

Ministry
of the
Environment

Office of the Minister

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ENV1283MC-2006-3824

JAN 25 2007

Mr. Bill Dawson
Superintendent, Route and System Planning
Toronto Transit Commission
1919 Yonge Street
Toronto ON M4S 3B2

Dear Mr. Dawson:

Thank you for submitting the Toronto Transit Commission's (TTC's) Terms of References (ToRs) for the Toronto Waterfront Transit Projects for East Bayfront, West Don Lands and Port Lands on July 14, 2006 and the revised ToRs on August 31, 2006. The ministry has completed its review and I wish to inform you that I have approved TTC's ToRs for the preparation of environmental assessments (EAs) for its transit projects, with amendments.

Prior to making my decision, I directed the Interim EA Facilitator to review the ToRs. The use of a Facilitator was initiated at the recommendation of the EA Reform Panel that was convened by this ministry to evaluate the EA process in Ontario and propose changes that would improve the process for waste management facilities, transit and transportation projects, and clean energy facilities. The objective of the Facilitator in reviewing the three ToRs prepared by TTC was to make recommendations for changes to the provisions and requirements of the ToRs that would result in an overall more effective and efficient EA process. I would like to take this opportunity to thank TTC for working cooperatively with the Facilitator. The ToRs have been amended by my approval to reflect the strengthened provisions and requirements that were recommended by the Facilitator and agreed to by TTC.

As required by subsection 6.1(1) of the *Environmental Assessment Act*, TTC's EAs must now be prepared in accordance with the approved ToRs. While this approval provides additional certainty to TTC's EA decision-making process, it does not secure approval of an undertaking. TTC is responsible for fulfilling the commitments outlined in the ToRs and providing the appropriate level of quality in the EAs.

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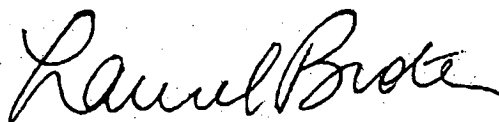


Mr. Bill Dawson
Page 2.

Should TTC wish to vary significantly from any of the approved ToRs in preparing the EAs, it will need to submit a new ToR for my approval. In the event of any uncertainty, TTC should consult with the Ministry of the Environment through the ministry's Environmental Assessment and Approvals Branch.

Should you require further assistance please contact Mr. Michael Harrison of the Environmental Assessment and Approvals Branch, at 416-314-8221 or by email at michael.harrison2@ontario.ca.

Yours truly,



Laurel C. Broten
Minister of the Environment

Attachment

c: M. Bricks, Ecoplans Ltd.

TERMS OF REFERENCE - NOTICE OF APPROVAL

ENVIRONMENTAL ASSESSMENT ACT

SECTION 6(4)

APPROVAL OF TERMS OF REFERENCE

FOR

THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT

RE: Proponent: Toronto Transit Commission

Undertaking: Toronto Waterfront East Bayfront Transit Environmental Assessment
Terms of Reference (as amended August 2006)

EA File No.: EA 02 02

As provided for by section 6(4) of the *Environmental Assessment Act (EAA)*, the Terms of Reference (ToR), as submitted for approval to the Ministry of the Environment on July 14, 2006 and revised through the submission of the Terms of Reference dated August 31, 2006, to govern the preparation of an environmental assessment (EA) for the above-noted undertaking is hereby approved with the following amendments:

- p.6, last paragraph be revised to read: The ToR sets out the methodology for conducting the EA *and its approach to compliance with Section 6.1* of the EAA. The EA will include the following components (*referencing the appropriate Section numbers from* this ToR document):
- p.12 last paragraph be revised to read: The information provided in the following figures will be *updated and* refined as part of the EA process and may therefore change.
- Section 5.2.3 be revised to read: The evaluation of alternatives is a central component of the EA. A sound evaluation process is based on five key principles:
- The evaluation of alternatives must be *comprehensible* and systematic;
 - The entire *process* must be participatory, with broad *but not duplicative opportunities for* input from the public, stakeholders, regulatory agencies, municipalities, *Aboriginal Communities*, etc.

- 2 -

Section 6.4.2 be revised to read:

As set out in the proposed evaluation criteria (Appendix C), planning alternatives will be generated and assessed with specific regard to the "Key Considerations" described in Chapter 5. Planning alternatives will be compared to the "do nothing" approach and the preferred corridor and technology option(s) will be selected to generate design alternatives. **To identify the potential environmental effects associated with these criteria,** appropriate technical analysis (e.g., natural environment investigations, noise assessment, heritage assessment, etc.) will be undertaken during the EA.

Section 6.5.2 be revised to read:

Alternative designs will be generated and assessed with specific regard to the "Key Considerations" described in Chapter 5. **As set out in the proposed evaluation criteria (Appendix C),** alternative designs will be evaluated with specific regard to the "Key Considerations" described in Chapter 5. **To identify the potential environmental effects associated with these criteria,** appropriate technical analysis (e.g., natural environment investigations, noise assessment, heritage assessment, etc.) will be undertaken during the EA.

Section 7 be Revised to read

Consultation is an integral component of the EA process **and begins from the earliest stages of planning, including the preparation and approval of the ToR.**

The consultation program for the EA is based on the following principles:

- Stakeholders may provide input at any time during the study, however, **consistent with the narrowing down process of describing and evaluating alternatives set out in this ToR,** structured opportunities for input will occur at key study stages;

Section 7.2 be revised to read:

Consistent with this ToR, the proposed consultation plan encourages proactive communication, which allows comments and views of the public to assist the Project Team in the decision making process.

p.29 Public Workshops and Follow-up Activities be revised to read:

The first workshop will focus and obtain input on:

- The **description and** evaluation of planning alternatives

Section 7.3 be revised to read:

The **description** of planning alternatives

p.17 be revised to read:

These Key Considerations will be used to assist in the development of alternatives. The criteria used to compare and select a preferred alternative are outlined in Appendix B.

- 3 -

Pursuant to subsection 6.1(1) of the *Environmental Assessment Act*, any environmental assessment for the above-noted undertaking, submitted to the Ministry of the Environment pursuant to subsection 6.2(1) of the *Environmental Assessment Act*, must be prepared in accordance with the Terms of Reference as hereby approved and amended.

Reasons:

I am satisfied that an environmental assessment prepared in accordance with the Terms of Reference as amended will be consistent with the purpose of the *Environmental Assessment Act* and the public interest for the following reasons:

1. The Terms of Reference as amended requires that the Toronto Transit Commission meet the intent of the *Environmental Assessment Act* by providing for the identification of issues and concerns, and the preferred means of addressing them with due regard to the adoption of environmental management, protection and mitigation measures.
2. The Terms of Reference as amended has been reviewed by the public and government agencies. There are no outstanding concerns that cannot be addressed in the environmental assessment.
3. The Terms of Reference as amended requires the Toronto Transit Commission to implement a consultation plan during the preparation of the environmental assessment. In addition, the *Environmental Assessment Act* requires continued consultation and documentation of the consultation for the preparation of the environmental assessment. As well there will be additional opportunity for public and agency consultation when the environmental assessment is submitted for approval to the ministry.

Dated the 24 day of January, 2006 at TORONTO.



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THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT

RE: Proponent: Toronto Transit Commission

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Terms of Reference (as amended August 2006)

EA File No.: EA 02 02

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RE: Proponent: Toronto Transit Commission

Undertaking: Toronto Waterfront Port Lands Transit Environmental Assessment Terms of Reference (as amended August 2006)

EA File No.: EA 02 02

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