

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

Name	Comment	Response
Agency Comments		
CEAA Eric Advokaat June 2, 2006	Two comments made on the draft TOR were incorporated and two were not. The two that were not included were not sufficiently serious to warrant slowing down the TOR approval process. <ol style="list-style-type: none"> 1. The EA Coordination figure was not changed as requested. The proponent should be aware that the figure being used does not necessarily accurately reflect the process that may be followed. 2. The “advice” document on coordination was not included as an appendix. 	The advice document has been appended to the consultation background document and referenced within the ToR. We are aware of some of the limitations with the figure in chapter 4 which was developed to meet the needs of lay people. Within Chapter 4 we have referenced the advice document for further clarification.
Environment Canada Sheila Allan Senior EA Officer June 5, 2006	Suggested edit to text in Section 1.0 (with the understanding that federal funding for the project is contingent on the outcome of any applicable federal EA): <ol style="list-style-type: none"> 1. “This project is a key component of the TWRC’s mandate to renew and revitalize Toronto’s waterfront and is expected to be funded by the three levels of government (federal, provincial and the City of Toronto).” 	We will revise the wording in the ToR as follows: “This project is included in TWRC’s present 10 year business plan funded by the 3 levels of government (federal, provincial and the City of Toronto).”
	Section 3.2.1 <ol style="list-style-type: none"> 1. The potential impacts of climate change on the project are generally well covered. EC agrees with the assertion that the naturalization of the Don Mouth will provide the opportunity to “accommodate changes in precipitation, water flow and Lake Ontario water levels resulting from climate change”. 	Climate change issues will be an important component of the EA.
	Appendix C EA Work Plan – Draft: <ol style="list-style-type: none"> 1. Under “Relevant Guidelines, Regulations and Policies for Water Quality”, it might be appropriate to list the Provincial Water Quality Objectives and the Canadian Committee of Ministers of the Environment (CCME) Guidelines for Freshwater Aquatic Life. 	These water quality references will be included in the ToR Appendix B.

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	<p>Appendix C Preliminary List of Criteria:</p> <ol style="list-style-type: none"> 1. EC is generally supportive of preliminary list of evaluation criteria 2. Under “Flood Protection” it is not clear whether the criterion “potential” for self-sustaining flood protection measures” is intended to cover the project’s response to potential impacts of climate change that may result in extreme precipitation and significant changes to water flows. 3. The May 2005 CEAA screening for the Lower Don West Remedial Flood Protection Project addressed climate change through building in extra capacity in the initial design as well as the capability to increase the size of the landform (section 5.3) to meet future needs. 4. The adaptive management approach that allowed for the raising of the landform could not be classified as self-sustaining. Therefore the current wording of criterion 2.9.1 “self-sustaining flood protection measures” appears to exclude the adaptive management approach which might also prove to be a useful option for the project. 5. EC requests that the TRCA review the proposed criterion 2.9.1 with the aim of ensuring that it would not exclude an adaptive management approach. 6. EC suggests that a new criterion should be added under “Flood Protection – Sustainability” to explicitly cover the objective to ensure the project has the ability to accommodate potential changes in extreme precipitation and water flows resulting from climate change. 	<p>The criteria are preliminary and will be refined and developed further based on comments received and the evaluations to be undertaken during the EA. Your suggestions will be incorporated as appropriate in the EA.</p> <p>We agree with your comments with respect to the use of the phrase “self-sustaining”. We will modify the criteria to reflect sustainable flood protection. We also agree with your comments with respect to adaptive management and will refine the criteria to ensure that we capture the potential to use an adaptive management approach.</p>

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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Ministry of Natural Resources Theresa Fancy District Planner, Aurora June 2, 2006	The title of the TOR suggests that naturalization and flood protection are the main objectives, while naturalization and rehabilitation is listed in section 5.1 1. To MNR this implies that naturalization is the first priority, and that the two main priorities are linked together. 2. The extent, location and design of any naturalization program for the mouth of the Don River will depend on which flood protection option is chosen. Project alternatives do not convey the linkage. 3. It would be beneficial to include a brief explanation of each alternative up front in section 6 explaining why each is under consideration as it relates to the naturalization and flood protection components of the project.	Link between alternatives to and naturalization is made repeatedly in section 6 and again in section 2 of the alternatives analysis. Details on why each alternative relates to fulfilling each project objective is more suited for the EA document, rather than the TOR. The alternatives were validated on the premise that any stable form that provides flood protection would also provide a template for naturalization.
	Section 5.2 provides context regarding the urban landscape that the project is located within and that there are some significant “constraints” (e.g. Existing infrastructure and uses like the shipping channel, road and rail lines) 1. Any options that change the use/reduce the area have been screened out 2. No discussion has been included regarding any possible changes/alternative design for shipping channel 3. Assumption is that any change would be negative.	Thank-you for these comments. These points will be addressed through the EA process.
	It is not clear as to the connection between the “alternative to” the undertaking in section 6 and the “alternative methods” for the undertaking in section 7. 1. Discussion on the methodology required to achieve each alternative to the undertaking would allow clearer distinction between the significant aspects of each alternative to the undertaking.	Clarification on definitions of “alternative to” and “alternative methods” will be brought forward during the EA process.
	Section 7 outlines some of the desirable river mouth functions, but there does not appear to be an evaluation of these functions or alternatives.	A more detailed evaluation of these functions and alternatives will take place during the earlier stages of the EA process. Specifically referring to linkages with upstream and downstream - Linkage efficacy is unlikely to be a criterion that would distinguish among alternatives - i.e., all alternatives will enhance linkage functions to the same degree.

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	<p>The last sentence of step 5 under section 7 states that the list of criteria in Appendix C is preliminary</p> <p>1. How and when will the list be finalized needs to be outlined.</p>	<p>The criteria are preliminary and will be refined and developed further based on comments received and the evaluations to be undertaken during the EA.</p>
	<p>Appendix A:</p> <p>1. There are eight alternative discharge points considered for inclusion in the TOR. In section 3 of the appendix these discharge points have been assessed (three lakes have been considered for the assessment of alternative discharge points). In order to assess flooding at the Don Mouth, MNR would suggest that criteria for Combination of Lake and River Regulatory Flood Levels as outlined in section B3 under section B – Flood Plain Criteria of the ‘Flood Plain Management in Ontario, Technical Guidelines’ published by the MNR be considered.</p> <p>2. A description is provided on the ranking of each alternative starting on page 6 of the Appendix. There is discussion on the potential loss of some areas, such as Villars Park or the Docks but there is no mention of recreation as a positive impact (e.g. fishing, walking, wildlife viewing).</p> <p>3. Figure 7 shows a different “alternative footprint” on the north side of the Keating Channel for alternative 5 than for alternative 2 (figure 4) and alternative 4 (figure 6). Should this not be common to the three options?</p> <p>4. Table A-1, alternatives 2, 3 and 4 state that there is flexibility to let sediment to fall out “elsewhere”, where other options included the Shipping Channel, lake and new river channel. It is unclear where “elsewhere” would be.</p> <p>5. Discussion should be included as to the need to continue to dredge the area and whether there will be a difference between the amount and area to be dredged between each of the alternatives.</p>	<p>The EA team appreciates MNR pointing out this technical document and will review for future use.</p> <p>The potential to create recreation opportunities will be addressed in the refinement of the short list of alternative methods. The short list of alternatives will be evaluated on the basis of a number of criteria including the potential to create recreation opportunities.</p> <p>No the figures are correct.</p> <p>‘Elsewhere’ refers to in floodplain, lacustrine areas created further upstream from the mouth and possibly in off-line storage areas (where they could be accessed for dredging)</p> <p>The discussion around dredging will continue throughout the EA process as the alternatives are evaluated and assessed.</p>

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	<p>Appendix B:</p> <ol style="list-style-type: none"> The Aquatic Habitat subcomponent of Natural Environment states that there are no data gaps in the first bullet point and then states that there may be a need for additional sampling – points appear to be contradictory. The Methods for Prediction of Effects column for all three subcomponents under Natural Environment state that the prediction of effects is to be based on the ability to meet targets. These targets should be outlined in the TOR. This is also the only component that mentions targets Titles for four of the columns on the first page of the table (A-1) are missing 	<p>1. Based on our understanding of the scope of the project and the alternatives to be considered foresee no need for additional sampling. However, as the project evolves, additional data collection may be necessary. This approach is aligned with the iterative process of an EA.</p> <p>2. It is our position that these details are more suited, and therefore will be addressed through the EA Process. We have a draft of this for natural environment. Targets will be refined through the EA.</p>
	<p>Appendix C:</p> <p>Criterion for the Hydraulics and Hydrology component of the Recreational and Cultural Opportunities is “Effects of microclimate change due to West Nile virus transmission”.</p> <ol style="list-style-type: none"> This criterion should possibly be changed to say “Effects of microclimate on West Nile virus transmission”. Natural environments have less risk for West Nile than artificial environments. 	<p>The criteria are preliminary and will be refined and developed further based on comments received and the evaluations to be undertaken during the EA. Your suggestions will be incorporated as appropriate in the EA.</p>
<p>Ministry of Culture Heritage and Libraries Branch, Heritage Operations Unit</p> <p>Malcolm Horne June 6, 2006</p>	<p>We note that a Stage 1 archaeological assessment has been committed to under Data Gaps for Cultural Heritage in Appendix B. However, the term “none” has been entered under Data Gaps for archaeology. Our intention was that a general cultural heritage inventory should be committed to under Data Gaps for Cultural Heritage and that a Stage 1 archaeological assessment should be committed to under Data Gaps for archaeology.</p>	<p>The changes requested will be made in the ToR.</p>
	<p>The inventory and assessment work should be oriented and directed specifically to the impacts that will result from this project. In other words, the report on built heritage/landscape impacts and the report on archaeological impacts should each directly address the potential for impacts specifically from this project, on an alternative by alternative basis. This may require fuller formulation of the alternatives to allow understanding of the impacts.</p>	<p>Impacts to cultural heritage and archaeological resources will be considered on an alternative by alternative basis as part of the short list evaluation in the EA.</p>

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	The commitments under each category of Issues, Data Collection Methods, and Methods for Prediction of Effects in Appendix B should be essentially the same for both Cultural Heritage and Archaeology.	These changes will be made in the ToR.
	All lands where there is planned soil disturbance or alteration resulting from this project should undergo archaeological assessment.	Agreed, this will be clarified in Appendix B of the ToR.
	Opportunities should be pursued to preserve and interpret selected important heritage sites for public education.	Creating opportunities for the preservation and interpretation of important heritage sites is an important objective of the project and will be considered during the refinement and evaluation of the short list of alternatives in the EA.
MOE Central Region Technical Support Section Anne Neary Manager May 30 2006	Following our review of the above documentation, we have no further comment at this time. The proponent has committed to address a number of the issues, raised in Central Region's comments on the draft ToR, as part of the EA. Given this commitment, we expect that our concerns will be addressed at the appropriate stage of the EA and that we will provide more detailed comment at that time.	The issues raised will be addressed in the EA.
MOE Air and Noise Unit Thomas Shevlin May 31, 2006	It is suggested that reference should be made in Appendix B, Environmental Assessment Workplan that noise emissions from construction equipment are subject to the limits set out in Ministry Publications NPC-115 and the Noise Control Guideline for Class Environmental Assessment of Undertakings.	This reference will be added in the ToR.
Toronto Port Authority Ken Lundy Chief of Operations and Engineering June 5, 2006	Find the document thorough and are pleased with: <ol style="list-style-type: none"> 1. The identification of the importance of sediment and debris management 2. The recognition of maintenance cost impacts as a factor to consider. 3. The description of objective #3 4. The identification of the importance of the port and navigation issues which are affected by proper debris and sediment management. 	Thank you for your support.

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	<p>The following information should be included in the TOR:</p> <ol style="list-style-type: none"> 1. Waterlot ownership of the Keating Channel and inner harbour which are affected by sediment load deposit. 2. Although debris is mentioned in Section 8.1 under Sediment Quality and Quantity, it should be noted that the Port Authority funds the entire cost of debris removal. 3. Should realignment of the river be recommended by the study, Port Authority authorization would be required under Canada Marine Act Regulations. 4. The Port Authority may participate as a 'RA' due to land ownership and/or authorization requirements. 5. The use and protected waterways in the Keating Channel may not be that easy to replicate for the Port Authority's marine works yard currently using the dock space. 	<p>These issues have been noted and will be included in the ToR and/or EA as appropriate.</p>
	<p>Concerns with:</p> <ol style="list-style-type: none"> 1. Some statements made which perhaps reflect preconceived ideas (e.g. The recognition of an area of the Keating Channel which is "neither aesthetically pleasing nor available for public use"), without stating that is an area currently required to manage the river and as such is industrial and restricted for the public safety. 2. The non-recognition of current land base required to manage the average 400 tonnes of floating debris. 3. The definition of the "goal" which does not include sustainability element of on-going maintenance to ensure no less navigational safety and no increased dredging and debris collection costs. These issues are mentioned in the "objectives" but without being part of the goal it is no challenge to naturalize. 4. That the Port Authority has not been identified as a key stakeholder. 	<p>It is recognized that the current use of areas of the Keating Channel for the management of the river needs to be better articulated and this will be incorporated into the ToR and the EA.</p> <p>The Toronto Port Authority will be listed as a key stakeholder in this project.</p>
<p>CN Rail Dave Reynolds June 5, 2006</p>	<p>CN has concerns with the changes that have occurred on the Don River and the removal of more land from the flood plain:</p> <ol style="list-style-type: none"> 1. CN has experienced significant flooding throughout the Don River watershed over the past few years – major flooding of facilities, bridges overtopped with water, track washouts and several areas where erosion has caused instability to bridges and trackage 	<p>We are investigating these issues with you and hope to have a response for issues in other parts of the watershed to you soon.</p>

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	2. TRCA should be looking at volumes of water, not only flow rates in assessing the capacity of the downstream restrictions. They should also be looking at comparing models from at least 50 years ago and not setting the benchmark elevations for the current ToR at today's elevations	During the EA, volumes of water and flow rates will be used to inform the development and evaluation of alternatives.
	3. The ToR must include a specific analysis of the impact on the CN Rail bridge in the Impact Study area as well as the impacts to the rail line (Bala Subdivision) operating northward alongside the Don River. The railway requires modeling be provided showing what improvements can be made at the mouth of the Don to enable water levels for major storms (not only 100yr and Regional storms but ones similar in intensity to August 2005) to be brought back to 1950's levels, before the municipal alterations increased the volumes.	Impacts to the CN Rail bridge and Bala Subdivision will be assessed for the short list of alternatives. One objective of the DMNP is to create a new floodplain and increased flow area downstream to reduce flood depths upstream and downstream of the CN rail bridge.
	4. Study should specifically address the responsibilities for debris control, maintenance and the criteria to be followed.	These issues will be addressed as part of the EA.
	5. In studying a naturalized approach, the capacity of the system must incorporate various levels of maintenance, as even if a commitment is made today to maintain the channel, what would happen if it isn't in the future needs to be assessed?	These issues will be addressed as part of the EA.
	6. The above issues should be added to Appendix C – Preliminary List of Criteria	The criteria are preliminary and will be refined and developed further based on comments received and the evaluations to be undertaken during the EA. Your suggestions will be incorporated as appropriate in the EA.
GO Transit Dan Francey Senior Project Manager June 5, 2006	With reference to page 10, last paragraph – reference is made to GO Transit Lakeshore East Corridor Rail Expansion and East Train Storage Planning EA – It should be noted that: 2. The Lakeshore East Corridor Rail Expansion project was undertaken in accordance with the GO Class EA Document. The Notice of Study Completion was issued in June 2005. The project required CEAA approval which was issued in September 2005. Currently, the project is under construction. 3. The Don Yard – Mid-day Train Storage project (East Train Storage Planning EA) was undertaken in accordance with	Thank you for the update on these projects; this information will be incorporated into the EA.

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	the GO Class EA Document. The project required CEAA approval which was received in May 2006. Site preparation is underway and construction begins starting this summer.	
Stakeholder and Community Group Comments		
Riverside Area Residents Association (RARA) L. Bourgeois Chair	RARA would like to reiterate that the study area cannot include only the west side of the Don River. 1. Flooding occurs at the same time and with the same intensity as on the west side. 2. Toronto Hydro facility services all of Riverdale and half of the beach. Backfill by the City Works Dept on 780 Dundas St. East's ravine site caused the Hydro site to flood in August 2005 while the ravine site, which used to flood, remained relatively dry. 3. City currently plans for thousands of people to be living on 825 Dundas St. East and the Don Jail/Bridgepoint site in the near future	Yes, there are existing flood risk issues on both the east and west sides of the Don River. Figure 3-1 in the ToR outlines the areas currently at risk of flooding. The project study area represents the area within which the alternative concept designs may be implemented. To the extent possible future flooding would also be contained within these areas. We will investigate the situation and event you are referring to and get back to you with a response. One of the objectives of the DMNP is to remove the flood risk for the areas east of the Don River and south of Queen Street. We are aware of this proposal and the DMNP will coordinate with the development as required.
Waterfront Action Dennis Findlay Chair of Waterfront Action and Port Lands Action Committee May 29, 2006	Supports TOR and entire project and applauds efforts of project team. 1. Has attended almost all of the CLC stakeholder meetings and public meetings relating to the project. 2. Very detailed report that takes into consideration multiple points of views. 3. Support for the four options chosen for where the Mouth of the Don River might empty into Lake Ontario.	Thank you for your support
Task Force to Bring Back the Don John Wilson Chair	Support the TOR, very pleased with high quality of public consultation to date. 1. Encourage MOE to approve TOR 2. The very real benefit of improved flood protection has grown in importance as the public has witnessed events elsewhere of flooding where the natural hydrological	Thank you for your support

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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May 31, 2006	<p>regime had been compromised.</p> <p>3. Significance of the Mouth of the Don as a centerpiece of a revitalized Toronto Waterfront has captured the public's imagination.</p> <p>4. TWRC has conducted an exhaustive and exemplary public consultation to arrive at these TOR.</p> <p>5. Project is technically challenging and critically important to revitalizing a clean, green, accessible Toronto waterfront.</p>	
<p>Eastern Avenue Residents Association (TEARA)</p> <p>Kevin Walters June 2, 2006</p>	<p>Section 1: There is a fundamental conflict within these Terms of Reference in that the two tasks are somewhat mutually exclusive, as a natural stream channel, which is apparently the goal of this project, allows flooding of the surrounding landscape to occur, whereas the <i>prevention</i> of flooding usually requires very unnatural, artificial works.</p>	We are cognizant on the tension between the project objectives. Part of the development and evaluation of alternatives will be understanding the trade-offs between the objectives in order proceed with a project.
	<p>Section 3: The need for 'an ecologically functional river mouth' is not clear. It is thus reasonable to assume that the flood protection goal should prevail.</p>	Both naturalization and flood protection are considered to be priority objectives for the project. The need for an "ecologically functional river mouth" will be further articulated in the EA.
	<p>Section 3.1.2: A key cause of the current flooding situation is absent, that being the sedimentation that has occurred in the lower reach since the creation of the Don Ship Channel - not acknowledged in the ToR.</p>	The ToR recognizes that sedimentation and the on-going management of the sediment are issues that must be considered for all alternatives. Section 8.1 of the ToR discusses the existing quality and quantity of sediment and how it is currently being managed.
	<p>Section 3.2.1: A very bold statement, that the naturalization will address sediment deposition, debris and ice jams, is made, yet one would expect that the study has yet to conclude this capability. This sort of pre-study conclusion is rife throughout the Terms.</p>	Thank-you for the comment. We will amend the TOR to from "will address" to "has an opportunity to" in order to reflect the need to deal with river operations.

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	<p>Section 5.2: The study area is too constrained, arbitrarily terminating at a change in valley feature, i.e. the south edge of Riverdale Park, as opposed to a hydraulic feature change, being the limit of backwater from Lake Ontario. The study area should immediately be identified as extending north to the former Winchester Street crossing i.e. the northern edge of Riverdale Park, where a gradient section begins, notwithstanding that the Terms acknowledge that the study area may be adjusted as alternatives warrant. Without recognizing the entire backwater reach (or at least the pre-sedimentation backwater reach), the best solution or solutions are likely to be overlooked.</p>	<p>The project study area reflects the area within which changes may be made to facilitate naturalization and flood protection. It should be noted that the Don Narrows from the railway bridge to Riverdale Park in considered part of the project study area.</p>
	<p>Section 6: The alternatives under consideration require expansion, not in terms of geographical scope, as seems to be the current approach, but as to what can be done with each alternative outlet location, including the existing one. It appears that the using the existing channel is considered only as-is, under the ‘do nothing’ alternative.</p>	<p>Thank-you for these comments. This aspect will be addressed during the identification and refinement of alternative methods during the EA.</p>
	<p>Section 7: The decision to review other Great Lakes Basin river mouths is good, however the reference to the ‘Shield’ is not particularly valid. Whether the underlying bedrock Precambrian or Paleozoic is irrelevant. The limitation should be to rivers on unconsolidated materials, which essentially characterizes the Don River.</p> <p>The three generic conceptual forms to be considered for the lower Don are all limited to options with wetlands, with no explanation as to why other forms without wetlands are not considered, as per other rivers in the Great Lakes basin.</p>	<p>The direction toward including a wetland solution at the Don River mouth was derived using a retrospective approach to restoration. Historically, it is well documented that the Don River mouth contained a large marsh environment, in a form similar to those of many northwestern Lake Ontario basin rivers including the adjacent Credit, Humber and Rouge Rivers.</p>

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	<p><i>Section 8.1:</i> The Don River does not end at the Keating Channel, rather, it is very clear that what is called the Keating Channel is very much part of the river. The motive behind the exclusion of the Keating channel as part of the river is suspect. The reference to the river as 'lacks grade' is implied as being a negative, man-made condition, but early records have bateaus traveling upstream for considerable distance. All rivers uncontrolled by bedrock 'lack grade' at their mouths.</p> <p>The statement that the river 'has no natural connectivity to the floodplain' is clearly meant to befuddle, as the meaning of this is obscure. Does it mean that the banks are urbanized?</p> <p>The backwater is noted as extending 'beyond Gerrard St.'. This is correct, but one would have thought that greater precision would not have been too difficult to provide.</p>	<p>The information presented in Section 8.1 will be further refined and developed for presentation in the EA. Your comments will be used to clarify this discussion as appropriate.</p> <p>Further descriptions of such terms will be provided in the EA documentation.</p> <p>Further descriptions of such terms will be provided in the EA documentation.</p>

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	<p><i>Section 8.2:</i> Under Fish and Fish Habitat, the ‘no natural connectivity’ phrase is seen again. As well, the fact that the majority of the Don River is lined with cedar pilings which formed the 1880’s Don River Ship Channel is not mentioned, nor is the fact that this channel was excavated and so lined to a navigable depth of 16 feet in that period.</p> <p>References to the inability of vegetation to take hold due to the noted conditions are misleading, as vegetation is usually rare or absent in natural riverine conditions as the frequent scouring by the current usually precludes growth for long. Suffocating sedimentation is also equally as responsible for the lack of vegetation as dredging it out. That the Don River has 19 species of fish versus 25 to 27 typically found in other river mouths strikes the writer as good, given the poor water quality here. Without improving the water quality, increases in species numbers would seem unlikely, and, even if the naturalization efforts were able to remedy this on its own, another 5 species is all that we might expect; hardly justification for any expensive naturalization efforts. ‘Low’ species diversity is therefore a very debatable issue. The final assertion that the current Don Mouth provides ‘poor aquatic linkages’ between the lake and the upper river remains unsubstantiated, and I would strongly disagree. It does after all, convey most of the water sent down the river to the lake, and it does so quite effectively, in spite of being choked with sediment.</p> <p>Under ‘Wildlife’, the assertion that wildlife will continue to decline without naturalizing the Don mouth is fear mongering, and the statement is unsubstantiated, aside from being dubious. If this issue is that important, then don’t let the urban lands redevelop.</p>	<p>Thank-you for your comments. This information will be used in the description of the environment within the EA.</p> <p>Historically, it is well documented that the Don River mouth contained abundant aquatic vegetation. The study’s direction toward a naturalized river mouth will consider improvements that promote lazy riverine/marsh habitats to sustain vegetation.</p> <p>Along with water quality, the availability of physical in stream habitat is primary requirement for a healthy sustained fish community. Alternatives will support such requirements. It is the proponent’s position that a target to increase fish diversity is sound, if only as a bellwether for restoration efforts.</p> <p>The context of “poor aquatic linkages” was made primarily in reference to ecological linkages / corridors.</p> <p>The EA will strive to find a balance between the provision / re-introduction of wildlife habitat and other desirable land uses.</p>

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	<p>Section 8.3: Under ‘Built Heritage’, references to the important built heritage of the Don River Ship Channel, which allowed ships of the day to reach the industry that once lined the Don River, is totally absent from this section, and this appears deliberate. One is led to believe that the TRCA does not want this from getting in the way of what they want to transform the river into. Such omission is dishonest.</p> <p>Section 9.1: After years of discussion, the 5 days notice given for review of the initial release of the ToR was simply inadequate.</p>	<p>Thank-you for your comments. This information will be used in the description of the environment within the EA.</p> <p>A public meeting was held to present the draft ToR in January 2006. Comments received were considered and changes were made to the ToR. The Draft ToR was then available for a 2 week review period and again comments received were considered and again changes made. Extra time was given to those people who felt 2 weeks was too short. The 30 day government review period for the final ToR has just been completed. In total the material in the ToR has been available for public review over the past 5 months.</p>
<p>West Don Lands Committee Cynthia Wilkey Chair June 5, 2006</p>	<p>Committee in support of TOR and attest to thoroughness and fairness outlined in the report having been fully engaged with the consultation process. Encourage MOE to approve TOR</p>	<p>Thank you for your support.</p>
<p>Miller Thomson on behalf of Home Depot John Tidball June 5 2006</p>	<ol style="list-style-type: none"> 1. Home Depot fully supports the goal of the DMNP to transform the existing mouth of the Don River into a healthier, more naturalized river outlet to Lake Ontario 2. Home Depot is in full support of the sixth objective outlined in the ToR but questions whether its intent has been fully optimized in the proposed ToR. The City of Toronto has advised that it is not prepared to consider redevelopment plans for Home Depot’s lands until the DMNP EA process has been concluded. Home Depot does not believe that this constitutes a reasonable level of cooperation between overlapping planning and development efforts. This represents a temporary freeze on lands owned by the private sector and is tantamount to temporary expropriation without 	<ul style="list-style-type: none"> o Thank you for your support. o With respect to the sixth objective it is our intention to work towards understanding the use of the subject properties as quickly as possible such that their use can be clarified

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	<p>any procedural protections.</p> <p>3. The Project Study Area includes all of the Home Depot land as well as other privately owned land. It is submitted that there is more than enough land available, including significant parcels of publicly-owned lands, without necessitating the inclusion of all of the Home Depot lands. We also observe that privately owned lands to the south of the Keating Channel, which have the potential to provide equivalent area for the examination of options, have been excluded from the project study area.</p> <p>4. Request that Minister amend the ToR to remove all or most of the East Bayfront lands from the Project study area consistent with the Draft Port Lands Implementation Strategy</p>	
Individual Comments		
<p>Michael Rosenberg June 5, 2006</p>	<p>Project Study Area: Supports the TOR if project area expanded in the TOR, or the EA process includes a first step in expanding the project study area as follows:</p> <ol style="list-style-type: none"> 1. Study area is changed to include 100 additional metres to the east, and south is extended to the outer harbour (section 5.2), and the map for alternative 4 is similarly expanded; or 2. The sentence on the possible change to the project study area is changed to state: “the project study area will be changed to include the areas proposed by the public under alternative 4 (section 5.2). 	<p>The ToR and its appendix with respect to the consideration of “alternatives to” outline the rationale for considering in the EA those “alternatives to” with the greatest potential to meet the project objectives. Expansion of the study area as suggested is considered in the appendix in alternatives 6, 7 and 8. As documented in the appendix the proposed expansion to the study area has the potential to create significant effects which may not be offset by benefits and which do not fit with the long term planning and vision for the revitalization of the Toronto Waterfront.</p>
	<ol style="list-style-type: none"> 3. Failure to study variations of alternative 4 that are outside the proposed project study area would mean that some variations that could be better than the proposed will be selected because they were not studied. 	<p>Alternative 4 will be further developed and refined as part of the EA and evaluated against the other alternatives. As indicated in Appendix A, those alternatives which are outside the project study area will be considered if the primary alternatives do not provide a reasonable range of alternative methods.</p>

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

Name	Comment	Response
	4. The boundary of the project study area does not need to stop at other current or future land uses. There is no reason why some land uses and not others should be a reason for the placement of the boundary.	The DMNP is being planned within the context of the approved secondary plan for the Port Lands. This secondary plan outlines the location of current and future land uses.
	5. Area south of the ship channel should be included as potential features, since the river channel and lacustrine features are included in TOR.	We are assuming that by features you are referring to components of the alternative methods. As outlined in previous responses the consideration of the area south of the Ship Channel as part of “alternative methods” will only be done if the consideration of the primary alternatives do not provide a reasonable range of alternative methods.
	6. The areas where potential features may go should be included in the project study area because the evaluation of each alternative method needs to be based on the features to be included in the alternative method in order to get the correct evaluation.	See previous response.
	7. There is no reason to limit the size of the project study area to the extent that it is difficult to discuss the implementation of variations of alternative 4 that would fit within approximately 100 m of the proposed project study area.	See previous responses.
	Floodway Capacity: 1. The amount of width needed and its placement needs to be further studied in order to provide sufficient flood flow capacity. Project study area should be wider than outlined.	The width of channel(s) required to convey flows under normal and storm conditions will be evaluated as part of the development of alternative methods.

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

Name	Comment	Response
	<p>Evaluation Methods:</p> <ol style="list-style-type: none"> 1. Pleased word “weight’ has been taken out of step 5, and tradeoffs, net effects and enhancing positive benefits are mentioned. 2. Evaluation methods that use the sum of a weighted set of scores on a set of criteria to produce a ranking of options do not work. Ministry should not accept an EA submission that uses this as its reason for selecting its preferred option. 3. Scoring of alternatives and weighting of criteria cannot reflect actual comparison of value or utility, because the weights are based on the conceptual meaning of the criteria without taking into account the units or thresholds used in the scoring. 4. Scoring is often done in a way that understates large positive or negative impacts. 5. If the long list does not include the best variation of each option, the options in the long list which are similar to the best option will not be selected because they get a lower score, and then an option very different from the best option will get the greatest score. 6. A tradeoff based evaluation method is a possible alternative, but such a method must be more than just a verbal, rather than numerical, version of the same scoring process, in order to avoid the above problems. 	<p>Thank you for your comments with respect to evaluation methods. The evaluation approach for this project will be brought to the public for comment early in the EA process. Your comments will be considered in the development of the evaluation approach.</p>

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	<p>Specific Requests:</p> <ol style="list-style-type: none"> 1. The ability to modify the details of each alternative so that variations not in the original long list can be added when creating the short list in addition to removing options from the long list during the evaluation process. It is hoped that the references to enhancing positive benefits will allow the above to be done. 2. Sensitivity analysis to estimate a range that the evaluation will fall in for each option in the long list, which means an option will be screened out or dropped from a long list only when there is reasonable grounds that it will be ranked low if it stayed in consideration. 3. Tradeoff analysis should be used after the initial evaluation of each alternative against the criteria. The initial evaluation of alternatives should be done in order to clarify how to properly evaluate each criteria and how to properly evaluate the tradeoff's arising from comparing the alternative options. 4. The evaluation of the tradeoffs between the alternative options should focus on: the evaluation criteria in which the alternatives differed most; and, what are the relative values or utilities of the differences between the alternative options, focusing on the subset of the evaluation criteria for which there were differences between the alternative options. 5. The evaluation process should be thought of as a management process, rather than a technical process. 	<p>Thank you for your comments with respect to evaluation methods. The evaluation approach for this project will be brought to the public for comment early in the EA process. Your comments will be considered in the development of the evaluation approach.</p>
<p>Julie Beddoes May 16 2006</p>	<p>I wish to commend Adele Freeman and her staff at the TRCA for the way in which the process of drawing up the ToR has been conducted. They showed throughout their concern for the best possible outcome, one which would both answer the concerns of citizens and take into account the physical complexities of the project. They made every possible effort to listen to, discuss and incorporate concerns expressed at public meetings and further pursued at CLC meetings.</p> <p>The result is a document that I am sure all CLC members have found a pleasure to read. It shows an inspiring commitment to restoring the river to something like its original beauty in a context of immense technical complications...I believe that the</p>	<p>Thank you for your support.</p>

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

Name	Comment	Response
	options to be studied in the ToR will permit the finding of the best possible solutions to the challenges this far-from-natural environment presents.	
Karen Buck June 6, 2006	Shortcomings of ToR 1. Inadequate description of the purpose of the undertaking.	It is considered reasonable to include a more detailed description of the purpose of the undertaking in the EA rather than the ToR.
	2. Groundswell of public interest is in a healthy environment.	The ToR reflects an EA process that has the improvement of the Don River and the provision of flood protection as its priority.
	3. Old and new planned development is informing the project.	While the study team understands this perspective many of these issues should have been dealt with during the development of the secondary plan. At this point the DMNP EA is being planned with in the context of the already approved secondary plan.
	4. The ecological functioning of the Don River is not informing the project.	While the ecological function of the Don River is an important consideration it must be considered in light of other objectives including recreational use, existing and proposed infrastructure, plans for the revitalization of the waterfront, and projects already approved for development.
	5. Other ongoing projects will address the improvements of the Don Watershed and water quality.	There are several other projects being implemented by the City of Toronto and the TRCA throughout the Don watershed. Many of these projects are focused on improving the watershed particularly water quality and ecological function.
	6. The project is moving the Don River from one constraining channel and placing it in another.	Each objective will be traded – off against other project objectives to choose a preferred alternative. As part of the evaluation framework the public will be invited to provide comment on the criteria to be used and their relative importance to the evaluation.

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

Name	Comment	Response
	7. The project manages the natural environment.	Each objective will be traded – off against other project objectives to choose a preferred alternative. As part of the evaluation framework the public will be invited to provide comment on the criteria to be used and their relative importance to the evaluation.
	8. The project states that the floodplain will be enough.	Each objective will be traded – off against other project objectives to choose a preferred alternative. As part of the evaluation framework the public will be invited to provide comment on the criteria to be used and their relative importance to the evaluation.
	9. The project study area needs to be larger.	Extreme weather conditions and climate change will be considered as part of the development and evaluation of alternatives. As indicated in Section 5.2, there is the opportunity for the project study area to be adjusted during the EA.
	10. The project speaks to other naturalized areas but objectives 5 and 6 speak to only the complexity of built infrastructure and development.	One of the objectives of the project is naturalization however, this objective will be traded – off against other project objectives to chose a preferred alternative. As part of the evaluation framework the public will be invited to provide comment on the criteria to be used and their relative importance to the evaluation.
	11. Public opinion was managed in the ToR process.	CLC meetings were held to gain input from a smaller group on information to be presented to the public. Throughout the development of the ToR the public was invited to 2 public forums, a site walk and 3 working sessions. In addition, TRCA staff and the consultant team met with stakeholders individually in order to discuss and resolve issues and concerns.

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	12. The Don River must be made a healthy, environmentally sustainable subset of a healthy environmentally sustainable City of Toronto.	One of the objectives of the project is naturalization, however, this objective will be traded-off against other project objectives to chose a preferred alternative. As part of the evaluation framework the public will be invited to provide comment on the criteria to be used and their relative importance to the evaluation.
	13. The TWRC sustainability framework does not include an environmental sustainability framework.	This comment should be responded to by the TWRC.
	14. The ToR is devoid of an economic benefit to cost assessment.	Changes will be made to the preliminary list of criteria to better reflect economic costs and benefits.
Terry Fahey June 1, 2006	<p>Concerned with goal of removing flood potential from virtually the entire flood plain.</p> <ol style="list-style-type: none"> 1. Alternative approaches are not considered in the TOR. An alternative approach that values floodplain equally and fuses it with the urban context might be a positive thing for revitalization. 2. How much of the existing flood plain do we need to remove for urban context? 3. ToR is too rigid and does not adequately explore other approaches to the urban/nature interface. 4. Removing the threat of flooding in a basin at the bottom of an increasingly urbanized watershed with little or no gradient is extremely unlikely to succeed because the same structures that prevent flooding impede flow which merely moves the problem elsewhere. 5. Where is the data to support the flood protection features proposed in the ToR? 6. Where is the data that supports removal of 230 hectares from the flood plain? 7. Rather than combining flood protection with parkland, a more go with the flow approach combines floodway/plain with parkland to create a vast expanse of river/meadow flats, a green delta commons hosting an array of land uses and features compatible with periodic flooding, fairgrounds, sports fields and marshlands. 	While the study team understands this perspective many of these issues should have been dealt with during the development of the secondary plan. At this point the DMNP EA is being planned within the context of the already approved secondary plan.

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

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	<p>8. An eco-system approach to planning and development might accept the marriage of urban revitalization with the natural environment in a flood plain context.</p> <p>9. Viewing urban infrastructure within a flood plain would create an alternative approach to the problem producing a vision for the future that revitalizes both the City and the natural environment simultaneously.</p> <p>10. Public consultation process has been largely one way and there has been no vehicle for alternative approaches.</p>	
<p>Sharon Howarth June 6, 2006</p>	<p>The Port Lands is land that belongs to the Don river and its flood plain and must be considered for the naturalization of the mouth of the Don. It is the river that will be there forever yet, prior to determining its optimum flow, lands on its flood plain are being committed to other uses.</p>	<p>While the study team understands this perspective many of these issues should have been dealt with during the development of the secondary plan. At this point the DMNP EA is being planned with in the context of the already approved secondary plan.</p>
	<p>The river is not being placed as first but after ‘planning’ and ‘business’, as if those doing the planning believe they could move it to where it best suits them.</p>	<p>The DMNP is being considered in light of all existing conditions within the Project Study area and the Port Lands including existing and proposed land use, existing and proposed infrastructure, existing challenges with respect to river management and natural areas.</p>
	<p>The ToR is ‘extremely’ long and technical.....the 2-week response which was usually awarded was quite insufficient and only served to alienate the public. There would be the benefits of enhanced credibility and public support for the TWRC and TRCA by offering a public meeting or discussion.</p>	<p>A public meeting was held to present the draft ToR in January 2006. Comments received were considered and changes were made to the ToR. The Draft ToR was then available for a 2 week review period and again comments received were considered and again changes made. Extra time was given to those people who felt 2 weeks was too short. The 30 day government review period for the final ToR has just been completed. In total the material in the ToR has been available for public review over the past 5 months.</p>

Comments/Responses on the Draft Terms of Reference for the Don Mouth Naturalization and Flood Protection Project

Name	Comment	Response
	<p>A very large area of the Port Lands is flood plain. The work of the TRCA and the City of Toronto should be to ensure the protection of flood plains from development so there is no property damage, loss of property and life.....by protecting flood plains, we will have also created a nature preserve consisting of wetlands and marshlands which will serve to purify water from the Don River before entering the lake, provide habitat, provide a connectedness to nature.....Place the decision of the naturalization of the Don River first, ahead of all else, is what the public will view as success.</p>	<p>One of the objectives of the project is flood protection however, this objective will be traded-off against other project objectives to chose a preferred alternative. As part of the evaluation framework the public will be invited to provide comment on the criteria to be used and their relative importance to the evaluation.</p>