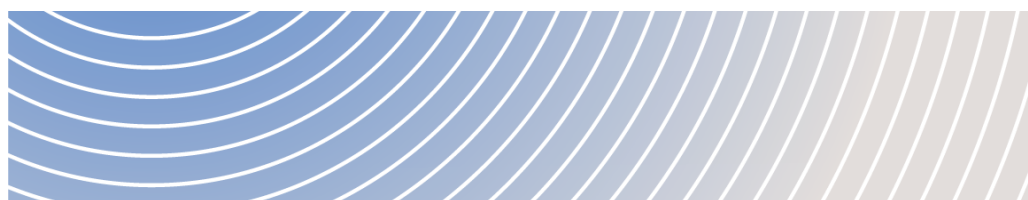




# Summary of comments received on the draft Terms of Reference and actions taken – Rouge National Urban Park Study



August 2023



# Introduction

On May 30, 2023, the Impact Assessment Agency of Canada (the Agency) posted the draft Terms of Reference for the Rouge National Urban Park Study (the Study) on the Canadian Impact Assessment Registry for a 3-week comment period.

Public views and comments about the draft Terms of Reference were received:

- As part of the public comment period and posted on the Canadian Impact Assessment Registry (59 submissions received); and
- Through the virtual public information sessions held on June 6, 2023.

The Agency also received comments through engagement with Indigenous groups.

The table below summarizes the comments received, and actions taken to address the comments, where applicable. The Agency considered all comments and worked with Parks Canada and Environment and Climate Change Canada to revise the Terms of Reference based on the comments.

## Summary of comments

Summary of comment(s) received	Changes to the Terms of Reference to address the comment(s)
<b>General</b>	
<b>Support for the Study or Terms of Reference as written</b>	No action required.
<b>Need to work with the Government of Ontario</b>	Section 2.4 was expanded for clarity, with the addition of “The Committee must also ensure it considers all information provided by the Indigenous communities, the public and government authorities.”  The Agency informed the Government of Ontario of the Study and its planning, welcoming any comments. The Study Report will be provided to the Government of Ontario.
<b>Public participation</b>	
<b>Clarify meaningful public participation, and how various input, values and findings will be integrated</b>	A new section 5.1 n) was added requiring the Committee complete a work plan, outlining the Committee’s approach, timeline and methods for how information will be gathered, described and analyzed, as well as opportunities for public participation and input.  The Committee is also mandated under section 5.1 c) to rely on information made available to the Committee by



	<p>Indigenous communities, government, industry, academia, or the public.</p> <p>In addition, the Agency has a policy framework and guidance outlining principles and tools for meaningful public participation.</p>
<b>Study Focus</b>	
<b>Need to focus on the agricultural integrity of the Rouge National Urban Park (the Park)</b>	<p>The support of a vibrant farming community is explicitly referenced as a Study focus under section 1.2 b) and the valued components for this Park management objective were expanded upon in Annex I.</p> <p>The Park Management Plan and <i>Rouge National Urban Park Act</i>, encourage sustainable farming practices to support the preservation of agricultural lands in the Park and the realization of ecological integrity gains on Park farmland.</p>
<b>Need to specifically reference 'ecological integrity' of the Park</b>	<p>Ecological integrity is explicitly referenced as a Study focus under section 1.2 b) and in the identification of valued components in section 5.1 h) 1.ii.</p> <p>The <i>Rouge National Urban Park Act</i> defines ecological integrity, and the Park Management Plan provides further context that must be considered under section 1.2 b).</p>
<b>Include monitoring of development activities, including ongoing surveying</b>	<p>No changes made; all development activities are captured under section 1.2.</p>
<b>Examine and review corruption claims associated with development of the Duffins Rouge Agricultural Preserve</b>	<p>This falls outside the Study objectives laid out by the Minister of Environment and Climate Change and set out under section 1.1 which are to understand the potential effects, including cumulative effects, of past, ongoing, and potential future development on the Park.</p> <p>Section 2.4 requires the Committee maintain neutrality with respect to Study and its outcomes, act fairly in carrying out the Study, and demonstrate how and why it reached its final conclusions. The Committee must also ensure it considers all information provided by Indigenous communities, the public and government authorities. In addition, the Committee must develop procedures to evaluate, disclose and resolve any apprehension of bias or conflict of interest raised through the conduct of the Study and make these available to the public.</p>
<b>Study Area</b>	
<b>Include potential developments on Pickering federal lands</b>	<p>Section 5.1 f) was modified to require a description of the full Study Area.</p> <p>The Pickering federal lands is already captured in sections 1.2 b) and c), 1.3, and 5.1 h).</p> <p>Transport Canada has issued a Request for Proposals to hire an aviation professional services contractor to help the</p>



department analyze current and future airport supply and demand in Southern Ontario. This analysis, as well as engagement with local stakeholders, the provincial and municipal governments, and Indigenous Peoples, is a first step towards making a final decision to address future airport capacity constraints in the region, and on the future of the Pickering federal lands. Transport Canada has no intention to proceed with building an airport on the Pickering Lands in the near term and the conclusions of the study could lead, for example, to a determination that an airport on the Pickering Lands is not required in the long term.

Transport Canada’s study will be the mechanism by which the need for to an airport on the Pickering federal lands will be evaluated.

Any future decision on the Pickering federal lands must be made on data, solid evidence and demonstrated aviation demand and capacity, as well as consultation and engagement with stakeholders and impacted Indigenous communities. It must also take into consideration tourism, business activity, immigration levels and economic growth. It should also be noted that a decision to construct an airport on these lands would be subject to the *Impact Assessment Act* and other applicable legislation.

<b>Include the Seaton lands</b>	<p>Section 5.1 h) was updated to include the Seaton lands.</p> <p>In addition, section 5.1 h) specifies that municipal-level Official Plans must be included in the cumulative effects analyses and that provincial laws and regulations must be considered. Official plans would include those of municipalities adjacent to the Park: the City of Toronto, the City of Pickering, the Township of Uxbridge, the City of Markham, and the Township of Whitchurch-Stouffville.</p> <p>Development within the Seaton lands is subject to Central Pickering Development Plan. The Government of Ontario’s revoking of the Central Pickering Development Plan will also be considered.</p>
<b>Include potential developments at the regional scale, ministerial Orders by Ontario Minister of Municipal Affairs Ensure and approved urban boundary expansions</b>	<p>Section 5.1 h) was expanded, and explicitly includes physical activities enabled by Ministerial Zoning Orders by the Ontario Minister of Municipal Affairs and Housing.</p>
<b>Include temporal boundaries for the cumulative effects analyses</b>	<p>Section 5.1 h) 2.ii. specifies temporal boundaries for the cumulative effects assessment must be determined.</p>
<b>Expand the Study Area to include other Greenbelt removal lands (upstream and adjacent), areas influencing the ecological integrity</b>	<p>Section 1.3 was updated to clarify that “the spatial boundaries of the assessment of potential effects will vary for each valued component and may be larger than the Study Area”.</p> <p>In addition, Annex I was updated to clarify that “as outlined in</p>



**of the Park and associated watersheds (Rouge, Duffins, Petticoat)**

the Rouge National Urban Park Management Plan, Parks Canada's approach to ecological connectivity encompasses a wide range of habitats and landscapes, including farmland, and many scales, including ecological connections extending beyond the Park (e.g., Seaton National Heritage System, Oak Ridges Moraine, Lake Ontario, as well as adjacent natural areas and green spaces)".

The Park Management Plan, which is a focus of section 1.2 b) acknowledges the Park's connection and gateway role to the Rouge, Petticoat and West Duffins watersheds.

#### Study Committee

**Ensure an honest Study will be produced, describe the proposed methods to be used to minimize or manage bias**

Section 2.4 was added to expand the requirements with respect to neutrality: "The Committee must maintain neutrality with respect to Study and its outcomes, act fairly in carrying out the Study, and demonstrate how and why it reached its final conclusions. The Committee must also ensure it considers all information provided by Indigenous communities, the public and government authorities. The Committee must develop procedures to evaluate, disclose and resolve any apprehension of bias or conflict of interest raised through the conduct of the Study and make these available to the public."

The Committee will act independently of the government and the Agency will provide further terms and guidance to the Committee members on the maintenance of neutrality. These will clarify the Committee has the duty to act in a procedurally fair manner, including providing opportunities for participants to present information and respond to information presented by others; making relevant information, including on processes, accessible to participants; considering all information received; behaving with impartiality; and ensuring conclusions outlined in the Study Report are based on information presented to the Committee.

Once appointed, the Committee will post procedures on how it will manage the potential for bias and conflict of interest.

**Allow for the public to nominate or submit candidates' names for the Committee.**

Section 2.2 was updated to add "as well as accepting nominations from the public".

The evaluation process for Committee members was coordinated by the Agency in parallel to the development of the Terms of Reference, and the Agency accepted nominations from the public.

**Need to replace a Committee member, should they be unable to complete the Study, with another with similar knowledge and skills**

Section 2.5 was updated to: "Should one or more Committee members be unable to complete the Study, the Minister must ensure the Study can be completed in accordance with the Study Terms of Reference and will decide whether to replace the Committee member(s) or to have the Committee proceed to complete the Study with the remaining members."



**Study Outcomes**

**Underscore the commitment to ensuring sustainable food production, protecting agricultural resources, and upholding Canada's long-term food security and include the *Department of Agriculture and Agri-Food Act* to recognize potential opportunities to preserve and protect prime agricultural lands for the long-term food security of Canada**

Agriculture and Agri-Food Canada was added as a potential source of information or analyses for “Regional food production and security” and “Cultural and economic impacts from farming” in Annex I.

Potential valued components for Park Management *Objective 2: Provide certainty to farmers in support of a vibrant park farming community* were expanded in Annex I.

**Ensure the Study communicates federal options in response to the Study conclusions**

Section 5.1 l) requires the Committee to identify its conclusions on whether actions by the Government of Canada, notably under the *Rouge National Urban Park Act*, the *Impact Assessment Act*, the *Species at Risk Act*, the *Migratory Birds Convention Act, 1994* and the *Fisheries Act* should be applied to future proposed development activities, and under what circumstances.

**Include the acquisition of Duffins Rouge Agricultural Preserve lands in the analyses and conclusions**

The Committee is required to describe any relevant avoidance, mitigation or compensation measures, which may address potential adverse effects under section 5.1 h) 2.x. and identify its conclusions on key avoidance, mitigation, compensation, monitoring or follow-up measures to address potential impacts of development activities under section 5.1 k), which may include any measures determined by the Committee including transfers of lands.

**Study Methods**

**Ensure connections between the Rouge National Urban Park and surrounding environment and watersheds are assessed, including fragmentation and ecological corridors**

Annex I was updated to clarify that “as outlined in the Rouge National Urban Park Management Plan, Parks Canada’s approach to ecological connectivity encompasses a wide range of habitats and landscapes, including farmland, and many scales, including ecological connections extending beyond the Park (e.g., Seaton National Heritage System, Oak Ridges Moraine, Lake Ontario, as well as adjacent natural areas and green spaces)”.

**Leverage existing studies, assessments, monitoring, provincial and municipal reports and the Oak Ridges Moraine Groundwater Program for baseline conditions**

Section 5.1 d) outlines the sources of information the Committee must rely on. This includes publicly available information such as existing studies, assessments, reports and programs.

Section 2.4 specifies the Committee must consider all information provided by Indigenous communities, the public and government authorities.

**Ensure there is a role and funding available for contracted studies**

No changes made; section 5.1 d) outlines the sources of information the Committee must rely on. This includes the ability of the Committee to retain the services of independent



non-government experts.

In addition, the funding opportunity described in section 3.4 may be used by Indigenous communities and organizations, non-government organizations and individuals to contribute topic-specific information or studies.

The Agency will ensure sufficient resources are provided to the Committee to carry out the Study under the Terms of Reference.

**Consider need for housing development in the Duffins Rouge Agricultural Preserve and alternative housing areas**

A new section 5.1 e) was added: “To provide context, include a brief overview of existing public information on the need for and alternatives to development activities in the Duffins Rouge Agricultural Preserve.”

**Clarify the process for the Study and leverage lessons learned from similar studies elsewhere**

A new section 5.1 n) was added requiring the Committee complete a work plan, outlining the Committee’s approach, timeline and methods for how information will be gathered, described and analyzed, as well as opportunities for public participation and input.

The work plan must be made available on the Registry, within 3 months of the public announcement of the Committee appointment.

**Ensure there is a method to address privacy and confidentiality concerns**

Sections 5.1 c) and m) were expanded to clarify the Committee’s ability to keep certain information confidential.

Before submitting confidential information, individuals or organizations should communicate with the Agency or Committee to reach an agreement on how the information will be collected, managed and used as part of the Study.

The Agency will provide further guidance to the Committee on confidentiality requirements.

To support public participation, the Committee may also post its procedures with respect to the submission of confidential information.

**Ensure the Study timeline is sensitive to the potential development timelines and consider shortening timeline or breaking into multiple stages that can be released independently**

Section 6.3 requires the Committee to complete its work and submit its final Report to the Minister within 18 months of the public announcement of the appointment of its members.

Section 5.1 o) was added: “Ensure that, where possible, draft components of the analyses or sections of the Report are made publicly available in a timely manner.”

In addition, section 5.1 n) was added requiring the Committee to complete a work plan, outlining the Committee’s approach, timeline and methods for how information will be gathered, described and analyzed.

**Provide sufficient time for authorities to respond to information requests**

A new section 5.1 n) was added requiring the Committee complete a work plan, outlining the Committee’s approach, timeline and methods for how information will be gathered,



	<p>described and analyzed, as well as opportunities for public participation and input.</p> <p>The work plan must be made available on the Registry within 3 months of the public announcement of the Committee appointment and will clarify timelines for the public and participants.</p>
<b>Ensure sustainability principles are always followed</b>	Section 5.1 h) 2.v. was modified to clarify the Committee must: “Consider sustainability principles following relevant Government of Canada guidance”.
<b>Clarify the requirement with respect to identifying locations to minimize effects</b>	Section 5.1 h) 2.ix. was clarified to: “Where appropriate, identify specific locations or areas for protection or development that would minimize potential effects of development on valued components.”
<b>Ensure the cumulative effects assessment includes the York Region Sewage Works Project</b>	Section 5.1. h) was clarified and would capture this project.
<b>Ensure assessment of effects for Blanding’s turtle considers the Toronto Zoo release program and shared habitat outside the Park</b>	Toronto Zoo was added as a potential source of information or analyses for Blanding’s turtle and other relevant valued components in Annex I.
<b>Identify best practices for low impact development</b>	No changes made; low impact development may be considered by the Committee including as outlined in sections 5.1 h) 2.x. and k).
<b>Include potential impacts to Beare Hill Park, including from increased recreational pressures and off-leash dog presence</b>	No changes made; Beare Hill Park is captured by the Park Management Plan, including under the management area “a Dynamic Toronto and Pickering Park Gateway” and the Objective 2 of Key Strategy 1, and the Park Management Plan is a focus of the Study under section 1.2.
<b>Assess ways to accelerate forest and wetland protection and restoration in the Park and associated watersheds</b>	The Committee is required to describe any relevant avoidance, mitigation or compensation measures, which may address potential adverse effects under section 5.1 h) 2.x. and identify its conclusions on key avoidance, mitigation, compensation, monitoring or follow-up measures to address potential impacts of development activities under section 5.1 k), which may include protection or restoration.

**List of Potential Valued Components**

<b>Include the ability for farming operations to remain viable, unencumbered and supported by infrastructure and appropriate value chain, and use appropriate indicators to measure vibrant farming community, including generational farming, diversity of farms, demand for farmland,</b>	Potential valued components in Annex I were expanded and now include a variety of specific valued components for the maintenance of a vibrant farming community.
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<b>fragmentation of farming and critical mass of farmers</b>	
<b>Include urban-rural conflicts resulting from construction and urban neighborhood noise impacts on livestock, trespassing, illegal dumping and garbage blowing onto farmland from adjacent development</b>	Annex I was updated to add “Rural-Urban conflict within the Park (including from noise, odor, dust, garbage and trespassing)” as a potential valued component.
<b>Include impacts of increased traffic on farming, including on road safety and resulting from road salts</b>	Annex I was updated to add “Safety of farming within the Park (including from traffic)” as a potential valued component.
<b>Include wildlife health, ecosystem processes, biodiversity, all birds, all species at risk and their critical habitat, effects from invasive species, and the critical role of insects on ecosystems</b>	Annex I was updated to add “Ecosystem functions (including pollination and seed dispersal)”, “Geology - Floodplains, hazard lands and erosion” and “Wildlife health – Disease and pollution” as potential valued components.  In addition, section 1.2 c) specifies the study focus must include potential effects on species at risk.
<b>Include flying squirrels</b>	Annex I was updated to add “Flying squirrels” as potential valued component.
<b>Include heron rookery</b>	No changes made; already captured under “Core Habitat” in Annex I.
<b>Include effects on aquatic systems including wetlands and fish, headwater features and indirect habitat</b>	No changes made; already captured under “Fish and fish habitat”, “Wetlands – Wetland function” and “Wetlands – Wetland area” in Annex I.
<b>Include food production and security</b>	Annex I was updated to add “Regional food production and security” as a potential valued component.
<b>Include carbon capture ability of local ecosystems</b>	Annex I was updated to add “Ecosystem Services - Flood control, climate moderation” as a potential valued component.
<b>Consider implications for climate change, and include the exacerbation of potential effects of climate change</b>	The requirement for the Committee to consider the interactive effects of climate change and development on valued components was added to section 5.1 h) 2.vi.
<b>Include effects on water quality and security, including the factors that influence water quantity and quality, and aquifers related to the Lake Iroquois Shoreline</b>	No changes made; already captured under “Water - Groundwater quality and quantity” and “Water - Surface water quality and quantity” in Annex I.
<b>Include effects from flooding</b>	Annex I was updated to add “Geology - Floodplains, hazard lands and erosion” and “Ecosystem services - Flood control, climate moderation” as potential valued components.



<b>Include Indigenous cultural and spiritual values, as well as Indigenous archeological and heritage sites</b>	No changes made; already captured in section 4.2.
<b>Include effects on recreation, social, cultural, eco-spiritual values, spiritual and mental health components for all users of the Park</b>	Annex I was updated to add “Accessibility to natural, cultural and agricultural heritage” and “Mental and spiritual health of visitors” as potential valued components.
<b>Need for prioritization of valued components</b>	Annex I was updated to clarify how the nature and level of analyses of potential effects on valued components may vary.  Additional information on prioritization from participants will be considered by the Committee, including analyses by Parks Canada available on the Canadian Impact Assessment Registry.
<b>Add Toronto Zoo to available source of information or analyses, as well as local groups, naturalists, experts from University of Toronto, farmers and farm organizations</b>	The Toronto Zoo was added as a source of information or analyses, where appropriate, in Annex I.  In addition, the Agency engaged with local groups, naturalists, researchers and organizations to inform them that, as per section 5.1 c), once established, the Committee may request specialist or expert information, knowledge, analyses or advice with respect to the Study from federal authorities, or any person or body in possession of such information or knowledge.  Section 5.1 n) was added to require the Committee to complete a work plan, outlining the Committee’s approach, timeline and methods for how information will be gathered, described and analyzed, as well as opportunities for public participation and input.

## What’s next

A Committee will be appointed to carry out the Study as set out in the final Terms of Reference. The Study will commence once the Committee is appointed.

Funding will be made available to support Indigenous and public participation in the carrying out of the Study.

The Committee is required to complete a work plan outlining the Committee’s approach, timeline and methods for how information will be gathered, described and analyzed, as well as opportunities for public participation and input. The Committee is required to make its work plan available on the Canadian Impact Assessment Registry Internet Site within three months of appointment.



Based on information gathered by the Agency during public information sessions, 50% of respondents expressed a preference to be engaged in the future through in person community sessions and 29% through virtual session.

To find out the latest about the status of the Study, final Terms of Reference, funding opportunities, comment periods, and next steps, please refer to the [Canadian Impact Assessment Registry \(Reference number: 84459\)](#).