

December 17, 2020

**Rouge National Urban Park**

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**Re: Beach Revitalization and New Boardwalk Trail, located in Rouge National Urban Park**

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Parks Canada should not proceed with the proposed boardwalk trail in Rouge National Urban Park without a further and better consultation process. Its focus should be on whether this project meets the mandatory requirement in s.6(1) of the *Rouge National Urban Park Act*, SC 2015, c 10 (“*RNUP Act*”) that the Minister’s first priority when managing the park must be the maintenance and protection of ecological integrity.<sup>1</sup>

**A. Background on Canadian Environmental Law Association**

The Canadian Environmental Law Association (“CELA”) is a public law group and legal aid clinic established in 1970 to apply existing environmental laws to protect the environment and to advocate for environmental law reform to better protect our environment. CELA wrote to the Environment Minister on February 21, 2018 to support the inclusion of subsection 6(1) in the *RNUP Act*. A copy of that letter is attached for your convenience.

**B. Ecological Integrity as the First Priority**

Section 6(1) of the Rouge National Urban Park Act provides:

**6(1)** Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, must be the first priority of the Minister when considering all aspects of the management of the Park.

Subsection 6(1) provides strong protection to the park and must be interpreted expansively to serve its intended purpose. Of significant concern, Parks Canada has not mentioned this

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<sup>1</sup> *Rouge National Urban Park Act*, SC 2015, c 10 (“*RNUP Act*”), s 6(1)

mandatory requirement and instead relies on the weaker standard in the *Impact Assessment Act*, SC 2019, c 28, s 1 that a project must avoid significant adverse environmental effects.<sup>2</sup>

### **C. Insufficient Information Posted to Impact Assessment Agency Website**

Although Parks Canada has invited public comments on the proposed project, there is only a bare description of the project included on the Impact Assessment Agency website. A member of the public cannot provide insight on whether the project would protect ecological integrity in Rouge National Urban Park or whether it would cause significant adverse environmental effects without more information. The Minister must at a minimum post its Technical Feasibility Study dated July 2020 and any other analysis of the environmental impacts of this proposal to the website and explain why it believes this project meets the requirements of s.6(1) of the *RNUP Act*.

In CELA's view, this public comment period does not provide a sufficient opportunity for consultation. Parks Canada should begin a new public comment period once adequate information is posted to the website.

Sincerely,

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**



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<sup>2</sup> Impact Assessment Agency of Canada, *Beach Revitalization and New Boardwalk Trail – Public Comments Invited From 17 November to 17 December 2020*, Last Revised November 30, 2020  
<<https://iaac-aeic.gc.ca/050/evaluations/document/137035>>