

Delivered by Email and Regular Mail

July 18, 2018

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Project Coordination Unit, Environmental Assessment Services Section  
Environmental Assessment & Permissions Branch,  
Ministry of the Environment and Climate Change  
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Dear Ms. Cameron,

This letter summarizes my comments to you of July 5, 2018 with respect to the Environmental Assessment (EA) filed by the Toronto and Region Conservation Authority for the Scarborough Waterfront Project (SWP). See: <https://trca.ca/app/uploads/2018/06/SWP-EA-FINAL-Combined.pdf>

To begin, I quote William Wordsworth, who penned the poignant Cri de Coeur, *The World Is Too Much With Us* in 1802, denouncing the wicked disconnect ripping people and nature apart in the grip of the Industrial Revolution.

The world is too much with us; late and soon,  
Getting and spending, we lay waste our powers;  
Little we see in Nature that is ours...  
This Sea that bares her bosom to the moon...  
*It moves us not...*  
William Wordsworth

How ironic that in the echo of the Second Industrial Revolution, more than 200 years later, Wordsworth's sonnet still resonates with the notion of public indifference and resignation to inadvertent environmental loss.

Sadly, the residue from an earlier, formative age still lingers. Public officials arm themselves with "experts" and consultants who are hired for, "difficult EA projects".<sup>1</sup> Cunningly crafted reports supporting pre-determined positions, contrary to sound environmental practice and in the face of public outcry, are financed on the taxpayer's dime. Public information sessions and consultations are carried out with military precision and the strategic goal of a premeditated outcome.

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<sup>1</sup> The words of Anneliese Grieve, (retained by the TRCA) to me, Public Information Centre #3, June 28, 2017.

The key message promoted by the TRCA for the East Segment of the SWP? **The obliteration of a substantial section of the last remaining natural sand beach on the mainland of Toronto is good for all city residents.**

Too often we feel there is nothing that can be done to stop what we view as inevitable environmental decline, in the face of the above. It seems outlandish and absurd to me that in the twenty-first century, a case needs to be made for why a large portion of a sand beach, part of a dynamic ecosystem recognized at the provincial and city level, should not be paved over and permanently destroyed. But that is where things stand and that is why I am writing to you today.

Today the Scarborough Bluffs are widely recognized as the most important geological feature on the north shore of Lake Ontario. To Torontonians though, the cliffs and remaining sand beaches, with unparalleled diversity of animal and plant life at the waters' edge, mean even more. *They are a place of cultural memory.* The vicinity of the Scarborough Bluffs was inhabited by various Indigenous peoples for millennia. After European contact, French coureurs de bois, traders and explorers referred to the area as Les grands Ecores, though it was through Mrs. Simcoe, wife of the first Lieutenant Governor of Upper Canada, John Graves Simcoe, that the area eventually obtained its current characterization as the Scarborough Bluffs. Meandering along the shore at the bottom of the cliff, where the water meets the land, gives way to a deeper kind of knowing that grounds us in time and place and connects us to the kaleidoscope of the past.

Despite the heritage shore and the cultural significance of the Bluffs, it is the stated intention of the TRCA to pave approximately 1,250 meters of shore in the East Segment of the SWP. See EA, p. 6-13: <https://trca.ca/app/uploads/2018/06/SWP-EA-FINAL-Chapter-06.pdf>. The TRCA attempts to mitigate the destruction by claiming that a smaller section of beach will actually be destroyed, due to the previous placement of "toe protection works" along 490 meters of the 1,250 meter shore. It should be noted that much of the protection work within this 490 meter stretch has *not* removed the existing sand shore, and that the 1,250 meter figure is a truer representation of the beach the TRCA intends to obliterate.

Regardless of the numbers game, the fact remains that the SWP, in the East Segment, will deny Torontonians their inherent right to access Lake Ontario. Specifically, I am referring to the ability to walk along the natural shore, and to swim, surf, play, and fish in the water. My remarks, outlined on the following pages, also apply to the West Segment of the SWP where applicable, especially with respect to the utter destruction of the lake current at Bluffer's Beach that creates the best surfing conditions along the entire Toronto waterfront.

## **1. Access to the Shore**

Ms. Cameron, as I indicated to you on July 5, 2018, the TRCA asserts that access to the shore will not be constrained by the obliteration of the beach. I have continually stated that the application of construction debris and construction garbage, *multiple meters high*, across the sands of Grey Abbey Beach will by its very nature destroy the shore and that therefore, access will be denied in the most egregious way.

I have previously stated to you and to others that it is logically inconsistent to assert that access may be gained to the very thing that the TRCA is intending to obliterate with their Stalinist concrete embankment.

## **2. Erosion Control – Other alternatives that do not involve the destruction of Grey Abbey Beach**

The TRCA's position appears to be that there is no other alternative than shoreline hardening to address what it views as unacceptable rates of erosion in the westerly portion of the East segment. There is little doubt that the rate of erosion across the SWP, and its need for redress, will be argued by experts with differing opinions on the matter in the months and years to come. Suffice it say that it is an uncontroverted fact that the TRCA is aware of, has recommended, and has implemented other successful approaches to erosion control along the Toronto shore that do not involve the complete and utter destruction of beaches, dunes, flora, fauna and habitat.

Case in point: Bluffer's Beach in the West Segment of the SWP. Erosion control was addressed in that area years previously by building out the negligible beach with additional sand and the installation of groynes to hold the sand in place. A version of this approach is in fact the preferred alternative for the eastern portion of the West Segment of the SWP. It is unacceptable to employ a far more devastating approach to erosion control in the East Segment when the TRCA can build out the beach, if the assertion is to be accepted that erosion in that area of the SWP justifies intervention.

In fact, one need look no further than the TRCA's plan for the south shore of Toronto Island to glean a more enlightened way to redress the impacts of erosion. The TRCA's "Revised Preferred Concept, 2017" involves, "beach restoration" (my italics) and continuous adaptive sand management", rather than beach destruction. Specifically, the concept is to, "provide shoreline protection, with focused sand management, as well as natural and engineered treatments", including the institution of a submerged cobble reef.

Further, the TRCA is well aware of, and in fact as recently as 2017 attended a conference on the approach of the Netherlands in relation to erosion control, where "soft" solutions along the coast through sand augmentation of the beaches have been applied for at least 20 years without recourse to shoreline hardening. See: <http://www.cbc.ca/radio/ideas/go-with-the-flow-using-nature-to-helpfight-climate-change-1.4167867>

### **3. Environmental Destruction**

The TRCA asserts that a net benefit to the ecological system accrues to the environment within the parameters of the SWP. Unfortunately, in matters impacting delicate ecological systems, straightforward mathematical equations that acknowledge collateral damage to the environment as part of the equation are unhelpful and often misleading.

The overall benefit does not directly relate to the destruction meted out to the habitat of several rare and threatened species (including the Bank Swallow) in the East Segment of the SWP. The comment does not override the TRCA's previously authored report, [Scarborough Shoreline: Terrestrial Biological Inventory and Assessment](#), which strongly recommends that natural shoreline conditions be maintained in the East Segment. The overall benefit, even if taken as giving credence to the shoreline hardening that the TRCA proposes, is in direct conflict with the TRCA's earlier report, also authored by well regarded professionals in the field. Both reports cannot be correct on the matter of whether further shoreline hardening is appropriate in the East Segment of the SWP. The TRCA cannot have it both ways on the issue.

Finally, as I indicated to you on July 5, 2018, the TRCA has previously asserted that, given the expansion of the beach at Bluffer's Park, there will be a only a negligible net loss of sandy shoreline across the SWP. With respect, this is more mathematical baffle-gab. To suggest that sandy infill in the West segment to accommodate the Waterfront Trail compensates for the irretrievable loss of habitat to rare and threatened species is, at best, intellectually dishonest and unbecoming the purpose of any credible conservation authority.

### **4. Placement of the Waterfront "Trail"**

In the East Segment of the SWP, the Waterfront Trail currently runs on secondary roads, near the headlands of the Scarborough Bluffs. The TRCA does not support re-routing portions of the Waterfront Trail on the headland, above the beach, and therefore takes the position that the trail must be placed at the waters' edge. The assumption implicit in this argument is that the Waterfront Trail system must be continuous, at the waters' edge, yet the foundational document of the Royal Commission of the Future of the Toronto Waterfront, entitled "[Regeneration, Toronto's Waterfront and the Sustainable City: Final Report](#)" suggests a different approach. The Report makes it clear that, "in areas of ecological sensitivity... a continuous trail may not be possible" (p. 179).

Mark Mattson, Founder and President of Lake Ontario Waterkeeper, has said that the TRCA's current plan "seems dated" for the 21st century. Indeed, more creative solutions can be found for the placement of the trail, including the consideration of various forms of elevated veloways. In Melbourne, Australia a cantilevered bike path, attached to the existing railway viaduct, was recently considered, see: <http://www.smh.com.au/business/momentum-gathers-for-cycle-path-in-the-sky20141029-11dhff.html>. This approach merits consideration in the East Segment and would potentially allow the TRCA to by-pass the ecologically sensitive shore, while the Waterfront Trail would run closer to the headlands, in concert with the railway corridor.

## 5. Public Consultation: Process and Fairness

It is the position of the TRCA that consultation practices undertaken in support of the SWP have been in keeping with the MOECC Code of Practice for Consultation for EAs and have followed best practices. I stand by my earlier assertion that the public consultation process conducted by the TRCA for the SWP was something akin to a series of bad Monty Python out takes. Below are some examples of why I continue to maintain this position.

i) On February 19th, 2016, Ms. Gaffney, TRCA Waterfront Specialist, and one other TRCA representative met with me, Mark Mattson of Lake Ontario Waterkeeper and Jennifer Falvy of Natural Shorelines at the Toronto Hunt. At that meeting, Ms. Gaffney floated the idea of hardening the western half of the East Segment of the SWP, while the easterly portion of the Segment would remain in its natural condition. I was asked my opinion on that approach and I indicated that it was contrary to the TRCA's own authored report, [Scarborough Shoreline: Terrestrial Biological Inventory and Assessment](#), and flew in the face of sound environmental practice. One and a half years of public dissent and outcry resulted in the TRCA acceding to a further reduction in the concrete by approximately 16 percent.

How ironic though, that after public "consultation" on the taxpayer's dime, the TRCA reached virtually the same conclusion that was suggested in the original meeting at the Toronto Hunt: the destruction of a substantial stretch of the last remaining natural beach on the mainland of Toronto. You want to know the ultimate irony? The taxpayer gets to foot the bill for the entire show. If the TRCA gets its way, the public will keep paying – by their latest estimates, 170 million dollars, with twelve years of community disruption. See: <https://www.toronto.ca/legdocs/mmis/2018/ex/bgrd/backgroundfile-114704.pdf>

ii) Now, to the heart of Ms. Gaffney's representation to the TRCA Board on July 28, 2017. I have previously expressed my serious concern with respect to Ms. Gaffney's representation to the Board, *prior* to the vote to approve the SWP's Draft EA, that the public support for the SWP was evenly balanced. It is my position that the comments, even in the absence of the over one thousand signatories to the online [East Point Shoreline and Bluffer's Beach petition](#) are overwhelmingly against the paving of Grey Abbey Beach. See: EA, (Appendix L.9, Public Comments).

The TRCA failed to include the [petition](#) of over one thousand people who oppose the paving of Grey Abbey Beach in the Draft EA that was put to a vote at the July 29, 2017 meeting. This omission was explained to me in an email on November 27, 2017 by stating that the petition was not "*formally* submitted", and yet it is my understanding that Ms. Gaffney was the recipient of each and every signature.

Furthermore, Ms. Gaffney was formally advised of the petition at the Public Information Centre #2 meeting on June 28, 2016. During the question and answer period, Steven Smith of Natural Shorelines advised her publically of the petition and read the petition out loud to her, in entirety.

iii) I note that the EA now includes the petition, and that the TRCA now takes the position that it was *never* submitted to them. See EA, Chapter 10, p. 17: <https://trca.ca/app/uploads/2018/06/SWP-EA-FINAL-Chapter-10.pdf>. Furthermore, the TRCA has availed themselves of every possible means of discrediting the petition, including the present suggestion in the EA that it is unknown, “if any of the signatures are duplicates”. Feel free to contact me personally in this regard, should you need assistance in further investigating this matter. The ignominious suggestion by the TRCA of bad faith is consistent with the casual disrespect afforded to residents and concerned citizens of Toronto throughout this flawed process.

## **6. Councillor Paul Ainslie**

As I raised with you on July 5, 2018, Paul Ainslie is presently the Councillor of Ward 43, Scarborough East. The area of the beach slated for destruction lies entirely within Mr. Ainslie’s Ward. Mr. Ainslie is also a member of the Toronto and Region Conservation Authority and has been a consistent, strong and vocal advocate for the preferred alternative in the East Segment throughout the entire consultation process.

During the consultation process for the SWP, Paul Ainslie steadfastly refused to meet with the many constituents who opposed the preferred alternative. The failure of Mr. Ainslie to meet with his constituents and hear their concerns, while promoting the SWP as a Board member of the TRCA, at least raises the appearance of conflict. As a matter of fairness and due process, it has often been stated that, “justice must not only be done, but it must be seen to be done”.

## **7. *Conservation Authorities Act*, R.S.O. 1990, c. C.27**

The recent passage of the *Conservation Authorities Act* in December, 2017 begins a new era of transparency and accountability in dealings between conservation authorities and the public. As I indicated to you earlier in July, I am asking that Ministry officials take a close look at the spirit and intent of the new legislation in your deliberations as to whether the process undertaken by the TRCA was fair and just.

## **8. Effect of City of Toronto Executive Committee vote on your deliberations**

On May 14, 2018, deputations were made to the City of Toronto Executive Committee on the SWP. The deputations widely condemned the deleterious effects of shoreline hardening and multiple aspects of the project, including the preservation of Grey Abbey Beach, and the preservation of current wave conditions at Bluffer’s Beach, (see Attachments, pp. 1 and 3.) Mark Mattson, Founder and President of Lake Ontario Waterkeeper, spoke in favour of the preservation of Grey Abbey Beach, and indicated that *shoreline hardening is no longer considered a credible approach to erosion control by forward thinking jurisdictions*.

Over the course of May 22-24, 2018, the City of Toronto adopted a series of motions that endorsed the SWP and authorized the submission of the EA for formal review at the Ministry of Environment and Climate Change. Specifically, Motions 6 and 7 request that the TRCA, “maximize, maintain and/or create new sandy shorelines, including a further review of key

sand shorelines such as Grey Abbey”, within the anticipated design phase of the project, and that the City work with the TRCA to explore funding opportunities.

See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX34.5>

Let me first say that I find Motions 6 and 7 encouraging. I am proud of many of the Councillors who took the time to respectfully listen to the story of the Scarborough Shore, and why its unique ecological features deserve protection – protection that is not currently found within the preferred alternatives for the East and West Segments.

While these motions appear to be initially encouraging, I am afraid that they simply lack the teeth to achieve anything other than good will. They are, at best, requests to the TRCA that are contingent on an already severe paucity of funds, and at worst, an appeasement strategy to allow the SWP to proceed to the next phase of development. A recent letter from the TRCA’s Nancy Gaffney to me, dated June 8, 2018, seems to reduce Motions 6 and 7 to nothing more than a wish list of possible modifications, attached to a unfettered strand of hopeless contingencies (See Attachments, p. 4).

Ms. Cameron, the issue is now squarely within your Ministry’s hands. I continue to have faith that you will listen to the legitimate and pressing concerns that are not adequately addressed in this project. The current configuration of the SWP and the process that has been followed leading up to the EA is fundamentally flawed. As such, the EA should not be approved by the Ministry of the Environment.

Yours truly.

A handwritten signature in black ink, appearing to read 'M. Jane Fairburn', written in a cursive style.

M. Jane Fairburn

Author, *Along the Shore: Rediscovering Toronto’s Waterfront Heritage*

<http://janefairburn.com/>

<https://www.facebook.com/janefairburnalongtheshore/>