

February 21, 2018

DELIVERED BY EMAIL

Hon. Catherine McKenna
Minister of the Environment and Climate Change
200 Sacré-Cœur Boulevard
Gatineau, QC K1A 0H3

Dear Hon. Minister McKenna:

Re: Prioritizing Ecological Integrity in Rouge National Urban Park (RNUP) Management Plan

The Canadian Environmental Law Association strongly supports the recent amendment to the *Rouge National Urban Park Act*, SC 2015, c 10 (“*RNUP Act*”), which makes ecological integrity the first priority of the Minister when managing the park.¹ It is our understanding that Parks Canada is currently updating the Rouge National Urban Park (“RNUP”) Management Plan. To comply with subsection 6(1) of the *RNUP Act*, the RNUP Management Plan should:

- 1) Meet or exceed the previously established standards for ecological and watershed health in Rouge National Urban Park, including in the Greenbelt Plan (2017)², Rouge Park Natural Heritage Action Plan³, Rouge North Management Plan⁴, and Rouge River Watershed Plan⁵;
- 2) Meet or exceed Environment and Climate Change Canada's recommendations for more than 50% forest cover and 10% wetland cover per watershed to restore ecological integrity and watershed health;⁶ and
- 3) Restore and protect the main ecological corridor in RNUP, a 600 metre wide corridor on the Little Rouge River linking Lake Ontario to the Oak Ridges Moraine.⁷

A. Background on Canadian Environmental Law Association

The Canadian Environmental Law Association (“CELA”) is a non-profit, public interest group established in 1970 to apply existing laws to protect the environment and advocate for

¹ *Rouge National Urban Park Act*, SC 2015, c 10 (the “RNUP Act”), s 6(1).

² Ministry of Municipal Affairs, *Greenbelt Plan* (2017), s 3.2.7 [*Greenbelt Plan*].

³ *Rouge Park Natural Heritage Action Plan* (2008), table 1, Figures 6 (a)-(c), 7, pgs. 9-13.

⁴ *Rouge North Management Plan* (2001), s 4.1.1.2, at pg. 8.

⁵ Rouge Watershed Task Force, *Rouge River Watershed Plan - Towards a Healthy and Sustainable Future* (2007). [*Rouge River Watershed Plan*]

⁶ Environment and Climate Change Canada, *How Much Habitat is Enough?*, 2013, Tables 2 and 9, at pgs. 19 & 60. [*How Much Habitat*]

⁷ *Supra* note 2, *Greenbelt Plan*, s 3.2.7.

environmental law reform. CELA is also an Ontario Legal Aid clinic representing low-income citizens and citizens' groups in environmental cases.

On October 5, 2012, CELA wrote to the Environment Minister to encourage the Federal government to (1) protect and restore Carolinian and mixed woodland forests and wetlands, (2) create a science-based conservation plan, (3) expand Rouge National Urban Park, and (4) conduct an environmental assessment of significant activities affecting the park.⁸ CELA's 2012 letter has been attached for your convenience.

B. Rouge National Urban Park Management Plan

(i) Need for protecting the ecological integrity in Rouge National Urban Park

The destruction and fragmentation of natural forest and wetland habitat has compromised ecological integrity within southern Ontario in general and in the RNUP in particular.

Rouge National Urban Park ("RNUP") was established to protect and present the natural and cultural heritage of the park and its diverse landscapes, promote a vibrant farming community, and encourage Canadians to discover and connect with national protected heritage areas.⁹

The 79.1 square kilometre RNUP may be the last opportunity to create a large public park which protects and restores ecological integrity within two of Canada's most endangered eco-zones - the Carolinian Forest and mixed woodland zones of southern Ontario. Approximately 78% of southern Ontario has been clear-cut, drained and developed for agriculture (59%) and human settlement (19%).¹⁰ According to the Toronto and Region Conservation Authority's 2013 Rouge Watershed Report Card, the Little Rouge Watershed has less than 14% forest cover.¹¹

(ii) Standards for protecting ecological integrity in the RNUP Management Plan

1. Meet or exceed the minimum standards set by provincial plans

The Federal government's mandate will be compromised if the standards set by pre-existing provincial and federal plans to protect ecological integrity in the park are not met or exceeded.¹²

Clause 2.09 of the 2013 Memorandum of Agreement between the Ontario and Federal governments established that Parks Canada will work with Ontario to develop written policies in respect of the creation, management and administration of the Park that "meet or exceed provincial policies regarding the Transferred Lands, including the policies set out in Ontario's

⁸ Canadian Environmental Law Association, *Rouge National Urban Park Initiative*, letter to Hon. Peter Kent, Minister of the Environment, October 5, 2012.

< <http://www.cela.ca/publications/rouge-national-urban-park-initiative> >

⁹ *RNUP Act*, s 4.

¹⁰ Spatial Informatics Group, Austin Troy & Ken Bagstad, *Estimating Ecosystem Services in Southern Ontario* (2009), Table 4, at pg. 18. [*Estimating Ecosystem*]

¹¹ Toronto and Region Conservation Authority, *Rouge River Watershed Report Card* (2013), at pg. 2.

¹² See, for instance, the Ontario Greenbelt, Rouge Park, Oak Ridges Moraine, Watershed, draft Federal Green Space Preserve and Great Lakes Water Quality Improvement Plans.

provincial plans, including the Greenbelt Plan 2005,¹³ the Oak Ridges Moraine Conservation Plan (“ORMCP”), the Growth Plan for the Greater Golden Horseshoe 2006, and the Big Move”.¹⁴

Most of the RNUP is located within the Ontario Greenbelt Natural Heritage System. The Ontario government’s provincial plans, including the Greenbelt, Oak Ridges Moraine Conservation, and Rouge North Management Plans, are based on decades of evidence and consultation with the public. The Natural Heritage System includes areas with a high concentration of sensitive and significant natural features and functions. Under the Greenbelt Plan, these areas must be managed as a connected and integrated natural heritage system.¹⁵

Existing watershed and park plans for Rouge Park are also key components of the Remedial Action Plan for the Toronto Area of Concern under *the Great Lakes Water Quality Agreement*.¹⁶

i. Combating Climate Change

Ontario's Growth Plan for the Greater Golden Horseshoe relies on the implementation of Greenbelt Plan, the ORMCP, and the Niagara Escarpment Plan to adapt to and mitigate against the impact of climate change.

Targeted forest and wetland restoration is mandated by these plans to absorb water, carbon and pollution, buffer urban growth and climate change impacts, and reduce damage to our communities from flooding, erosion and pollution. An Ontario Ministry of Natural Resources and Forestry report found in 2009 that the public benefitted \$161,420 per year per hectare of near urban wetlands, \$14,777 per year per hectare of near urban forest, and \$291 per year per hectare of cash crop land in 2008.¹⁷ The public stands to gain a significant benefit if the RNUP Management Plan implements existing provincial and federal standards for the park.

2. Environment and Climate Change Canada's recommendations for ecological integrity

The first priority of ecological integrity in the RNUP also requires that the RNUP Management Plan meets the requirements of Environment and Climate Change Canada (“ECCC”) for wetland, riparian, forest and grassland habitats to sustain wildlife populations and ecosystem function and attributes. In *How Much Habitat is Enough?*, ECCC found that the greater of (1) 10% of each major watershed and 6% of each subwatershed or (2) 40% of the historic watershed wetland coverage should be protected to restore wetland function at a watershed and

¹³ Now the *Greenbelt Plan (2017)*, approved by the Lieutenant Governor in Council, Order in Council No. 1025/2017, as an amendment to the Greenbelt Plan effective July 1, 2017.

¹⁴ Her Majesty the Queen in Right of Canada and Her Majesty the Queen in Right of Ontario, Memorandum of Agreement Respecting the Establishment of the Proposed Rouge National Urban Park, January 26, 2013, s 2.09.

¹⁵ *Supra* note 2, *Greenbelt Plan*, s 3.2.1.

¹⁶ Toronto and Region Remedial Action Plan, *Within Reach: 2015 Toronto and Region Remedial Action Plan Progress Report* (2016), pgs. 38-39, 47, 76

¹⁷ *Supra* note 10, *Estimating Ecosystem*, at pgs. 14, 18-19.

subwatershed scale.¹⁸ Protection of 50% of forest cover or more at the watershed scale equated to a low-risk approach to support potential species and healthy aquatic systems.¹⁹

3. Restore and protect the main ecological corridor linking Lake Ontario to the Oak Ridges Moraine

The RNUP Management Plan should protect the main ecological corridor in the park, a 600 metre wide corridor on the Little Rouge River linking Lake Ontario to the Oak Ridges Moraine.

RNUP is home to many species-at-risk. It is located in one of Canada's most endangered and under-protected life zones - the Carolinian forest zone. The Toronto and Region Conservation Authority concluded: "the current quality, quantity and connectivity of natural cover are insufficient to provide long term support for many of the native species and communities present".²⁰ It is necessary to implement Rouge Park's main ecological corridor and Watershed Plan to restore and connect habitat for rare and endangered species and to support timely recovery plans for species-at-risk.

The RNUP Management Plan's restoration of the park's main ecological corridor will also improve public access to the park lands. Accommodating visitors over a larger park area will avoid accidental abuse of endangered habitats and the overuse of environmentally sensitive areas and trails. The additional landscapes, trails and trailheads associated with the creation of the 25 kilometre long ecological corridor will greatly increase visitor and environmental carrying capacity and reduce parking, traffic and trampling problems, particularly in the many endangered species habitats and environmentally significant areas of the lower Rouge valley system.

Finally, located two kilometres north of Lake Ontario in Rouge Park, Ganatsekwyagon is an important 17th Century Seneca Village and National Historic Site. From there, a historic Carrying Place Trail was utilized by Indigenous Peoples, early explorers and fur traders, to portage between Lake Ontario and Lake Simcoe. This Carrying Place Trail travels parallel with the Little Rouge River and the Park's main ecological corridor. The restoration of the corridor provides an opportunity for the Federal government to re-create the Carrying Place Trail within its historic indigenous landscape.

C. Conclusion

The RNUP Management Plan must emphasize ecological integrity to meet the requirements in clause 2.09 of the Memorandum of Agreement and to comply with subsection 6(1) of the *RNUP Act*. The protections in the *RNUP Act* will be meaningless if the RNUP Management Plan does not identify and protect ecological and watershed health to the standards identified by ECCC and previous provincial and federal plans, and restore and protect the main ecological corridor linking Lake Ontario to the Oak Ridges Moraine.

¹⁸ *Supra* note 6, *How Much Habitat*, Table 2, at pg. 19.

¹⁹ *Ibid*, *How Much Habitat*, Table 9, at pg. 60.

²⁰ *Supra* note 5, *Rouge River Watershed Plan*, at pg. 39.

CELA looks forward to reviewing the updated RNUP Management Plan.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



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