

ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING

RE: An Environmental Assessment for Don Mouth Naturalization and Port Lands Flood Protection Project

Proponents: The Toronto and Region Conservation Authority, City of Toronto and Waterfront Toronto

EA File No.: EA 03 03 02

TAKE NOTICE that the period for requiring a hearing, provided for in the Notice of Completion of the Review for the above-noted undertaking, expired on August 29, 2014.

No submissions required a hearing by the Environmental Review Tribunal.

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 conditions set out below.

REASONS

My reasons for giving approval are:

- (1) On the basis of the proponents' Environmental Assessment and the ministry Review, the proponents' conclusion that, on balance, the advantages of this undertaking outweigh its disadvantages appears to be valid.
- (2) No other beneficial alternative method of implementing the undertaking was identified.
- (3) On the basis of the proponents' 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).
- (4) The Government Review Team has indicated no outstanding concerns that cannot be addressed through the detailed design or conditions of approval. The public review and Aboriginal consultation of the Environmental Assessment did not identify any outstanding concerns.
- (5) I am not aware of any outstanding issues with respect to this undertaking which suggest that a hearing should be required.

CONDITIONS

The approval is subject to the following conditions:

1. Definitions

For the purposes of these conditions:

"Director" means the Director of the Environmental Approvals Branch.

"EAB" means the Environmental Approvals Branch of the Ministry of the Environment and Climate Change.

"Environmental Assessment" means the document titled Don Mouth Naturalization and Port Lands Flood Protection Project, March 2014.

"ministry" means the Ministry of the Environment and Climate Change.

"program" means compliance monitoring program.

"proponents" means the Toronto and Region Conservation Authority, City of Toronto and Waterfront Toronto.

"Regional Director" means the Director of the ministry's Central Regional Office.

“**undertaking**” means the undertaking as described in the Don Mouth Naturalization and Port Lands Flood Protection Project (March 2014), which is generally comprised of the following elements:

- Naturalization of the Lower Don River in the Port Lands area of the waterfront of the City of Toronto including improvements to the Keating Channel and river valley formation and relocation of the river and the river mouth to the south of the Keating Channel and the creation of approximately 30 hectares of naturalized area/habitat;
- Creation of a floodplain for flood protection including a flood protection landform, valley wall feature, Keating Channel weirs, levee systems and wetlands;
- Creation of new sediment, debris and ice management areas and operations; and,
- Associated management of soils from excavations and the creation of valley lands including remediation of contaminated soils.

- 1.1 The proponents shall comply with the provisions in the Environmental Assessment which are hereby incorporated in this approval by reference except as provided in these conditions and as provided in any other approval or permit that may be issued for the undertaking.
- 1.2 These conditions do not prevent more restrictive conditions being imposed under other statutes.

2. Public Record

- 2.1 Where a document is required for the public record, the proponents shall provide two copies of the document to the Director, a copy for filing within the specific public record file maintained for the undertaking and a copy for staff use.
- 2.2 Additional copies of such documents will be provided by the proponents for public access to the:
 - a) Director (as required);
 - b) Clerk of the City of Toronto (as required);
- 2.3 The EAB file number EA 03 03 02 shall be quoted on the document.
- 2.4 These documents may also be provided through other means as considered appropriate by the proponents.

3. Compliance Monitoring Program

- 3.1 The proponents shall prepare and submit to the Director for the public record, an Environmental Assessment compliance monitoring program.
- 3.2 The program shall be submitted one year from the date of approval of the undertaking, or 60 days before the commencement of construction, whichever is earlier.

- 3.3 The program shall be prepared for the monitoring of the proponents' fulfilment of the provisions of the Environmental Assessment for mitigation measures, public consultation, and additional studies and work to be carried out, and of all other commitments made during the preparation of the Environmental Assessment and the subsequent review of the Environmental Assessment for mitigation measures, public consultation, and additional studies and work to be carried out.
- 3.4 The program must contain an implementation schedule.
- 3.5 A statement must accompany the program when submitted to the Director, indicating that the program is intended to fulfil this condition.
- 3.6 The program, as it may be amended by the Director, must be carried out by the proponents.
- 3.7 The proponents shall make the documentation available to the ministry or its designate upon request in a timely manner when so requested by the ministry during an on-site inspection, audit, or response to a pollution incident report or when information concerning compliance is requested by the ministry.

4. Compliance Reporting

- 4.1 The proponents shall prepare an annual compliance report which describes compliance with the conditions of approval set out in this notice and which describes the results of the proponents' Environmental Assessment compliance monitoring program.
- 4.2 The first compliance report shall be issued no later than one year following the date of this approval, and on the date that is the anniversary of this approval thereafter, for which the compliance report shall cover the previous year to that date.
- 4.3 The proponents shall submit the annual compliance report to the Director for placement on the public record.
- 4.4 The proponents shall submit annual compliance reports until all conditions are satisfied.
- 4.5 When all conditions have been satisfied, the proponents shall indicate in the annual compliance report that this is its final submission.
- 4.6 The proponents shall retain either on site 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.
- 4.7 The proponents shall make the documentation available to the ministry or its designate upon request in a timely manner when so requested by the ministry during an on-site inspection, audit, or in response to a pollution incident report or when information concerning compliance is requested by the ministry.

5. Complaint Protocol

- 5.1 The proponents shall prepare and develop a protocol on how it will deal with and respond to inquiries and complaints received during the construction and operation of the undertaking.
- a) The proponents shall submit the protocol to the Director for placement in the public record.
 - b) A statement must accompany the protocol when submitted to the Director indicating that the protocol is intended to fulfil this condition.

6. Amending Procedures

- 6.1 Section 9.2 of the Environmental Assessment shall be revised to also indicate that changes in the design of the undertaking that result in no new net effects shall also be considered minor amendments. In such cases, the proponents will be required to provide an Addendum to the ministry to document the change and demonstrate that there are no new net effects. The proponents shall consult with the ministry about any consultation requirements.
- 6.2 The proponents shall consult with the ministry about whether any minor changes described in Section 9.2 can be permitted without an amendment.
- 6.3 The addendum for the change shall be provided to the Director for placement on the public record file.

7. Aboriginal Consultation

- 7.1 If any archaeological resources of Aboriginal origin are identified during the during construction of the project, the proponents shall within 30 days of identifying the Aboriginal archaeological resources:
- a) notify the appropriate Aboriginal communities as identified during the Environmental Assessment process and any other Aboriginal community considered likely to be interested or which has expressed an interest in such finds; and
 - b) arrange and participate in any meetings requested by any interested Aboriginal community to discuss the archaeological find(s).
- 7.2 Prior to construction, the proponents shall advise the Director in writing, how condition 7.1 has been fulfilled.

8. Technical/Monitoring/Other Requirements

- 8.1 During the detailed design stage the proponents shall prepare a detail noise assessment for the proposed hydrocyclone facility.

8.2 As part of the detailed design, the proponents shall provide an updated copy of the noise assessment report for sediment management facilities in order to confirm the proposed noise impacts and mitigation measures. The report shall be provided to the Director for review and comment. The final noise assessment report addressing the ministry's comments shall be provided to the Director for placement in the public record file.

Dated the 31 day of December 2014 at TORONTO.



Minister of the Environment and Climate Change
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto, Ontario
M7A 2T5

Approved by O.C. No. 111 / 2015

Date O.C. Approved JAN 28, 2015