

October 5, 2012

The Hon. Peter Kent,
Minister of the Environment
Les Terrasses de la Chaudière,
10 Wellington Street
Gatineau, Quebec K1A 0H3

Dear Minister Kent:

Re: Rouge National Urban Park Initiative

The Canadian Environmental Law Association (CELA) is a non-profit, public interest group established in 1970 to use existing laws to protect the environment and to advocate environmental law reform. CELA is also a Legal Aid clinic representing low-income citizens or citizens' groups in environmental cases.

CELA writes in response to the Rouge National Urban Park Public Involvement Phase and is pleased to comment on what we hope is an important step towards safeguarding an immense natural resource and creating opportunities for Canadians to experience a unique arboreal ecosystem that has almost completely disappeared from Canada.

Background

Over the last 25 years, a substantial investment of time and public resources has been spent by federal ministries, local communities and aboriginal groups to develop a feasible and sustainable plan to protect and restore Rouge Park. In light of this effort and to avoid duplication and waste, the legislation and Management Plan for Rouge National Park should respect, strengthen and implement the vision, goals and objectives of the Rouge Park Plans (1994 and 2001), Provincial Greenbelt Plan (2005), Rouge Watershed Strategy (2007), Rouge Natural Heritage Action Plan (2008), Toronto Remedial Action Plan, and TRCA Targeted Natural Heritage System Plan.

In support of the above, CELA proposes 6 recommendations to establish and protect Rouge National Park so that it may adequately conserve the natural heritage system for which it has been created. These recommendations are outlined below.

Summary of Recommendations

- 1.** The primary purpose of Rouge National Park should be the protection and restoration of Carolinian and mixed woodland forests and wetlands within a sustainable natural heritage system to ensure the preservation of an invaluable natural resource as a part of our national legacy. This will also ensure that Canada meets its national and international

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obligations to restore and maintain biodiversity and water quality within the Great Lakes basin.

2. A science-based conservation plan should be implemented to ensure the “quantity, quality and distribution of natural cover” are sufficient to maintain and restore ecosystems and species at risk. As such, Rouge National Park should implement the 600-metre wide corridor approved in the Greenbelt Plan (2005) and Rouge North Management Plan (2001) as well as the guidance of the TRCA report and *How Much Habitat is Enough?* to increase natural cover to at least 31% of the watershed’s area.

3. The Rouge National Park should be expanded to include the public Greenbelt lands which surround the Rouge River, Petticoat and Duffins Creek watersheds. This will create a 100 km² Rouge National Park that links Lake Ontario to the Oak Ridges Moraine and will help maintain and restore a natural and cultural heritage system.

4. Ensure that all environmentally significant activities affecting Rouge National Park undergo an Environmental Assessment (EA) under the Canadian Environmental Assessment Act, 2012 (CEAA, 2012). Where there is uncertainty regarding the nature, extent, ability to mitigate or significance of environmental effects associated with a particular activity, then, in accordance with the precautionary principle, the activity should be scrutinized by an EA.

Primary purpose of Rouge National Park

According to Parks Canada, Rouge Park is situated within the Carolinian and mixed woodland plain forest life zones. Portions of the lower Rouge valley protect a small part of the Carolinian Life Zone, which supports over 70 species of trees, 27 species of reptiles and more than 20 species of amphibians, more rare species of plants and animals than any other region in Canada. Over 60 Committee on the Status of Endangered Wildlife in Canada (COSEWIC) listed species at risk are found in the Carolinian Life Zone. As outlined by a recent study conducted by the David Suzuki Foundation entitled *Canada’s Wealth of Natural Capital: Rouge National Park*, the Rouge Park itself is home to 23 federal species at risk, 762 plant species (over one quarter of Ontario’s flora), 27 mammalian species, 19 reptile and amphibian species and 55 fish species. The Rouge, Petticoat and Duffins streams are home to more than 50 species of fish and the migratory varieties, including the Atlantic salmon and red-side dace. Despite having the greatest biodiversity and the most endangered species in the country, these life zones have the fewest national and provincial parks in Canada.

In addition, due to extensive private ownership and settlement in southern Ontario, the Carolinian and mixed woodland plain life zones are threatened ecosystems. Urban and rural runoff has resulted in elevated bacterial and pollutant levels in the Rouge River and Lake Ontario. Migratory fish species found in the Rouge, Petticoat and Duffins streams such as the species-at-risk Atlantic salmon and red-side dace are threatened by polluted runoff, sewage and decreasing groundwater levels. These anthropogenic effects have led the Rouge River Watershed and beach to be included in the Toronto regions’ “Area of Concern” under Annex 1 of the Great Lakes Water Quality Agreement (GLWQA). This means the watershed and beach’s water

quality and ecosystem health have been severely degraded by human activities. The GLWQA along with a number of other domestic laws and international treaties obligate Canada to mitigate, restore and protect the Great Lakes Basin ecosystems as a valuable natural resource and heritage for current and future generations.

While mentioning the importance of conservation, The Rouge National Urban Park Initiative released by parks Canada does not place a priority on protecting, restoring and maintaining the Carolinian and mixed woodland plain life zones. Without prioritizing the preservation of Carolinian and mixed woodland forests and wetlands, this rich natural resource will be irrevocably lost and Canada will have failed to meet its obligations under domestic and international law.

Recommendation 1: The primary purpose of Rouge National Park should be the protection and restoration of Carolinian and mixed woodland forests and wetlands within a sustainable natural heritage system to ensure the preservation of an invaluable natural resource as a part of our national legacy. This will also ensure that Canada meets its national and international obligations to restore and maintain biodiversity and water quality within the Great Lakes basin.

A science-based conservation plan

In 2004, based on the most current science, Environment Canada in cooperation with the Canadian Wildlife Service, Ontario Ministry of Natural Resources and Ontario Ministry of Environment produced a conservation report entitled *How Much Habitat is Enough?* This report informs habitat restoration within Great Lakes Areas of Concern such as the Rouge River watershed and Park. The report found that more than 30% forest cover and 10% wetland cover are needed for viable wildlife populations and watershed health. However, a 2007 Toronto and Region Conservation Authority's (TRCA) report found the Rouge Watershed currently has only 13% forest cover and approximately 1% wetland cover. The TRCA report went on to conclude:

The current quantity, quality and distribution of natural cover are insufficient to provide long-term support for many of the native communities and species present in the watershed now... natural cover should be increased from the present 24% to at least 31% of the watershed's area, in order to maintain and enhance species diversity.

In addition, section 4.1.1.2 of the approved 2001 Rouge North Management Plan states that "The overriding goal in creating the Little Rouge Creek Corridor is to establish a viable terrestrial corridor with interior forest habitat conditions." Section 3.2.6 of the Provincial Greenbelt Plan (2005) provides strong legal support for the Rouge North Management Plan and *How Much Habitat is Enough?* by stating:

This Plan identifies a 600 m wide corridor for the Little Rouge River as the main ecological corridor, between Lake Ontario and the southerly boundary of Oak Ridges Moraine Area, as well as several other Rouge River tributaries, in recognition of the longstanding commitment to establishing the Rouge Park.

[...]

In the case of a conflict between this Plan and the Rouge North Management Plan, the more restrictive policies apply.

According to *How Much Habitat is Enough?*, the minimum width needed for a forest to create a viable interior habitat is 500 metres.

Recommendation 2: A science-based conservation plan should be implemented to ensure the "quantity, quality and distribution of natural cover" are sufficient to maintain and restore ecosystems and species at risk. As such, Rouge National Park should implement the 600-metre wide corridor approved in the Greenbelt Plan (2005) and Rouge North Management Plan (2001) as well as the guidance of the TRCA report and *How Much Habitat is Enough?* to increase natural cover to at least 31% of the watershed's area.

The 100 km² public land assembly surrounding the Rouge River

The federal government owns more than 10,000 ha (100 km²) of public lands that include and surround the Rouge, Petticoat and Duffins River watersheds in Toronto, Markham and Pickering. The current Rouge Park includes less than half of these lands (>4,500 ha). The federal government owns more than 5,500 ha of directly adjacent public lands in the Provincial Greenbelt. Unfortunately, these public lands are designated as a "natural heritage system" in the Provincial Greenbelt Plan (2005) and are not included in the Rouge Park. These public lands provide a unique opportunity to create a 100 km² Rouge National Park which is large enough to link Lake Ontario to the Oak Ridges Moraine and help maintain and restore a natural and cultural heritage system.

Recommendation 3: The Rouge National Park should be expanded to include the public Greenbelt lands which surround the Rouge River, Petticoat and Duffins Creek watersheds. This will create a 100 km² Rouge National Park that links Lake Ontario to the Oak Ridges Moraine and will help maintain and restore a natural and cultural heritage system.

Environmental assessments of environmentally significant activities

It would be preferable that Rouge National Park activities and programs give priority to the protection, restoration and appreciation of the park ecosystem and its native species and habitats, rather provide a variety of recreational activities and programs. However, if infrastructure is to be expanded and there are no alternatives to building or expanding infrastructure within or affecting the Park, a thorough EA should be conducted under CEAA, 2012. The EA should address project need, alternatives, impact avoidance, impact mitigation, cumulative impacts, monitoring, environmental conditions and other assurances which guarantee net environmental and social gain.

Recommendation 4: Ensure that all environmentally significant activities affecting Rouge National Park undergo an EA under CEAA, 2012. Where there is uncertainty

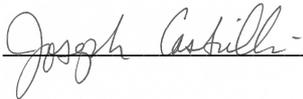
regarding the nature, extent, ability to mitigate or significance of environmental effects associated with a particular activity, then, in accordance with the precautionary principle, the activity should be scrutinized by an EA.

In closing, we respectfully ask that you authorize Parks Canada to utilize a science-based EA process open to and inclusive of the public to plan and create a sustainable 100 km² Rouge National Park which links Lake Ontario to the Oak Ridges Moraine and protects, restores and maintains Carolinian and mixed woodland habitats.

We look forward to your favourable reply.

Sincerely,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Joseph Castrilli
Acting Executive Director and Counsel



Rizwan Khan
Student at Law