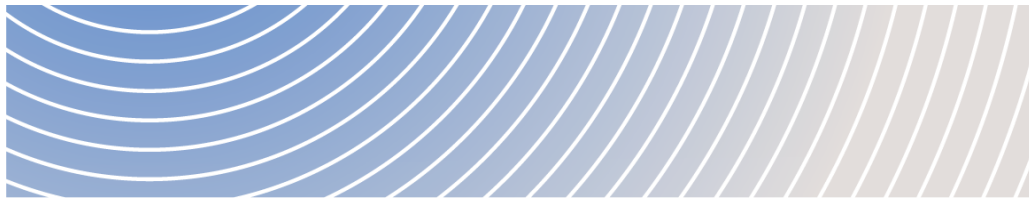


Rouge National Urban Park Study



TERMS OF REFERENCE

August 2023



Impact Assessment
Agency of Canada

Agence d'évaluation
d'impact du Canada

Canada 

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1.0 Study Objectives and Scope

1.1 The objectives of the Rouge National Urban Park Study (the Study) are:

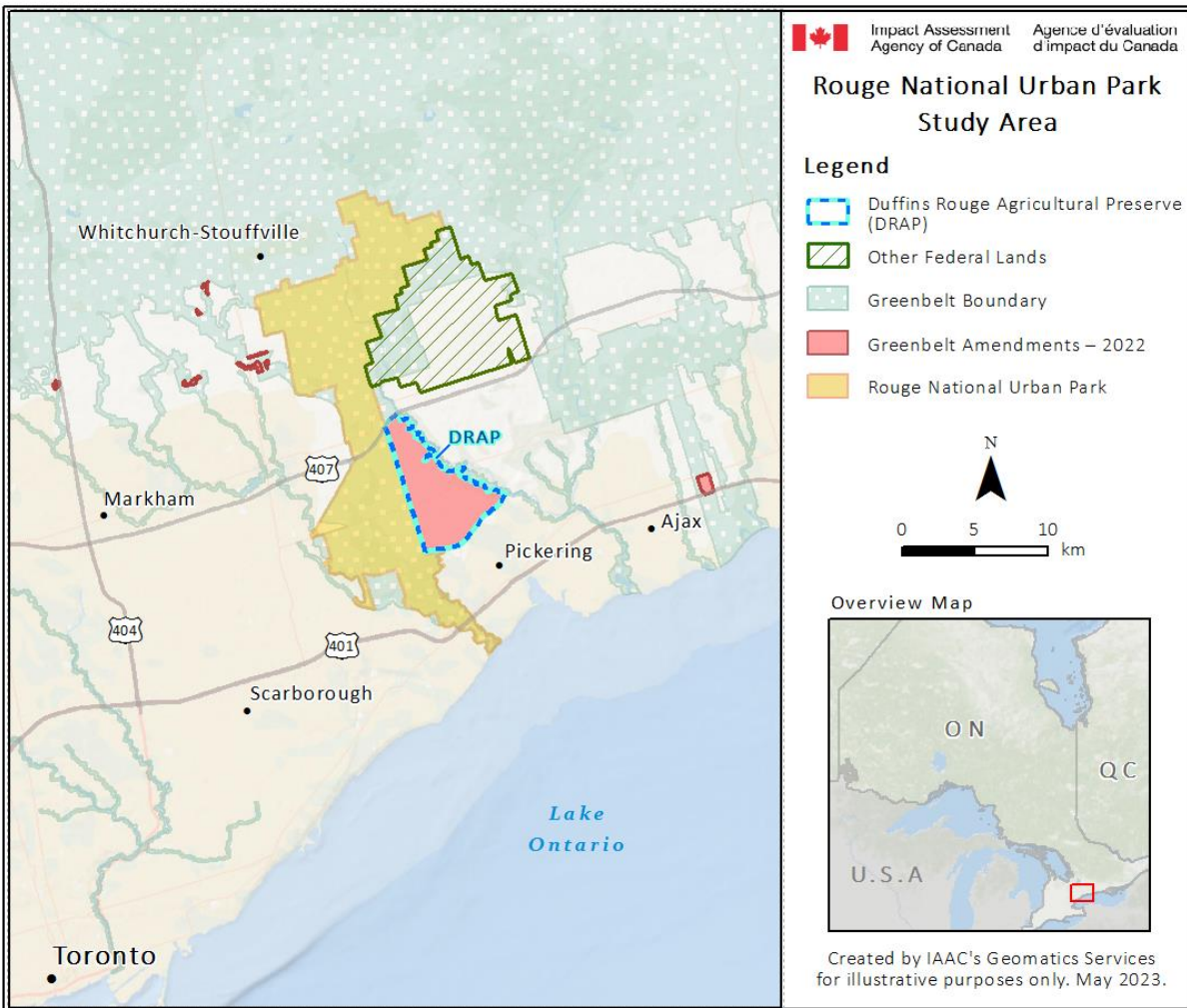
To understand the potential effects, including cumulative effects, of past, ongoing, and potential future development on the Rouge National Urban Park (the Park).

1.2 The Study will focus on:

- a) Future potential development activities in lands adjacent to the Park, notably in the area known as the Duffins Rouge Agricultural Preserve, and the potential effects of these activities. In addition to direct effects, it will also consider the cumulative effects of other past, ongoing and future physical activities in the Park, the Duffins Rouge Agricultural Preserve, federal lands adjacent to the Park as well as other areas if these have the potential for effects in areas of federal jurisdiction within the Park;
- b) The ecological integrity of the Park and the ability of the Park to meet its management objectives, including as described in the Park Management Plan: the protection of biodiversity, natural resources, and natural process; enhancement of ecological connectivity throughout the Park; maintaining beneficial working relationships with Indigenous communities; and supporting a vibrant park farming community;
- c) Any other potential effects, including cumulative effects, on areas of federal jurisdiction (e.g., species at risk, federal lands); and,
- d) Consideration of how provincial laws and regulations, as well as other laws and regulations including Indigenous laws, would apply future potential development activities in lands adjacent to the Park in order to assess potential effects.

1.3 The Study Area is depicted in Figure 1.1 below and comprises the Park as well as adjacent Duffins Rouge Agricultural Preserve and federal lands. The spatial boundaries for the assessment of potential effects will vary for each valued component and may be larger than the Study Area.

Figure 1.1: Study Area (Ontario)



2.0 Establishment, Purpose and Composition of the Committee

2.1 The Committee will carry out the Study and will consist of three members appointed by the Minister of Environment and Climate Change (the Minister).

2.2 The identification and evaluation process for the Committee members is coordinated by the Impact Assessment Agency of Canada (the Agency) and includes seeking nominations from Indigenous

communities as well as accepting nominations from the public.

2.3 The Committee must have technical expertise, knowledge, or experience relevant to the Study.

2.4 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.

2.5 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.

3.0 Committee Secretariat

3.1 A Secretariat will be established to provide administrative and technical support to the Committee during the conduct of the Study.

3.2 The activities and responsibilities of the Secretariat will include the following, undertaken at the direction of, and in support of, the Committee: work planning and scheduling, communications, administration and record keeping; support for Indigenous and public participation activities; drafting of documents and other materials.

3.3 The Secretariat will support the Committee in identifying, compiling and analyzing existing and available information relevant to the Study including information received from Indigenous communities and from participants. This includes information related to: development activities and their potential effects on environmental, health, social and economic conditions, and other information as applicable, subject to any limits on the use of such information.

3.4 Funding will be made available by the Agency to facilitate the involvement of Indigenous communities and organizations, non-government organizations and individuals in the Study.

4.0 Indigenous Communities and Participation

4.1 The Committee must ensure a record of Indigenous engagement is maintained.

Indigenous communities include members of the Rouge National Urban Park First Nations Advisory Circle:

- The seven signatories of the Williams Treaties Settlement:
 - Alderville First Nation,
 - Beausoleil First Nation,
 - Chippewas of Georgina Island First Nation,
 - Chippewas of Rama First Nation,
 - Curve Lake First Nation,
 - Hiawatha First Nation,
 - Mississaugas of Scugog Island First Nation;
- Mississaugas of the Credit First Nation, who have submitted an Aboriginal Title claim to lands in the Rouge River Valley Tract;
- Huron-Wendat Nation; and
- Six Nations of the Grand River.

Indigenous communities also include Métis Nation of Ontario.

4.2 The Committee will receive and consider information from Indigenous communities on the nature and scope of any Aboriginal or Treaty rights protected by section 35 of the *Constitution Act, 1982* in the Study Area, as well as information on potential adverse impacts that future development activities in the Study Area may, individually or cumulatively, have on these rights. The Committee may also receive and consider information from Indigenous communities on the potential impact of development activities in the Study Area — occurring in Canada and resulting from any change to the environment — on physical and cultural heritage; the current use of lands and resources for traditional purposes; any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; and any change occurring in Canada to the health, social or economic conditions of the Indigenous communities of Canada.

The consideration of any such information received must be reflected in the Committee's analysis, and the development of its conclusions and recommendations.

Information provided to the Committee as part of the Study is not part of a decision-making process, but may inform future Crown efforts, including decision-making and consultation processes in the Study Area.

4.3 The Committee shall consider Indigenous Knowledge in a manner that is consistent with the most recent version of the *Government of Canada's Indigenous Knowledge policy framework for project reviews and regulatory decisions*, along with community knowledge, and scientific information. Indigenous Knowledge provided to the Agency by Indigenous communities should be managed consistently with First Nations Information Governance Centre's *Principles of ownership, access, control and possession*, including ensuring Indigenous Knowledge collected as part of the Study is returned to Indigenous communities who own and control how this information can be used.

4.4 The Agency is required, under section 119 of the *Impact Assessment Act*, to ensure Indigenous knowledge that is provided in confidence is confidential and must not knowingly be, or be permitted to be, disclosed without written consent. As such, any Indigenous knowledge that is provided to the Committee in confidence is considered confidential and will not knowingly be, or be permitted to be, disclosed without written consent.

5.0 Committee Activities and Requirements

5.1 In conducting the Study, the Committee will:

Indigenous and Public Participation

- a) Design its approach to Indigenous engagement and participation based on the recognition of rights, respect, cooperation and partnership, as well as in alignment with the Government of Canada's commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples*. The Committee must engage and collaborate with Indigenous communities on the development of an approach to Indigenous participation, and on any required updates to the approach.
- b) Ensure the public is provided opportunities to participate meaningfully in the Study and engage governmental and non-governmental organizations and individuals that have information, knowledge or interests relevant to the Study. This will include members of the public, industry, environmental and community organizations and any other person or group with information or interests related to the Study who wishes to participate in it.

Information and Analyses

Source of information

- c) Rely on publicly available information, and information made available to the Committee by Indigenous communities, government, industry, academia, or the public.

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.

Information provided to the Committee must be made accessible to the public through the Canadian Impact Assessment Registry Internet site (the Registry) in a timely manner, unless the Committee determines that certain information should be kept confidential.

The Committee may also retain the services of independent non-government experts to provide advice on certain subjects within the Study Terms of Reference. The names of the experts retained and any documents obtained or created by the experts and that are submitted to the Committee must be made accessible to the public through the Registry in a timely manner, unless the Committee determines that certain information should be kept confidential.

Description of Existing Conditions

- d) Identify, compile, review and present information on existing environmental, health, social and economic conditions within the Study Area. This will include consideration of the variability in baseline conditions and existing trends due to natural, anthropogenic and climate change influences, as identifiable through information and knowledge available to the Committee. Where appropriate, descriptions of existing conditions must be disaggregate for diverse population groups to support the analyses of potential effects.
- e) 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.

Description of potential development activities

- f) Provide a description of the development activities that may occur in the Study Area and how provincial laws and regulations, as well as other laws and regulations including Indigenous laws, would apply to such developments. Specific potential development activity scenarios must be described, including a range of plausible development scenarios under existing laws and regulations, as well as null model scenario assuming no further development in the Duffins Rouge Agricultural Preserve. These scenarios must be considered in the analyses of potential effects.

Identification of Information and Knowledge Gaps or Uncertainties

- g) Identify and evaluate information and knowledge gaps or uncertainties and how they may affect the accuracy and precision of the assessment of potential effects of developments on the Park.

Analyses of Potential Effects

- h) Identify, consider and characterize the valued components and potential effects, including cumulative effects, of potential development activities on the identified valued components. The cumulative effects assessment must include all physical activities that are certain and reasonably foreseeable following relevant Government of Canada guidance, including those on federal lands adjacent to the Park, described in the Official Plans of the municipalities adjacent to the Park, described in the Park Management Plan, planned on the Seaton lands, enabled by Ministerial Zoning Orders by the Ontario Minister of Municipal Affairs and Housing and those that are likely to be induced by developments in the Duffins Rouge Agriculture Preserve. Provincial laws and

regulations must be explicitly considered.

1. Identification of valued components must include:
 - i. The ability of the Park to meet its management strategies and objectives as described in the Park Management Plan, including an evaluation of whether future development activities in the Duffins Rouge Agricultural Preserve may be compatible with Park objectives. All Park management objectives must be considered either qualitatively and/or quantitatively (guidance provided in Annex I).
 - ii. The ability to maintain and restore the ecological integrity of the Park, where ecological integrity is considered a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change, and supporting processes (guidance provided in Annex I).
 - iii. Any potential adverse effects within federal jurisdiction as defined under section 2 of the *Impact Assessment Act*, including magnitude of effects and how these would be managed through existing legislative and regulatory mechanisms.
2. Analyses of potential effects on valued components must:
 - i. Consider publicly available quantitative and qualitative data that are relevant to the Study, as well as all information received from Indigenous communities and the public.
 - ii. Determine spatial and temporal boundaries for the cumulative effects assessment.
 - iii. Compare existing conditions with conditions predicted for a range of plausible development activity scenarios.
 - iv. Where appropriate, use a Gender-based Analysis Plus analytical process to assess how diverse population groups may experience the potential effects following relevant Government of Canada guidance.
 - v. Consider sustainability principles following relevant Government of Canada guidance.
 - vi. Where appropriate, predict the impact of development activity scenarios on valued components including any interactions with climate change.
 - vii. Where appropriate, include spatial information in the analyses and predictions.
 - viii. Where appropriate, describe the magnitude of potential impacts, including any uncertainty.
 - ix. Where appropriate, identify specific locations or areas for protection or development that would minimize potential effects of development on valued components.
 - x. Where appropriate, describe any relevant avoidance, mitigation or compensation measures, which may address potential adverse effects.
 - xi. Where appropriate, describe any relevant monitoring and follow-up program.



- i) Identify, consider and characterize the potential effects of potential development activities on any Indigenous communities relying on existing information provided to the Committee.

Conclusions

- j) Identify its conclusions on the magnitude of potential effects, including cumulative effects, of development activities on the ecological integrity of the Park and the ability of the Park to meet its management objectives at the park scale and the management area scale, as well as any other identified effects within federal jurisdiction.
- k) Identify its conclusions on key avoidance, mitigation, compensation, monitoring or follow-up measures to address potential impacts of development activities.
- l) 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.

Administration and Reporting

- m) Ensure that information with respect to the Study is accessible to the public through the Registry in a timely manner, unless the Committee determines that certain information should be kept confidential.
- n) 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 Committee appointment.

The work plan must identify the approach or methods for the description of existing conditions, potential development activities including development scenarios, cumulative effects assessment, the identification of valued components and the analyses of potential effects.

The work plan does not preclude the Committee from making changes to the approaches described therein in order to accommodate changes that may occur during the Study process. If modifications are required, the Committee must update the work plan and make it available on the Registry.

- o) Ensure that, where possible, draft components of the analyses or sections of the Report are made publicly available in a timely manner.
- p) Complete a draft Report in accordance with Study Terms of Reference and make it available on the Registry for an Indigenous and public review and comment period, prior to the submission of the final Report.

6.0 Report and Records

6.1 The Report will take into account and reflect the views of all Committee members. Any areas of non-

consensus and associated dissenting viewpoints will be reflected in the Report.

6.2 The Committee will also include the following in its Report:

- a) A description of the Indigenous and public engagement and participation activities undertaken by the Committee during the conduct of the Study, including a summary of any comments received and of where and how these were considered in the Study.
- b) An overview of how the Committee considered Indigenous knowledge and community knowledge provided during the Study. In doing so, the Committee must obtain consent to disclose any confidential Indigenous knowledge or community knowledge provided unless otherwise required by federal law.

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

6.4 Upon receiving the Committee's Report, the Minister must ensure it is made available on the Registry for the public and Indigenous communities.

6.5 The Committee will describe the conduct and document the results of the Study in its Report. In addition, the Committee will include a summary of its Report in plain language available in English and French, as well as in Indigenous languages if requested by one or more participating Indigenous communities. The Report may include the presentation of information in an electronic format, such as through an associated Geographic Information System (GIS).

6.6 The Registry will include the Study Terms of Reference and any future amendments to it, public announcements, the Committee's draft and final Report, and submissions and comments received by the Committee from Indigenous communities and the public during the Study.

7.0 Clarification or Amendment to the Terms of Reference

7.1 The Committee may request clarification of, or an amendment to, the Study Terms of Reference by sending a letter to the Minister setting out the request. Upon receiving such a request, the Minister will provide the Committee such clarification or a response to the requested amendment in a timely manner.

7.2 Subject to the above, the Committee will continue with the Study to the extent possible while waiting for a response in order to adhere to the timelines outlined herein.

Annex I List of Potential Valued Components

This Annex lists potential valued components on which the Committee may choose to 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. The Annex is provided as a guidance to the Committee on potential valued components and known sources of information and knowledge available.

The nature and level of analyses of potential effects on valued components will vary for each valued component. The Committee's approach will be informed by the context, including the likelihood that an adverse effect may happen (i.e., the vulnerability of the valued component) and the potential magnitude of negative impacts that may result from its occurrence. The Committee will carefully consider available information, including the extent to which potential effects on valued components are already well documented, to adjust the level of analyses required for each identified valued component, which may range from qualitative descriptions to detailed quantitative analyses.

As stated in the Rouge National Urban Park Management Plan, *Key strategy 1: Protect and Restore Natural Heritage Values in Support of a Resilient Park Landscape* is a “key strategy [providing] the primary guidance for maintaining or restoring ecological integrity as a first priority in park management”. As such, potential valued components listed in the table below relate to ecological integrity, as well as the *Objectives 1: Protect biodiversity, natural resources and natural processes* and *Objective 2: Enhance ecological connectivity throughout the park and with adjacent natural areas* of Key Strategy 1. 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).

| Potential valued components may include: | Available sources of information or analyses may include: |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Forest Ecosystem Processes – Grazing/Browsing Levels | Parks Canada |
| Forest Ecosystem Processes – Fire Regime | Parks Canada |
| Forest Bird Community | Parks Canada, Environment and Climate Change Canada, Toronto and Region Conservation Authority |
| Terrestrial Plant Communities (including impacts from invasive species) | Parks Canada, Toronto and Region Conservation Authority, Toronto Zoo |
| Core Habitat | Parks Canada, Toronto and Region Conservation Authority |

| Potential valued components may include: | Available sources of information or analyses may include: |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Forest structural connectivity | Toronto and Region Conservation Authority |
| Meadow structural connectivity | Toronto and Region Conservation Authority |
| Grassland bird community | Environment and Climate Change Canada, Toronto and Region Conservation Authority |
| Fish and fish habitat | Parks Canada, Toronto and Region Conservation Authority, Toronto Zoo (freshwater mussels) |
| Wetlands – Wetland function | Parks Canada, Environment and Climate Change Canada, Toronto and Region Conservation Authority |
| Wetlands – Wetland area | Toronto and Region Conservation Authority |
| Aquatic and riparian plant communities (including impacts from invasive species) | Parks Canada, Toronto and Region Conservation Authority |
| Hydrological conditions | Toronto and Region Conservation Authority |
| Aquatic structural connectivity | Parks Canada, Toronto and Region Conservation Authority |
| Blanding’s, Midland and Snapping turtle connectivity | Parks Canada, Environment and Climate Change Canada, Toronto and Region Conservation Authority, Toronto Zoo |
| Blanding’s turtle | Parks Canada, Environment and Climate Change Canada, Toronto and Region Conservation Authority, Toronto Zoo |
| Snapping turtle | Parks Canada, Environment and Climate Change Canada, Toronto and Region Conservation Authority, Toronto Zoo |
| Redside dace | Parks Canada, Toronto and Region Conservation Authority, Toronto Zoo |
| Midland painted turtle | Parks Canada, Environment and Climate Change Canada, Toronto and Region Conservation Authority, Toronto Zoo |

| Potential valued components may include: | Available sources of information or analyses may include: |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Map turtle | Parks Canada, Environment and Climate Change Canada, Toronto and Region Conservation Authority, Toronto Zoo |
| Frogs/Amphibians | Parks Canada, Toronto and Region Conservation Authority, Toronto Zoo |
| Butternut | Parks Canada, Environment and Climate Change Canada, Toronto and Region Conservation Authority |
| Eastern milksnake | Parks Canada, Environment and Climate Change Canada, Toronto and Region Conservation Authority, Toronto Zoo, University of Waterloo |
| Flying squirrels | University of Toronto |
| Wildlife health – Road mortality | Environment and Climate Change Canada, Eco-Kare International |
| Wildlife health – Human-Wildlife conflict (including garbage, animal relocation and releases, light and noise disturbance) | Parks Canada, Toronto and Region Conservation Authority, Toronto Zoo |
| Wildlife Health – Disease and pollution | Parks Canada, Toronto and Region Conservation Authority, Toronto Zoo |
| Migratory birds | Parks Canada, Environment and Climate Change Canada, Toronto and Region Conservation Authority |
| Water - Groundwater quality and quantity | Toronto and Region Conservation Authority |
| Water - Surface water quality and quantity | Parks Canada, Environment and Climate Change Canada, Toronto and Region Conservation Authority |
| Bats (Little brown myotis, northern myotis, tri-colored bat) | Environment and Climate Change Canada, Toronto and Region Conservation Authority, Toronto Zoo |
| Geology - Floodplains, hazard lands and erosion | Toronto and Region Conservation Authority |

| Potential valued components may include: | Available sources of information or analyses may include: |
|----------------------------------------------------------------|------------------------------------------------------------------|
| Ecosystem services - Flood control, climate moderation | Toronto and Region Conservation Authority |
| Ecosystem functions (including pollination and seed dispersal) | Parks Canada |

With respect to Rouge National Urban Park Management Plan’s *Key strategy 2: Sustain a Living Landscape – Past, Present and Future*, Indigenous communities are the primary relevant source of information for *Objective 1: Build and maintain mutually beneficial working relationships between Parks Canada and Indigenous communities with direct historical and present-day connections to the park*. Potential valued components and corresponding sources of information or analyses for *Objective 2: Provide certainty to farmers in support of a vibrant park farming community* are listed in the table below.

| Potential valued components may include: | Available sources of information or analyses may include: |
|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Economic viability of farms within the Park | Parks Canada; Farmers or farmer organizations |
| Cultural values of farming community within the Park | Farmers or farmer organizations |
| Generational sustainability of farming within the Park (including soil quality and functions) | Farmers or farmer organizations |
| Ability of farms to diversify and use innovative practices within the Park | Farmers or farmer organizations |
| Safety of farming within the Park (including from traffic) | Farmers or farmer organizations |
| Rural-Urban conflict within the Park (including from noise, odor, dust, garbage and trespassing) | Farmers or farmer organizations |
| Access to farming and opportunities for education on farming within the Park | To be identified |
| Regional food production and security | Agriculture and Agri-Food Canada |
| Cultural and economic impacts from farming | Agriculture and Agri-Food Canada |

With respect to Rouge National Urban Park Management Plan's *Key strategy 3: Celebrate Rouge National Urban Park as a National and International Gateway to Discovering Canada's Environment and Heritage*, potential valued components and, where appropriate, corresponding sources of information for *Objective 1: Serve as a gateway connecting Canadians to nature, culture and agriculture* are listed in the table below.

| Potential valued components may include: | Available sources of information or analyses may include: |
|---------------------------------------------------------------|------------------------------------------------------------------|
| Agricultural landscapes | To be identified |
| Accessibility to natural, cultural and agricultural heritage | To be identified |
| Mental and spiritual health of visitors | To be identified |
| Air quality for visitors | To be identified |
| Light pollution for visitors | To be identified |
| Sound disturbance for visitors | To be identified |
| Accessibility for visitors | Parks Canada |
| Differential impacts on visitors (Gender-Based Analysis Plus) | Women and Gender Equality Canada |
| Visitation Increases and Visitor Use Patterns | Parks Canada |