



Don Mouth Naturalization And Port Lands Flood Protection Project

Terms of Reference- Stakeholder Consultation Report

April 2006



TORONTO WATERFRONT
REVITALIZATION CORPORATION

TORONTO AND REGION
Conservation
for The Living City

Member of Conservation Ontario

**Don Mouth Naturalization and Port Lands Flood Protection Project
Terms of Reference**

STAKEHOLDER CONSULTATION REPORT

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Don Mouth Naturalization and Port Lands Flood Protection Project Terms of Reference

STAKEHOLDER CONSULTATION REPORT

1.0 Project Background

Toronto and Region Conservation (TRCA) is proceeding with the Don Mouth Naturalization and Port Lands Flood Protection Project (DMNP) in cooperation with the Toronto Waterfront Revitalization Corporation (TWRC). Ultimately this project will develop a preferred alternative that will transform the existing mouth of the Don River including the Keating Channel, into a healthier, more naturalized river outlet to the lake, while at the same time, removing the risk of flooding to 230 hectares of urban land to the east and south of the river.

The three levels of government (federal, provincial and the City of Toronto) created the TWRC to fund, coordinate, and oversee the revitalization of the Toronto Waterfront, including this project, which was one of the original four priority projects. As such, TWRC has been identified as a proponent for this project as it relates to environmental assessment legislation. TRCA has been retained under agreement by TWRC to deliver this project. TRCA plans to work co-operatively with the three levels of government through appropriate departments and agencies to ensure this project is coordinated with the many other activities required to revitalize the waterfront.

In 2001, the TRCA was identified by the three levels of government as the eligible recipient for funding to naturalize the mouth of the Don River (Don Mouth) and provide flood protection for the entire 440 hectare floodplain surrounding the lower Don River and Keating Channel. This work is being undertaken as two separate projects; the first to remove the risk of flooding to 230 ha of land and to naturalize the Don Mouth (the subject of this EA process), and the second, the Lower Don River West Remedial Flood Protection Project Class EA, to remove the remaining 210 ha of land from risk of flooding. This second EA has already been completed, with construction anticipated to begin in Spring 2006.

The DMNP is subject to the requirements of the Ontario *Environmental Assessment Act (EA Act)* as an Individual Environmental Assessment (EA). This document is a background report to the Terms of Reference (ToR) which is the first step of an Individual EA. The ToR sets out TRCA's work plan for preparing the EA and carrying out the required public consultation. The public, agencies, utilities, interest groups, and landowners have been consulted throughout the development of the ToR and will continue to be consulted during the preparation of the EA. All activities carried out during the EA will be documented in the EA Report. This project is also subject to the requirements of the *Canadian Environmental Assessment Act (CEAA)*.

Total attendance at the public events/meetings hosted as part of the DMNP ToR consultation was over 370, with many people attending more than one event. In total over 125 different stakeholders participated.

This report describes the public consultation process that took place during the ToR for the DMNP, the input that was received and how the study team incorporated this feedback.

2.0 Project Team

The TRCA project staff has been working with a team of consultants led by Gartner Lee Limited to conduct the Environmental Assessment for the Don Mouth Naturalization and Port Lands Flood Protection Project.

Gartner Lee Limited is a professional services company providing environmental science, planning and engineering consulting services. The consulting team is made up of a number of firms, including: SENES Consultants Limited (EA Coordination Team Lead) and Aquafor Beech Limited (Functional Design Team Lead), among others.

Nicole Swerhun was retained to provide neutral facilitation services for the public consultation process. A neutral third party was also retained to document the process and the input received.

3.0 Stakeholder Consultation Approach

During the development of the ToR, many stakeholders were invited to participate in the comprehensive stakeholder consultation program. The consultation program included public forums, working sessions, a site walk, discussions with First Nations representatives, and dialogue with individual stakeholders. The TRCA also established two advisory committees. These consultation activities were supported by the project website, newsletters, letters, and extensive documentation of the process.

The TRCA endeavored to consult any and all affected and/or interested parties during the development of the ToR. Stakeholders who participated represented the general public, ratepayer associations, business and environmental organizations, government agencies, landowners and academics. This range of stakeholders brought various opinions, ideas and expertise to bear on the planning process. The methods of engaging these stakeholders, the feedback they provided, and the influence of that feedback is described in the following sections.

3.1 Public Forums, Working Sessions, Site Walk, Individual Consultations

During the development of the ToR, the TRCA hosted a number of public sessions, including two public forums, a site walk, and three working sessions. These sessions were open to any member of the public or interested organization. The table below contains a general description of each event. For a more specific description of the events, please note the references in the table. Appendices document meeting notes, workbooks, presentations and display boards.

Summary of Public Consultation Events

EVENT	CONSULTATION OBJECTIVES	ATTENDANCE
Public Forum #1 <i>Jun 23, 2005</i> (See Appendix A)	<ul style="list-style-type: none"> • To introduce the project team and proposed work plan to the public, and seek feedback on key elements of the proposed approach. 	53
Working Session #1 <i>Jul 25, 2005</i> (See Appendix B)	<ul style="list-style-type: none"> • To provide a better understanding of the Environmental Assessment (EA) process. • To present information on the issues and studies the project team will be investigating. • To learn from members of the public about any additional information and where it could be found. • To seek feedback on what aspects of the study area should be retained, and what features should be enhanced or changed. 	51
Site Walk <i>Jul 26, 2005</i> (See Appendix C)	<ul style="list-style-type: none"> • To give stakeholders an opportunity to explore various aspects of the study area and provide them with a sense of the magnitude and complexity of the project, its obstacles and opportunities. 	46
Working Session #2 <i>Aug 23, 2005</i> (See Appendix D)	<ul style="list-style-type: none"> • To present information on the “alternatives to” that the study team is proposing to consider through the EA process. • To present the framework for the identification of “alternative methods” that the study team is proposing to use through the EA process. • To seek feedback on the proposed list of “alternatives to” and the proposed framework as to how the “alternative methods” will be identified. 	37
Working Session #3 <i>Sep 7, 2005</i> (See Appendix E)	<ul style="list-style-type: none"> • To provide an overview of why and how evaluation methods are used in an EA. • To present and seek feedback on the proposed approach to conducting evaluations as part of this EA. • To present and seek feedback on the proposed public consultation approach for the EA. • To learn from the public what additional information should be considered. 	59
Public Forum #2 <i>Jan 10, 2006</i> (See Appendix F)	<ul style="list-style-type: none"> • To describe the reasons for the project. • To describe the work that was carried out during Stage 1 of the project including a review of how feedback from previous consultation sessions is being incorporated into the draft ToR. • To present the key elements of the draft ToR and to seek public input regarding strengths and suggested improvements. • To outline next steps in the EA process. 	125

In addition to the formal public forums outlined above, the TRCA also held a number of discussions with individuals. The purpose of these individual discussions was to continue dialogue started at public meetings, respond to questions and concerns, and to gather and relay further information regarding the Project. In addition, several meetings and discussions were held with adjacent landowners with respect to land development issues vis-à-vis the DMNP. Details regarding these individual consultations can be found in **Appendix G** to this report.

Prior to Public Forum #2, the TRCA received a petition signed by 292 signatories. The petition contained the following statement:

“The DON RIVER ENVIRONMENT ASSESSMENT must include the south option right through the Port Lands as well as the possibility of going east or west of this option”.

This petition was also considered by the project team in the development of the ToR.

3.2 Communications: Project Web Site, Newsletters, Advertising

At the outset of the project, a web site was developed and posted at the following address:

http://www.trca.on.ca/water_protection/don_mouth/default.asp?load=flood_protection.

This web site contains information related to the project background, the project team, reasons for the project, the process being followed, the public consultation approach, all project related announcements and public meeting documentation. Questions and comments through email were also invited via the project web site.

Advertisements, flyers, media advisories and newsletters were produced and circulated at various key points to promote consultation events, and help raise awareness of the project in the community. It should be noted that as the development of the ToR progressed, additional distribution channels and networks were used when they became available. For example, notifications were distributed through various external organizations.

An outline of the notification methods, along with copies of advertisements, flyers and media advisories can be found in **Appendix H** to this report. Two project newsletters were produced by TRCA and can be found in **Appendix I**. External newspaper and magazine articles were also published. Those articles that the TRCA are aware of can be found in **Appendix J**.

3.3 First Nations Consultation

Consultations must be undertaken with those First Nations communities with current or traditional use of the project area. The Mississaugas of the New Credit were identified as the community with the most recent historical occupation of the project area. A representative of the Mississaugas has been receiving all correspondence released to our Community Liaison Committee (CLC) as part of the development of the ToR. Further, members of the project team met with the Mississaugas Band Council to discuss the project on February 6, 2006. Consultation with the community will continue as part of the EA through meetings, presentations and invitations to other consultation events.

Other First Nations groups that are believed to have occupied the project area or neighbouring areas prior to the Mississaugas have received requests for input and have also received all correspondence distributed to the CLC thus far. Details regarding the First Nations consultation can be found in **Appendix K** to this report.

3.4 Advisory Committees

As part of the consultation process for this project, both a Community Liaison Committee (CLC) and Technical Advisory Committee (TAC) were established.

The CLC is composed of appointed representatives of a wide range of community groups and associations with an interest in the future of the lower Don River and was formed to identify issues of concern regarding the project, provide input during the ToR and planning and design process, assist with the design of the public consultation framework and attend and assist at public meetings. The CLC terms of reference can be found in **Appendix L** to this report.

The purpose of the TAC was to provide a forum for all government, landowner, and regulatory agencies to meet, review and comment on the technical components of the project. The TAC terms of reference can be found in **Appendix M** to this report.

Both of these committees offered advice and acted as a sounding board for the information being presented at public meetings.

Several meetings of both committees were held during the design of the ToR. The CLC met four times (May 19, July 13, October 17 and December 13, 2005) and the TAC met three times (February 28, October 3 and December 14, 2005).

4.0 Highlights of Public Input (Key Messages)

A review of all public input received during the ToR reveals a number of overarching themes or key messages. These messages are reflective of the long history of public involvement in projects on the Don River. It should be noted that while many participants shared similar views regarding a number of issues discussed throughout the ToR consultation, there were always participants who expressed different perspectives on any given issue. As a result, the key messages described here are deliberately written to reflect the strong trends and common perspectives shared by participants; however, they should not necessarily be considered a consensus view.

This input was considered during the ToR development within the mandate of the project team, the project scope and the resources available to eventually naturalize the river's mouth. The key messages that emerged include:

- 1. People are eager to see the Don Mouth Naturalization and Port Lands Flood Protection Project (DMNP) move forward.** Many have worked for years to get the Project to this point, they are passionate about its value, and want to see it finished in their lifetime. This is about seeing a dream realized.
- 2. Consultation participants are generally supportive of the information to be included in the ToR and with the general approach going forward. The “alternatives to” or**

alternative discharge points are viewed as reasonable, although there were some participants who were looking for more rigor in the consideration of alternative discharge points suggested by the public.

- 3. The DMNP should have a mix of approaches to naturalization and flood protection that both “leave it to nature” and involve a “human fix”.** This interest was expressed in many ways, with some referring to the need for easy maintenance and minimal dredging of the naturalized Don Mouth, and others who expressed a more general preference for natural as opposed to hard engineering solutions. There was a consistent preference for the Project to be more about naturalization than engineering. Many expressed a desire to see a delta and/or marsh as a key part of this Project.
- 4. Naturalization opportunities should be maximized, with mixed views on the relative importance of flood protection.** There is concern that it could be difficult to achieve the Project’s naturalization goal in such a small study area, with some people seeing a conflict between ecosystem and human interests. In particular, some are concerned that opportunities to naturalize a larger area of the Port Lands as part of the DMNP are being lost because of economic development goals in the Port Lands. Some feel strongly that naturalization through natural processes should be given priority over flood proofing for economic development. Others feel that flood protection is as important as naturalization.
- 5. It is critical that the needs of this Project be conveyed to and inform other projects in the area.** This includes pending projects and those already underway. Less formal linkage opportunities should also be explored, for example, opportunities to naturalize areas adjacent to the Don River upstream from the river mouth.
- 6. This Project should not negatively impact use of the bike trails, Cherry Beach, the sailing clubs, and existing areas of environmental value.**
- 7. The DMNP should create improvements** to the trail system, increase appropriate accessibility (including handicapped), and provide more options for people traveling south through the City to cross into the Port Lands. Some would like to see this Project improve the quality of water as it enters the lake. It is also an important opportunity to build a richer public relationship to the river. Other desired outcomes of this Project include the long-term promotion and protection of human health; the maintenance or creation of employment; an aesthetic function (it should be beautiful); a place for great bridges; and compatible cultural, recreational and heritage features.
- 8. The DMNP needs to be developed in the context of the entire Don River watershed and be adaptable over time.** This includes recognition of the impact which upstream activities have on the river mouth, as well as the importance of designing the river mouth so that it is adaptable to a changing environment (e.g. floods, climate change, etc.).
- 9. Broadly speaking, many people are generally comfortable with the evaluation approach; however, some find it difficult to understand.** Many focused on the list of evaluation criteria developed during the EA and the need for it to be clear and comprehensive. Concerns about different evaluation methodologies were raised, particularly related to the weighting of evaluation criteria. It was also noted that preconceived notions of what this Project should look like should not influence the outcome.

10. Public involvement in the process is critical. Feedback and advice provided by participants needs to be seriously considered in an open, transparent process. There is a need to reach out to ensure broad representation from the community, including area businesses.

Appendix N of this report documents each comment that was received during the public consultation events. All comments were carefully considered by the project team during the development of the ToR.

5.0 Influence of Stakeholder Input on the Terms of Reference

The intent of stakeholder consultation during a ToR process is to engage in a dialogue with all interested and affected stakeholders. The purpose of this dialogue is to discuss all aspects of the Project, identify and resolve concerns (where possible), and produce a blueprint for the Environmental Assessment that will follow.

During the development of this ToR, stakeholders provided hundreds of thoughtful comments and insights. Each comment was considered by the project team in the context of its mandate, resources available and the regulatory framework. The process and all comments have been thoroughly documented to ensure transparency, traceability and accountable decision-making. It is appropriate to highlight the key ways that public input influenced the ToR. Stakeholder comments have led to:

- Revision and enhancement of the project goal and objectives. See Section 5.1 of the ToR.
- Refinements to the problem and opportunity assessment (the problem we are trying to solve and what we are trying to achieve). See Section 3.0 of the ToR.
- Confirmation and refinement of the list of issues to be addressed as part of the EA. For example, the public has identified a number of recreation opportunities they would like to see included in the assessment.
- Additional alternative discharge points or “alternatives to” for consideration in the ToR by the study team. Detailed information and documentation of the rationale for consideration of the discharge points suggested by the public can be found as an appendix to the ToR.
- Refinements to the approach in identifying and evaluating alternatives as part of the EA. See Section 7.0 of the ToR.

The draft ToR was completed in February 2006 and made available for public and agency review between February 22 and March 8, 2006; however, TRCA considered all comments received up to Tuesday, April 18, 2006. Comments were received from 20 individuals, interest groups, businesses and agencies. The project team considered each submission in finalizing the ToR. These submissions and a disposition table outlining the comments received and project team responses can be found in **Appendix O** to this report.

The ongoing dialogue and the incorporation of stakeholder input into the ToR is a critical step in maintaining positive community momentum for fulfilling the dream to naturalize the mouth of the Don River, and to set a course for the undertaking and completion of the EA process.

6.0 Next Steps

Stakeholder input was used to help the project team finalize the ToR for submission to the provincial Ministry of Environment in the spring of 2006. Should the ToR receive approval from the MOE, the project team will proceed with the Environmental Assessment. The EA process will take approximately 9 – 18 months. Design and construction of the selected alternative will follow approvals by both the provincial and federal environmental assessment regulators.

Questions about this report should be directed to:

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