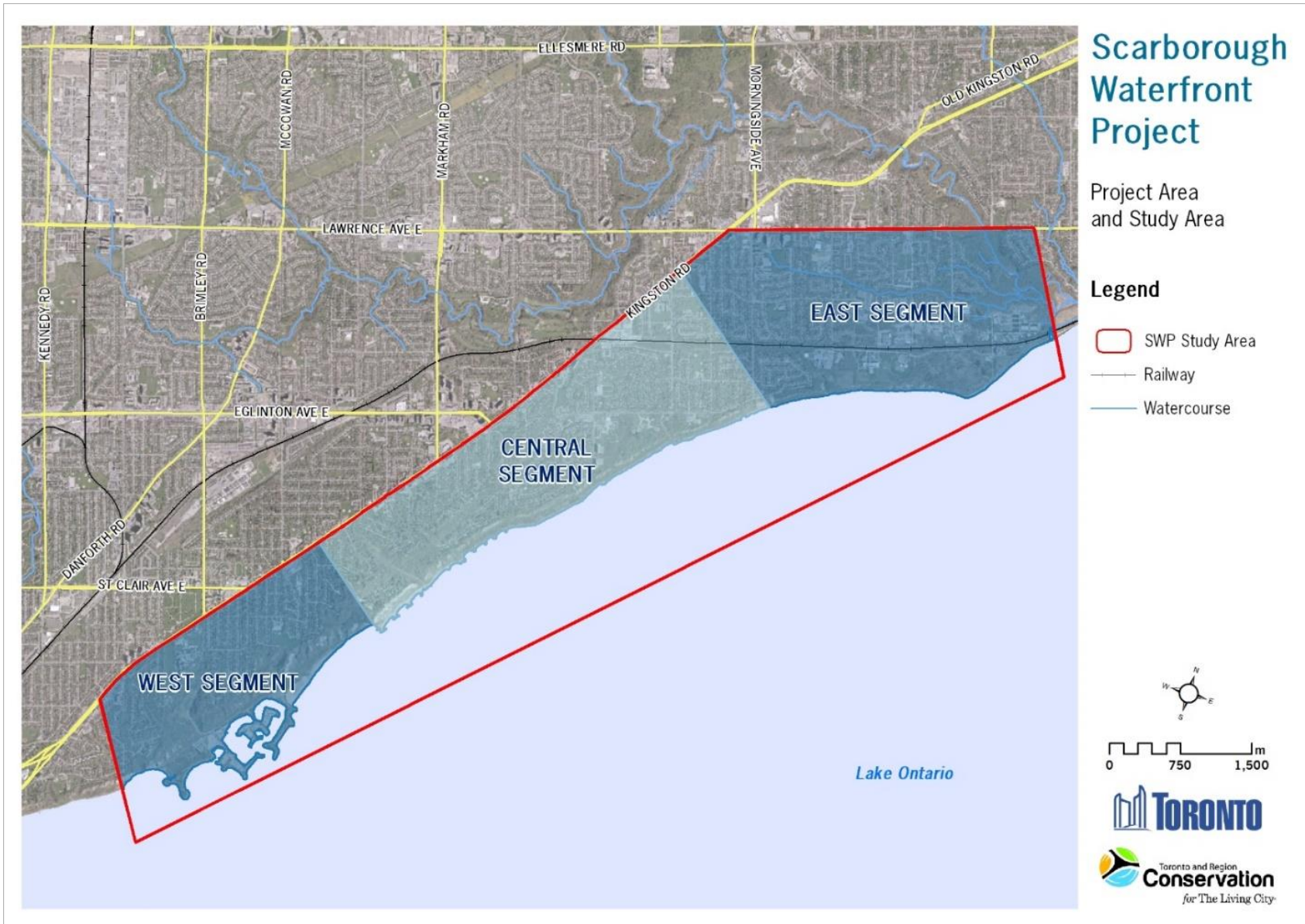


Figure 1. Scarborough Waterfront Project Area and Shoreline Segments

To help facilitate the Alternatives development and evaluation process, the Project Area was divided into three shoreline segments, recognizing the distinct characteristics along each:

- **West Segment – Bluffer’s Park to Meadowcliffe**
Bluffer’s Park is located at the foot of Brimley Road South and provides a range of active and passive recreational opportunities. A sand beach extends along the eastern portion of the segment but stops approximately 320m west of the Meadowcliffe Drive erosion control project to the east.
- **Central Segment – Meadowcliffe to Grey Abbey**
Shoreline protection works exist along the length of this segment. There is no formal public access along the base of the bluffs, although it is frequently used by the public.
- **East Segment – Grey Abbey to East Point Park/Highland Creek**
While some shoreline protection works exist, the majority of the shoreline consists of a sandy shoreline, a cohesive profile overlain by a veneer of sand. East Point Park is located along the tablelands near the eastern portion of the segment and provides a range of active and passive recreational opportunities.

3.1 West Segment – Bluffer’s Park to Meadowcliffe

Bluffer’s Park is a dominant physical feature and located at the foot of Brimley Road South on the Lake Ontario shoreline. The boat basin and headlands constructed for the Park in the 1970s have contributed to the stabilization and vegetation of the Bluffs located behind the Park and the accumulation of the sand beach to the east, which is designated as a Blue Flag Beach. The implementation of a berm and wetland along the backshore of this area in 2009 contributed to local water quality and habitat improvements, conditions which must be maintained or improved through the SWP.

The Wide Beach concept will be completed as the preferred alternative for the West Segment of the SWP as depicted in **Figure 2**. It involves lakeward extensions of both the east headland at Bluffer’s Park and the west headland at Meadowcliffe Drive to allow for the accumulation of sand along Bluffer’s Park Beach. This involves the development of an interim groyne mid-way along the beach, in addition to a raised berm to allow for the collection of beach sand. The expansion of Bluffer’s Park Beach has been designed to blend easily with the existing headland beach system at Meadowcliffe, closing the 320 m gap below Cudia Park and providing a continuous connection between the West and Central Segments of the SWP.

3.2 Central Segment – Meadowcliffe to Grey Abbey

The full length of the Central Segment has been subject to previous shoreline protection works and as such, the Bluffs are at varying stages of reaching their long-term stabilized slope. The existing shoreline protection between the Sylvan and Meadowcliffe shorelines, and the shoreline protection at the Guild Park and Gardens shoreline, were undertaken to provide temporary protection to tableland infrastructure in the interim.



Figure 2. West Segment from Bluffer's Park to Meadowcliffe

As shown in **Figure 3**, the Central Segment project components include the addition of a new headland-cobble beach at the base of Doris McCarthy Trail, an outlook headland at the base of the Guild construction access route, and the regeneration of the existing protection works along the Guild Park and Gardens shoreline. The existing construction access route that runs along the base of the bluffs through this Segment will be formalized, providing a continuous publicly accessible and safe multi-use trail along the shoreline that is removed from erosion risk.

The addition of two small coastal wetlands on both the eastern and western sides of the public gathering space at the base of the Guild construction access route, and a shoreline wetland feature adjacent to the public gathering space at the base of the Doris McCarthy Trail/Bellamy Ravine have been identified.

3.3 East Segment – Grey Abbey to East Point Park/Highland Creek

The shoreline through the East Segment is generally unaltered and no shoreline protection exists, with the exception of approximately 490 m of privately owned shoreline where landowners and the City have installed private shoreline protection works in an attempt to address toe erosion.

The shoreline through East Segment (**Figure 4**) provides limited aquatic habitat diversity as a result of historical stonehooking activities, which removed thousands of tonnes of stone and rock from the nearshore areas. There is no formal access connecting the tableland to the shoreline in the East Segment, and as a result, there are a number of informal foot trails down the bluff face throughout East Point Park, fragmenting the sensitive bluff communities, and reducing the integrity of the habitat.

4 REGULATORY FRAMEWORK

The EA for the SWP was completed in two stages as required by the *EA Act*. Stage one included the completion and approval of a Terms of Reference, which described how the EA should be carried out and provided the public, agencies and Aboriginal communities with an opportunity to comment prior to proceeding with the study. TRCA completed the Terms of Reference and it was approved by the Ministry of Environment and Climate Change (MOECC) on December 15, 2015. Stage two of the Project included the completion of the EA planning process and preparation of the EA Report in accordance with the approved Terms of Reference.

The Draft EA Report was submitted to the MOECC on August 17, 2017 for a 45-review day review period for public, agency and other stakeholder comment. Following the draft review period, the EA Report was revised and finalized. The Final EA was submitted to the MOECC, now Ministry of Environment, Conservation and Parks (MECP), for formal Ministry Review on June 15, 2018. The Final EA was made available for public review for seven weeks, with the comment period ending on August 3, 2018. Following the completion of TRCA's responses to comments received and minor document amendments, the Ministry Review was released for public and agency comment on February 22, 2019 for a regulated five-week comment period, ending on March 29, 2019.



Figure 3. Central Segment Meadowcliffe to Grey Abbey



Figure 4. East Segment: Grey Abbey to East Point Park

Responses to comments on the Ministry Review were prepared by TRCA and provided to MECP for further internal review by staff, and subsequently the Minister. TRCA received approval for the Final EA from the Minister of MECP November 5, 2019. The Notice of Approval, dated September 13, 2019, can be found in **Appendix A.1**.

TRCA, in partnership with the City of Toronto, will proceed with the initiation of detailed design works for the SWP starting in 2020. Detailed design and subsequent construction of the Project will be undertaken in phases. The West Segment will be the priority as there continues to be an increasing need to ensure safe access to and through Bluffer's Park for thousands of annual visitors. Following completion of the West Segment detailed design phase, it is expected that Central Segment detailed design will be completed while West Segment construction is underway.

As per the conditions stipulated as part of the Notice of Approval issued to TRCA by MECP, further consultation with key stakeholders and MECP will be required prior to the implementation of any works within the East Segment. As such, East Segment design and construction are not anticipated to commence for another seven to ten years.

5 ENVIRONMENTAL ASSESSMENT NOTICE OF APPROVAL CONDITIONS

This section includes the EA Notice of Approval conditions and actions that will be taken in order to meet the conditions of approval set out in the Notice of Approval. The complete list of the Notice of Approval Conditions can be found in chart format in **Appendix B** and further supported as described below.

5.1 Public Record

In accordance with the requirements identified in the EA Notice of Approval, where a document is required for the public record, copies will, at a minimum, be distributed as identified in the EA Notice of Approval conditions as indicated below.

Condition of Approval #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.*

5.2 Compliance Monitoring Program

The preparation and submission of this Compliance Monitoring Program is intended to fulfill the requirements identified in the EA Notice of Approval. A copy of the Compliance Monitoring Program will be kept on-site at all times along with annual reports. Copies of these reports will be made available to MECP and/or others in a timely fashion upon request.

The EA Compliance Monitoring Program is outlined in **Section 6**.

Condition of Approval #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;*
 - 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.*

5.3 Compliance Report

Annual reporting of the entire monitoring program will summarize the degree to which the Project complies with EA and permitting objectives, in addition to construction best management practices (BMPs), most of which are anticipated to be conditions of some or all of the permitting requirements. This reporting may also serve the purpose of determining if additional restoration activities are needed to improve project performance, satisfy requirements of funding agencies or future funding applications, ensure key project findings are compiled, and to document various monitoring activities for future reference. The conditions for the Compliance Report are defined below.

Condition of Approval #5: Compliance Report

- 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.*

As TRCA received approval for the SWP EA from the Ministry on November 5, 2019, an extension was requested to complete the Compliance Monitoring Program and first Annual Compliance Report. TRCA was granted approval for the extension as noted in **Appendix A.2**. Therefore, the first Compliance Report is due September 13, 2020 with subsequent reports due annually on September 13 each year thereafter for the duration of implementation.

5.4 Complaint Protocol

A complaint protocol will be developed during the detailed design project phase and will be submitted to the MECP and is intended to fulfill the requirements identified in the EA Notice of Approval.

Condition of Approval #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.*

5.5 Consultation During the Detailed Design Phase

Public engagement has been a key element of the SWP EA process. There is an involved community associated with the SWP who expect to remain involved throughout the remainder of the Project.

On-going consultation with MNR and MECP will be completed during the detailed design phase to discuss appropriate mitigation and timing windows for in-water works, shoreline treatments, multi-use trail and land requirements for permanent infrastructure, and restoration prior to obtaining all necessary permits and approvals. In addition, through the detailed design process, TRCA is committed to exploring opportunities for maximizing, maintaining and/or developing new sandy shorelines, as described in the EA, ensuring the design optimizes habitat gain and considers minimizing the development footprint to smaller areas, where possible.

Further discussions with Dow Chemical Canada ULC will also be conducted prior to implementation of the East Segment to mitigate any public safety and security concerns associated with the project.

A copy of the discussions will be provided to the MECP for review and comment. Any changes or comments provided by the Ministry will be provided for the public record.

Condition of Approval #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 to 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.

5.6 Change Process

In the event any changes to the undertaking may occur which may result in a greater adverse environmental effect will be amended as laid out in Chapter 9 of the EA.

Condition of Approval #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.

5.7 Duration of Approval

Based on the complexity of the SWP, it has been separated into three separate Segments for design and implementation, as illustrated in **Table 1**, **Table 2** and **Table 3** in **Section 6**. The anticipated schedule for all Segments is for construction to have commenced within ten years of this Notice of Approval. Should there be any discrepancy in the proposed implementation timeline where condition cannot be met, we will consult with the Minister for the potential extension of the Approval.

Condition of Approval #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.

6 COMPLIANCE MONITORING PROGRAM

A Compliance Monitoring Program has been developed in accordance with Condition 4 of the EA Notice of Approval. A comprehensive monitoring program is a critical element of the SWP from pre-design through to the operational/establishment phase. The monitoring program is carried out throughout the life of the project and consists of EA compliance monitoring, baseline conditions monitoring and environmental performance monitoring.

The results of the monitoring program are to be submitted on an annual basis, as per the EA Notice of Approval Condition 4.

The relationship between monitoring program components and high-level anticipated schedule are illustrated in the tables below. Due to the size and complexity of the SWP, the Project Area was divided into three Segments, which will be phased over a 12-15 year period. Each of the monitoring program components is described in sections below.

Table 1. West Segment: Monitoring Phases and Implementation Timelines

West Segment	Project Planning & EA Approvals (2015 – 2019)	Detailed Design (2020 – 2021) & Construction (2021 – 2027)	Operation/ Establishment (2027 – 2032)
Baseline Conditions Monitoring	—————→		
EA Compliance Monitoring		—————→	
Environmental Performance Monitoring		—————→	

Table 2. Central Segment: Monitoring Phases and Implementation Timelines

Central Segment	Project Planning & EA Approvals (2015 – 2019)	Detailed Design (2022) & Construction (2023 – 2027)	Establishment (2027 – 2032)
Baseline Conditions Monitoring	—————→		
EA Compliance Monitoring		—————→	
Environmental Performance Monitoring		—————→	

Table 3. East Segment: Monitoring Phases and Implementation Timelines

East Segment	Project Planning & EA Approvals (2015 – 2019)	Detailed Design (2025 – 2026) & Construction (2027 – 2032)	Establishment (2032 – 2037)
Baseline Conditions Monitoring	—————→		
EA Compliance Monitoring		—————→	
Environmental Performance Monitoring		—————→	

6.1 Baseline Conditions Monitoring

TRCA and other agencies have been monitoring ecological conditions along the Scarborough waterfront for decades, providing a baseline of existing conditions which has informed the planning of the SWP. Continuous baseline conditions monitoring allows the Project Team to identify ecological changes that may occur between EA approval and project implementation, and the changes that may occur throughout the life of the SWP as external influences exert their pressure on the shoreline protection structures, including the beaches, coastal shorelines and upland areas.

As Baseline Conditions Monitoring is one of the EA commitments, its status will be reported on as part of the EA Compliance Monitoring Program. The Baseline Conditions Monitoring took place during project planning and EA preparation, with a brief hiatus during the Ministry Review period. Baseline Conditions Monitoring will be re-initiated in 2021 and continue through detailed design to ensure that the most up-to-date and relevant information is used to develop the design for the SWP in each Segment.

TRCA is responsible for the completion of the Baseline Conditions Monitoring. TRCA may retain qualified parties to carry out specific tasks included in monitoring, where necessary.

Detailed information will be provided in the Baseline Conditions Monitoring report(s) submitted as part of the Annual EA Compliance Monitoring reports. The Baseline Conditions Monitoring plan is based on the environmental monitoring that was undertaken during the planning and EA phases project study area (**Appendix C**). The majority of parameters monitored are (or have been) part of existing monitoring programs (e.g., TRCA waterfront monitoring program). Please note that this plan, including data collection methodology, may be modified or enhanced (e.g., monitoring locations or sampling methods added) as the Environmental Performance Monitoring plan is developed. The Baseline Conditions

Monitoring plan will be used as the basis for developing the Environmental Performance Monitoring plan (to be completed during each respective Segment's detailed design phase).

Any additional monitoring or studies outside of the normal baseline periods are noted in **Table 8** and will be conducted as necessary to support detailed design.

6.2 Environmental Assessment Compliance Monitoring

EA Compliance Monitoring is a standard condition of approval for most projects subject to the *EA Act* in Ontario. The purpose of EA Compliance Monitoring is to ensure compliance with all EA and other commitments made during project planning and ensure that the SWP is constructed and operates as described within the range of predicted effects.

EA Compliance Monitoring will take place during the detailed design and construction periods for the SWP. EA Compliance Monitoring will ensure adequate environmental protection through the construction period; document compliance with the EA; and monitor the implementation of the approved design using standard BMPs for construction.

EA Compliance Monitoring will address the issues and potential effects such as:

- Ensuring compliance with all commitments made in the EA, including the implementation of mitigative measures as identified in the EA, and;
- Ensuring compliance with all federal, provincial and municipal permits, licenses and approvals (e.g., noise by-laws, tree removal by-laws, etc.).

The EA Compliance Monitoring program will be managed by TRCA. A detailed Compliance Monitoring Plan will be developed as part of the overall environmental management plan to guide compliance monitoring during the construction phase.

EA compliance monitoring will continue until final site grading of individual phases is completed. Once final grading is complete, the Environmental Performance Monitoring program (**Section 6.3**) will begin and continue, as required, through the life of the project.

For clarity and reporting purposes, a checklist of commitments/EA provisions for each program component was prepared.

6.2.1 EA Notice of Approval Conditions

A detailed record of engagement activities, discussions and outcomes with key stakeholders and the MNRF and MECP through the detailed design process will be maintained and reported on annually until the fulfillment of Condition 4 of the Notice of Approval is satisfied.

The overview checklist in **Table 4** is based on the EA Notice of Approval – Condition 4, as provided by MECP. Additional details related to addressing the Notice of Approval Condition 4 can be found in **Section 5** and the detailed checklist can be found in **Appendix B**.

Table 4. Notice of Approval Conditions Fulfillment Status Monitoring – Checklist

Notice of Approval Condition	Status (Not Started/In Progress/Complete)	Comments
Public Record		
Compliance Monitoring Program		
Compliance Reporting		
Complaint Protocol		
Consultation During the Detailed Design Phase		
Change Process		
Duration of Approval		

6.2.2 EA Commitments and Mitigation Measures

The checklist to monitor the fulfilment of EA commitments for detailed design, construction and establishment of the project phases is provided in **Table 5**, while the checklist to monitor the fulfilment of the mitigation measures identified in the EA can be found in **Table 6**.

The checklist to monitor the EA consultation provisions fulfilment is provided in **Table 7**. This checklist is based on the post-approval recommendations made in the EA.

The checklist to monitor completion of additional studies and work identified or recommended in the EA, or to further support detailed design, is presented in **Table 8**. This is based on the mitigation measures identified in the EA, and may be modified as more information becomes available following the completion of additional studies and work, as well as detailed design progression.

Should any checklist components be modified, removed or added, an explanation will be provided.

Table 5. EA Commitments for Detailed Design, Construction and Establishment – Checklist

EA Section Reference	EA Commitment	Status (Not Started/In Progress/Complete)	Comments
Detailed Design			
6.2.2	Ensure minimum habitat recommendations are either maintained or enhanced as refinements are made through the Detailed Design process.		
6.2.2	Establish site-level details and specific habitat components for terrestrial habitat features.		
7.3.1	Develop aquatic habitat compensation plan and mitigation in consultation with DFO and MNRF.		
6.2.2	Establish site-level details for aquatic habitat features along the newly created shoreline.		
7.3.4	Explore options to mitigate traffic effects during construction on the Guildwood and Brimley Road communities.		
6.5	Develop a fill tracking system to account for and audit all fill coming into the site.		
8.2	Establish specific triggers for potential adjustments, refinements or modifications that could occur as part of the adaptive management program.		
7.3.3	Undertake a Revitalization Plan for Bluffer's Park and East Point Park in co-ordination with the City of Toronto.		
6.3	Develop an Operations and Maintenance Plan for the SWP in co-ordination with the City of Toronto.		
7.3	Undertake an updated Traffic Impact Assessment.		
7.3.3 and 10.9	Continue to engage with the surfing community regarding the Detailed Designs for the West Segment.		
7.3.1	Undertake the HEAT model on the final detailed designs.		
7.3.1	Assess effects to the cultural meadow on the industrial property east of Grey Abbey Ravine.		
7.3.4	Undertake appropriate archaeological recordings of marine resources S76 and		

Table 5. EA Commitments for Detailed Design, Construction and Establishment – Checklist

EA Section Reference	EA Commitment	Status (Not Started/In Progress/Complete)	Comments
	S56, as recommended by the marine archaeologist as part of the mitigation measures.		
6.1.7	Ensure detailed engineering design takes into account extreme weather events.		
10.9	On-going consultation with stakeholders throughout the detailed design period.		
10.9	Commitment to discussions with Rohm and Haas Canada LP/Dow Chemical Company to address safety concerns east of Grey Abbey Ravine.		
10.9	On-going consultation with Stakeholders in the East Segment throughout the detailed design period, with respect to refinements.		
Construction			
7.3.1	Develop tree removal (include plant salvage and relocation) and compensation/restoration plan.		
6.5	Monitoring of environmental site controls and mitigation measures during construction.		
6.5	Obtain all relevant municipal, provincial, federal and/or regional occupancy permits.		
7.3.4	Retain a dedicated community liaison staff as a direct line of contact between the local communities and the Project Team.		
10.9	On-going consultation with stakeholders throughout the construction period.		
Operation/Establishment			
8.1.3	Monitor environmental performance to measure desired outcomes; determine if they have been achieved; and trigger adaptive management where necessary.		

Table 6. Mitigation Measures Fulfilment Status Monitoring – Checklist

Project Objective	Effect(s)	Mitigation Measure(s)	Status (Not Started/In Progress/Complete)	Comments
Project and Enhance Terrestrial and Aquatic Natural Features	Alteration and loss of aquatic habitat	Incorporate a diversity of shoreline substrate types and increased shoreline irregularity into the Preferred Alternative Detailed Design, employing a variety of aquatic habitat enhancement techniques, including retrofitting existing revetment shoreline structures, and development and implementation of a compensation program.		
	Disruptions to fish and fish habitat	<p>Examples of mitigation measures to minimize negative effects associated with fish and fish habitat disruptions include:</p> <ul style="list-style-type: none"> • Use of Project-specific restricted activity timing windows for in-water works to be set in consultation with MNRF • Construct containment berm prior to placing any fill, which will minimize sedimentation • Remove any fish potentially trapped in a cell prior to commencement of filling • Sediment and erosion controls • Ensure equipment is free of leaks and fluids containing deleterious substances 		
	Nuisance effects on wildlife	<p>Adhere to BMPs as outlined in Appendix H of the EA to minimize disturbance, noise and dust. In addition:</p> <ul style="list-style-type: none"> • Avoid construction activities at East Point Park during the spring migration and breeding bird period (late April to late May) • Where Bank Swallow colonies are located within 50 m of active construction ensure works are underway 		

Table 6. Mitigation Measures Fulfilment Status Monitoring – Checklist

Project Objective	Effect(s)	Mitigation Measure(s)	Status (Not Started/In Progress/Complete)	Comments
		prior to Bank Swallows return in spring (~May) so they become habituated to the disturbance		
	Removal and disturbance of terrestrial habitat	Salvage plants, including sea rocket, for replanting, where appropriate		
		Where appropriate, vegetation communities will be restored		
		Any habitat features (e.g., cavity trees) that will be impacted will be replaced with an artificial or constructed habitat (e.g., bird nesting boxes)		
		Relocation and expansion of artificially created wetland at base of the Guild construction access route		
	Area of habitat created	Development of an Operations and Maintenance Plan collaboratively with the City of Toronto to address inappropriate use and promote community stewardship		
Manage Public Safety and Property Risk	Safety associated with potential conflict between pedestrian/ cyclists and vehicles	Coordination with City of Toronto to evaluate necessary changes required to ease the traffic, congestion and resultant conflict in the Brimley Road area		
Provide an Enjoyable Waterfront Experience	Changes to access to and along the shoreline as a result of construction activities	Timing of restrictions to periods of lower use. Opening of access points where and when possible on weeknights and weekends.		
	Potential for dust, vehicle emission and noise from construction activities including traffic to	Use of BMPs for dust, emissions and noise associated with construction activities and vehicles		

Table 6. Mitigation Measures Fulfilment Status Monitoring – Checklist

Project Objective	Effect(s)	Mitigation Measure(s)	Status (Not Started/In Progress/Complete)	Comments
	affect use and enjoyment			
	Potential for change to character and use of existing sand beaches/shoreline	Areas of beaches/shoreline closed will be limited to only those areas under construction to minimize effects to users		
	Potential for impact to water quality at Bluffer's Park Blue Flag Beach	BMPs will be used to reduce turbidity. Construction around Bluffer's Park Beach will likely occur outside of the summer months.		
	Potential to maintain navigation along the shore	Appropriate warnings and signage to be implemented		
	Potential to meet AODA grade standard for access to and along the shoreline	Provision of level rest areas on access trails to the shoreline to meet AODA		
	Potential to maintain navigation along the shore	Users of small watercraft will need to adapt to the new shoreline configuration and presence of new landforms. To mitigate these effects, navigation maps will be updated based on new shoreline configurations so that users are aware of any new potential hazards.		
Consistency and Coordination with Other Initiatives	Potential impact to known or potential archaeological resources	Stage 2 assessments will be undertaken during Detailed Design where physical works are planned, prior to any ground disturbing activities where past soil disturbance has not previously been documented. In the event a land-based archaeological resource is found, avoidance		

Table 6. Mitigation Measures Fulfilment Status Monitoring – Checklist

Project Objective	Effect(s)	Mitigation Measure(s)	Status (Not Started/In Progress/Complete)	Comments
		of the resource will be practiced when determining final tableland trail alignment.		
	Potential for disturbance effects to residents from construction related traffic	BMPs, such as well-maintained vehicles, adherence to construction traffic routes and minimal use of air brakes, will lessen the effects of construction traffic noise. In order to address issues and concerns throughout construction TRCA will have a dedicated community liaison officer who will respond to all community concerns and issues and seek resolution where possible.		
	Potential disturbance effects to residents from construction activity	Construction activities will adhere to the City of Toronto Noise By-Law with respect to the hours of construction and all equipment will be kept in proper operating condition to minimize effects. All construction activities will use BMPs to minimize the disturbance effects of construction on local residents.		
Achieve Value for Cost	Amount of water lot and private property acquisition required	Acquisition at market-based compensation		

Table 7. EA Public Consultation Provisions Status Monitoring – Checklist

Consultation Mechanism	Status (Not Started/In Progress/Complete)	Comments
During the formal detailed design process for each Segment, a public open house be held to review the SWP and seek public input on any new information that is available to feed into the process, including similar engagement with other agencies, Indigenous communities and landowners.		
Discussions with Rohm and Haas Canada LP/Dow Chemical Company to address safety concerns east of Grey Abbey Ravine during the detailed design phase of the West Segment.		
Regular project updates continue to be posted to the project webpage.		
SWP newsletter updates to be provided summarizing progress on Detailed Design and construction-related work.		
A working group composed of key stakeholders who will be involved during the detailed design and construction phases of each Segment.		

Table 8. Other EA Commitments, Additional Studies and Work Recommendations for Monitoring – Checklist

Type of Study/Work	EA Report Reference	Study/Work Purpose and Other Details	Status (Not Started/In Progress/ Complete)	Comments
Traffic Impact Assessment (TIA)	Section 7.3	An updated TIA will be completed through detailed design to incorporate new and available information for other projects in the area to ensure impacts to residents and users are reduced when construction access routes are defined.		
Source Water Protection	Appendix N	Document and discuss how project adheres to policies in CTC Source Protection Plan, as applicable.		
Archaeology Stage 2	Section 7.3.4 and Appendix E	Potential for artifacts in West and East Segments (Appendix E, Map 22 and 23). Stage 2 assessments will be conducted prior to any ground disturbing activities.		
Minimal Archaeological Recordings of Marine Resources	Section 7.3.4	A marine archaeology assessment of the resources located in Central Segment will be required to identify impacts associated with natural elements and create an appropriate buffer to capture the resultant debris field.		
Geotechnical Studies	Appendix B	Additional studies for: <ul style="list-style-type: none"> • Brimley Rd South multi-use trail for retaining wall(s) design and slope stability assessments. • In-depth slope stability assessments along the Bluffs in each Segment to refine the erosion hazard risk line at the top and toe of the Bluffs, to aid in multi-use trail design and positioning outside of the risk areas. 		
Bat Maternity Roosting Surveys	N/A	Prior to vegetation removal and clearing, leaf on/off surveys will be conducted to verify presence of bats and/or bat maternity roosts and reported to MECP		

Table 8. Other EA Commitments, Additional Studies and Work Recommendations for Monitoring – Checklist

Type of Study/Work	EA Report Reference	Study/Work Purpose and Other Details	Status (Not Started/In Progress/ Complete)	Comments
		for compensation advice.		
Bathymetry Surveys	N/A	Updated bathymetry survey along the shoreline in each Segment to inform detailed design of the shoreline erosion protection works.		
Tree Inventory and Survey Works	N/A	Tree inventory and survey works to inform multi-use trail design and alignment and to support the tree removal permit process prior to implementation.		
Aquatic Habitat Compensation Plan	Section 7.3.1	To be completed in consultation with DFO as part of the <i>Fisheries Act</i> Authorization process.		
Revitalization Plan for Bluffer's Park and East Point Park	Section 6.2.2 and 7.3.3	To be completed in partnership with the City of Toronto to support trail management objectives and other habitat restoration and management opportunities.		
Plant Salvage Plan	Section 7.3.1	For the necessary removal of regionally rare species prior to construction.		
Operations and Maintenance Plan	Section 6.3	To be completed in partnership with the City of Toronto for post-construction management of the park, trail and shoreline erosion protection infrastructure created as part of the SWP.		

6.2.3 Other Environmental Approvals

A number of environmental approvals and permits are expected to be required to implement the SWP. **Table 9** summarizes the anticipated approvals at the Federal, Provincial and Municipal levels. This list is not comprehensive, and it is expected that updates will be required as detailed design is undertaken.

Table 9. Potential Permits and Approvals

Agency	Potential Permit or Approval
Federal	
Environment Canada	<ul style="list-style-type: none"> • A permit would be required under the <i>Species at Risk Act, 2002</i>, should the Project affect species at risk or their habitat within the Project Study Area. • A permit would be required under the <i>Migratory Birds Convention Act, 1994</i>, should the Project affect migratory birds listed in the <i>Act</i>.
Fisheries & Oceans Canada (DFO)	<ul style="list-style-type: none"> • An authorization from DFO would be required under the <i>Fisheries Act, 1985</i> (amended 2013), if it is determined that the Project will result in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such as fishery.
Transport Canada	<ul style="list-style-type: none"> • Transport Canada will need to be notified of any work, such as new trails or other pathways that cross federally-regulated rail lines as per the <i>Railway Safety Act, 1985</i>. • Any in-water works and/or shoreline alteration could require authorization under the <i>Navigation Protection Act</i> (amended 2014) and applicable regulations under this legislation (e.g. Navigable Waters Works Regulation).
Provincial	
Ministry of Environment, Conservation and Parks	<ul style="list-style-type: none"> • An Environmental Compliance Approval (ECA) may be required should the Project affect stormwater management facilities in the Project Study Area as per the <i>Environmental Protection Act, 1990</i>. • The Project will need to have regard for any policies developed by Source Protection Committees that address potential threats to Intake Protection Zones under the <i>Clean Water Act, 2006</i>. • Permit to Take Water as per the <i>Ontario Water Resources Act, 1990</i>, if greater than 50,000 litres per day is moved for construction purposes (if water is taken from a natural source)

Table 9. Potential Permits and Approvals

Agency	Potential Permit or Approval
Ministry of Natural Resources and Forestry	<ul style="list-style-type: none"> • A work permit may be required as per the <i>Lakes and Rivers Improvement Act, 1990</i>, if the Project includes any onshore or in-water work such as dams, or if it will affect water levels. • A work permit may be required if the Project requires the disposition (i.e., release) of Crown land, such as the Lake Ontario lakebed, under the <i>Public Lands Act, 1990</i>. • A permit under Section 17 of the <i>Endangered Species Act, 2007</i>, may be required if the Project affects any endangered species and/or their habitat in the Project Study Area. • An authorization may be required under the <i>Fish and Wildlife Conservation Act, 1997</i>, if the Project affects nesting areas.
Ministry of Tourism, Culture and Sport	<ul style="list-style-type: none"> • The Project will require archaeological clearance under the <i>Ontario Heritage Act, 1990</i>, as part of the regulatory process to ensure effects to features of cultural interest are minimized.
Municipal	
City of Toronto	<ul style="list-style-type: none"> • Efforts to provide safe pedestrian and cycling access to the shoreline, and improve habitat at East Point Park through the formalization of a primary or high-capacity multi-use trail and may require approvals from Urban Forestry under the Ravine and Natural Feature bylaw, which considers works in the ESA, as well as general tree removal permits outside of the ESA. • Toronto Water permits for potential extension of outfalls. • Potential for access agreements for temporary implementation access and staging areas at City management areas. • Potential for easements with Toronto Water for access across the F.J. Horgan Water Treatment Plant (WTP) site. • Right-of-way permits and/or approvals from Transportation Services may be required for proposed improvements to Brimley Road.

6.3 Environmental Performance Monitoring

The purpose of the Environmental Performance Monitoring is to ensure the approved project is performing as intended as indicated in the EA. Monitoring results may lead to adaptive environmental management (AEM) of the project, as described in Chapter 8 of the EA, in order to optimize performance and meet performance targets. The monitoring plan may also be modified in order to address design changes made through the AEM process, or to address new needs as the project progresses. A letter of notification of changes will be provided to the

Director of Approvals Branch at the MECP for review. In the event any changes are anticipated to result in greater adverse environmental effects than were identified in the EA, TRCA will follow the amendment procedures set out in Chapter 9 of the EA.

7 IMPLEMENTATION SCHEDULE

The Compliance Monitoring Program will be implemented as per the plans included herein. Records will be continually maintained and reported on annually based on the monitoring phases and project implementation of each Segment of the SWP, as indicated in **Section 6**.

8 DOCUMENTATION REQUIREMENTS

A copy of the Compliance Monitoring Program will be kept on-site at all times along with annual Compliance Reports. Copies of these reports will be made available to MECP or others in a timely fashion upon request.

9 ANNUAL COMPLIANCE REPORT

Annual reporting of the entire monitoring program will summarize the degree to which the project complies with EA and permitting objectives, in addition to construction BMPs, most of which are anticipated to be conditions of some or all of the permitting requirements. This reporting may also serve the purpose of determining if additional restoration activities are needed to improve project performance, satisfy requirements of funding agencies or future funding applications, ensure key project findings are compiled, and to document various monitoring activities for future reference.

As TRCA received approval for the SWP EA from the Ministry on November 5, 2019, an extension was requested to complete the Compliance Monitoring Program and first Annual Compliance Report. TRCA was granted approval for the extension as noted in **Appendix A.2**. Therefore, the first Compliance Report is due September 13, 2020 with subsequent reports due annually on September 13 each year thereafter for the duration of implementation.

The Compliance Report will include the following topics and others as deemed appropriate during report preparation:

- Introduction
- Project Overview and Update
- Regulatory Overview and Update
- Compliance Monitoring Results including:
 - EA Commitments checklists, which include mitigation measures, consultation, and additional studies and work
 - EA Notice of Approval Conditions fulfilment checklist
 - Baseline Conditions and Environmental Performance Monitoring reports

APPENDIX A

A.1 – Notice of Approval

A.2 – Compliance Monitoring Program Extension

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.

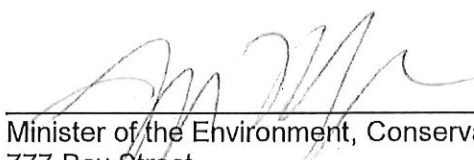
8. Change Process

- 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

**Ministry of the Environment,
Conservation and Parks**

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

Environmental Assessment
and Permissions Branch

Direction des évaluations
et des permissions
environnementales

1st Floor
135 St. Clair Avenue W
Toronto ON M4V 1P5
Tel.: 416 314-8001
Fax.: 416 314-8452

Rez-de-chaussée
135, avenue St. Clair Ouest
Toronto ON M4V 1P5
Tél. : 416 314-8001
Télééc. : 416 314-8452

November 18, 2019

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

Dear Ms. Gaffney:

On November 14, 2019 you submitted a written request, on behalf of the Toronto and Region Conservation Authority, asking that the deadline for submitting a Compliance Monitoring Program and the first Annual Compliance Report as per Conditions 4.2 and 5.2 of the Notice of Approval be extended to September 13, 2020, which is one year from the date of approval for the Scarborough Waterfront Project Environmental Assessment.

By way of this letter, the ministry confirms that your request for an extension for submitting the Compliance Monitoring Program and the first Annual Compliance Report to September 13, 2020 is acceptable and is consistent with the ministry's general requirements in this regard. Subsequent Annual Compliance Reports will be required every year thereafter on this anniversary date.

Please do not hesitate to contact Cindy Batista at 416-314-7225 or by email at Cindy.Batista@ontario.ca if you have any further questions with respect to the

conditions in the Notice of Approval or any other questions relating to the environmental assessment decision.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Desautels", written in a cursive style.

Solange Desautels
Supervisor Project Coordination- Central and East Unit
Environmental Assessment Services Section

APPENDIX B

Condition 4 Approval Requirements

Table 1. Detailed Notice of Approval Conditions Fulfillment Status Monitoring – Checklist

Condition #	Condition 4 Approval Requirement	Status (Noted/Complete/On-going/Not Started)
3.0 – 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.	
4.0 – 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: <ul style="list-style-type: none"> 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	

Table 1. Detailed Notice of Approval Conditions Fulfillment Status Monitoring – Checklist

Condition #	Condition 4 Approval Requirement	Status (Noted/Complete/On-going/Not Started)
	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.	
5.0 – 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	

Table 1. Detailed Notice of Approval Conditions Fulfillment Status Monitoring – Checklist

Condition #	Condition 4 Approval Requirement	Status (Noted/Complete/On-going/Not Started)
	and associated documentation available to the Director or a designate in a timely manner when requested to do so by the Ministry.	
6.0 – 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.	
7.0 – 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 to obtaining any necessary approvals and/or permits.	

Table 1. Detailed Notice of Approval Conditions Fulfillment Status Monitoring – Checklist

Condition #	Condition 4 Approval Requirement	Status (Noted/Complete/On-going/Not Started)
7.2	During the detailed design phase of the undertaking the proponent shall consider maximizing maintaining or creating new sandy shorelines consistent with the undertakings objectives as described in the environmental assessment.	
7.3	<p>Prior to the construction of the trail throughout the East Segment of the undertaking on Dow Chemical Canada ULC's ("Dow Chemical") land as described in the environmental assessment the proponent shall:</p> <ul style="list-style-type: none"> 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 advised the company in this regard; and, c) report to the director about how concerns in clause (b) will be addressed. <p>Any refinements that may be required to the trail shall be carried out in accordance with the amending procedures in the environmental assessment.</p>	
8.0 – 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. 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.	
9.0 – 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.	

APPENDIX C

Baseline Conditions Monitoring

The baseline conditions monitoring components described herein include the following:

1. Turbidity Sampling
2. Fish Community Assessment
3. Terrestrial Biological Inventory

1. TURBIDITY SAMPLING

Turbidity is the cloudiness of water resulting from suspended material in the water column. This suspended material decreases the ability of light to pass through the water column. Reduced light penetration can limit plant growth. This in turn affects the fish and invertebrate communities which feed on and live in the plants. Turbidity may be caused by silt, micro-organisms and plant material. However, the most frequent causes of turbidity in water bodies are algae and inorganic material from soil weathering, erosion and construction activities.

High levels of turbidity can have the following effect on water:

- The loss of water clarity affects its ability to support a large variety and number of aquatic organisms. Where there is less light penetrating the water, there will be less photosynthesis occurring and this reduces the level of oxygen in the water.
- The water will also become warmer because any suspended material absorbs heat from the solar influences. This also decreases the amount of oxygen dissolved in the water.

Turbidity is normally measured by an instrument called a nephelometer. This instrument determines the scattering of light and is measured in standard Nephelometric Turbidity Units (NTU). Normal levels of turbidity can vary from less than one in clear pristine streams to very much greater than 200 NTU in murky rivers after flood events.

Methodology

Turbidity readings will be acquired by a TRCA technician using a HACH 2100Q Portable Turbidimeter. Readings will be collected at 0m, 100m and 200m from the shoreline at predefined locations within each of the West, Central and East Segments. Baseline turbidity sampling locations will be defined during the Detailed Design phase for each Segment.

2. FISH COMMUNITY ASSESSMENT

Seasonal fish surveys are conducted to collect samples of the fish community within the study area to determine composition, abundance and significant fisheries. These investigations are also used to track any potential changes in the fish community.

Understanding fish community characteristics is necessary for regulatory requirements, approvals and to measure success. Data analysis will determine annual changes within the fish community structure related to the effectiveness and utilization of new shoreline and habitat compensation features.

Appendix C

Collected fish community information will be used as to evaluate the design features and structures within the construction project and provide insight and information about existing conditions. This in turn can be compared to historical data to provide a better understanding of trends and possible impacts. This information will inform the continuous fisheries monitoring program for the pre-, during- and post-construction process.

Methodology

Fish community data will be collected via a standardized electrofishing survey method conducted seasonally (spring through fall) each year at ~8 sites along the SWP Study Area shoreline (note: total number of sites will be subject to refinement during Detailed Design). Fish will be sampled using an SR-18EH Smith-Root Electrofishing Boat equipped with a 7.5 kW pulsed DC electrofishing unit. Sampling time is 1,000 seconds per transect (site). Boat speed is kept as constant as possible depending on wind, current strength, and netting activity.

Netted fish will be temporarily held in an onboard livewell to allow for recovery prior to processing. Fish processing includes the identification of each individual to species, total length measurement to the nearest millimeter, and weight measurement to the nearest gram. Where the number of individuals of a given species exceeds 20, the remaining fish of that species will be processed as a batch: smallest and largest individuals' lengths taken, number of individuals in a batch noted, and combined weight measured.

Collected fish data, in addition to air temperature (°C), water temperature (°C), current, water colour, bottom type, and aquatic vegetation, will be recorded on Ministry of Natural Resources and Forestry Fish Collection Record forms. Fish are to be released immediately after processing.

3. TERRESTRIAL BIOLOGICAL INVENTORY

To assess and monitor the condition of the natural system the TRCA gathers information about the region through two main survey methods: remote-sensing (patch level data collected from the air by plane or satellite and interpreted on desk top) and field data collection (vegetation community and species data collected from the ground). Field data collection occurs in two ways, through systematic inventories and through fixed sites.

An updated biological inventory of the Project Area will be conducted in 2027 (15 years after the original 2012 inventory) at the levels of habitat patch (landscape analysis), vegetation community, and species (flora and fauna) according to the TRCA methodologies for landscape evaluation and field data collection. Habitat patch mapping will excerpted from the most current regional mapping of broadly-defined patch categories (forest, wetland, meadow and coastal) and digitized using ArcView GIS software.

Methodology

Desktop Study

Natural cover data in the TRCA jurisdiction is captured using digital ortho-rectified aerial photography at a scale of 1:4000. This data is collected as a shape file using Geographical Information System (GIS) software 'on screen'. All natural cover is characterized into discreet polygons of habitat patches of beach/bluff, forest, meadow, successional, and wetland; and anthropogenic cover is categorized into urban or agricultural uses. Patches are generally defined by obvious changes in habitat or land use. Main roads and wide trails are considered as boundaries to habitat patches, and a width of 25 m was used to define breaks in habitat patches, or if an obvious split in the canopy could be detected at a scale of 1:2000 on the aerial photos. Wide rivers were also considered to be separate habitat patches; where rivers or creeks created an obvious break in the canopy, polygons were divided.

The first step in evaluating a natural system or an individual habitat patch is to interpret and map land cover using aerial photographs. The basic unit for the evaluation at all scales is the habitat patch in the region, which are then combined and evaluated as a system at any scale. A habitat patch is a continuous piece of habitat, as determined from aerial photo interpretation. The TRCA maps habitat according to four broad categories: forest, wetland, meadow, and coastal (beach, dune, or bluff). At the regional level, the TRCA jurisdiction is made up of thousands of habitat patches. This mapping of habitat patches in broad categories is conducted through remote-sensing and is used in the evaluation of quality, distribution and quantity of natural cover. It should not be confused with the more detailed mapping of vegetation communities obtained through field surveys and that is used to ground-truth the desktop interpretation.

A key component of data collection and analysis is the scoring and ranking of vegetation communities and flora and fauna species to generate local "L" ranks (L1 to L5); this process was undertaken in 1996-2000 and ranks are reviewed regularly. Vegetation community scores and ranks are based on two criteria: local occurrence and the number of geophysical requirements or factors on which they depend. Flora species are scored using four criteria: local occurrence, population trend, habitat dependence, and sensitivity to impacts associated with development. Fauna species are scored based on seven criteria: local occurrence, local population trend, continent-wide population trend, habitat dependence, sensitivity to development, area-sensitivity, and patch isolation sensitivity. With the use of this ranking system, communities or species of regional concern, ranked L1 to L3, now replace the idea of rare communities or species. Rarity (local occurrence) is still considered, but is now one of many criteria that make up the L-ranks, making it possible to recognize communities or species of regional concern before they have become rare. In addition to the L1 to L3 ranked species, a large number of currently common or secure species at the regional level are considered of concern in the urban context. These are the species identified with an L-rank of L4. Although L4 species are widespread and frequently occur in relatively intact urban sites, they are vulnerable to long-term declines. Communities and species that are ranked L5 are considered

Appendix C

to be generally secure, while a sixth rank exists – L+ – which denotes vegetation communities dominated by non- native species, or indicates a species non-native in origin.

Field Study

The system used to delineate the vegetation communities contained within the Project Area was a modified version of the Ecological Land Classification (ELC) for Southern Ontario. A full ELC survey to the level of vegetation type is a very detailed and time-consuming process. The TRCA protocol for surveying vegetation communities strikes a balance between giving enough detail to provide meaningful descriptions of vegetation communities and the constraints of time and funding. For example, resources are unlikely to be available to pursue detailed soil analysis (as outlined in the ELC field guide) in every patch surveyed in the TRCA jurisdiction. Gathering detailed vegetation community data using the ELC protocol for Southern Ontario provides the information needed in order to track community diversity throughout the region, to assess community sensitivity to development and ecological needs, and to determine what that means to the health of the region. Species data are used to determine how species needs are being met in the region relative to their sensitivity to development, mobility (fauna), area-sensitivity (fauna), and habitat requirements.

Vegetation community and flora and fauna species data will be collected through field surveys. These surveys are done during the appropriate times of year to capture breeding status in the case of amphibians and birds, and during the optimal growing period of the various plant species and communities. Vegetation communities and flora species were surveyed concurrently.

Vegetation community designations are based on the ELC and determined to the level of vegetation type. Community boundaries will be outlined onto printouts of the most current digital ortho-rectified photographs (ortho-photos) to a scale of 1:2000 and then digitized in ArcView. Flora species of regional and urban concern (species ranked L1 to L4) will be mapped as point data with the approximate number of individuals seen. A list of all other species observed will be documented for the site.

As per the TRCA data collection protocol, breeding bird surveys will be carried out by visiting all parts of the site at least twice during the breeding season (last week of May to mid-July) to determine the breeding status of each mapped point. The methodology for identifying confirmed and possible breeding birds follows Cadman et al. (2007). All initial visits will be completed by the end of the third week of June. The field-season is to be organized so that by late June only repeat visits are being conducted. It is imperative that any visit made in the first half of June is subsequently validated by a second visit later in the season. Fauna regional species of concern (species ranked L1 to L3) will be mapped as point data with each point representing a possible breedingbird.