

October 18, 2023

Anjala Puvananathan

Director, Ontario Region

Impact Assessment Agency of Canada – Ontario Region
650-55 York Street
Toronto, Ontario M5J 1R7

Subject: Response to Notification Regarding Potential Designation of the Ontario Place “Shared Parking Garage” as a Designated Project under the *Impact Assessment Act*

The Ministry of Infrastructure (MOI) is the Proponent for the redevelopment and is responsible for the September 28, 2023 request to designate the proposed Ontario Place Underground Parking Garage (the Request to Designate) under subsection 9(1) of the *Impact Assessment Act* (the IAA). Infrastructure Ontario (IO) is leading the planning and implementation of the Ontario Place redevelopment on behalf of MOI. For the purposes of this submission ‘**the Province**’ refers to MOI and IO collectively for development and implementation of the project activities at Ontario Place. This letter provides the Province’s responses to the Impact Assessment Agency of Canada’s (IAAC) request for information set out within its September 28, 2023 letter.

As set out in detail within the enclosed responses, the proposed Ontario Place Underground Parking Garage (referred to as the ‘**Shared Parking Structure**’ in this response) has and is undergoing an assessment of the environmental effects pursuant to the provincial requirements and is not expected to cause adverse effects within federal jurisdiction to warrant designation. On October 13, 2023, the Supreme Court of Canada found the designated project provisions of the federal Impact Assessment Act to be unconstitutional. Accordingly, there is no constitutional basis for the Minister to designate the Project. Even if there were, the project should not be designated for the reasons outlined in our submission. This response is without prejudice to our rights to challenge any decisions made pursuant to the IAA.

Introduction

Following a brief summary overview of the Ontario Place Redevelopment Project, for which the Shared Parking Structure is part of, each of IAAC’s questions have been listed in Sections 1 through 7 of this submission, followed by the Province’s response, which includes further details on the work conducted as part of the provincial environmental assessment and municipal planning processes. Where relevant, we have provided links to existing documents for additional details. Finally, the following Appendices have been enclosed for information:

Appendix A – City-Province Engagement Summary

Appendix B – TRCA Consultation Activities Record

Appendix C – Potential Environmental Impacts, Mitigation Measures and Net Effects

Appendix D – Natural Heritage Existing Conditions Report and Natural Heritage Impact Study

Background

Ontario Place is located in the City of Toronto, Ontario and is identified municipally as 955 Lake Shore Boulevard West. It is located on the north shore of Lake Ontario, just west of Toronto’s downtown core. Constructed in the late 1960s using fill from urban construction projects from across the Greater Toronto Area (GTA), Ontario Place was constructed as a series of three artificially made islands. In total, the site is approximately 155-acres, with 68-acres being comprised of urban lake-fill and the balance being 87-acres of water area. Officially opened in 1971 as a provincial destination and paid attraction, Ontario Place was launched as a showcase for Ontario’s history, natural resources, technical innovation and burgeoning diversity.

Figure 1. Map of Ontario Place depicting spatial references and major program features.



In 2012, after many years of declining attendance, annual financial losses and a backlog of unaddressed maintenance and state-of-good repair requirements, Ontario Place was decommissioned, leaving only the Budweiser Stage in full operations. In 2017, the site was partially reopened with the opening of the new 7.5-acre Trillium Park and William G. Davis Trail on the East Island. In 2019, the Cinesphere was reactivated to show second-run films. At this time, some piecemeal seasonal programming was also introduced to the East Island (such as Cirque de Soleil, etc.). With the exception of the Budweiser Stage and the Cinesphere, none of the buildings or structures on site have been significantly upgraded since their initial construction in the late 1960s.

Land Ownership

The footprint of Ontario Place encompasses: (a) land and water owned by the municipality; (b) lands and water owned by the Province; and, (c) lands and water owned by the Toronto Port Authority. Live Nation is a current leasehold tenant at the site. Refer to Section 3 for further information.

- a. City-owned: Irregular parcel of lands and water, covering approximately 6 acres of land and 16 acres of water. Transfer of lands and water to Provincial ownership currently under discussion.
- b. Provincially-owned: majority of the site, approximately 155 acres of land and water

- c. Federally-owned (Toronto Port Authority): less than 0.2 acres of lands within the existing Trillium Park. Since Trillium Park area (located on the east portion of the East Island) was developed and opened more recently in 2017, this area is considered to be outside of the scope of the current redevelopment.

Note that Trillium Park is not included in the current redevelopment works and is outside of the scope of the proposed redevelopment of Ontario Place. Therefore, no change or project activity is contemplated on the 0.2 acres of Federal lands located within Trillium Park at Ontario Place.

Following the redevelopment, the Ontario Place site will remain under Provincial ownership, with any program partners being under a land lease. No land is being sold and all lands and water will remain in provincial ownership.

The Need for Revitalization

Ontario Place is an artificial island, built to standards at the time of construction. A majority of the servicing systems and physical infrastructure (e.g., bridges, shoreline protection) and structures at Ontario Place date back to the initial construction and have reached the end of 50-year design life. Intervention is required, across the site, to address:

- (a) updated flood mitigation measures to meet modern environmental standards
- (b) rehabilitation of shoreline protection infrastructure that is past design life, largely deteriorating and is unable to effectively protect against flood and uprush risk;
- (c) upgrades to ensure conformance with applicable standards related to accessibility per the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*, emergency access/egress, and City requirements for the design of multi-use pathways; and
- (d) modernization of public realm and related soil management program to address environmental conditions and ensure a safe site for all proposed activities.

The Vision for a Revitalized Ontario Place

The Province is now redeveloping Ontario Place with the vision of creating a remarkable world-class, year-round destination that will include family-friendly entertainment, public and event spaces, parkland, and waterfront access.

To advance redevelopment efforts following the partial reopening of Ontario Place, the Province issued an open international Call for Development in 2019 to identify private-sector program partners with bold development concepts that aligned with the government’s vision for an all-season, family-friendly waterfront destination. In 2021 the vision for redevelopment was revealed, alongside the program partners who were selected to support the Province in advancing their vision: Therme Canada Inc. (Therme); Live Nation Entertainment (Live Nation); EcoRecreo (adventure play) and an emerging partnership with the Ontario Science Centre (OSC). In 2022, the Province and Therme entered into a lease agreement for redevelopment of the West Island and the west Mainland.

Across Ontario Place, the redevelopment will deliver more than 50 acres of free, publicly accessible, all-season parks and open spaces; new all-season family-friendly programming; improved site access and transit connections; AODA compliant landscaping; heritage restoration of the central Pods and Cinesphere complex; renewal and modernization of the site’s marina and related public amenities; and – for the first time in 50 years – a comprehensive program of site upgrades including rehabilitation of all

site servicing , site-wide flood protection measures, soil remediation works, shoreline rehabilitation, water quality improvement, aquatic habitat creation and a fully renewed public realm with improved access to Lake Ontario for all visitors.

Allocation of Responsibility for Redevelopment Works

The Ontario Place redevelopment project (**the Project**) is comprised of major components or physical activities, across both tenanted and non-tenanted lands. The Province is responsible for site-wide (master) project planning and is overseeing a program of upgrades intended to comprehensively address existing issues at Ontario Place. This Provincial program is split across three activities: (a) Servicing Replacement Program, (b) Site Preparation works, and (c) provision of site-wide shared parking solution for all visitors to Ontario Place (i.e., the Shared Parking Structure, which is the subject of this Designation Request). Provincial works is incidental and will enable the development activities being carried out in the care and control of the private sector tenants.

To facilitate redevelopment, the Province is also responsible for site-wide development approvals under the Provincial *Planning Act*, with support from the tenants, and for Indigenous engagement in conformance with the Province’s Duty to Consult obligations. For the Province-led project activities, the Ministry of Infrastructure (2012) Public Work Class Environmental Assessment (PW Class EA) process under the Provincial *Environmental Assessment Act* (EAA) applied. The Ministry of Infrastructure Public PW Class EA is a planning tool that consists of procedures that allow the Ministry of Infrastructure to comply with requirements of Ontario’s EAA using a streamlined approach. These procedures are designed to ensure that the Ministry of Infrastructure takes into account the potential effects of its projects on the environment (i.e., completes an environmental assessment) before deciding how to proceed.

Tenant-led (e.g., Therme) activities are subject to the Provincial *Planning Act* as the applicable planning process. Tenants will be responsible for the development of facilities, consisting of the planning, design, construction and operation of both landscape and built elements. All physical activities are integral to achieving the Government of Ontario’s vision for the redevelopment of Ontario Place. Beyond the *Planning Act* approvals led by the province, tenants are responsible for securing all permits and approvals required for them to construct their facility (including any Federal, municipal, or provincial permits and approvals).

Redevelopment Activities

Physical activities that comprise the Project are briefly summarized below. For further description of project activities that are *incidental to the designation request*, refer to Table 1 and Section 3.

i. Site Servicing

As mentioned above, servicing systems (water, wastewater, stormwater, electrical/telecom and gas) at Ontario Place are reaching the end of 50-year useful design life and require replacement regardless of future use. Services on site are in deteriorating condition, lack in modern control technology; do not meet contemporary performance standards and in many cases do not provide sufficient capacity for current the site. The Province is now undertaking a comprehensive program of upgrading servicing infrastructure across Ontario Place. This program of upgrade enables future phases of the redevelopment project.

The Site Servicing modernization work was subject to Category B of the Ministry of Infrastructure (2012) PW Class EA process. This process was completed as of June 30, 2022. Pre-construction work started in May 2023 and construction activity on-site is anticipated to commence in October 2023, including installation of site hoarding, vegetation removals and excavation for Site Servicing works only in accordance with in-place approvals, agreements and permits. All applicable permits and approvals will be in place prior to the commencement of physical activities.

For clarification, none of the site servicing works constructed by the Province will be located on the West Island. The responsibility of the Province was to provide site services to the point where the tenant's lease extends to and the tenant is then responsible for providing the necessary services within their leased lands. For this reason, none of the site-wide servicing works have been included in the Province's designation response submission.

ii. Site Preparations

Similar to site servicing, a majority of the physical infrastructure (e.g., bridges, paths, shoreline protection) and structures at Ontario Place date back to the initial construction and have reached the end of their 50-year design life. The Province is undertaking site preparation works to enable future development and address some of the critical site issues. Site Preparation is subject to and has been evaluated through the Category C of the MOI PW Class EA process.

For clarity, site preparation works will occur site-wide, inclusive of the tenanted West Island and mainland areas, although the scope will vary across the site to reduce duplication of works between the different proponents. Site Preparation activity on the West Island and areas of the Mainland identified in Figure 2 are considered incidental to both the parking structure and Therme's development activities. Therefore, site preparation activities *in these project areas* are included in the Province's designation response submission.

Details on the extent and specific components of the Province's Site Preparation work on the West Island and western portion of the Mainland will be confirmed through detailed design and will vary across the site to reduce duplication or overlap between proponents. The Province's scope of work on the West Island will not include any shoreline modification, lake in-filling or aquatic habitat creation as this work will be in the sole care and control of Therme. Further information is provided in Section 3.

Site Preparation activities on the East Island are incidental to the Province-led Public realm development (see *v. Other Province-led Development Activities* below) and are not incidental to either the Shared Parking Structure or Therme's development activities. Therefore, Site Preparation activities on the East Island are excluded from the Province's designation response.

iii. Shared Parking Structure

The Province is investing in parking solutions at Ontario Place that can best accommodate the projected number of visitors to the site and be a shared parking solution for all tenants on site, including patrons of Live Nation, Therme, the marina, the OSC as well as visitors to the park. Following the redevelopment, it is anticipated that the site will welcome as many as 6 million annual visitors, with a peak day visitation of roughly 29,000 people at Ontario Place on a single day. Ontario Place will also be a place with equal access for families, elderly persons, those with mobility constraints and those arriving from all over the

province, groups who often need to arrive by car. As with any major destination, parking is a component of accommodating this volume of visitors.

The underground parking garage (referred to as the **“Shared Parking Structure”** in this response) is an important piece of ‘connective’ infrastructure that will consolidate servicing (e.g., laundry or catering), garbage and recycling, loading, and bus drop-off functions below-grade as well as provide parking for bicycles and cars for all tenants. The success of the public realm across the development and realization of the vision for the Project is made possible by relocating these ‘back of house’ services from the public realm area into the Shared Parking Structure, thus freeing up at-grade areas for pedestrian activities.

The proposed Shared Parking Structure is connected below-grade to both the Therme Welcome Pavilion on the Mainland and the OSC building. Due to the structural integration of the parking structure and the OSC, it is anticipated that these projects may be delivered as a package of related works, although this has not been confirmed. The Shared Parking Structure is subject to and has been evaluated through Category C of the MOI PW Class EA process. It remains subject to *Planning Act* approvals with that planning and decision-making process. The Shared Parking Structure will be under Provincial ownership.

While a discussion of the assessment activities conducted to date for the broader Ontario Place Redevelopment Project is included within this submission, we note that it is only the Shared Parking Structure which is the subject of the Request for Designation.

iv. Therme Facility and Tenant-led Public Realm Development

Therme was a successful proponent in the Government of Ontario’s 2019 open Call for Development. What is referred to in IAAC’s letter as the Therme Spa Complex (referred to in this response as the **“Therme Facility and Tenant-led Public Realm Development”**) is subject to Planning Act approvals as well as all applicable municipal, provincial, and federal approvals and permits. Please refer to the response provided by Therme for further information and details.

v. Other Province-led Development Activities

Note that the government-led work also includes the redevelopment of the public realm on the Mainland and East Island as well as the construction of the new OSC at Ontario Place. These activities are subject to and have been through Category C of the MOI PW Class EA process. However, these works are not considered incidental to either the parking structure or the Therme Facility. Therefore, these activities are excluded from the Province’s designation response submission.

Project Planning & Assessment

The Site Preparations and Shared Parking Structure activities, which are incidental to the Project and therefore are discussed in this response, were subject to the Provincial Category C of the MOI PW Class EA process. This process was initiated in March 2021 with issuance of the Notice of Commencement and was substantially completed on September 2, 2023 with completion of a 60-day comment period on the Draft Environmental Study Report (ESR) (referred to herein as the **“the Category C Draft ESR”**). The Final ESR is anticipated to be released in Fall 2023 which will conclude the Category C Class EA process and the Project can proceed to implementation.

Category C of the MOI PW Class EA process includes documentation (Environmental Study Report) of the assessment of potential adverse effects, mitigation measures, public consultation, and the net environmental effects anticipated from various project works and activities associated with the Category C project.

The assessment identified appropriate technically and economically feasible site-specific mitigation, enhancement, and monitoring measures to reduce or eliminate impacts, and enhance positive effects. These mitigation measures will be further refined during detailed design. With the implementation of standard mitigation measures (including best management practices) and monitoring programs, no adverse effects under federal jurisdiction are anticipated. Minor temporary, construction-related impacts are anticipated over varying lengths of time, because the redevelopment of the public realm will be undertaken through stages. The extent, duration and magnitude of the potential environmental impacts will be more fully determined during detailed design and the construction planning stage. Commitments to this process are outlined in the Category C Draft ESR, which includes ongoing consultation with Indigenous communities to determine their desired level of involvement in monitoring programs and activities.

The Category C Draft ESR includes commitments that project activities, including Site Preparation and the Shared Parking Structure, will be implemented in accordance with all applicable provincial and federal laws and obtain necessary permits, licenses, authorizations and approvals. The Province is generally not subject to the legal requirements of municipal by-laws or the permitting processes of conservation authorities; however, the Province has to-date worked closely with all authorities having jurisdiction to achieve general conformance with typical requirements (including the City of Toronto and the Toronto and Region Conservation Authority, amongst others). For further details on the Category C Draft ESR, please refer to: engageontarioplac.ca/documents/.

The Province is also participating in a development application approval process for site-wide Official Plan and Zoning By-Law amendments to facilitate the redevelopment, inclusive of tenant (Therme and Live Nation) proposals. City of Toronto Municipal Staff, including review departments and agencies, have been engaged since April 2022 on the site-wide application. A full development application submission, with all required plans, drawings and technical support materials, was made to the City on November 25, 2022 and a resubmission was made on September 13, 2023. Formal comments on the initial (Nov. 25) submission were received May 11, 2023. Details on this process can be found on the City's public development application page: <https://www.toronto.ca/city-government/planning-development/waterfront/current-projects/ontario-place-redevelopment/>

It is respectfully submitted that, through the completion of the Category C Class EA and planning work ongoing through the development approval process, it has been demonstrated that project activities, including Site Preparation and the Shared Parking Structure, are not anticipated to cause adverse federal effects that reasonably warrant designation. Standard design features and mitigation measures will address any anticipated adverse federal effects, which will be adequately managed through other federal, provincial and municipal regulatory mechanisms.

The following sections provide the Province's detailed responses to each of IAAC's questions to elaborate on this point.

Section 1: Nature of Proposed Activities

Agency Comment:

The Agency understands that there are several distinct proposed activities related to the redevelopment of Ontario Place and encourages the Proponent to clearly indicate which of the proposed activities are within its care and control. This should include any physical components or activities that are incidental to the Project. In determining such activities, the following criteria shall be taken into account:

- Nature of the proposed activities and whether they are subordinate or complementary to the Project;
- Whether the activity is within the care and control of the Proponent;
- If the activity is to be undertaken by a third party, the nature of the relationship between the Proponent and the third party and whether the Proponent can “direct or influence” the carrying out of the activity;
- Whether the activity is solely for the benefit of the Proponent or is available for other proponents as well; and
- The federal and/or provincial regulatory requirements for the activity.

Response:

Nature of proposed activities

The Ontario Place redevelopment project is comprised of major components or physical activities, across both tenanted and non-tenanted lands (refer to introduction). All physical activities are integral to achieving the Government of Ontario’s vision for the redevelopment of Ontario Place. Refer to Table 1 for a summary of project activities identified in the Province’s designation response submission and Section 3 for further detail on project activities.

Government-led activities (as identified in Table 1) are subject to the applicable category of the Ministry of Infrastructure (2012) PW Class EA process.

- Category C Class EA
 - Scope: Site Preparations, Shared Parking Structure (see below)
 - Commenced: March 2022
 - Current Status: Substantially completed September 2023

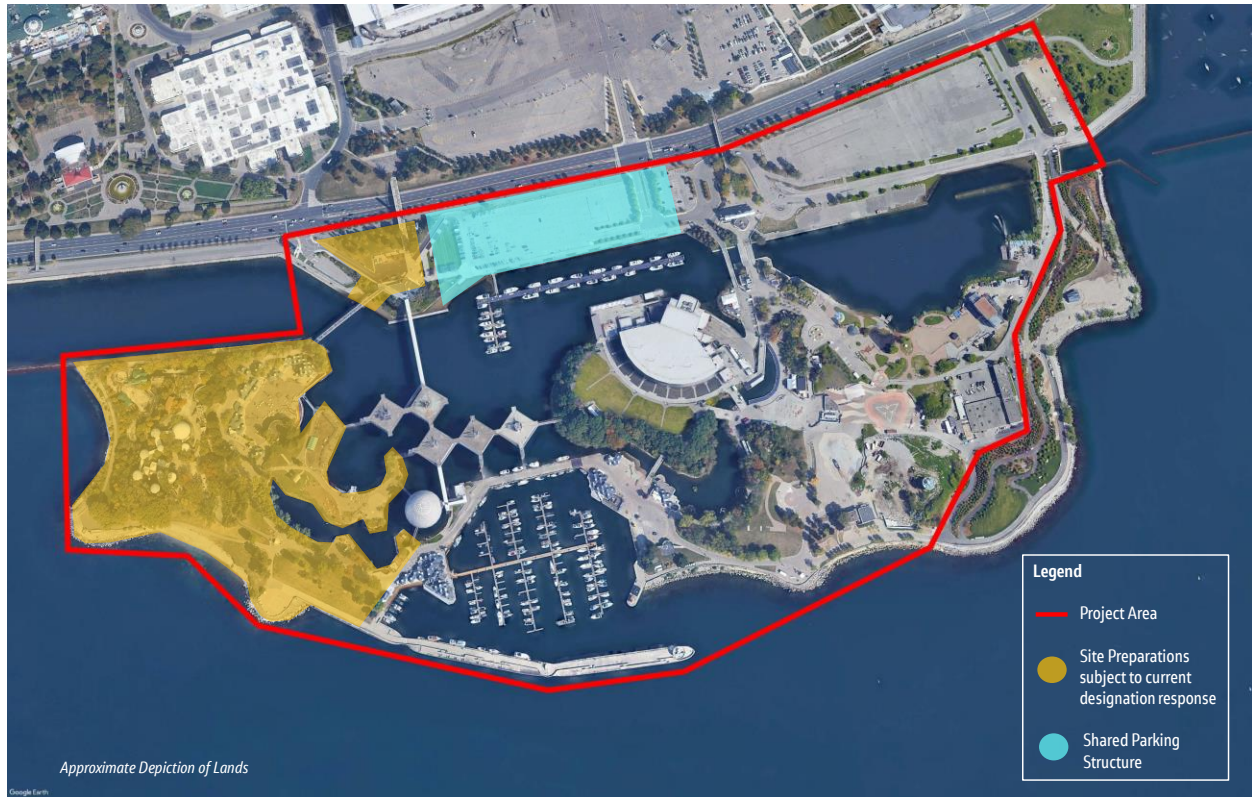
Activities under the care and control of the Proponent:

The design, construction and operation of the Shared Parking Structure, located on the central centre-west portion of the Mainland, is under the care and control of the Province.

In addition, The Province has under their care and control the Site Preparation works across the site, inclusive of the East Island, West Island and Mainland. However, for only those Site Preparation activities which are incidental to the Therme Facility and Tenant-led Public Realm Development activity occurring on the West Island and the west portion of the Mainland are captured in the *Response to Designation* (refer to Figure 2).

As noted in the introduction, both the Shared Parking Structure and Site Preparation works are subject to Category C of the MOI PW Class EA, which was substantially completed in September 2023.

Figure 2. Location of Shared Parking Structure and Site Preparation Works



In addition to physical activities, the Province is responsible for site-wide (master) project planning, including development approvals, and Indigenous engagement. The Province is the proponent for a combined Official Plan/Zoning By-Law amendment submission to the City of Toronto, pursuant to the terms of a City-Province agreement guiding collaboration on the redevelopment (see Appendix A). While the Province is not subject to the Toronto and Region Conservation Authority (TRCA) approval process, consultation with TRCA has been ongoing throughout the Category C Class EA process and is anticipated to continue during detailed design through participation in TRCA’s Voluntary Project Review.

As noted above, the Province of Ontario and Therme have entered into a lease providing for the development and operation of the Therme Ontario Place facility. As the tenant, Therme is responsible for the design, construction and maintenance of this facility during the tenure of the lease as well as the construction of public-accessible lands within their leased boundary. The MOI PW Class EA process is not permitted for work on behalf of the private sector on provincial land. Furthermore, the leasing of provincially-owned property is exempt under the EAA and Regulation 334. Therefore, tenant-led work is not part of the scope of the Province’s EAs for Ontario Place. All tenant-led work will be subject to all applicable approvals, permits and authorizations (e.g., federal, provincial, municipal, TRCA), including applicable Ontario Planning Act approvals and federal permits.

The Project activities are identified, at a high-level, in the table below and, in further detail in Section 3 and Section 4 for the applicable provincial and federal regulatory requirements.

Table 1. Physical Activities Incidental to the Designation Request

No	Physical Activity	Description of works	Proponent with Care and Control	Area	Planning Process and Status	Anticipated Construction Timing	Benefit
1	Site Preparations	<ul style="list-style-type: none"> • Building and structures demolition and removal • Capping and decommissioning of redundant below-grade infrastructure • Vegetation removal, as required. • Grading and Risk Management Measures (RMM) for soil contamination, as required. 	The Province	Area Subject to Designation Request (refer to Figure 2)	<ul style="list-style-type: none"> • MOI PW Class EA – Category C (MECP Review Complete, Final ESR target Fall 2023) 	2024	The Province and Tenants
2	Shared Parking Structure	<ul style="list-style-type: none"> • Building construction 	The Province	Mainland	<ul style="list-style-type: none"> • Planning Act Approvals • MOI PW Class EA – Category C (MECP Review Complete, Final ESR target Fall 2023) 	2025	The Province and Tenants
3a	Therme Facility	<ul style="list-style-type: none"> • Building construction 	Therme Canada Inc.	West Island and Mainland (within leased area)	<ul style="list-style-type: none"> • Planning Act approvals (ongoing) 	2025	Therme Canada Inc.
3b	Tenant-led Site Rehabilitation & Public Realm Development	<ul style="list-style-type: none"> • Near-shore lakefill • Shoreline protection and flood Mitigation • Grading and risk management measures for soil contamination • Landscaping • Access and AODA improvements • Park, trail, and open space development 	Therme Canada Inc.	West Island (within leased area)	<ul style="list-style-type: none"> • Planning Act Approvals (ongoing) 	2025	Therme Canada Inc. and the Province

 Refer to Therme Canada Inc. Response

Section 2: Potential Adverse Effects

Agency Comment:

For each of the components or activities described above, and in accordance with subsection 9(3) of the IAA, by October 16, 2023, please provide available information regarding potential:

- Adverse effects to fish and fish habitat;
- Adverse effects migratory birds;
- Adverse federally listed Species At Risk (SAR);
- Adverse changes to the environment that would occur on federal lands, including federal water-lots, and lands outside Ontario or Canada, including transboundary effects of greenhouse gas emissions;
- Adverse impacts, resulting from any change to the environment, on Indigenous peoples, including changes to the environment impacting: physical and cultural heritage; current use of lands and resources for traditional purposes; structures, sites, or things of historical, archaeological, paleontological, or architectural significance; and
- Changes to the health, social or economic conditions of Indigenous peoples of Canada.

Response:

Overall, the Category C Draft ESR provides an assessment of potential adverse effects, mitigation measures and the net environment effects anticipated from various project activities associated with the Category C project, which included the Shared Parking Structure and the Site Preparations. Refer to the Introduction and Appendix C of this response (Potential Impacts, Mitigation Measures and Net Environmental Effects tables from the Category C Draft ESR).

In the tables, where a potential impact is likely, the assessment identified appropriate technically and economically feasible site-specific mitigation, enhancement, and monitoring measures to reduce or eliminate impacts, or to enhance positive effects. The anticipated Project-related environmental impacts are manageable with typical mitigation measures. Therefore, significant impacts are not anticipated to remain from the Project. The potential impacts from construction, operations, and maintenance will be further assessed during detailed design, which will include refining the Project-specific mitigation measures. Minor temporary, construction-related impacts are anticipated over varying lengths of time, because the redevelopment of the public realm will be undertaken through stages. The extent, duration and magnitude of the potential environmental impacts will be more fully determined during detailed design and the construction planning stage. Potential impacts and recommended mitigation measures and monitoring plans will be refined during detailed design and finalized before construction begins; this includes any ongoing consultation with Indigenous communities.

Monitoring, which could include Indigenous archaeological, environmental and construction monitoring, will occur throughout and after construction, to confirm compliance with mitigation measures and commitments specific to the undertaking. Monitoring measures will be appropriate for project-related activities and associated effects and will continue to be implemented in accordance with all applicable municipal, provincial, and federal laws. The Government of Ontario is generally not subject to the legal requirements of municipal by-laws or the permitting processes of conservation authorities; however, the government will work closely with all authorities having jurisdiction to achieve general conformance with typical requirements.

The following sections outline the potential adverse effects of the Shared Parking Structure and Site Preparations.

Potential Adverse Effects to Fish and Fish Habitat:

Shared Parking Structure

There will be no adverse effects on fish and fish habitat since there are no in-water works or shoreline works required for construction of the Shared Parking Structure. Mitigation measures (which include best management practices) have been developed that will be utilized during construction activities to ensure fish and fish habitat are not impacted. (Refer to Appendix C of this response for a copy of the tables from the Category C Draft ESR.) These tables identify the need for such measures as:

- Erosion and sediment control measures
- Managing excavated materials to avoid runoff
- Dewatering practices
- Spills management

In addition, appropriate setbacks from Lake Ontario have been incorporated into the preferred design and this will be further refined during detailed design (which is the next phase following completion of the Category C Class EA process).

Site Preparations

There will be no adverse effects on fish and fish habitat since there are no in-water works required for the Site Preparations. Similar to the Shared Parking Structure there are mitigation measures and best management practices developed to ensure fish and fish habitat are not impacted during these activities, such as:

- Erosion and sediment control measures
- Managing excavated materials to avoid runoff
- Record of Site Condition
- Excess soil management

Potential Adverse Effects to Migratory Birds:

The potential effects to migratory birds associated with the Project and broader Ontario Place redevelopment were assessed as part of the Natural Heritage Impact Study (“NHIS”), both of which were included in Appendix B of the Category C Draft ESR and updated and submitted to the City as part of IO’s OPA/ZBA application for the entire Ontario Place redevelopment. A copy of the most recent version of the NHIS is attached to this submission for reference as Appendix D.

Shared Parking Structure

Based on Morrison Hershfield’s field investigations completed between 2020 and 2022, bird species protected by the Migratory Birds Convention Act (MBCA) have been observed within the proposed Shared Parking Structure boundary limit. Evidence of breeding within the limit has been obtained for several MBCA species determined to be confirmed (four species), probable (two species), or possible (five species) breeders. While there is some potential for migratory birds to nest in existing vegetation or

human-made structures (e.g., along south sheet pile wall in Lake Ontario) within the limit, it is not anticipated that construction activities associated with the proposed Shared Parking Structure will adversely affect migratory birds in the long term based on the small scale of vegetation removals and minor loss of breeding habitat. The site for the Shared Parking Structure is on the Mainland portion of Ontario Place and is currently an asphalt parking lot with some grass and vegetation present along the edges.

Standard mitigation measures have been outlined in the Category C Draft ESR. In the area surrounding the asphalt parking lot and within the Mainland portion of Ontario Place, to comply with the MBCA, all vegetation removal and/or clearing operations must be completed after August 31 and before April 1 of any year, outside of the breeding bird active nesting season. All redevelopment of exterior areas of structures with potential nesting areas, or removal of features on structures with nests or potential nesting must be completed after August 31 and before April 1 of any year. In the event these activities cannot be completed after August 31 and before April 1, the Contractor must install exclusion measures around the structure that is the object of the activity, outside of the breeding season and typically prior to the breeding bird season, to prevent birds from nesting within the work area.

As Identified in the Category C Draft ESR there will be no adverse effects on migratory birds from the operation and maintenance of the Shared Parking Structure since it is underground and the existing site is an asphalt parking lot. There will be temporary impacts during construction, but these can be minimized with the typical mitigation measures identified (e.g., timing windows from April 1 to August 31 limiting when construction can occur). Trillium Park (east side of the East Island at Ontario Place) is not part of the proposed redevelopment activities and will remain open and unaffected by construction activities that are to take place on the remainder of the East Island. Migratory birds will be able to utilize Trillium Park and other locations in the area during the temporary construction period.

Based on this it was determined in the Category C Draft ESR that there would be no significant adverse net effects to migratory birds from construction or operation of the Shared Parking Structure.

Site Preparations

Birds that were detected by Morrison Hershfield (MH) during their biophysical inventories completed on the West Island of Ontario Place were considered either as confirmed breeders (15 or 15% of 101 species) or probable (4 or 4% of 101) or possible breeders (8 or 8%). In total, 27 of the 101 species observed were exhibiting breeding evidence and were presumed to be breeding either on or in the vicinity of the West Island at Ontario Place. The majority (74 or 73%) of bird species observed were utilizing the site for feeding and foraging in the summer months or for stopover during migration in the spring and fall.

Birds not observed to be nesting on building or structures would be nesting mainly within vegetation on the site. Consequently, locations of nests for species utilizing vegetated habitats are not known and it is assumed that all vegetated areas on site provide potential nesting habitat. Of the waterfowl species observed (19 total) the vast majority (17 or 89%) were not using the west island at Ontario Place for breeding. Similarly, all three wading bird and two of the three shorebird species detected were not found to be breeding.

As species observation data presented in the Natural Heritage Existing Conditions Report (conducted as part of the Category C Draft ESR) was generally not tied to specific locations on site for those species not

nesting on structures, their usage of the site is assumed based on the habitat preferences of species or species groups (guild, e.g., waterfowl, woodpeckers, etc.).

All areas affected by construction related activities (e.g., vegetation clearing, grading) will experience the removal of habitat for migratory birds. The MBCA is the primary federal legislation protecting migratory birds that utilize Ontario Place. The MBCA prevents harm, harassment, injury, killing or taking of a migratory bird, their young, nests, and eggs. Nests that do not contain a live bird or viable egg can be removed without a permit with the exception of nests of the species listed in Schedule 1. There are 18 species listed under Schedule 1 of the MBCA that are known to reuse nests. These species nests are required to have year-round protection for the designated wait time (specified in Schedule 1), unless proven to be abandoned. None of the species in Schedule 1 were found to be nesting at or on site. The *Species at Risk Act, 2002* (SARA) applies to migratory bird species listed as threatened, endangered or extirpated in Schedule 1 under the Act. The Act prohibits the harm, harassment, injury, killing or taking of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species; it also prohibits the destruction of the residence of one or more individuals of a listed species. Under the Act “residence” means a dwelling-place, such as a den, nest or other similar area or place, that is occupied or habitually occupied by one or more individuals during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding or hibernating. Of the migratory bird species confirmed to be breeding by MH, only Barn Swallow is currently listed on Schedule 1 of SARA as threatened and is therefore subject to prohibitions under the Act. It should be noted that COSEWIC has reassessed Barn Swallow as Special Concern (2021) and is under consideration for status change to Special Concern.

No permit under the MBCA is required, as mitigation measures to be implemented are anticipated to prevent impacts to migratory birds. Mitigation measures include the following:

- All vegetation and tree removal and/or clearing operations must be completed *after August 31 and before April 1 of any year*, outside of the breeding bird active nesting season. Potential impacts to species listed under SARA (i.e., Barn Swallow) will be addressed in accordance with applicable legislation during the construction stage.

Bird exclusion measures will meet the Best Management Practices for Excluding Barn Swallows and Chimney Swifts from Buildings and Structures (MNRF, 2017) or be developed in consultation with an Avian Specialist, to prevent birds from accessing the buildings/structures to nest on when they return to the site for the bird nesting season (after migration), to reduce potential conflicts between work and nests and to prevent disruption of nests. Most of the resident and migratory birds at Ontario Place are common and typical for urban settings, which correlates to the urban park landscape present on site. These species are considered tolerant and adaptable to anthropogenic landscapes. Other suitable habitat for these species can be found in abundance in the vicinity of Ontario Place such as within Trillium Park (Ontario Place) or Coronation Park, in the Toronto Islands Coastal Wetland Complex Candidate ANSI at Billy Bishop Toronto City Airport, or at Leslie Street Spit and Tommy Thompson Park; locations already recognized as Important Bird Areas (IBA) by IBA Canada. Accordingly, due to the majority of bird usage of Ontario Place being transient in nature (i.e., not breeding), and the abundance of similar habitat in the vicinity, it is anticipated that impacts to migratory birds resulting from the redevelopment of Ontario Place will be low. Additionally, the proposed landscaping plans for the redevelopment aim to provide improved habitat in greater abundance, thereby making the impacts temporary in nature. Vegetation that will be planted on site post-development will be primarily native/regional species or native cultivars (as opposed to the approximately 50% non-native plantings on

site today). Planted vegetation will be established in clean fill or remediated soil (as opposed to widespread contamination currently) and with soil depths and volumes consistent with contemporary industry best-practice and applicable Toronto Green Standards. Drawing on and directly informed by the successful planting strategy implemented for the Trillium Park redevelopment (2017), new plantings of various sizes, ages, and species will also be introduced on day one to promote diversity, improved ecological function and productivity as terrestrial habitat (e.g., for migratory birds). As a result, the Project team anticipates that the Ontario Place redevelopment will result in a more productive growing environment and ecological state versus current conditions.

All areas affected by construction related activities (e.g., vegetation clearing, grading) will experience the removal of habitat for migratory birds. Based on the extensive assessments completed to date and further review and/or studies to be undertaken through the detailed design process, any potential adverse effects to migratory birds can be appropriately mitigated or avoided. Accordingly, the Project would not cause adverse federal effects in respect of migratory birds that reasonably warrant designation.

Potential Adverse Effects to Federally Listed Species at Risk:

Shared Parking Structure

Based on field investigations completed between 2020 and 2022, species observed within the proposed Shared Parking Structure boundary limit and listed as endangered or threatened on Schedule 1 of the SARA include Kentucky Coffee-tree and Chimney Swift. No adverse effects to these species will result from the proposed Shared Parking Structure.

Two Kentucky Coffee-trees (Threatened) occur along the northern limit of the proposed Shared Parking Structure boundary limit. It is anticipated that these two trees will be preserved. Since Kentucky Coffee-trees within the limits are not naturally occurring specimens within their native range and are anticipated to be preserved, no adverse effects to this species will result from the Shared Parking Structure.

Chimney Swifts (Threatened) have been observed over/above the proposed Shared Parking Structure boundary limit in flight, feeding, and foraging. Since no roosting, nesting, or categorized or critical habitat is present within the limit for this species, no adverse effects to this species will result from the Shared Parking Structure.

It is noted that Barn Swallow remains listed as Threatened in Schedule 1 of SARA and are under consideration for status change. Barn Swallows have been observed over/above the proposed Shared Parking Structure boundary limit in flight, feeding, and foraging. It is not anticipated that construction activities associated with the Shared Parking Structure will adversely affect migratory birds due to the small scale of vegetation removals. In addition, since no Barn Swallow nests have been observed within the limit of the structure, it is anticipated that the Shared Parking Structure will have no adverse effects to this species.

Accordingly, the Project would not cause adverse federal effects in respect of federally listed SAR that warrant designation.

Site Preparations

As part of the Natural Heritage Existing Conditions Report for the entire Ontario Place redevelopment project, three federally listed SAR, the Chimney Swift, Barn Swallow, and Kentucky Coffee-tree, were identified. Chimney Swifts (*Chaetura pelagica*), listed as a threatened species under the SARA, was identified on site at Ontario Place. However, Chimney Swifts were only observed over/above Ontario Place, feeding and foraging. No roosting, nesting, or categorized or critical habitat is present on the West Island for this species.

It is noted that Barn Swallow remains listed as Threatened in Schedule 1 of SARA and are under consideration for status change. Barn Swallows have been observed over/above the proposed Shared Parking Structure boundary limit in flight, feeding, and foraging. Since no Barn Swallow nests have been observed within the limit, it is anticipated that Site Preparations will have no adverse effects to this species.

No permit under the MBCA is required, as mitigation measures to be implemented are anticipated to prevent impacts to migratory birds. Mitigation measures include the following:

- All vegetation and tree removal and/or clearing operations must be completed *after August 31 and before April 1 of any year*, outside of the breeding bird active nesting season. Potential impacts to species listed under SARA (i.e., Barn Swallow) will be addressed in accordance with applicable legislation during the construction stage.

Bird exclusion measures will meet the Best Management Practices for Excluding Barn Swallows and Chimney Swifts from Buildings and Structures (MNRF, 2017) or be developed in consultation with an Avian Specialist, to prevent birds from accessing the buildings/structures to nest on when they return to the site for the bird nesting season (after migration), to reduce potential conflicts between work and nests and to prevent disruption of nests.

Accordingly, the Project would not cause adverse federal effects in respect of federally listed SAR that warrant designation.

Potential adverse changes to the environment that would occur on Federal lands including federal water lots, and lands outside Ontario or Canada, including transboundary effects of greenhouse gas emissions:

Shared Parking Structure

There are no federal lands, federal waterlots or lands outside of Ontario or Canada present in or adjacent to the Shared Parking Structure boundary limit that would be impacted by construction and operation of the Shared Parking Structure. This structure will be constructed on Provincial-owned lands at Ontario Place located in the City of Toronto, Province of Ontario. Refer to Section 3 for land tenure.

An increase in parking area (provided by the Shared Parking Structure) has the potential to increase single-occupancy vehicle trips to Ontario Place. However, a shift to more sustainable modes of travel is anticipated once Ontario Place is redeveloped to include significant transit and active transportation improvements. The shift in travel modes and anticipated reduction in the use of single-occupant vehicle travel to the site is expected to reduce greenhouse gas emissions and is in line with provincial climate change targets. Incentive-based and educational-based transportation demand management measures

are also being proposed to reduce the dependency on personal vehicles and encourage sustainable modes of travel to the site. There are no transboundary effects of greenhouse gas emissions anticipated due to the active transportation design aspects and the parking garage located adjacent to the heavily travelled Lake Shore Boulevard West. Appendix C of the Category C Draft ESR provides additional information on Climate Change and greenhouse gas emissions related to the active transportation as well as the Shared Parking Structure.

Site Preparations

There are no federal lands, federal water lots or lands outside of Ontario or Canada present in or adjacent to the West Island that would be impacted by Site Preparations. Refer to Section 3 for land tenure.

Potential adverse impacts resulting from any change to the environment, on Indigenous peoples, including changes to the environment impacting: Physical and cultural heritage; Current use of lands and resources for traditional purposes; and Structures, sites, or things of historical, archaeological, paleontological, or architectural significance:

The West Island is an artificial island constructed approximately 50 years ago. The West Island has no archaeological or paleontological structures or sites of significance.

Ontario Place is identified as a Provincial Heritage Property of Provincial Significance pursuant to the *Ontario Heritage Act*, and the cultural heritage value of Ontario Place is described in the Statement of Cultural Heritage Value approved by the Province in 2013. It is important to acknowledge that there may be other cultural heritage interests and values reflected in the property that are not captured in the statement and not subject to protections under the Ontario Heritage Act, such as artwork or use of the property by contemporary Indigenous communities.

A Stage 1 Archaeological Assessment of the whole Ontario Place property, Islands and mainland was completed by TMHC Inc. in 2013 (P349-044- 2012). The report recommended that:

- a) the islands of Ontario Place should be considered free of archaeological and no further archaeological work is recommended; and
- b) '[...] historic maps reviewed indicate that the New Garrison wharf (constructed in 1841) may have extended into Lake Ontario, in an area situated beneath the eastern parking of Ontario place. As it is not known whether the infilling of this area or modern construction has significantly impacted the original wharf footprint, it is entirely possible that remnants of the wharf remain intact, deeply buried beneath the paved surface. Given this, should new construction take place in the footprint of the 19th century wharf (as shown in Map 35) further archaeological assessment is required. This could be undertaken as a separate activity or as a construction monitoring exercise, as the latter may be more feasible given the potential for excessively deep infill soils. Any investigation for deeply buried deposits should follow standards outlined in the 2011 Standards and Guidelines for Consultant Archaeologists (MTC 2011: Section 2.1.7).

A Stage 2 Archaeological Assessment that included mechanical trenching was subsequently undertaken by TMHC in the areas of deeply buried potential beneath the eastern parking lot in 2013 (P949-103-

2013). No remnant wharf features were encountered, and the area was determined to be of low archaeological concern.

No further assessment was recommended in the Stage 2 report.

In compliance with the Standards and Guidelines for Provincial Heritage Properties (S&Gs), IO and its consultants prepared a Strategic Conservation Plan to guide the redevelopment of Ontario Place. The SCP was approved by the Deputy Minister of Citizenship and Multiculturalism in November 2022. Following the S&Gs and guidance outlined in the SCP, a Heritage Impact Assessment was completed by qualified persons to assess the impacts of the action associated with the redevelopment of Ontario, including the demolition and removal of buildings and structures on the West Island. The removal or demolition of any building or structure is subject to the consent of the Minister of the Ministry of Citizenship and Multiculturalism. If consent is granted, the Province will be responsible for removing or demolishing the buildings or structures on the West Island. Based on the foregoing, the physical and cultural heritage considerations as identified under the Ontario Heritage Act are well understood, with requirements in place for Community and Indigenous engagement, and therefore do not reasonably warrant federal designation.

Changes to health, social or economic conditions of Indigenous Peoples of Canada:

The Province is consulting with Indigenous communities to determine the potential impact of the Shared Parking Structure and Site Preparations on the Aboriginal and Treaty rights of Indigenous communities.

Respectfully, at this time, the Province does not anticipate the redevelopment will create negative changes to health, social or economic conditions of Indigenous communities; however, we will continue to work with the Indigenous communities on the preferred design, detailed design and incorporating mitigation measures that have been developed through consultation. Additionally, we will continue to consult with Indigenous communities to understand any potential impacts to their Aboriginal or Treaty rights.

During this preliminary stage of the Project, the Province has engaged Indigenous communities throughout the Category B and C projects to determine interest and future participation in project planning and the environmental assessment. The various ways in which the Province has engaged with Indigenous communities are described below in Section 6. It is anticipated that engagement will continue as project planning and design advances, and through implementation of the works. Through these engagement forums, the Province will continue to address potential concerns and mitigate potential impacts to Indigenous communities.

Section 3: Information about key project activities, maps, layouts of the location of project components, land tenure, zoning, estimated timelines for planning, construction, operation, decommissioning, and abandonment

The Ontario Place redevelopment project is comprised of major components or physical activities, across both tenanted and non-tenanted lands (see Section 1). All physical activities are integral to achieving the Government of Ontario's vision for the redevelopment of Ontario Place. As identified above, this section describes activities, the Site Preparation works and the Shared Parking Structure, which are incidental to the *Request for Designation* and are within the care and control of the Province. These activities are described below. The Province is responsible for addressing their federal and/or provincial regulatory requirements. The federal and/or provincial regulatory requirements for the Project activities are further discussed in Section 4: Applicable Regulatory Approvals below.

Government-led activities (as identified in the introduction) are subject to the applicable category of the Ministry of Infrastructure (2012) PW Class EA process. The MOI PW Class EA process is not permitted for work on behalf of the private sector on provincial land. Furthermore, the leasing of provincially-owned property is exempt under the EAA and Regulation 334. Therefore, tenant-led work is not part of the scope of the Province's EA for Ontario Place. All tenant-led work will be subject to all applicable approvals, permits and authorizations, including applicable Ontario Planning Act approvals and federal permits.

Project Activities

Shared Parking Structure

Following the redevelopment, Ontario Place will be a major tourism destination at regional, provincial, national and international scales as well as a significant local park along the Toronto waterfront. Following the redevelopment, it is anticipated that the site will welcome as many as 6 million annual visitors, with a peak day visitation of roughly 29,000 people at Ontario Place on a single day. As with any major destination, parking is a component of accommodating this volume of visitors. Ontario Place will also be a place with equal access to families, elderly persons, those with mobility constraints and those arriving from all over the Province, groups who often need to arrive by car.

The Province is investing in parking solutions at Ontario Place that can best accommodate the projected number of visitors to the site and be a shared parking solution for all tenants on site, including patrons of Live Nation, Therme, the marina, the OSC as well as visitors to the park. Parking at Ontario Place is provided both at-surface (surface) and below-grade.

The Shared Parking Structure is an important piece of 'connective' infrastructure that will consolidate servicing (e.g., laundry or catering), garbage and recycling, loading, and bus drop-off functions below-grade as well as provide parking for bicycles and cars for all tenants. The success of the public realm across the development and realization of the vision for the Project is made possible by relocating these 'back of house' services from the public realm area into the below-grade parking structure, thus freeing up at-grade areas for pedestrian activities.

The Shared Parking Structure will be connected below-grade to the Therme welcome pavilion on the mainland and is also anticipated to be structurally integrated with the OSC building (extents at surface shown below).

The Shared Parking Structure will be a commercial garage under Provincial ownership.

The Shared Parking Structure project is subject to and has been evaluated through the Category C of the MOI PW Class EA process as well as Planning Act approvals. The Shared Parking Structure project is in the care and control of the Province and will consist of:

- Excavation and construction of a 5-level, below-grade commercial parking garage. Illustrative statistics provided for information (statistics remain subject to change through detailed design):
 - Approximately 1,900 vehicle parking spaces, including approximately 46 accessible spaces and 475 spaces with energized EV outlets;
 - Approximately 300 bicycle parking spaces;
 - 2 Type C and 3 Type B Loading spaces per City standards; and,
 - Bus loading and drop-off area accommodating 3 standard school buses.

Site Preparations

The Province is undertaking Site Preparations work across all of Ontario Place, inclusive of the West Island, to address critical items and enable future development. As mentioned in the introduction, upgrades and/or removals are required to address issues of condition impacting existing site infrastructure, including vacant, derelict, redundant and/or seasonal buildings. Transitioning more of the site to sensitive use will likely require additional areas of hard or soft cap and re-grading to address soil contamination, in general conformance with Risk Management Measures to be identified through the Record of Site Condition Process.

The scope and scale of the Province’s Site Preparation work on the West Island will be confirmed through detailed design and will vary across the site to reduce duplication or overlap between proponents. Prior to Therme commencing construction activities on the West Island, Site Preparations work must be completed by the Province and will include, as applicable:

- Capping and decommissioning of redundant and/or deteriorated of existing services (electrical, gas, water and sanitary);
- Demolition of below-grade and above-grade structures and buildings, including vacant, derelict, redundant and/or seasonal buildings;
- Vegetation removals to facilitate this work. Details on the current understanding on the scope of vegetation removals and mitigation measures are found in the Arborist Report (September 13, 2023) and Natural Heritage Impact Studies (September 13, 2023) available publicly through the City of Toronto’s development application website. This information will be updated and refined through the detailed design process.
- Undertaking any soil management, risk management measures and/or other remediation activities required by environmental laws.

The Site Preparation project is subject to and has been evaluated through the Category C PW Class EA process. Site Preparation works are anticipated to commence as on-site construction in 2024, subject to

all applicable provincial and federal permitting and approvals which will be in place prior to the commencement of physical activities.

Zoning

The City of Toronto Official Plan (2022) Land Use Designation is Other Open Space Areas; Parks (northeast portion). The Central Waterfront Secondary Plan (B16) identifies that Ontario Place will be woven into the waterfront park system with better access for the public to enjoy its facilities and paid attractions. The Central Waterfront Secondary Plan permits uses “include(ing) compatible community, recreation, cultural, restaurant and entertainment facilities” for lands designated Parks and Open Space Areas throughout Central Waterfront Secondary Plan area.

The Ontario Place Corporation Act, R.S.O 1990, c.O.34 designates Ontario Place as a recreation tourism site.

The site is subject to the former City of Toronto Zoning By-law 438-86. The mainland portion of the Property is zoned G – Park District which permits parks and other recreational uses. The island portion of the Property is zoned Gm – Park District which permits the use of marinas, parks and recreational boating services. There is no applicable zoning information associated with the water lot.

The Province’s proposed zoning by-law amendment for the redevelopment concept maintains the open space zoning but would transition the lands into the new city-wide zoning by-law 569-2013, with a site-specific amendment to permit a Shared Parking Structure among other uses (i.e., the Therme Facility building envelope and waterpark and wellness centre uses). See Appendix A for further information.

Land Tenure

The footprint of Ontario Place encompasses: (a) land and water owned by the municipality; (b) lands and water owned by the Province; and (c) lands and water owned by the Toronto Port Authority, as identified in Figure 3. Live Nation is a current leasehold tenant at the site.

- a. City-owned: Irregular parcel of lands and water, covering approximately 6 acres of land and 16 acres of water. Transfer of lands and water to Provincial ownership currently under discussion.
- b. Provincially-owned: majority of the site, approximately 155 acres of land and water
- c. Federally-owned (Toronto Port Authority): a less than 0.2 acres of lands within the existing Trillium Park. The Trillium park area of the site is outside of the scope of the redevelopment.¹ No change or project activity is contemplated on Federal lands at Ontario Place.

Following the redevelopment, the Ontario Place site will remain under Provincial ownership and management, with land leased to the two private-sector tenants, LiveNation and Therme. The Shared Parking Structure is located exclusively on lands owned by the Province. The lease area of the proposed Therme Facility and tenant-led public realm development is primarily within lands and water owned by the Province with some overlap with lands and water currently owned by the City.

¹ The Federal government was consulted prior to and during construction (i.e., prior to 2017) of Trillium Park.

The City-Province agreement (2022; see Appendix A) identified that the City would transfer City-owned lands and water to Provincial ownership as part of a larger land transfer agreement. Discussion between the City and the Province remain ongoing.

Figure 3. Land Tenure

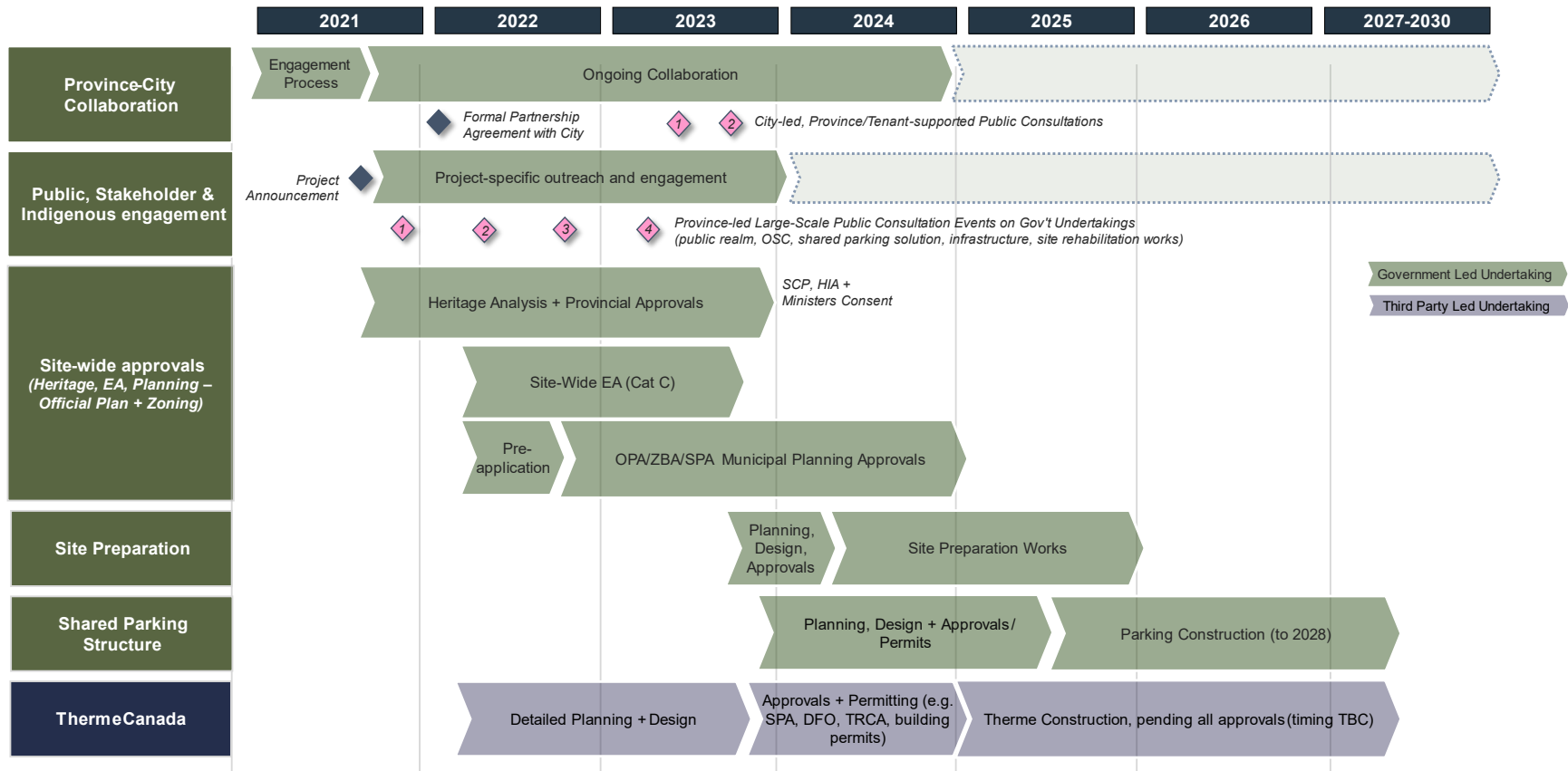


Planning, Construction and Operation Timelines

An indicative project schedule is depicted below in the Figure below. The overall project schedule is draft, subject to change and contingent on receiving all applicable permits and approvals. As a Provincially-owned public asset, operation of Ontario Place is anticipated in perpetuity. Decommissioning or abandonment is not anticipated. Structures or improvements by the private sector will operate over the term of the long-term leases with the tenants. Decommissioning at the end of lease term would proceed in accordance with the terms of lease agreements with the Province. Abandonment is not anticipated.

As indicated in Figure 4, Site Preparation activities, which are the responsibility of the Province, are anticipated to commence in early 2024. It is anticipated that project planning (including heritage, zoning, and site plan approval) will be completed by the end of 2024, such that construction can commence shortly thereafter. Project construction will take approximately 3 years.

Figure 4. Planning, Construction and Operation Timelines



Section 4: Applicable Regulatory Approvals

Agency Comment:

A list of regulatory approvals (federal, provincial, municipal, other) and any federal financial assistance that would be required for the Project and the associated project components or activities.

a) For each regulatory approval that would be required, provide the following:

- Name of the license, permit, authorization, or approval, the associated legislative framework, and the responsible jurisdiction;
- Whether it would involve an assessment of any of the effects outlined in the paragraphs above, and if so, a general description of the assessment that you intend to undertake. Would conditions be set and if yes, what effects would those conditions address?
- Whether public and/or Indigenous consultation would be required and if yes, provide information on the approach you intend to take (if any steps have been taken, please provide a summary, including issues raised as well as your responses).

b) Where applicable, for each license, permit, authorization, or approval listed above, identify the guidance, best practices, benchmarks, or standards that you intend to meet (or would be expected to meet).

Response:

Tables 2 and 3 outline the material regulatory approvals required for the Shared Parking Structure and Site Preparations, respectively, along with the information requested by IAAC to describe each approval.

No federal financial assistance is required for the Shared Parking Structure or the Site Preparations.

Permits, License, Authorizations or Approvals

Table 2. Permits, License, Authorizations or Approvals for the Shared Parking Structure

Relevant Regulation	Discussion	Outcomes	Applicable Project Components and Consultation Requirement
Federal			
Fisheries Act Authorization Fisheries and Oceans Canada (DFO)	Should the Project have the potential to result in the death of fish or harmful alteration, disruption or destruction of fish habitat, DFO review will be required to determine the need for an authorization under paragraph 35(2)(b) of the <i>Fisheries Act</i>	Not applicable	<ul style="list-style-type: none"> Not applicable, as there will be no in-water works as a result of the Shared Parking Structure Consultation with DFO will continue, as required, and any future design refinements will be subject to all applicable approvals, permits and authorizations
Notice under Canadian Navigable Waters Act Transport Canada (TC)	Should the Project have the potential to result in impacts to navigation, an application for an approval to the Navigation Protection Program will be required	Not applicable	<ul style="list-style-type: none"> Not applicable, as there will be no in-water works as a result of the Shared Parking Structure Consultation with TC will continue, as required, and any future design refinements will be subject to all applicable approvals, permits and authorizations
Species at Risk Act Permit Authorization Competent minister (DFO, Parks Canada Agency, or Environment and Climate Change Canada) <i>Species at Risk Act (SARA)</i>	Should the Project have the potential to result in impacts to species listed on Schedule 1 under the SARA as Extirpated, Endangered, or Threatened, a permit authorizing a person to engage in an activity affecting a listed wildlife species, any part of its critical habitat, or the residences of its individuals will be required.	Not applicable	<ul style="list-style-type: none"> Not applicable. With the implementation of the appropriate mitigation measures including avoidance timing windows, no permits are anticipated under the SARA. Any future design refinements will be subject to all applicable approvals, permits and authorizations
Damage or Danger Permit Canadian Wildlife Service <i>Migratory Bird Convention Act (MBCA)</i>	Should the Project have the potential to scare migratory birds, destroy eggs or nests, relocate birds or their nests, or kill birds in instances where the birds, nests, or eggs are causing damage to property or threaten public health and safety, an application for a Damage or Danger permit will be required.	Not applicable	<ul style="list-style-type: none"> Not applicable. Of the migratory bird species confirmed to be breeding by MH, only Barn Swallow is currently listed on Schedule 1 of SARA as threatened and is therefore subject to prohibitions under the Act. It should be noted that COSEWIC has reassessed Barn Swallow as Special Concern (2021) and is under consideration for status change to Special Concern. <ul style="list-style-type: none"> With the implementation of the appropriate mitigation measures including avoidance timing windows, no permits are anticipated under the <i>Migratory Bird Convention Act</i>. Any future design refinements will be subject to all applicable approvals, permits and authorizations
Provincial			
Permit To Take Water (PTTW) Ministry of the Environment, Conservation and Parks (MECP) <ul style="list-style-type: none"> <i>Ontario Water Resources Act (s. 34) and Water Taking Regulation (O.Reg. 387/04)</i> <i>Sector Registry (EASR)</i>	If the construction requires dewatering that results in the taking of more than 50,000 litres of water per day (groundwater and/or surface water), a PTTW will need to be obtained by the company undertaking the work.	<ul style="list-style-type: none"> MECP will review the dewatering and discharge plan, as well as the monitoring, contingency and erosion and sediment control plans for the proposed construction dewatering activities and issue the PTTW permit. 	<ul style="list-style-type: none"> Applicable to inground construction activities.
Environmental Compliance Approvals (Air & Noise) Environmental Protection Act <ul style="list-style-type: none"> <i>Section 20.2 and/or Registration under Part II.2</i> 	Discharge of contaminants (including dust, noise) into air during construction and/or operation would require an Environmental Compliance Approval or registration under the Environmental Protection Act (depending on the scope and magnitude of the discharge). An ECA for Air/Noise may be required pending detailed design. ECAs include requirements to assess, mitigate and monitor potential adverse effects on local air quality and noise and vibration levels due to project activities.	<ul style="list-style-type: none"> Mitigation design requirements to address air emissions or sound or vibration levels. Monitoring, testing and reporting requirements. Complaint resolution process. Ministry Notification requirements 	<ul style="list-style-type: none"> Applicable to relevant building operation When an application for an ECA is made, it must be posted on the Environmental Registry for 30-45 days for public comment, as determined by MECP.

Relevant Regulation	Discussion	Outcomes	Applicable Project Components and Consultation Requirement
Municipal			
<p>Site Plan Review City of Toronto</p> <ul style="list-style-type: none"> • <i>City of Toronto Act, 2006, Section 114</i> • <i>Municipal Code Chapter 415, Article V5</i> 	<p>The Shared Parking Structure will undergo site plan review by the City of Toronto.</p> <p>Upon review of the full and complete final site plan review package, the City of Toronto will provide a Notice of Approval Conditions.</p> <p>Scope of site plan requirements will be confirmed in consultation with the City but is anticipated to include:</p> <ul style="list-style-type: none"> • Accessibility standards checklist; • Contaminated site assessment; • Parking and loading studies; • Erosion/Sediment Control Plans; • Arborist Report, Tree Protection Plan, landscaping plans; and, • Energy efficiency reporting, environmental impact study, Toronto Green Standard development standards checklist. 	<ul style="list-style-type: none"> • The City of Toronto will review plans and drawings and provide comments in accordance with s. 114 of the <i>City of Toronto Act, 2006</i> • The City will provide feedback on the plans and drawings, respecting matters such as massing and conceptual design of the proposed buildings, relationship to public areas, green roofs or alternatives thereto, the appearance of elements, facilities, and works as they impact on matters of health, safety accessibility, sustainable design, or the protection of adjoining lands site access and servicing, waste storage, parking, loading and landscaping. 	<ul style="list-style-type: none"> • Applicable to relevant plans and drawings.
<p>Building Permits City of Toronto</p> <ul style="list-style-type: none"> • <i>Municipal Code Chapter 363, Building, Construction and Demolition</i> 	<p>Building permit checklist to be completed to confirm all application requirements have been met. Applications may include, but are not limited to, site plan, grading plan, stamped architectural, mechanical, structural and electrical plans, construction details and notes, tree declaration form, energy efficiency design for, vibration control form and municipal road damage form.</p>	<ul style="list-style-type: none"> • The City will approve building design requirements and issue a permit. 	<ul style="list-style-type: none"> • Applicable to relevant building construction.
<p>Tree Permits City of Toronto</p> <ul style="list-style-type: none"> • <i>Municipal Code Chapter 813, Article II</i> <p><i>Municipal Code Chapter 813, Article III</i></p>	<p>Permits and approvals will be obtained as required to remove or injure trees on City-land or neighbour/boundary-trees.</p> <p>Per provincial authorities, the province will not be formally seeking municipal permits for trees located on provincially-owned lands. However, the Province will be following conventional practice and industry standards in the City of Toronto, with regard to due diligence, tree protection and replacement standards.</p> <p>Tree preservation and arborist reports will be completed to document tree impacts as a result of the Project.</p> <p>All tree removal and will be done in a manner consistent with current standard practice(s) within the City of Toronto. The province will use certified arborists where appropriate; ensuring that no tree removals take place between April 1 and September 30 to prevent impacts to nesting SAR or migratory birds/bats; installing tree protection zones/hoarding around retained trees; and, other practices consistent with the standards outlined in the relevant Arborist reports and Natural Heritage Impact Studies.</p> <p>Compensation requirements will be determined in consultation with the City of Toronto.</p>	<ul style="list-style-type: none"> • Follow best management practices and mitigation identified in arborist report. • Compensation requirements 	<ul style="list-style-type: none"> • Required for all Project components that involve tree injury or removal to an applicable “permit” tree on a non-Province owned property. • Public, Municipal, Stakeholder and Indigenous consultation and engagement undertaken as described would address the consultation requirements.

Table 3. Permits, License, Authorizations or Approvals for Site Preparations

Relevant Regulation	Discussion	Outcomes	Applicable Project Components and Consultation Requirement
Federal			
N/A			
Fisheries Act Authorization Fisheries and Oceans Canada (DFO)	Should the Project have the potential to result in the death of fish or harmful alteration, disruption or destruction of fish habitat, DFO review will be required to determine the need for an authorization under paragraph 35(2)(b) of the <i>Fisheries Act</i>	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> Not applicable, as there will be no in-water works as a result of the Site Preparations activities Consultation with DFO will continue, as required, and any future design refinements will be subject to all applicable approvals, permits and authorizations
Notice under Canadian Navigable Waters Act Transport Canada (TC)	Should the Project have the potential to result in impacts to navigation, an application for an approval to the Navigation Protection Program will be required	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> Not applicable, as there will be no in-water works as a result of the Site Preparations activities Consultation with TC will continue, as required, and any future design refinements will be subject to all applicable approvals, permits and authorizations
Species at Risk Act Permit Authorization Competent minister (DFO, Parks Canada Agency, or Environment and Climate Change Canada) <i>Species at Risk Act (SARA)</i>	Should the Project have the potential to result in impacts to species listed on Schedule 1 under the SARA as Extirpated, Endangered, or Threatened, a permit authorizing a person to engage in an activity affecting a listed wildlife species, any part of its critical habitat, or the residences of its individuals will be required.	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> Not applicable. With the implementation of the appropriate mitigation measures including avoidance timing windows, no permits are anticipated under the SARA. Any future design refinements will be subject to all applicable approvals, permits and authorizations
Damage or Danger Permit Canadian Wildlife Service <i>Migratory Bird Convention Act (MBCA)</i>	Should the Project have the potential to scare migratory birds, destroy eggs or nests, relocate birds or their nests, or kill birds in instances where the birds, nests, or eggs are causing damage to property or threaten public health and safety, an application for a Damage or Danger permit will be required.	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> Not applicable. Of the migratory bird species confirmed to be breeding by MH, only Barn Swallow is currently listed on Schedule 1 of SARA as threatened and is therefore subject to prohibitions under the Act. It should be noted that COSEWIC has reassessed Barn Swallow as Special Concern (2021) and is under consideration for status change to Special Concern. <ul style="list-style-type: none"> With the implementation of the appropriate mitigation measures including avoidance timing windows, no permits are anticipated under the <i>Migratory Bird Convention Act</i>. Any future design refinements will be subject to all applicable approvals, permits and authorizations
Provincial			
Minister's Consent MCM <ul style="list-style-type: none"> <i>Ontario Heritage Act</i> Standards and Guidelines for Conservation of Provincial Heritage Properties 	The Standards and Guidelines provide a series of guidelines that apply to Provincial Heritage Properties (PHP) and Provincial Heritage Properties of Provincial Significance (PHPPS) in the areas of identification and evaluation, protection, maintenance, use, and disposal.	<ul style="list-style-type: none"> Consent from the Minister of Citizenship and Multiculturalism is required before removing or demolishing any buildings or structures on a provincial heritage property of provincial significance (PHPPS). 	<ul style="list-style-type: none"> A Strategic Conservation Plan (SCP) was completed and approved by the Deputy Minister of MCM in November of 2022. The SCP provides guidance on how to maintain and conserve the cultural heritage attributes, as identified under the OHA, of Ontario Place. The SCP directs that Heritage Impact Assessment and Minister's Consents are required to support the redevelopment of Ontario Place Applicable to building or structure on the provincial heritage property of provincial significance The Heritage Impact Assessment (HIA) process coordinated with the Category C Class EA and OPA/ZBA public engagement programs to complete the Community Engagement requirements for the HIA. As part of the community engagement process for the HIA, a draft of the HIA was circulated to DTC identified Indigenous Communities for review and comment. DTC, as it relates to impacts of demolition or removal of buildings or structures on the property, is being conducted by the Province.
Records of Site Condition/Certificate of Property Use MECP <ul style="list-style-type: none"> Records of Site Condition to be filed with MECP as 	Assessment includes: <ul style="list-style-type: none"> Identification of contamination through investigative drilling and soil sampling; Risk assessments to identify required risk management measures. 	<ul style="list-style-type: none"> Engineering requirements – capping, vapour intrusion mitigation measures, ground water management controls. Administrative requirements – Health and Safety Plan, Soils and Groundwater Management Plan, Groundwater Control and Management Plan, site prohibitions 	<ul style="list-style-type: none"> Applicable to Project components that require a change to more sensitive land uses. CPUs must be posted on the Environmental Registry for public comment. RSCs are publicly viewable.

Relevant Regulation	Discussion	Outcomes	Applicable Project Components and Consultation Requirement
<p>required as per O. Reg.153/04. Certificate of Property Use may be issued by MECP in accordance with O. Reg. 153/04.</p>		<p>(e.g., planting fruit or vegetables, constructing certain types of structures, prohibiting certain uses, access restrictions for undeveloped portions, etc., if relevant).</p> <ul style="list-style-type: none"> Monitoring/Maintenance Requirements – develop and implement: <ul style="list-style-type: none"> Cap inspection and maintenance program Vapour/air quality monitoring plan; vapour intrusion mitigation measures inspection and maintenance program Annual reporting requirements 	
<p>Excess Soil Management MECP Approval and/or permits may be required under O. Reg. 406/19 to address excess soil management requirements.</p>	<p>Applicability to be determined pending detailed design.</p> <ul style="list-style-type: none"> Volume, quality and soil condition to be determined as part of construction planning process. Management guidelines to be completed and outline sampling, monitoring, handling and documentation requirements. Management of Excess Soils to be completed under the supervision of a Qualified Person as prescribed. 	<ul style="list-style-type: none"> Follow guideline (On-Site and Excess Soil Management and the associated MECP Rules for Soil Management and Excess Soil Quality Standards, dated December 8, 2020). The work must be registered on the Excess Soil Registry that is maintained by the Resource Productivity and Recovery Authority 	<ul style="list-style-type: none"> Applicable to Project components that generate excess soil or require on-site soil management during construction.
Municipal			
<p>Sewer discharge permit City of Toronto</p> <ul style="list-style-type: none"> <i>Toronto Municipal Code Chapter 681, Sewers</i> 	<p>All approvals, permits, associated agreements and/or exemptions will be obtained as required to complete the Project in accordance with City of Toronto sewer use bylaws.</p>	<ul style="list-style-type: none"> Water quality testing to meet City of Toronto sewer standards. 	<ul style="list-style-type: none"> Applicable to all Project components involving discharge into a municipal sewer.
<p>Demolition Permits City of Toronto</p> <ul style="list-style-type: none"> Municipal Code Chapter 363, Building, Construction and Demolition 	<p>Demolition permit checklist to be completed to confirm all application requirements have been met. Applications may include, but are not limited to, stamped demolition drawings, survey or grading plan, demolition control conditions, tree declaration form, vibration control form, designated substances and hazard materials report, post- condition survey.</p>	<ul style="list-style-type: none"> The City will approve demolition requirements and issue a demolition permit. 	<ul style="list-style-type: none"> Applicable to the Site Preparations project.
<p>Tree Permits City of Toronto</p> <ul style="list-style-type: none"> <i>Municipal Code Chapter 813, Article II</i> 	<p>Permits and approvals will be obtained as required to remove or injure trees on City-land or neighbour/boundary-trees. Per provincial authorities, the province will not be formally seeking municipal permits for trees located on provincially-owned lands. However, the Province will be following conventional practice and industry standards in the City of Toronto, with regard to due diligence, tree protection and replacement standards.</p>	<ul style="list-style-type: none"> Follow best management practices and mitigation identified in arborist report. Compensation requirements 	<ul style="list-style-type: none"> Required for all Project components that involve tree injury or removal to an applicable “permit” tree on a non-Province owned property. Public, Municipal, Stakeholder and Indigenous consultation and engagement undertaken as described would address the consultation requirements.

Relevant Regulation	Discussion	Outcomes	Applicable Project Components and Consultation Requirement
<ul style="list-style-type: none"> <i>Municipal Code Chapter 813, Article III</i> 	<p>Tree preservation and arborist reports will be completed to document tree impacts as a result of the Project.</p> <p>All tree removal and will be done in a manner consistent with current standard practice(s) within the City of Toronto. The province will use certified arborists where appropriate; ensuring that no tree removals take place between April 1 and September 30 to prevent impacts to nesting SAR or migratory birds/bats; installing tree protection zones/hoarding around retained trees; and, other practices consistent with the standards outlined in the relevant Arborist reports and Natural Heritage Impact Studies.</p> <p>Compensation requirements will be determined in consultation with the City of Toronto.</p>		
TRCA			
<p>Voluntary Project Review (Application for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) Toronto and Region Conservation Authority (TRCA)</p> <ul style="list-style-type: none"> <i>Conservation Authorities Act R.S.O. 1990, C. 27, O. Reg. 166/06 Crown Agency Act R.S.O. 1990, C. 48, s.1</i> 	<p>Although not subject to O. Reg 166/06, the Province is committed to continuing to work in collaboration with TRCA throughout detail design. The Province will submit an application for a Voluntary Project Review (VPR) along with all relevant Project documents for TRCA review.</p> <p>TRCA's mandate is to reduce the risk of flooding, erosion and slope instability, as well as conservation of land through natural heritage assessments.</p>	<ul style="list-style-type: none"> Implement Erosion and Sediment Control Plans and other Best Management Practices Compensation for habitat loss Implement restoration plans Timing window restrictions on in-water works 	<ul style="list-style-type: none"> Applicable to Project components within TRCA regulated area.

Section 5: Public Consultation

Agency Comment:

What steps have you taken to consult with the public? What steps do you plan to undertake during all phases of the Project? Are you aware of any public concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you intend to/ or have addressed these matters.

Response:

Public Engagement

The Province understands that the redevelopment of Ontario Place is a matter of interest and concern for the public and a number of communities and stakeholders and, has made a commitment to public engagement throughout the Project. That engagement is an iterative process of working collaboratively with individuals, communities and organizations across Ontario to gather feedback and meaningfully incorporate these ideas, suggestions and concerns into the planning and design processes.

Since 2021, there have been over ten public engagement initiatives (in-person and virtual). These initiatives included, but were not limited to, opportunities for the public to review information and provide feedback online through project website, engagement events, and Virtual Public Engagement Rooms (VPERs). To date, over 9,200 members of the public from across the province have participated in project engagement initiatives for the Ontario Place redevelopment.

This number is in addition to public engagement and outreach led by Therme specific to their proposal for the West Island and Mainland. For more information, refer to the response prepared by Therme.

Pre-Project Engagement

From January 2019, when the Province announced an expression of interest process for Ontario Place redevelopment, to May 2019 when the Call for Development was launched, the Province received approximately 200 emails from the public with feedback on Ontario Place. A Government website on the Project was also established in January 2019 (<https://www.ontario.ca/page/ontario-place>). This website remains active and is updated on a periodic basis. A project email address (OPredevelopment@Ontario.ca) was established in 2021.

Prior to the formal launch of the Category C Class EA process, the Province conducted a survey and shared information on the Project. All outreach was digital/virtual in accordance with public health guidelines due to COVID in effect at the time.

Table 4. Public Outreach Prior to the Category C Class EA Process

Date	Outreach Type	Description
August 30- October 28, 2021	Public Digital survey	In August 2021, government launched a digital survey that garnered over 7,200 responses.

Date	Outreach Type	Description
October 13, 2021 & October 27, 2021	Public information sessions	Two virtual public information sessions to inform the ongoing planning and redevelopment of the Ontario Place site. Approximately 450 people attended the virtual public information sessions.
December 14, 2021	Public technical information session	Technical information session provided an overview of all the technical streams of work (e.g., EA, heritage, site servicing, etc.) that will take place as part of the government-led development work. Approx. 140 people attended the information session.

Project Engagement

Category C of the MOI PW Class EA Process Public Consultation

Through Category C of the MOI PW Class EA process, public consultation activities were undertaken specific to the redevelopment of the public realm which included the Shared Parking Structure and the Site Preparations. Public engagement was carried out methodically to meet all statutory public consultation requirements for the Category C process; gather a broader diverse range of input from stakeholders and members of the public; and, document, track and address public concerns and questions related to the Project.

In February 2022, a dedicated Project website (engageontarioplace.ca) was launched to provide Indigenous communities, the public, and stakeholders with information about the redevelopment project, including updates, information on how to participate, opportunities for submitting feedback, and relevant project documents and reports. VPERs, which included opportunities to provide feedback, were also launched on the Project website for each of the three EA public engagement events.

In April 2022, the first public engagement event (EA Engagement Event 1) was held to seek input, ideas, and preferences related to the public spaces at Ontario Place. The event consisted of two opportunities for public input, including a VPER and a live, virtual workshop on public realm design visioning (held on April 12, 2022). This feedback was considered in the development of the public realm design concepts and draft evaluation criteria.

EA Engagement Event 2 took place in October 2022 and consisted of a live, virtual consultation event (held on October 27, 2023) and a 'VPER 2.0'. The purpose of this event was to consult on the draft EA evaluation criteria and the public realm design concepts. Feedback from the VPER and consultation event was considered in the refinement of the EA evaluation criteria and in the identification of a recommended and then preferred design for the public realm.

EA Engagement Event 3 took place in April 2023 and consisted of a live, virtual engagement event (on April 27, 2023) and a 'VPER 3.0'. This event was used to gather input on the recommended design for the

public realm. Feedback from the VPER and consultation event was used to further refine the design and confirm a preferred public realm design.

Four newspaper notices were prepared for the EA engagement activities:

1. Notice of Commencement and Consultation Event (EA Engagement Event 1)
2. Notice of EA Engagement Event 2
3. Notice of EA Engagement Event 3
4. Notice of Completion

These were complemented by social media outreach and email blasts to Indigenous communities and organizations, interested stakeholders, government and technical agencies and, members of the general public.

The Notice of Completion was also posted on the Environmental Registry of Ontario.

Issues tracking was done comprehensively throughout the Category C Class EA process, where public feedback or questions were documented, and cataloged according to topic as well as the resolution, response or action taken. Issues tracking was managed by the Province’s EA consultant and documented in tables within the Category C Draft ESR noting how the comments were addressed and where the information received was integrated into the Project, where applicable. Ongoing project communications and consultation events were designed to address issues/feedback highlighted by multiple members of the public.

City-Led Public Consultation on the Site-Wide Development Application

The Province has also participated City-led community consultation events related to the site-wide development application. Two events have been held to-date (refer to Table 5).

Table 5. Summary of City-Led Public Events

Meeting	Date	Summary of Meeting Discussions
City-led Community Consultation Meeting 1	April 15, 2023 (in-person) April 18, 2023 (virtual)	<ul style="list-style-type: none"> • Following the submission of the Original Proposal in November 2022, the City of Toronto led a series of public engagement events to gain feedback on the proposed development. • Approximately 300 people attended the in-person event and nearly 450 people joined the virtual event. • The applicant team presented details about the proposal and answered questions from participants. The in-person event included breakout rooms for detailed feedback on three topics: 1) Built Form and Heritage, 2) Public Places and Activities, and 3) Environment and Sustainability. • Feedback from the sessions was collected by the City and the Applicant team and is summarized in publicly-available documents on the City’s development application website.

Meeting	Date	Summary of Meeting Discussions
City-led Community Consultation Meeting 2	September 7, 2023 (in-person) & September 12, 2023 (virtual)	<ul style="list-style-type: none"> • Another round of public consultation was held in September 2023 to solicit public feedback on the Revised Proposal included in this application. • Approximately 170 people attended the in-person event and nearly 400 people joined the virtual event.

Ongoing Engagement

We have been listening to Indigenous communities, the public and stakeholders throughout the redevelopment process. As we to move forward, we will continue to seek opportunities to collect input and feedback. We will also continue to hold engagements opportunities throughout the redevelopment project.

Project updates, including upcoming public engagement opportunities, will continue to be made available through the government’s webpage (Ontario.ca/Ontarioplace) throughout the redevelopment process.

Technical & Stakeholder Engagement

The Province has identified various government ministries and agencies and has engaged and/or provided information on a topic and project-specific basis, including:

- Fisheries and Oceans Canada (DFO);
- Nav Canada;
- Transport Canada – Navigation Protection Program;
- Toronto Ports Authority;
- Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF);
- Ontario Ministry of the Environment, Conservation and Parks (MECP), including the SAR Branch;
- Ontario Ministry of Government and Consumer Services (MGCS), Ontario Art Collection;
- Ontario Ministry of Indigenous Affairs;
- Ontario Ministry of Citizenship & Multiculturalism (MCM)
- Ontario Ministry of Tourism, Culture and Sport (MTCS)
- Ontario Heritage Foundation;
- City of Toronto;
- Toronto and Region Conservation Authority (TRCA);
- Toronto Transit Commission (TTC);
- Metrolinx;
- Exhibition Place;
- Ontario Place Corporation (OPC); and
- Waterfront Toronto.

The Province of Ontario and Infrastructure Ontario initiated project-specific engagement with the **City of Toronto** in 2020 to advance the planning and design of Ontario Place. At staff-level, technical working

groups were conducted both in the pre-submission and post-submission periods for the Development Application to obtain feedback and inform project development. Information and material have been shared both ways through this process. City of Toronto Staff-level discussions have also been supported by an Executive Steering Committee and regular Executive-level touch points. Engagement and information sharing has occurred across all priority areas as well as on specific topic areas related to planning and implementation of the Project. See Appendix A for further information.

Presentations also took place for a joint **Waterfront Toronto and City of Toronto Design Review Panel** in July 2022 and March 2023. The scope of the first presentation was “Issues Identification” for the Province-led components of the Project. Issues Identification is a defined stage in the Waterfront Toronto design review process, which focuses on the Project’s context, as well as its overall program and sustainability goals. The March presentation was used for a second round of Issues Identification for the entire site redevelopment.

The Project team has presented to **Aquatic Habitat Toronto (AHT)—a roundtable partnership between Fisheries and Oceans Canada (DFO), Ministry of Natural Resources and Forestry, and Toronto and Region Conservation Authority (TRCA) in consultation with City of Toronto**—twice over the course of the Project, in December 2022 and in April 2023. The Team will continue to meet with AHT as the Project progresses.

Throughout the Category C Class EA process, **TRCA** was consulted using virtual meetings and email. The TRCA reviewed and provided input on major EA deliverables, such as the evaluation criteria and process, the design concepts, technical shoreline studies, mitigation and monitoring measures and programs, the recommended design, and the Category C Draft ESR. The TRCA is also a commenting agency on the site-wide development application submitted to the City of Toronto. Seven virtual meetings were held with the TRCA and the Project team to facilitate review and feedback at key milestones. Two additional meeting were held with Aquatic Habitat Toronto (including the TRCA). Appendix B of this response provides a summary of consultation with the TRCA that the Project Team undertook. Key feedback, relevant to the Shared Parking Structure and Site Preparations, provided by the TRCA to date has included ensuring that buildings and structures, including entrances to the underground parking are appropriately set back from shoreline hazards.

In November 2022, February 2023 and August 2023 the Province held **Project Roundtables** to share information and collect feedback on the Project. In November 2022, the roundtables included organizations involved in culture, tourism, hospitality, urban design, academic, and government agency sectors; as well as advocates for their respective members’ interests, economic stability, and government-led collaboration. A high-level overview of the Government of Ontario’s vision for Ontario Place was presented, as well as the current state of the site, tenant proposals, public engagement conducted to date, and a discussion on key features of “world-class” waterfronts and potential future opportunities at Ontario Place.

The February 2023 roundtables focused on “built heritage and public space” and “tourism and site access,” and included key stakeholders from local neighbourhood associations and the architectural, urbanist, environment, cultural, tourism sectors. Again, a high-level overview of the Government of Ontario’s vision for Ontario Place was presented, as well as current state of the site, tenant proposals, and engagement conducted to date, with additional information tailored to the respective themes of “built heritage and public space” and “tourism and site access.”

In August 2023, the Province co-hosted a roundtable with the Waterfront BIA in Toronto with members of the tourism and hospitality, business, and transportation sectors. A high-level overview of the Government of Ontario's vision for Ontario Place was presented, as well as the tenant proposals, and public engagement conducted to date, followed by a discussion on Toronto's waterfront connectivity and potential future opportunities at Ontario Place.

Throughout March, April, and May of 2023, **One-on-One Stakeholder Meetings** were also organized by IO with interested residents' associations and advocacy groups intended to facilitate information sharing and to collect feedback on the overall redevelopment of Ontario Place, including multiple meetings with local advocacy groups, such as Ontario Place for All, the Architectural Conservancy of Ontario, Ontario Association of Landscape Architects, and SwimOP to hear and respond to feedback and concerns.

Table 6 provides a general summary of key comments received from the public through multiple forums, including on the Category C Draft ESR as well as through City-led public engagement events, and some typical responses provided by the Project Team.

Table 6. Key Public Comments Received on the Category C Draft ESR for the Category C Class EA

Common Category C Draft ESR Inquiries	Response	Where it is addressed in the Category C Draft ESR
<p>Why is Therme or Live Nation not part of this EA?</p>	<p>Since the establishment of the <i>Environmental Assessment Act</i> in 1975, private sector activity has not been subject to the act unless made subject, in specific instances, by way of a designating regulation or agreement, such as with waste projects like landfills and certain mining projects.</p> <p>The planning framework that applies to private sector developments is the <i>Planning Act</i> and the municipal planning process. Tenants are required to work with relevant authorities to secure all required environmental approvals/permits in advance of any construction works. As such, tenants are responsible for obtaining all relevant provincial and federal approvals required.</p>	<ul style="list-style-type: none"> ▪ Issue does not fall within the scope of the Category C Class EA for the public realm.
<p>What about negative impacts to trees being removed, impacts to Species at Risk and Migratory birds?</p>	<p>The existing conditions were considered and documented in the draft Environmental Study Report (ESR). In addition, potential impacts on the natural environment were considered.</p> <p>The province is carrying out the redevelopment of Ontario Place in consultation with Indigenous communities and stakeholder agencies, including the TRCA and Aquatic Habitat, and in accordance with applicable legislation, such as the <i>Endangered Species Act</i>, <i>Species at Risk Act</i>. The potential environmental impacts, mitigation measures and net environmental effects for the proposed public realm redevelopment took into consideration features such as wildlife and wildlife habitat, species at risk, migratory birds and aquatic habitats.</p> <p>A status quo (“do nothing” option) is not feasible. Regardless of future use(s), intervention across the site, including the West Island, is required to address: (a) risk of flooding (b) rehabilitation of shoreline protection infrastructure that is past 50-year useful design life and deteriorating and eroding; (c) replacement/upgrade of below-grade servicing infrastructure; and (d) upgrades to ensure conformance with applicable standards related to accessibility per the AODA, emergency access/egress, and City requirements for the design of multi-use pathways. Additionally, upgrades and/or</p>	<ul style="list-style-type: none"> ▪ Section 3.1 Natural Environment ▪ Section 4.4 Review of Identified Concerns ▪ Section 5.4.1 Natural Environment (specifically Tables 5-4, 5-6 and 5-7) ▪ Section 5.6.1 Construction and Operations Monitoring Plans ▪ Appendix B Natural Heritage Impact Study

Common Category C Draft ESR Inquiries	Response	Where it is addressed in the Category C Draft ESR
	<p>removals are required to address issues of condition impacting existing site infrastructure, including seasonal buildings.</p> <p>In particular, addressing (a) and (b) above requires raising grades in flood prone areas to the updated 100-year design flood level in order to ensure functional accessibility to the entirety of the site. Transitioning more of the site to sensitive use would also likely require additional areas of hard cap and re-grading to address soil contamination. The cumulative impact of the above interventions, and associated earthworks and construction staging, means that material impacts to on-site vegetation (landforms are anticipated to address state-of-good-repair construction and prepare/restore the site for future use.</p> <p>Disturbance to natural heritage features will be minimized as much as possible and opportunities to improve existing features or provide net-new wildlife habitat are being explored as part of the ongoing design work. Improvements being explored for Brigantine Cove that would improve water quality and habitat conditions in this area. Improvements to the shoreline across the island will offer opportunities to ‘soften’ these edges and improve fish habitat conditions.</p> <p>The redevelopment will replace trees removed as a result of construction, at a minimum, and will increase the long-term tree canopy on site. The project team is actively working with partners at the City, stakeholder agencies and Indigenous communities on opportunities to increase the number of trees being preserved.</p> <p>Based on best practices used at Trillium Park, a planting strategy will be developed during detailed design and will ensure that trees of a variety of size, age, and species are planted given the unique site conditions. The planting strategy for the site will be supported by engagement with Indigenous communities to identify native species, which will thrive naturally on site for future generations. These commitments are documented in the Construction and Operations Monitoring Plans, in the Category C Draft ESR and will be used to guide the detailed design stage which follows the EA process.</p>	
<p>Why is additional parking required and what about other transportation modes (cycling, transit, walking)?</p>	<p>Ontario Place is a major tourism destination at regional, provincial, national and international scales as well as a significant local park along the Toronto waterfront. After the redevelopment is complete, it is anticipated that the site will welcome as many as 6 million annual visitors, with a peak day visitation of roughly 29,000 people at Ontario Place on a single day. As with any major destination, parking is a component of</p>	<ul style="list-style-type: none"> ▪ Section 4.1.5 Parking ▪ Section 4.3.5 Parking Evaluation

Common Category C Draft ESR Inquiries	Response	Where it is addressed in the Category C Draft ESR
	<p>accommodating this volume of visitors. Parking is required to accommodate all modes of travel to the site and to accommodate a range of site visitors from across the Province and of all ages and abilities.</p> <p>Exhibition Place is in the process of preparing a sitewide Master Plan that would result in the removal of parking spaces in favour of a focus on pedestrians and cyclists. As such, it was determined that a permanent parking supply would not be available for Ontario Place visitors.</p> <p>Within the Ontario Place lands, 1,301 parking spaces are currently provided to serve the existing uses. While the parking supply is proposed to double from existing conditions, the proposed parking structure is designed to only accommodate up to 10% of visitors arriving to the site by personal automobile during the peak periods. Most remaining visitors are expected to arrive using sustainable modes of travel, including transit, cycling, and walking. As such, the increase in parking supply is considered modest compared to the expected visitors to the site year-round for the proposed uses.</p> <p>The proposed parking solution is only one part of a multi-modal transportation approach. The proposed redevelopment also identifies potential for significant improvements in active transportation facilities—such as planned expansion and upgrade of pedestrian and cycling facilities along the Martin Goodman Trail, extension of the William G. Davis trail and a new waterfront multi-use pathway—and supports greater integration with the broader transit network, protecting for a mobility hub and last-mile connection to the future Ontario Line station. A number of incentive-based and educational-based transportation demand management measures are also being proposed to reduce dependency on single-occupancy vehicle trips and to encourage sustainable modes of travel to the site. A significant shift to more sustainable modes from existing conditions is anticipated for the Ontario Place redevelopment given that key transit and active transportation improvements are planned for the area. This shift to more sustainable travel modes is also supported by the decision to locate intensification at Ontario Place because development within a suburban or exurban location outside downtown Toronto would have resulted in different travel behaviours.</p>	<ul style="list-style-type: none"> ▪ Section 5.4.5.1 Built and Visual Environment
<p>What impacts will the shared parking structure have on climate change?</p>	<p>Delivering sustainable facilities is a goal of this project. The parking structure is anticipated to be delivered through a P3 process. A Project Design and Conformance ("PDC") RFP has been released to retain a consultant to develop the project requirements, ahead of the P3 procurement. The consultant is expected to be on board</p>	<ul style="list-style-type: none"> ▪ N/a - to occur during detailed design ▪ Section 5.4.5.1 Built and Visual Environment

Common Category C Draft ESR Inquiries	Response	Where it is addressed in the Category C Draft ESR
	<p>by October 2023 and will support the process of establishing benchmarks related to sustainability and energy performance, including any building performance certifications.</p> <p>A significant shift to more sustainable modes is anticipated for the Ontario Place redevelopment from existing conditions given significant transit and active transportation improvements planned for the area. Approximately 35% of visitors currently drive to the site while the anticipated mode split during peak periods includes approximately 10% auto drivers with a majority of users (65%) expected to arrive by transit. The shift in travel modes and anticipated reduction in the use of single-occupant vehicle travel to the site is expected to reduce greenhouse gas emissions (GHG) and is in line with provincial climate change targets.</p> <p>A significant shift to more sustainable travel modes is also supported by the decision to locate intensification at Ontario Place as development within a suburban or exurban location outside downtown Toronto would have resulted in different travel behaviours. Specifically, if the redevelopment associated with Ontario Place was located in a more suburban context, the anticipated mode splits would have been substantially more auto centric as it would not benefit from good access to various higher-order transit options. As such, the redevelopment of Ontario Place supports travel choices that are in line with climate change targets.</p> <p>Travel behaviour expected for visitors of the site support climate change targets as the anticipated mode split is more sustainable compared to other destinations in Toronto and the GTA. Specifically, the anticipated auto driver mode split at the Ontario Place redevelopment (10%) is anticipated to be less than the existing auto drivers for downtown destinations including the Rogers Centre (19%), while the anticipated transit (65%) and active transportation mode splits (5%) are greater than the sustainable travel modes currently observed for the majority of destinations throughout the GTA.</p> <p>While the Ontario Place redevelopment requires on-site parking to accommodate all modes of transportation, a modest increase to vehicular travel and parking is anticipated. More so, up to 70% of future Ontario Place visitors are expected to arrive by active transportation and transit, representing a significant shift to more sustainable modes of travel from existing conditions. The anticipated mode split addresses climate change targets which are supported by the redevelopment’s overall transportation solution to increase access to low carbon transportation options, including walking, cycling, and public transit while meeting vehicular travel demands.</p>	

Common Category C Draft ESR Inquiries	Response	Where it is addressed in the Category C Draft ESR
<p>Why is Ontario leasing publicly-owned land to tenants at Ontario Place?</p>	<p>Ontario Place will always be free to enter. Historically, Ontario Place has always included both ticketed, paid attractions nestled within a broader, freely accessible public park. In 2012, the Ontario Place Redevelopment Panel, convened under a previous administration, concluded that “the new Ontario Place must leverage a wide range of public and private partnerships to ensure it is financially sustainable and operates efficiently.” The statement came as the panel’s 15th recommendation called for a “more flexible model based on strong public-private partnerships.” This public-private hybrid model will continue to support the long-term economic sustainability of Ontario Place after its redevelopment. Investment from private sector partners is helping the Province to fulfill this promise- investing in Ontario Place’s restoration, shoreline improvement, and critical repairs that will not only restore Ontario Place but protect it against flooding, erosion, and deteriorating water quality into the future. The current proposal leverages partnership with Therme and Live Nation to deliver on a vision that will restore Ontario Place to a year-round destination that will include family-friendly entertainment, public and event spaces, parkland, and waterfront access. These partnerships also unlock significant investments in the public realm. These investments translate into significant upgrades to approximately 50 acres of enhanced parkland and open space across Ontario Place, inclusive of the West Island, that will be free and open year-round. Design for these spaces continues to evolve but will include a new public beach, wetlands, picnic facilities, multi-purpose trails, and look out points.</p>	<ul style="list-style-type: none"> ▪ Issue does not fall within the scope of the Category C Class EA for the public realm.

Section 6: First Nation Consultation

Agency Comment:

What steps have you taken to consult with Indigenous communities? What steps do you plan to undertake during all phases of the Project? Are you aware of any Indigenous community concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you have addressed or will address these matters.

Response:

Summary of Steps Undertaken to Consult Indigenous Communities on the Ontario Place Redevelopment Project

The Province is responsible for the administration of the Duty to Consult requirements for the entire Ontario Place Redevelopment project, inclusive of all the associated project activities, regardless of the Proponent.

Administration of the DTC is a complex and iterative process. As such, the Province is regularly revisiting the duty assessment and analysis throughout each phase of the Project (e.g., site readiness, demolition, construction etc.) It generally involves ascertaining:

- How the Project could affect land, water and natural resources (e.g., wildlife)
- To what extent the proposed project could affect constitutionally protected rights
- Which Indigenous communities might be affected
- What depth of consultation is required with potentially affected communities
- What method should be used – i.e., to oversee or delegate aspects of consultation, for example, to project proponents, given that they are better positioned to share detailed information and answer questions
- How to address disputes, mitigations, accommodations, or concerns raised by Indigenous communities
- Whether efforts to consult and mitigate/accommodate have been adequate, and whether the DTC has been fulfilled.

Since April 2021, the Ministry of Infrastructure (MOI) has been consulting on the Ontario Place redevelopment project with seven Ontario First Nations with established or credibly asserted Aboriginal and treaty rights that include the Ontario Place site. Consultations about the proposed redevelopment are underway with the following First Nations communities:

1. Alderville First Nation
2. Curve Lake First Nation
3. Hiawatha First Nation
4. Kawartha Nishnawbe First Nation
5. Mississaugas of the Credit First Nation
6. Mississaugas of Scugog Island First Nation
7. Six Nations of the Grand River, as represented by the Six Nations Elected Council and the Haudenosaunee Confederacy Chiefs Council / Haudenosaunee Development Institute

The administration of DTC is supplemented by a program of project-specific Indigenous engagement overseen by MOI and supported by Infrastructure Ontario and the broader project consultant team. Over the past two and a half years, MOI has:

- Provided over 15 written notifications, along with reports, studies and key documents, to First Nations to provide information about the Project and specific development activities that could potentially adversely impact the exercise of their Aboriginal or treaty rights.
- Established an online centralized data room for First Nations to access notices, documents, technical studies and reports related to the Project.
- Established working group tables with several First Nations and held over 80 meetings with First Nations to discuss the proposed project, specific development activities, and First Nations’ feedback and concerns, including potential rights impacts and mitigations of those impacts. Met with representatives from First Nations communities, including Chiefs or other elected officials, First Nations staff (e.g., department directors or development officers), consultants and legal counsel.
- Provided capacity funding to several First Nations to support their capacity to participate in consultation.
- Lead and direct Infrastructure Ontario and its consultants to participate in consultations with First Nations, including report-backs to communities on activities and proposed approaches developed in response to community-identified concerns and recommendations.
- Held regular meetings with Ontario’s Ministry of Indigenous Affairs (IAO) to discuss project development, including to support understanding of Indigenous treaty rights and to outline planned activities in meeting Duty to Consult requirements.

Consultation with Indigenous communities is on-going and the Province is committed to continuing to consult with First Nations on the Ontario Place redevelopment project.

Overview of Key Project Updates and Notifications Sent to First Nations

As part of engagement on the Ontario Place redevelopment project, the Province has shared the following project notices, to outline proposed developments and activities, with the identified Indigenous communities and to seek their comments, questions and concerns related to potential adverse impacts that project activities may have on the exercise of their Aboriginal or treaty rights (refer to Table 7). In addition, MOI leads the oversight and coordination across Infrastructure Ontario and its consultants to ensure strategic integration and timely consultation with First Nations on the various undertakings related to the Project. The following list of notices do not reflect the direct engagements that consultants had with communities on their respective undertakings.

Table 7. Project Notices Shared with First Nation Communities

Date	Notifications and Reports Sent to Communities ²
May 28, 2019	<ul style="list-style-type: none"> • Notice of launch of the Call for Development process, including sharing the Call for Development document.

² This is not an exhaustive list of all studies, reports, documents etc. that have been shared with First Nations by MOI, IO or consultants – represents key notifications related to project.

Date	Notifications and Reports Sent to Communities ²
April 21, 2021	<ul style="list-style-type: none"> Update on Call for Development process and follow-up to meet with communities to discuss the Project.
July 30, 2021	<ul style="list-style-type: none"> Introduction of Ontario Place redevelopment vision and development partners (tenants)
October 1, 2021	<ul style="list-style-type: none"> Notice of the launch of the Category B Environmental Assessment (EA) for the proposed site servicing upgrades
October 22, 2021	<ul style="list-style-type: none"> Notice of the development of the Strategic Conservation Plan
November 30, 2021	<ul style="list-style-type: none"> Notice of the completion of the Category B EA.
March 17, 2022	<ul style="list-style-type: none"> Notice of the launch of the Category C Environmental Assessment (EA) & Project Website
May 4, 2022	<ul style="list-style-type: none"> Notice of natural heritage studies that will be conducted
May 18, 2022	<ul style="list-style-type: none"> Notice of opportunities to participate in the tendering of construction work related to repairs to select bridges, Cinesphere and Pod Complex.
June 15, 2022	<ul style="list-style-type: none"> Notice of the Data Room (Online Information Sharing Platform with access to key notices, reports, studies and documents)
December 7, 2022	<ul style="list-style-type: none"> Notice of Province's submission of the Ontario Place Development Application to the City of Toronto (including link to development application), proposed lakefill at West Island by Therme, and proposed land exchange between the Province and the City of Toronto.
April 12, 2023	<ul style="list-style-type: none"> Notice and description of proposed construction of a new facility to accommodate science-based programming on the mainland, a proposed surface and below-grade parking structure and a proposed rock berm to address dock wall repairs on the mainland north shore
April 25, 2023	<ul style="list-style-type: none"> Update to inform communities of key presentation materials and study reports that are available through the data room, including north shore dock wall reports, rock berm overview, site servicing (Category B EA) update.
May 5, 2023	<ul style="list-style-type: none"> Notice of last stages of Category C Class EA
June 4, 2023	<ul style="list-style-type: none"> Notice of draft Environmental Study Report (ESR) posting for public commenting
September 28, 2023	<ul style="list-style-type: none"> Notice of Province's resubmission of the Ontario Place Development Application to the City of Toronto (with link to resubmission) and closed ESR public commenting period, update on proposed shoreline improvements (including lakefill) to the West Island along with Therme Shoreline Report, and information about the proposed tree removal across the site.

Indigenous Communities’ Participation in Natural Heritage Studies

As a topic area of interest for many First Nations, the Province’s natural heritage consultant initiated an additional engagement stream related to natural heritage studies for Ontario Place. Consultation with Indigenous Communities on natural heritage has been and will continue to be completed throughout the Project.

Indigenous Communities were contacted directly via notification letters from the Province, which offered these groups opportunities to provide comments and feedback. Notification letters provided multiple ways in which First Nations groups could participate, such as attending a presentation summarizing natural heritage surveys to date, attending a site visit to discuss the upcoming work, receiving a report review to provide their written feedback, or participating in and monitoring on-site field work during field surveys.

The Province’s consultant initiated follow-up efforts (via letters, phone calls, emails, etc.) to identify Indigenous Communities that expressed interest in participating in Natural Heritage Field Investigations and mitigation monitoring associated with the Ontario Place Redevelopment Project. To date, feedback has been received from the following First Nations groups:

- Curve Lake First Nation
- Haudenosaunee Development Institute
- Hiawatha First Nation
- Kawartha Nishnawbe First Nation
- Mississaugas of the Credit First Nation
- Mississaugas of Scugog Island First Nation
- Six Nations of the Grand River

The First Nations groups also requested MH notify them of on-going natural heritage surveys to potentially monitor field activities. Interested First Nation communities have participated in field monitoring and natural heritage surveys, such as turtle surveys and bat acoustic monitoring.

Summary of First Nations’ Feedback on the Ontario Place Redevelopment Project

Since 2019, the Province and its consultants have had over 80 meetings with Alderville First Nation, Curve Lake First Nation, Hiawatha First Nation, Mississaugas of the Credit First Nation, Mississauga of Scugog Island First Nation, Six Nations of the Grand River, and Haudenosaunee Confederacy Chiefs Council to discuss various aspects of the Ontario Place project.

Key areas of consultation related to the Project include the following:

- Project vision and site redevelopment plans led by each proponent (Live Nation, Therme) and Province of Ontario
- Site Preparations – shoreline improvements, site servicing, early works, tree removal etc.
- Working with the City of Toronto (land acquisition, development application etc.)
- Environmental Assessments (includes the OSC building and parking structure)
- Engagement to participate in Natural Heritage Field Investigations and mitigation monitoring
- Heritage (including Strategic Conservation Plan, Heritage Impact Assessments etc.)
- Indigenous placekeeping on the public realm

Key themes and feedback shared by First Nations throughout MOI's consultation includes, but is not limited to:

- A high interest in being meaningfully consulted and included throughout all phases of project development, and to receive capacity funding to support their participation;
- Desire to see opportunities for economic and/or social benefits for Indigenous businesses and communities, including procurement and programming opportunities;
- Recommendations that site development proceed carefully and gradually, considering broader environmental impacts of every planned modification/build;
- Concerns about potential impacts to hunting and fishing rights, including most notably concerns about any impacts to Ontario Place shorelines and waterways, including impacts from proposed lake in-filling activities;
- High interest regarding recommendations to mitigate impact of proposed tree removals;
- Opportunity for the redeveloped Ontario Place to include meaningful Indigenous placekeeping and other cultural elements.

In response to First Nations' feedback and over the course of consultations held since April 2021, project leads (including Infrastructure Ontario and the Ontario Place Redevelopment Secretariat at MOI) have taken comprehensive and ongoing actions to consider and address all recommendations and requests.

These actions include:

- Meeting on a regular basis with communities, providing regular written notices, and sharing information and reports through the online Data Room
- Providing capacity funding to support Indigenous participation in consultation activities
- Providing First Nations monitoring opportunities for key redevelopment activities, such as natural heritage surveys
- Introducing Infrastructure Ontario's Indigenous Participation Plan to support Indigenous procurement opportunities in the site development and construction process
- Meeting at key points during the Category C Class EA process to review project developments (e.g., alternatives, evaluation criteria), alternative design concepts, preferred design, mitigation measures, monitoring plans and Category C Draft ESR.
- Developing and taking specific actions in response to recommendations and concerns regarding tree removal, such as facilitating tree ceremonies prior to any tree removals and supporting monitoring activities
- Identifying significant Indigenous placekeeping opportunities and including these features in the detailed design for the public realm

Summary of First Nations’ Feedback Related to Shared Parking Structure and Site Preparations

Throughout the course of ongoing consultation with First Nations, specific meetings were held to consult on government-led activities. Table 8 provides a summary of key areas of feedback, related to the Shared Parking Structure and Site Preparations, and the Province’s response.

Table 8. Summary of First Nations’ Feedback Related to Shared Parking Structure and Site Preparations

Feedback/Concerns/Recommendations	Response
<p><u>Insufficient information to adequately assess potential impacts for parking:</u></p> <ul style="list-style-type: none"> • Uncertainties about the future infrastructure on site (i.e., some details about the redevelopment have not been shared). 	<p>The Province continues to provide information and materials to First Nations as it becomes available and strives to facilitate information sharing in a manner that allows for meaningful discussion and evaluation of impacts.</p> <p>As part of both the Category C Class EA and the development application process, the following studies have been conducted on the shared parking structure and shared with communities via the Data Room:</p> <ul style="list-style-type: none"> • Comprehensive (Master Plan) Document explaining the redevelopment project and outlining the project’s approach to transportation and parking. • Preliminary and Conceptual Architectural Plans • Natural Heritage Impact Study Part 1 – Existing Conditions • Natural Heritage Impact Study Part 2 – Impact Assessment • Transportation Impact Assessment studies (parts 1, 2 and 3) <p>Information sharing is supported by ongoing working group tables and ad hoc project meetings to discuss and present the materials as requested by First Nations.</p>

Feedback/Concerns/Recommendations	Response
<p><u>Species at Risk (SAR):</u></p> <ul style="list-style-type: none"> Concerns raised that the Natural Heritage Impact Study mentions species on site that are at risk but does not offer a resolution for preserving these species. Communities flagged that the main threats these species face are habitat loss, degradation, and fragmentation. 	<ul style="list-style-type: none"> Provided copies of additional impact assessment studies undertaken on natural heritage and preferred design Providing additional habitat following construction of redeveloped area SAR are not impacted by Shared Parking Structure or Site Preparation Mitigation measures developed and will be refined with input from communities during detailed design
<p><u>Tree Removal</u></p> <ul style="list-style-type: none"> Concerns raised about impacts to, and removal of, trees. 	<ul style="list-style-type: none"> Project leads will be developing and taking specific actions in response to recommendations and concerns regarding tree removal, such as facilitating tree ceremonies prior to any tree removals and supporting monitoring activities. A landscape planting plan for the public realm will be used to mitigate impacts resulting from tree removal. An Arborist Report (MH 2023) has been developed that provides recommendations and mitigations measures, including identifying trees for protection. Based on the tree inventory and restoration plans included in the Arborist Report, after detailed design, a Tree Protection Plan will be developed to protect trees in a manner consistent with the current standard practices within the City of Toronto. Communities will be consulted on the Tree Protection Plan as well as on the development of specific protection plans. Mitigation measures are included in the Category C Draft ESR and communities will be provided with opportunity for input when mitigation measures are refined during detailed design.

Feedback/Concerns/Recommendations	Response
<p><u>Bat Habitat</u></p> <ul style="list-style-type: none"> Concerns raised about impact to habitat associated with tree removals. Request to assess the feasibility and installation of replacement roosting habitat in advance of the next bat roosting season (April 1, 2024) 	<p>Although no SAR bats have been identified to be associated with the areas proposed to be impacted by this project, common bat species have been confirmed at Ontario Place. Though these bats were not confirmed by surveyors to be entering or exiting potential roost sites at any time, they have the potential to use both constructed and natural features for roosting purposes. Numerous buildings and trees have the potential to provide this suitable habitat. Non-SAR bats do not directly receive habitat protection but are protected from harassment, injury and killing in Ontario under the <i>Fish and Wildlife Conservation Act</i>. Several types of roosting structures are under consideration for installation such as bat boxes, BrandenBark and bat condos.</p>

Summary of First Nations’ Feedback related to Shoreline Modification on the West Island associated with the Therme Facility and Tenant-led Public Realm Development

While all project activities related to the Therme Facility and the Tenant-led public realm development--inclusive of upgrades to shoreline protection, lake in-filling and aquatic habitat creation on the West Island (collectively “Shoreline modification”)—are within the care and control of Therme, the Province is responsible for ensuring that First Nations are informed and consulted on project activities, regardless of proponent.

To that end, the Province has shared information and technical reports on the proposed shoreline changes as well as supporting information on the federal permitting process and potential impacts on aquatic habitats. Table 9 provides a summary of key feedback and the Province’s responses.

Table 9. Summary First Nations’ Feedback related to Shoreline Modification on the West Island associated with the Therme Facility and Tenant-led Public Realm Development

Feedback/Concerns/Recommendations	Response
<p><u>Concerns regarding Shoreline Improvements/Modifications:</u></p> <p>Communities have shared concerns regarding the potential impact of modification to the shoreline, particularly to aquatic habitat, proposed at part of the Tenant-led Public Realm Development being proposed by Therme. Communities have identified that more information is required on</p>	<p>The Province has provided notifications as details on Therme’s proposal has become available (see above summary of notifications), has shared detailed reporting on the proposed program of shoreline modification and is working on an ongoing basis with Therme to address and respond to specific technical questions that communities have raised.</p>

Feedback/Concerns/Recommendations	Response
<p>the extent of lake in-filling and shoreline modifications to understand impacts and expressed interest in how potential impacts will be mitigated and in participating in the development of mitigation strategies.</p>	<p>The following reports addressing the shoreline modification have been shared with First Nations:</p> <ul style="list-style-type: none"> ▪ Existing Shoreline Conditions Report (ShorePlan 2022) ▪ Natural Heritage Impact Study – Part 1 Existing Conditions (MH 2022) ▪ Natural Heritage Impact Study – Part 2 Impact Assessment (SLR 2023) ▪ West Island Preliminary Shoreline Concept Brief (Completed for Therme Nov 2022) ▪ Shoreline Summary Report (completed for Therme Sep 2023) <p>Refer to Therme’s response for a full description of the shoreline modification program and the design approach and conceptual mitigation strategies, which have been developed, in part, in response to feedback.</p> <p>The Province is committed to work with communities through the detailed design and permitting stages to continue to facilitate information sharing and discussion on the shoreline modification program through the channels mentioned above.</p>

Section 7: Other Comments

Agency Comment:

Describe any other comments you have received in relation to environmental effects or impacts to the public or Indigenous peoples and describe how you have addressed or will address these.

Response:

The public has identified other potential impacts associated with the Project and the broader Ontario Place redevelopment such as increased traffic, all of which have been comprehensively addressed through the technical studies accompanying the OPA/ZBA submissions to the City of Toronto.

Historically, parking supplies between Ontario Place and Exhibition Place would be shared offloading each other’s parking demands. However, it is understood that Exhibition Place is in the process of preparing a site-wide master plan which would result in the removal of parking spaces in favour of a focus on pedestrians and cyclists. As such it was determined that parking would not be shared between Ontario Place and Exhibition Place. Due to the unique nature of the Ontario Place redevelopment, future

planned transit, and the understanding that existing Exhibition Place parking lots would not be permanent and accessible for use by Ontario Place patrons, the proposed parking provisions were developed based on the anticipated visitor mode splits to accommodate the auto demand generated by Ontario Place patrons only, allowing parking to be right-sized for the Ontario Place redevelopment.

While the Ontario Place redevelopment requires on-site parking to accommodate all modes of transportation, a modest increase to vehicular travel and parking is anticipated. More so, up to 70% of future Ontario Place visitors are expected to arrive by active transportation and transit, representing a significant shift to more sustainable modes of travel from existing conditions. The anticipated mode split addresses climate change targets which are supported by the overall redevelopment's transportation solution to increase access to low carbon transportation options, including walking, cycling, and public transit while meeting vehicular travel demands.

Within the Ontario Place lands, 1,301 parking spaces are provided to serve the existing uses. While the parking supply is proposed to double from existing conditions, the proposed parking structure is designed to accommodate up to 10% of visitors arriving to the site by car during the peak periods. The majority of remaining visitors are expected to arrive using sustainable modes of travel, including transit, cycling, and walking. As such, the increase in parking supply is considered modest compared to the expected visitors to the site year-round for the proposed uses. While parking is required to accommodate all modes of travel to the site, the proposed underground parking garage will maximize the amount of mainland area for the public realm and to encourage active modes of transportation.

Encouraging low carbon transportation options, including walking, cycling, and public transit use is a critical step in reaching the City's climate change and GHG reduction. Parking is only one part of the Ontario Place redevelopment. The overall transportation solution includes significant improvements to transit and active transportation infrastructure. Specifically, the proposed pedestrian promenade along the waterfront and improvements to the Martin Goodman Trail along Lake Shore Boulevard W are proposed to accommodate the anticipated pedestrian and cyclist traffic generated by the Ontario Place redevelopment. The promenade will cultivate a more pedestrian-centric environment to encourage walking trips while protected intersections for trail users will enhance active modes of travel along the Martin Goodman Trail. Additionally, to establish a transit connection between Exhibition Station and Ontario Place, a mobility hub is proposed at the southeast corner of Lake Shore Boulevard W & Remembrance Drive.

A number of incentive-based and educational-based transportation demand management (TDM) measures are also being proposed to reduce dependency on single-occupancy vehicle trips and encourage sustainable modes of travel to the site. Specific measures include discouraging free visitor parking, prioritizing green vehicles, transit ticket integration for visitors, pre-loaded Presto cards, and providing ample bicycle parking. Approximately 644 short-term bicycle parking spaces and 306 long-term bicycle parking spaces are proposed on-site to support multi-modal travel.

Section 8: Cumulative Effects

Agency Comment:

Explain your views on whether any effects, including effects in areas of federal jurisdiction as summarized in the IAAC letter, are anticipated to result in cumulative effects in combination with the effects of other activities that may not be within the Proponent's care and control and describe how you intend to manage those effects.

Response:

There are other works underway by Waterfront Toronto, TRCA, and others that will enhance the green space along the shoreline creating a cumulative benefit to issues under federal authority namely SAR and migratory birds. Many of these projects are under construction or completed.

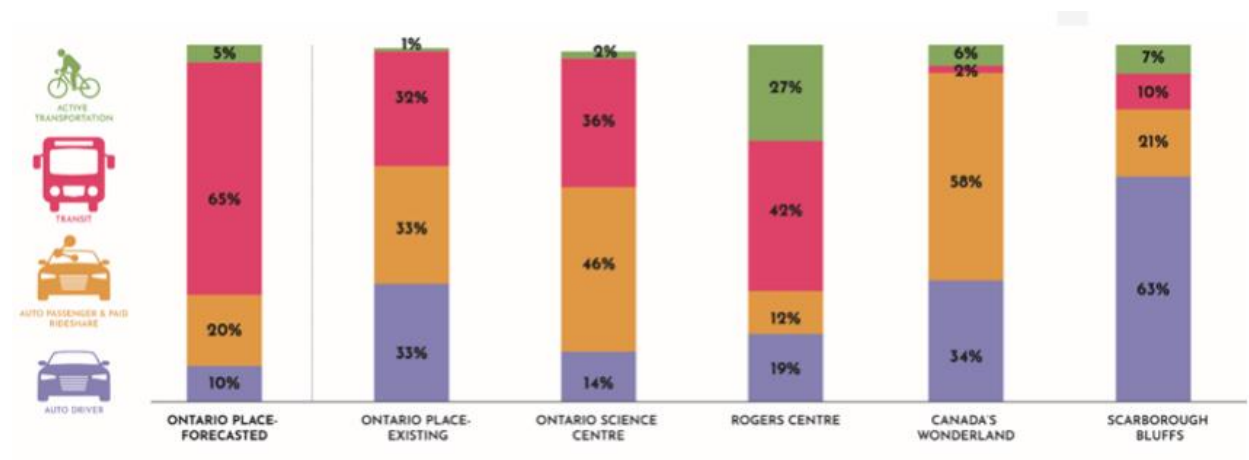
There are also a few projects across the Toronto central waterfront that are transforming former industrial lands into park spaces. This includes the works being undertaken by Waterfront Toronto in the Port Lands, and Ontario Park which is resulting in expanded green space along the shoreline for migratory birds.

The Project will take place within an urban environment in which concurrent development and infrastructure construction is an ongoing consideration (e.g., Ontario Line Project). The Project will be designed and implemented to meet regulatory standards to effectively manage the potential for environmental impacts.

An increase in parking area (provided by the shared parking structure) has the potential to increase single-occupancy vehicle trips to Ontario Place. However, a shift to more sustainable modes of travel is anticipated once Ontario Place is redeveloped to include significant transit and active transportation improvements. The shift in travel modes and anticipated reduction in the use of single-occupant vehicle travel to the site is expected to reduce greenhouse gas emissions and is in line with provincial climate change targets. Incentive-based and educational-based transportation demand management measures are also being proposed to reduce the dependency on personal vehicles and encourage sustainable modes of travel to the site.

The Ontario Line Project and other transit initiatives for the area have reduced the size of shared parking structure and will promote users to come to the area for other uses that are being developed. Active transportation initiatives at Ontario Place improve the modal split (refer to Figure 5) and reduce the additional GHG emissions for users driving to the site. The heavily travelled Lake Shore Boulevard West is adjacent to the Mainland and provides greater GHG emissions than users of Ontario Place overall on an annual basis.

Figure 5. Mode Splits of Comparable Destinations in Toronto and the GTA



Section 9: Response to Designation Request

Agency Comment:

Explain your view on whether the Project should be designated under the IAA.

Response:

On October 13, 2023, the Supreme Court of Canada found the designated project provisions of the federal Impact Assessment Act to be unconstitutional. Accordingly, there is no constitutional basis for the Minister to designate the Project. Even if there were, the project should not be designated for the reasons outlined in our submission. This response is without prejudice to our rights to challenge any decisions made pursuant to the IAA.

Shared Parking Structure

The Province is of the view that the shared parking structure should not be designated under the IAA for the following reasons:

- The Shared Parking Structure will be located beneath an area that is currently largely an asphalt parking lot.
- A Category C Class EA was completed meeting the requirements of the Ontario EAA that assessed alternatives (on-site versus off-site and above ground, surface or below ground) and completed a comparative analysis (based on all aspects of the environment) to fully understand the potential environmental impacts from the shared parking structure.
- The potential environmental impacts have been assessed and project specific mitigation measures and monitoring plans have been developed with no net adverse environmental impacts anticipated.
- Where federal jurisdiction is applicable, all federal permits and approvals will be sought, and appropriate mitigation measures will be implemented to ensure no significant adverse impacts remain.
- A comprehensive consultation and engagement program with the public, Indigenous communities, stakeholders and technical agencies was underway since fall 2020 and has been ongoing throughout the EA process and will continue into detailed design.
- Indigenous communities will continue to be consulted on the development and refinement of mitigation measures and monitoring programs.
- The shared parking structure will not be located on federal lands or waterlots, receive federal funding and based on the assessment of environmental impacts no federal permits are anticipated to be required.
- Based on the studies completed and the assessment of impacts no significant adverse impacts are anticipated from construction or operation of the Shared Parking Structure.
- The shared parking structure is not a physical activity designated by regulation under the IAA.

Site Preparations

The Province is of the view that the Site Preparations should not be designated under the IAA for the following reasons:

- The impacts from the Site Preparations work will be temporary in nature during construction and potential impacts can be mitigated with known mitigation measures.
- A Category C Class EA was completed meeting the requirements of the Ontario EAA for Site Preparations that detailed the mitigation measures (e.g., timing windows, best management practices) and monitoring programs related to the federal SAR (e.g., migratory birds).
- The potential environmental impacts have been assessed and mitigation measures and monitoring plans developed with no net adverse impacts anticipated.
- As committed to in the Category C Draft ESR, the mitigation measures and monitoring programs will be further refined during detailed design with further input from Indigenous communities, including incorporating the use of Indigenous field monitors during site preparation works, where feasible.
- Where federal jurisdiction is applicable, all federal permits and approvals will be sought, and appropriate mitigation measures will be implemented to ensure no significant adverse impacts remain.
- A comprehensive consultation and engagement program with the public, Indigenous communities, stakeholders and technical agencies was underway since fall 2020 and has been ongoing throughout the EA process and will continue into detailed design.
- The Site Preparations will not be located on federal lands or waterlots, require the need for federal funding and based on the assessment of environmental impacts no federal permits are anticipated to be required.
- Based on the studies completed and the assessment of impacts no significant adverse impacts are anticipated from Site Preparation works.
- The Site Preparations are not physical activities designated by regulation under the IAA.

Section 10: Latitude and Longitude

Agency Comment:

Provide the latitude and longitude of the Project site, using an appropriate location point.

Response:

The appropriate point selected for the Project site at Ontario Place for the shared parking structure has a latitude of “43 degrees, 37 minutes, and 50 seconds” and a longitude of “-79 degrees, 25 minutes, and 00 seconds”.

The appropriate point selected for the Project site at Ontario Place’s West Island has a latitude of “43 degrees, 37 minutes, and 44 seconds” and a longitude of “-79 degrees, 25 minutes, and 12.4428 seconds”.

Thank you for providing the Province the opportunity to respond to IAAC’s questions.

Sincerely,

<Originally signed by>

Ross Burnett
Infrastructure Ontario
Vice President, Development (Landmark Projects)