



Ontario
Executive Council
Conseil des ministres

Order in Council
Décret

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

Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit :

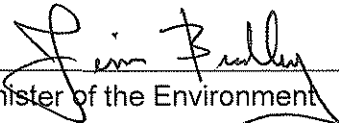
WHEREAS section 9 of the Environmental Assessment Act provides that the Minister of the Environment, with the approval of the Lieutenant Governor in Council, may give approval to proceed with an undertaking, give approval to proceed with an undertaking subject to such conditions as the Minister considers necessary, or refuse to give approval to proceed with the undertaking; and

WHEREAS a Notice of Completion of the Review for the environmental assessment for a Proposed Municipal Marina (hereafter "the undertaking") was published on October 25, 2013 and no submissions were received from the public before the prescribed deadline, November 29, 2013, and there have been no requests for a hearing; and

WHEREAS, having considered the purpose of the Act, the environmental assessment of the undertaking, the terms of reference, and the submissions received, the undersigned Minister of the Environment considers that a hearing is unnecessary and is of the opinion that the undertaking should be given approval to proceed, subject to the conditions specified in the attached approval,

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

Recommended


Minister of the Environment

Concurred


Chair of Cabinet

Approved
and Ordered

MAR 26 2014

Date

O.C./Décret

471 / 2014


Lieutenant Governor

ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING

Regarding: An Environmental Assessment for a proposed Municipal Marina
Proponent: The Corporation of the City of Quinte West
EA File No.: EA 03-04-01
EAIMS File No.: 11100

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, provided for in the Notice of Completion of the Ministry Review for the above noted Environmental Assessment, expired on November 29, 2013.

I received no submissions under Subsection 7.2 (3) of the Environmental Assessment Act requesting that the application or matters that relate to the application be referred to the Environmental Review Tribunal for a hearing and decision. I therefore consider referring the application or matters that relate to the application to the Tribunal to be unnecessary.

Having considered the matters, as set forth under Subsection 9(2) of the Environmental Assessment Act, that should be considered when making a decision under Subsection 9 of the Act, I hereby give approval to proceed with the Undertaking subject to the conditions set out below.

REASONS

My reasons for giving approval 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) No other beneficial alternative method of implementing the undertaking was identified.
- (5) The Proponent has demonstrated that the environmental effects of the undertaking can be appropriately prevented, changed, mitigated, or remedied.
- (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 government agency, public and Aboriginal review of the Environmental Assessment has indicated no outstanding concerns that cannot be addressed through commitments made in the Environmental Assessment, through the conditions set out below, or future additional approvals that will 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.

"**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.

"**District Manager**" means the Manager of the Ministry's Peterborough Office.

"**EAB**" means the Environmental Approvals Branch of the Ministry of the Environment.

"**Environmental Assessment**" means the document titled City of Quinte West Individual Environmental Assessment Proposed Municipal Marina, June 2013

"**Ministry**" means the Ministry of the Environment.

“Proponent” means the Corporation of the City of Quinte West.

“Regional Director” means the Director of the Ministry’s Eastern Regional Office.

“Site” means as the 3.5 hectare parcel of land located adjacent to Bayshore Park at the mouth of the Trent River, on the north shore of the Bay of Quinte.

“Start of Construction” means physical construction activities including, site preparation works, but does not include the tendering of contracts.

“Undertaking” means the municipal marina as described in the Proponent’s Environmental Assessment, which is generally comprised of the following elements:

- The establishment of a marina basin, approximately 40,000 square meters in size and with an elevation of 72.2 meters, through the dredging of approximately 26,000 cubic meters of material.
- The implementation of floating breakwaters along the perimeter of the marina basin to reduce the wave height and shelter the basin. The proposed profile of a floating breakwater is between 4 to 6 meters wide and 2 meters high, with approximately one third of the height of the breakwater exposed above water and two thirds of the height submerged below the water line.
- The creation of floating docks with concrete anchors to accommodate up to 380 boat slips. The docks are to be constructed with a steel or aluminum frame with steel or plastic floats and timber or plastic decking. The docks are held in place by chains or cables attached to concrete anchors that sit on the lake bottom.
- The implementation of natural and hard shoreline treatments to improve accessibility to the waterfront and recreational uses along the shoreline and the adjacent park.
- The realignment of an existing soccer field and the creation of 600 meters of new waterfront trail that will link the existing Loyalist Parkway Trail to the downtown core of Trenton via a continuous trail through linked public spaces, parkland and a connection to the Trent River waterfront trail.
- The conceptual design for a marina building and facilities, which is to include a marina office, showers, washrooms and meeting rooms.

2. General Requirements

- 2.1 The Proponent shall comply with the provisions in the Environmental Assessment; which are 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 the Site.
- 2.2 These 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, plan or report is required to be submitted to the Ministry, the Proponent shall provide two copies of the final document, plan or report to the

Director: a copy for filing in the specific public record file maintained for the Undertaking and a copy for staff use.

- 3.2 The Proponent shall provide additional copies of the documents required for the public record file to the following for access by the public:
 - a) Regional Director;
 - b) District Manager; and,
 - c) Clerk of the City of Quinte West.
- 3.3 The EAB file number EA 03-04-01 and EAIMS File number 11100 shall be quoted on all documents submitted by the Proponent pursuant to this condition 3.1 of this Notice of Approval.
- 3.4 These documents may also be provided through other means as considered appropriate by the proponent.

4. Compliance Monitoring Program

- 4.1 The Proponent shall prepare and submit to the Director, for the public record, an Environmental Assessment Compliance Monitoring Program.
- 4.2 The Compliance Monitoring Program shall be submitted 60 days before the Start of Construction or such other date as agreed to in writing by the Director.
- 4.3 The Compliance Monitoring Program shall describe how the Proponent will monitor its fulfilment of the provisions of the Environmental Assessment pertaining to mitigation measures, public consultation, and additional studies and work to be carried out; the fulfilment of all other commitments made by the Proponent during the Environmental Assessment process; and, the conditions included in this Notice of Approval.
- 4.4 The Compliance Monitoring Program must contain an implementation schedule.
- 4.5 A statement must accompany the Compliance Monitoring Program when submitted to the Director, indicating that the Program is intended to fulfil condition 4 of this Notice of Approval.
- 4.6 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 date by which the amendment must be completed and submitted to the Director.
- 4.7 The Compliance Monitoring Program, as it may be amended by the Director, must be carried out by the Proponent.
- 4.8 The Proponent shall make the documentation pertaining to the Compliance Monitoring Program available to the Ministry or designate upon request, in a timely manner, when so requested by the Ministry during an on-site inspection,

audit, response to a pollution incident report or when information concerning compliance is requested by the Ministry.

5. Compliance Reporting

- 5.1 The Proponent shall prepare an annual Compliance Report which describes its compliance with the conditions of approval set out in this Notice of Approval, and which describes the results of the Proponent's Environmental Assessment Compliance Monitoring Program required by Condition 4 of this Notice of Approval.
- 5.2 The annual Compliance Report shall be submitted to the Director, for the public record, within one year from the date of approval, with the first report being due in 2015, and shall cover all activities of the previous 12 month period.
- 5.3 Subsequent Compliance Reports shall be submitted to the Director, for the public record, on or before the anniversary of the date of approval each year thereafter. Each Compliance Report shall cover all activities of the previous 12 month period.
- 5.4 The proponent shall submit annual Compliance Reports until all conditions in this Notice of Approval, and the commitments in the Environmental Assessment, are satisfied.
- 5.5 Once all conditions in this Notice of Approval have been satisfied, or have been incorporated into any other Ministry approval, the Proponent shall indicate in its annual Compliance Report that the Compliance Report is its final Compliance Report, and that all conditions in this Notice of Approval have been satisfied.
- 5.6 The Proponent shall retain either on site or in another location approved by the Director, a copy of each of the annual Compliance Report and any associated documentation of compliance monitoring activities.
- 5.7 The Proponent shall make the Compliance Reports, and associated documentation, available to the Ministry or 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 that sets out how it will deal with and respond to inquiries and complaints received during the design, construction and operation of the Undertaking.
- 6.2 The Proponent shall submit the Complaint Protocol to the Director, for the public record, 60 days before the Start of Construction or such other date as agreed to in writing by the Director.

- 6.3 The Director may require the Proponent to amend the Complaint Protocol at any time. Should an amendment be required, the Director will notify the Proponent in writing of the required amendment and date by which the amendment must be completed.
- 6.4 The Complaint Protocol, as it may be amended by the Director, shall be carried out by the Proponent.

7. Community Involvement

- 7.1 The Proponent shall prepare and implement a Community Communications Plan that sets forth:
 - a) How the Proponent plans to disseminate information to interested members of the public;
 - b) How interested members of the public will be notified and kept informed about Site operations; and,
 - c) The procedures for keeping interested members of the public informed about information on documents related to the Undertaking, and when and how the information will be made available.
- 7.2 The Community Communications Plan shall be submitted to the Director 60 days before the Start of Construction or such other date as agreed to in writing by the Director.

8. Archeological Assessment

- 8.1 The Proponent shall complete a Stage 2 Archeological Assessment of the Site in accordance with the requirements set forth under the Ontario Heritage Act.
- 8.2 If during construction any archaeological resources are discovered, all construction activities will cease immediately and a licensed archaeologist will be retained to carry out the necessary fieldwork in compliance with Section 48(1) of the Ontario Heritage Act.
- 8.3 The Proponent shall provide notice to the Director and the Aboriginal communities previously notified of the Undertaking if the Proponent discovers any Aboriginal archaeological sites in respect of which a Stage 3 Archeological Assessment is recommended.

9. Consultation with Aboriginal Communities

- 9.1 The Proponent shall consult with the Aboriginal communities that were previously notified of the Undertaking during the detailed design and implementation of the Undertaking.
- 9.2 The Proponent shall fulfill all commitments made to the Aboriginal communities during the Environmental Assessment process, including but not limited to,

providing the following to the Director and the Aboriginal communities previously notified of the Undertaking:

- a) An Aboriginal Community Consultation Plan for the design and implementation of the Undertaking;
- b) A Notification Protocol to inform Aboriginal communities should archaeological resources or Aboriginal remains be encountered during construction;
- c) Copies of the final Stage 2 Archaeological Assessment Report; and,
- d) Notices and updates on key steps in the design and construction of the Undertaking.

9.3 The Proponent shall hold meetings with any interested Aboriginal communities regarding any site(s) identified in condition 8.3 of this Notice of Approval. These meetings shall include discussions about the potential participation of Aboriginal archaeological liaisons and appropriate mitigation measures for the Site.

10. Surface Water Monitoring and Mitigation

10.1 Prior to the Start of Construction, the Proponent shall identify all areas where the Undertaking may directly or indirectly affect surface water.

10.2 The Proponent shall prepare and implement, in consultation with the Ministry of the Environment's Eastern Regional Office and to the satisfaction of the Regional Director, a Surface Water Monitoring and Mitigation Plan for the areas identified in condition 10.1 of this Notice of Approval.

10.3 The Surface Water Monitoring and Mitigation Plan shall, at a minimum, include:

- a) A Surface Water Monitoring Program;
- b) A description of the locations and parameters for the monitoring of surface water quality;
- c) The proposed start date and frequency of surface water monitoring;
- d) An explanation of the methodology for collecting baseline data on surface water quality;
- e) A list of the contaminants that shall be monitored as part of the surface water monitoring program;
- f) Recommended measures to mitigate the impacts of the Undertaking on surface water quality; and,
- g) Recommended measures to be undertaken if there are surface water impacts identified.

10.4 The Proponent shall provide the Surface Water Monitoring and Mitigation Plan to the Lower Trent Conservation Authority and the Ontario Ministry of Natural Resources for review and comment.

- 10.5 The Proponent shall consider any comments provided on the Surface Water Monitoring and Mitigation Plan.
- 10.6 The Proponent shall submit the Surface Water Monitoring and Mitigation Plan to the Regional Director a minimum of 90 days prior to the Start of Construction or such other date as agreed to in writing by the Regional Director.
- 10.7 The Proponent shall commence the Surface Water Monitoring Program as set forth in the Surface Water Monitoring and Mitigation Plan on a date agreed to by the Regional Director, and shall continue until such time as the Regional Director determines that the Surface Water Monitoring Program is no longer required. The Regional Director will notify the proponent in writing of this determination.
- 10.8 The Regional Director may require changes to be made to the Surface Water Monitoring and Mitigation Plan, and the proponent shall implement the plan in accordance with the required changes.
- 10.9 The proponent shall submit monthly Surface Water Monitoring and Mitigation Plan Reports to the Regional Director outlining the results of the Surface Water Monitoring program and any mitigation measures undertaken. The Reports will also include a discussion of the adequacy and success of erosion and sedimentation control measures during construction based on surface water impacts.

11. Dredging Plan

- 11.1 The Proponent shall prepare and implement, in consultation with the Ministry of the Environment's Eastern Regional Office and to the satisfaction of the Regional Director, a Dredging Plan.
- 11.2 The Proponent shall provide the Dredging Plan to the Lower Trent Conservation Authority and the Ontario Ministry of Natural Resources for review and comment.
- 11.3 The Proponent shall consider any comments provided on the Dredging Plan.
- 11.4 The Proponent shall submit the Dredging Plan to the Regional Director a minimum of 90 days prior to the Start of Construction or such other date as agreed to in writing by the Regional Director.
- 11.5 The Regional Director may require changes to be made to the Dredging Plan and the proponent shall implement the plan in accordance with the required changes.
- 11.6 The proponent shall submit monthly reports to the Regional Director outlining the results of the Dredging Plan and any mitigation measures undertaken. The reports will also include a discussion of the adequacy and success of the Dredging Plan during construction based on the results of the Surface Water Monitoring program required by condition 10.3(a) of this Notice of Approval.

12. Habitat Monitoring and Compensation Plan

- 12.1 Prior to the Start of Construction the Proponent shall conduct a survey of the Site to identify any potential aquatic and terrestrial habitats that may be potentially impacted by the construction and operation of the Undertaking. Should an endangered species or the habitat of an endangered be present, the Proponent shall comply with the requirements of the Endangered Species Act, 2007.
- 12.2 The Proponent, in consultation with the Lower Trent Conservation Authority and the Ontario Ministry of Natural Resources, shall develop and implement a Habitat Monitoring and Compensation Plan for the habitats identified in condition 12.1 of this Notice of Approval.
- 12.3 The Habitat Monitoring and Compensation Plan shall include measures to identify, monitor and mitigate any potential impacts to aquatic and terrestrial habitats from the construction and operation of the Undertaking.
- 12.4 The Proponent shall provide the Habitat Monitoring and Compensation Plan to the Lower Trent Conservation Authority and the Ontario Ministry of Natural Resources for review and comment.
- 12.5 The Proponent shall consider any comments provided on the Habitat Monitoring and Compensation Plan.
- 12.6 The Proponent shall submit the Habitat Monitoring and Compensation Plan to the Director a minimum of 60 days prior to the Start of Construction or such other date as agreed to in writing by the Director.

13. Construction and Operation Contracts

- 13.1 In carrying out the Undertaking, the Proponent shall require that its contractors, subcontractors and employees:
 - a) Fulfil the commitments made by the Proponent in the Environmental Assessment process, including those made in the Environmental Assessment and in the Proponent's responses to comments received during the formal Environmental Assessment comment periods;
 - b) Meet applicable regulatory standards, regarding the construction and operation of the Undertaking; and
 - c) Obtain any necessary approvals, permits or licenses.

14. Contaminated Materials


- 14.1 If contaminated materials are encountered during construction, the Proponent shall ensure that management of the contaminated materials is consistent with Ministry guidelines and legislation.
- 14.2 If contaminated materials are encountered during construction, the Proponent shall contact the Ministry of the Environment's Eastern Regional Office prior to

continuing with construction to confirm compliance with Ministry legislation and guidelines.

15. Amending procedures

- 15.1 Prior to implementing any proposed changes to the Undertaking, the Proponent shall determine what Environmental Assessment Act requirements are applicable to the proposed changes and shall fulfill those Environmental Assessment Act requirements.

Dated the 5th day of March 2014 at TORONTO.



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

Approved by O.C. No. _____

Date O.C. Approved _____