

**Mayor Chiarelli and City of Ottawa Councillors**

**Subject: Item 14. f) on your Sept. 27, 2006 meeting agenda; A by-law of the City of Ottawa to amend By-law No. 333 of 1999 of the former City of Gloucester to change the zoning for the properties known municipally as 4738 and 4742 Bank Street, part of 4734, 4784 and 4786 Bank Street and 244 Meadowlilly Road.**

As the Chairs of the Ottawa Forests and Greenspace and the Environmental Advisory Committees, we implore you to do two things. First of all, consider that at Council on September 27, 2006 (see item A on introduction of the bylaw), you will either grant a stay-of-execution or write the obituary for the Leitrim Wetlands. Now is time to show your colours - green or brown.

First, at Council on Wednesday September 27 to vote in favour of the draft motion below to defer approving amending By-law No. 333 of 1999 of the former City of Gloucester to change the zoning for the properties known municipally as 4738 and 4742 Bank Street, part of 4734, 4784 and 4786 Bank Street and 244 Meadowlilly Road until

1. the City has demonstrated a credible, concrete, willingness to abide by its commitment to maintain water levels in the "protected" wetland;
2. the City enforces the conditions of the DFO Fisheries Authorization Act; and
3. a panel of independent experts can properly evaluate the negative impacts of the development that has already taken place, and determine the likely risks of the proposed development.

Second, to read and reflect upon the excellent report (Item B below) by Mr. Albert Dugal on the imminent, yet avoidable, destruction of the Leitrim Wetlands.

**DRAFT MOTION**

Whereas considerable environmental concerns have been raised by credible scientists and laypersons, including two of the City's Advisory committees,

Be it therefore resolved that Council defer approving Bylaw 333 of 1999 of the former City of Gloucester to change the zoning for the properties known municipally as 4738 and 4742 Bank Street, part of 4734, 4784 and 4786 Bank Street and 244 Meadowlilly Road;

And that no such passage of the bylaw be contemplated until:

1. the City has demonstrated a credible, concrete, willingness to abide by its commitment to maintain water levels in the "protected" wetland;
2. the City enforces the conditions of the DFO Fisheries Authorization Act; and

3. a panel of independent experts can properly evaluate the negative impacts of the development that has already taken place, and determine the likely risks of the proposed development.

Please do the right thing for the residents of Ottawa, their descendents, and the animals and plants that depend on this critical wetland; on Wednesday September 27, 2006 vote to defer approving rezoning this Leitrim Wetland habitat until the three conditions listed immediately above are met.

Sincerely

Iola Price and Mary Hegan

**Item A - Leitrim Vote on September 27th Agenda**

OTTAWA CITY COUNCIL

27 SEPTEMBER 2006

ANDREW S. HAYDON HALL

**Item B - Plea for stay-of-execution by Albert Dugal on behalf of the Sierra Club of Canada**

ALBERT W. DUGAL  
PO Box 262  
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September 12, 2006

To: Members of the Planning and Environment Committee

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**RE: Zoning 4738 and 4742 Bank Street, part of 4734, 4784 and 4786 Bank street and 244 Meadowlilly Road**

The Sierra Club of Canada is opposed to this rezoning and is especially concerned with Parcel 1 in this zoning application because of its environmental and hydro-geological importance. (See Appendix A)

Parcel 1 is located to the west of the existing homes along Kelly Farm Drive. The core Leitrim Wetland buffer lands are along its southerly boundary, Albion Road is its westerly limit and additional development lands are located to the north.

**IMPORTANT RELEVANT ISSUES**

Due to the extensive damage to the core or "protected" portion of the Leitrim Wetland caused by developer construction activities in Findlay Creek Village, the ongoing violations of the conditions of the DFO Fisheries Authorization Act, the City's disregarding of its commitment to maintain pre-construction water levels in the "protected" wetland and the City's unwillingness, as lead proponent, to act forcefully on the numerous developer violations, the Sierra Club of Canada is opposing the rezoning, especially for Parcel 1. The zoning should be deferred until the City has demonstrated by concrete, credible actions that it will abide by its commitment to maintain pre-construction water levels in the "protected" wetland, and enforce the conditions of the DFO Fisheries Authorization Act, and an independent panel has had time to review all the proponents' consultants' reports and determines the likelihood of additional negative impacts.

**The various approvals given for this project , were predicated on the commitments/guarantees by the proponents that the water levels and plant communities in the core of the wetland as well as Findlay Creek's temperature regime and base flows, would be maintained in the pre-construction state.** To date, the proponents have failed to abide by their commitments as well as many of the conditions of the DFO Fisheries Act Authorization. Although the staff report on this zoning application implies that violations of the Fisheries Act Authorization have been addressed, **this is not the case. As recently as September 7, 2006, gray-coloured water, heavily-laden with sediment, was photographed escaping from an ineffectual filtration bag located in fish-bearing water within the "protected " wetland.**

Contrary to commitments, a significant portion of the core wetland has been back flooded by a berm (earthen dam) constructed along the development boundary and an improperly installed culvert. The area has been subjected to elevated water levels for over a year resulting in the loss of many plants, including a stand of 120 year old cedars. Dead and dying trees can easily be seen from Bank Street, almost a kilometre away. Several plant communities containing Regionally Significant plants have been destroyed. Since the damage is done and certain plant communities will take decades (if ever) to reach the pre-inundation state, **compensation is required.**

Findlay Creek is now receiving an abundance of water warmed by the large by-pass ditch, the north-south drainage channel (Park Swale - see comment in Appendix B) and the back flooded parts of the core wetland. The Sierra Club of Canada is concerned that this stream will never regain its cool-cold water status. **Findlay Creek is one of the few remaining streams in the City of Ottawa providing a temperature regime and habitat suitable for maintaining trout and a "put-grow-take" recreational trout fishery. The Ministry of Natural Resources stocked the stream with Brown Trout this year. If the waters become much warmer, the trout will not be able to survive in this stream.**

The historic Leitrim Wetlands forms the headwaters of Findlay Creek. Consequently, the long-term health of both are inextricably intertwined. The likely severe degradation or destruction of the Leitrim Wetland from the proposed urban development, will negatively impact Findlay Creek and could ultimately result in the stream going dry in the summer.

Due to a lack of the required **pre-construction** baseline monitoring, the actual base flows of Findlay Creek are unknown and the most recent study, started **after the commencement of construction activities**, is seriously flawed, lacking data from two key points - the culvert at Bank Street and just below the outlet from the new stormwater pond next to Blais Road.

The Leitrim Wetland is a sloped, discharge wetland, highly sensitive to drainage as evidenced by the extensive negative impacts of past ditching in the wetland area. The scientific literature indicates that draining a discharge wetland would likely result in a regional lowering of the water table and a change in plant communities.

At least five independent experts, including Natural Resources Canada and Dr. Clarke Topp, one of Canada's foremost soil physicists, have severely criticized the proponents' consultants' reports. To circumvent the suggested necessary studies, the lead proponent, the City of Ottawa, promoted an Environmental Management Plan (EMP) that was to ensure that water levels in the core portion of the wetland would be maintained at pre-construction levels. This plan has proven to be totally inadequate as evidenced by the extensive back flooding in the core wetland, and the City's lack of due diligence in monitoring and correcting negative impacts from construction activities before plant communities were destroyed.

The Department of Fisheries and Oceans (DFO) accepted the Environmental Management Plan and included it in the 2003 Canadian Environmental Assessment Act Screening Report. This deficient report's conclusions have already proven to be unreliable as evidenced by the necessity to move the stormwater ponds to the east of Bank Street and the obvious fact that water levels in the core wetland have not been maintained at pre-construction levels.

In conclusion, in order to ensure that there will be no further damage to the core portion of the Leitrim Wetland and Findlay Creek, the rezoning, especially for Parcel 1 should be deferred until:

1. the City has demonstrated a credible, concrete, willingness to abide by its commitment to maintain water levels in the "protected" wetland;
2. the City enforces the conditions of the DFO Fisheries Authorization Act; and
3. a panel of independent experts can properly evaluate the negative impacts of the development that has already taken place, and determine the likely risks of the proposed development. Such an assessment should determine:
  - whether or not to permit current proposals;
  - what development modifications should be made;
  - whether or not mitigation is feasible; and
  - what compensation and monitoring should be implemented.

Dr. Frederick Michel, Director of Environmental Science at Carleton University, who is familiar with the area and respected by Natural Resources Canada and environmental groups, would be the ideal person to head such a panel.

Yours sincerely  
Albert W. Dugal\*  
(On behalf of the Sierra Club of Canada)

\* - Prior to retirement, I was a botanist and wetland expert for the Canadian Museum of Nature. As part of my research on the Leitrim Wetlands, I spent a great deal of time inventorying the vascular plants of the wetland, studying aerial photographs (from 1945 to 2000), scrutinizing topographic maps dating back to 1869 and observing the mosaic of plant communities. I wrote three scientific articles and co-authored a fourth on this remarkable ecosystem.

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## APPENDIX A -PARCEL 1 - ENVIRONMENTAL CONCERNS

Development of this western block will engender adverse environmental effects including:

a) loss of important vascular plant species . There are **10** species of Regionally Significant plants in this block. These include Sandberg's Birch (*Betula x sandbergii\**), Downy Willow-herb (*Epilobium strictum\**), Spiny Coontail (*Ceratophyllum echinatum\**), Long-leaved Chickweed (*Stellaria longifolia*), Common Beggarticks (*Bidens vulgatus\**), Canada Manna Grass (*Glyceria canadensis*), Prairie Sedge (*Carex prairea*), Broom Sedge (*Carex scoparia*), Autumn Willow (*Salix serissima*), and Hairy Buttercup (*Ranunculus pensylvanicus*).

As you are probably aware, it is the **responsibility** of the **City** to **protect** Regionally Significant plants as defined in APPENDIX A - Vascular Plants of the City of Ottawa, with Identification of Significant Species (by Daniel Brunton) of the URBAN NATURAL AREAS ENVIRONMENTAL EVALUATION STUDY.

At least 35 species of Uncommon native plants also occur in this block , a rather impressive number and an indicator of an important natural area. As Daniel Brunton states in Appendix A of the Urban Natural Areas Environmental Evaluation Study " 'Uncommon' taxa are found only occasionally within suitable habitat, often in small numbers. The habitat of 'Uncommon' species is often geographically limited as well".

*\* These important species only occur in this part of the actual wetland. Their loss will entail a diminishment of the biodiversity of this remarkable wetland ecosystem.*

b) loss of prime wetland. The wetland area in this block contains a good diversity of wetland plant communities and a rich flora. It is an integral part of the scientific Leitrim Wetland (as defined by the OMNR in 1989) and its loss will adversely effect the wetland's functions, biodiversity and animal populations.

c) loss of natural transition zone. From the standpoint of wetland protection, the boundary determined by the OMNR and OMB represents the loss of a natural transition zone between the wetland core and the surrounding drier lands. As Dr. William Nuttle, an expert wetland hydrologist, stated in a letter to me: "Experience in the Great Lakes Wetlands, where the transition zone brackets the annually shifting boundary between wet and dry conditions, suggests that this zone is the location of the greatest diversity of species in the wetland". This also appears to be the case for the Leitrim Wetland.

d) implication of long-term adverse health effects due to migrating toxic wastes from the old Gloucester Landfill. Daniel Green, the Scientific Advisor to the Sierra Club of Canada, carefully analyzed the Area Wide Risk Assessment prepared for Transport Canada and determined that it was seriously flawed, echoing concerns voiced by other experts. Does the City adhere to the Precautionary Principle??

e) severe degradation or possible destruction of the "protected" wetland. Experts had warned of serious consequences from the by-pass ditch, namely widespread water table draw down due to excessive water leakage through the permeable substrates and back flooding behind the berm. There has already been extensive back flooding of the "protected" wetland caused by the berm along the ditch dug in the by-pass ditch area. Many trees and undoubtedly most of the herbaceous plants in the flooded area have already been killed. The plan to put a new channel for Findlay Creek in the area slated for the by-pass ditch will cause widespread water table lowering. This concern also has an historical basis. Ditching schemes prior to 1920 caused a

rapid shrinkage of the once extensive, open northern fen. The deepening of Findlay Creek affected the water table for over 300 metres to the south. The new Findlay Creek channel will most likely have the same effect, causing massive negative impacts to this unique wetland. The Leitrim Wetland is an inclined wetland, sloping primarily from south to north and west to east. The subdivisions within the actual wetland boundaries (as defined by the OMNR in 1989 and 1991) are located in the lowest parts. The drainage required to construct the housing will, in effect, create a giant sump pump hole. As water flows down hill (unless the laws of physics have been changed by the City), and as the substrates are reasonably permeable, excessive leakage from the wetland is to be expected (similar to or worse than what happened after the ditching schemes prior to 1920).

f) loss of carbon sinks and "greenhouse" gas absorption capability. The destruction of wetlands releases large amounts of carbon dioxide, methane and nitrous oxides --- all greenhouse gases! Much of the wetland areas slated for destruction are underlain by peat --- a carbon sink. Woodlands are also carbon sinks and their destruction will release more carbon dioxide into the atmosphere. Removal of these carbon sinks decreases the City's ability to remove "greenhouse" gases. Kyoto Protocol? Smart Growth??

g) decline in abundance of wildlife species. The destruction of the wetland and woodland areas will result in a noticeable decline in local wildlife, especially birds, and the biodiversity of the area will be diminished because certain species are restricted to the areas slated for urbanization.

h) loss of forest cover. An objective of the Official Plan calls for an increase in forest cover. How can this be achieved when the City is actively promoting woodland destruction here and across the municipality?

## **APPENDIX B - THE PARK SWALE**

This is a feature that is new to the Sierra Club of Canada and other local environmental groups. It was not assessed in either the 2003 or 2006 Department of Fisheries Canadian Environmental Assessment Act Screenings. It wasn't in the drawings provided to DFO for their 2003 Screening Report. It doesn't show up in the 2004 Leitrim Community Design Plan. It wasn't in the large drawing of the Draft Plan of Subdivision sent out this Spring prior to the PEC meeting.

I first encountered the Park Swale this spring (2006) and thought that this enormous drainage ditch was a temporary structure. However, during a meeting this August (2006) at the Ottawa office of the Ministry of the Environment, I saw a large drawing of the stormwater management system that showed this feature as part of the proposed subdivision located in Central Park. **The drawing was dated February 2005.**

In the DESIGN BRIEF AND AMENDMENT TO MOE CERTIFICATE OF APPROVAL FINDLAY CREEK VILLAGE STORMWATER FACILITY prepared for the City of Ottawa by CCL/IBI in **July 2005, there is no mention of the Park Swale** in Section **2.0 Description of Updated Storm Sewer System**. This section describes all the new and old features of the stormwater system including the Albion Road east ditch extension.

In another document, the Amended Certificate of Approval, Municipal and Private Sewage Works, Number 1806-6JVSTH, **issued January 25, 2006** by the Ministry of the Environment, (viewed upon request at the Ottawa MOE office this August (2006)), this feature is described as follows: "Park Swale conveying the 100-year stormwater runoff from north of Leitrim Road, discharging flows of 2.4<sup>3</sup>/s to Albion Road east ditch extension".

Shouldn't the public have had a chance to comment on such an obvious feature that might pose safety risks to children during spring melt and heavy rain events, as well as possibly negatively impacting the "protected" wetland?

Albert W. Dugal