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June 20, 2023

Honourable Minister Guilbeault  
Ministry of Environment and Climate Change  
House of Commons  
Ottawa, Ontario,  
Canada  
K1A 0A6

## **Re: Rouge National Urban Park Study Draft Terms of Reference**

Dear Minister Guilbeault,

Thank you for the opportunity to comment on the draft terms of reference for the RNUP cumulative effects study.

These comments are jointly submitted by Environmental Defence Canada and Ontario Nature with input from other organizations and individuals.

Overall the draft TOR are consistent with the stated intent of the study but we offer the comments below to inform revisions in a manner that will enable the study to achieve its full objectives. Comments are arranged under headings provided in the draft TOR.

### 1.0 Study Objectives and Scope

Section 1.3 Study Area: The study area should include forests and other ecosystems connected to the study area ecologically --particularly those that are on the higher end of the continuum that defines ecological integrity (EI) (where EI exists as a continuum not a binary). These lands can and do contribute to and influence the EI of the park itself which is not large enough to have high EI if the surroundings are compromised or converted to urban and commercial uses. We are very concerned about the study area size; in particular, the apparent exclusion of important forests to the east of the DRAP. Effects of DRAP development on nearby forests are a reasonable concern and may have important implications for regional connectivity, especially for forests within the Park. Concerning the study area, the document does consider "other areas if these have the potential for effects in areas of federal jurisdiction within the Park", but this is rather vague. The study does recognize the value "Forest Structural Connectivity", but this can only be reasonably evaluated by considering forests in the vicinity of the study area; that is, in the study area region. The same would apply as well to meadow connectivity, for example.

### 2.0 Establishment, Purpose and Composition of the Committee

Section 2.4 notes that Committee members shall be unbiased. While "unbiased" is commonly used language, without exception, every person has bias and successful



operation of this Committee will depend on how it is managed. At the very least, the TOR need to be clear how evaluators will measure relative degree of bias and the plans to address or manage it.

### 3.0 Committee Secretariat

Section 3.2 should include a requirement that the Secretariat roles include contracting studies from third parties.

Section 3.3 is worded in a manner that seems to indicate committee members would be responsible for soliciting and compiling the information indicated, but there is no specific indication of contracting "studies", which could be syntheses along certain topics. This would place too much responsibility on the committee members and/or would place them in a reactive stance where they can only passively welcome submissions (this is more evident later in the TOR).

Section 3.4 should include funding for contracted studies.

### 4.0 Indigenous Knowledge, Aboriginal and Treaty Rights and potential impacts to Indigenous Communities

Section 4.3 Again in this section it will be important to contract studies that can be proactive and play a synthetic role, with the goal of creating an integrated product for the committee to consider. The First Nation communities themselves will have particular insight into how the design of such studies should occur.

### 5.0 Committee Activities and Requirements

Section 5.1 (d) the clauses in this section should also be revised to make clear that the Committee, working with the Secretariat can contract required studies. In particular, section d (e) *Description of Existing Conditions* would be a good component to contract to a third party. This section also falls short in its address of potential climate change impacts. The statement "This will include consideration of the variability in baseline conditions and existing trends due to natural, anthropogenic and climate change influences." is not followed by planned actions that are explicitly forward looking or would require consideration of how potential development could exacerbate threats from climate change. This needs to be elaborated and the study should investigate the synergies between more pavement, more cars, more GHG emissions, more habitat fragmentation and climate change impacts such as extreme weather, extreme heat, flooding, drought, erosion, and biodiversity loss.

Section 5.1 d (f) *Description of Potential Development Activities* is restricted to the DRAP area, rather than a broader region. It is unrealistic to consider future developments in one restricted area, assuming that everything else is going to stay the same. For example, the Seaton Lands to the east of Duffins Creek are planned for full development but remain largely farm and forest at this time. In addition, the Ontario government has recently



imposed an urban boundary expansion in Durham that includes approximately 9,000 ha. All of this area is planned to be urbanized over the next 28 years. Cumulative effects need to be evaluated at the regional scale. Section d (h) *Analysis of Potential Effects* also restricts this evaluation to DRAP when it should be broader. It is worth noting that full development of the Seaton Lands and all of the thousands of hectares of recently approved urban boundary expansions in Durham and York are reasonably foreseeable to be urbanized by 2051. Section 5.1 h v states that “where appropriate follow sustainability principles following relevant Government of Canada guidance”. These principles should always be followed. Section 5.1 h (ix) says “where appropriate, identify specific locations or areas that would minimize the impacts on valued components”. The meaning of this is unclear. Does this mean: identify locations for urban development that would minimize impacts?

#### Annex 1 Potential Valued Components

These components are indicated to be only “potential” components that “may” be included. They should all be included with the following to be priorities, more or less in order:

- Core Habitats – should explicitly consider the importance of size – bigger is better in protecting core habitats and the overall ecological integrity of the park – the DRAP provided an important buffer from development.
- Connectivity (including all types mentioned – forest, meadow, aquatic – and species such as Blanding’s and Snapping Turtle) – should also consider broader landscape connectivity including between Lake Ontario and the ORM.
- Water quality (surface and groundwater)- is not currently listed, but a highly valued component for humans and other life (e.g., Redside Dace). In addition, the provincial government’s proposed new Natural Heritage Guidelines will remove consideration of impacts on water quality and quantity from consideration during review and mitigation of development proposals.
- Wildlife Health - Road Mortality – Road mortality is a priority, but along with that, are there other threats to wildlife health that should be included for example pollution (e.g., road salt, oil and tire plastic particle runoff).
- Natural communities – the list currently includes only forest and grassland birds, and terrestrial, aquatic and riparian plants which seems too limited. Insects should also be considered for their critical role in pollination, seed dispersal, etc. Perhaps this element would be better framed as “ecosystem health” acknowledging the interactions of species across taxa. The inclusion of consideration of impacts from invasive species is welcome.



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- Species at risk – all those mentioned are important priorities (turtles, Redside Dace, bats, Butternut) – but the report should not be limited to those – there are apparently 42 SAR in the park, including birds (Least Bittern, Bobolink, Meadowlark, Chimney Swift ...), insects (Monarch, Yellow-Banded Bumblebee ...), other plants (Black Ash), other fish ... <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/action-plans/multi-species-rouge-national-urban-park-2021.html> - They should all be considered.
- Wetlands – Wetland function and area – critical from a climate and biodiversity perspective.
- Hydrological Conditions.
- Fish and Fish Habitat.
- Ecosystem Processes – this is currently limited to forests (Grazing/Browsing Levels and Fire Regime) but should consider things like pollination which is important from an agricultural perspective as well.
- Frogs/Amphibians (related to many of the points above).

Also, we think that it is reasonable to include Flying Squirrels as a potential value. The recent discovery of populations of both northern and southern species occurring in the Park is of great interest and could very well be exceptional for such a southerly latitude. Such southerly populations can reasonably be considered to be of "special concern" even if they do not have that official designation anymore due to populations to the north on the Shield.

In terms of the sources of information listed with regard to valued components (e.g. Parks Canada, ECCC, TRCA), local groups should also be engaged by any contractors or IAAC staff. These groups include Friends of the Rouge Watershed, and local naturalists. These organizations possess a wealth of information.

We hope these comments are helpful and look forward to the revised terms of reference and to participating in the next steps of the study.

Sincerely,

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Environmental Defence

Anne Bell  
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Ontario Nature