

3 April 2006

TO: DISTRIBUTION LIST

Ladies and Gentlemen:

Subject: Environmental Assessments for Kanata West development

The Carp River Coalition is a group of citizens including members of the Greenspace Alliance of Canada's Capital, the Ottawa Group of the Sierra Club of Canada, Friends of the Carp River and Ottawa Riverkeeper. Our objective is to ensure that development of Kanata West along the Carp River occurs in a way which does not pose risks of flooding to upstream and downstream communities and also furthers the long-term health of the river and the various species it supports.

By way of this letter, we wish to provide you with a list of outstanding concerns with respect to the environmental assessments and related documents in support of development in Kanata West.

First, however, we wish to express our appreciation for the decision to "de-integrate" the environmental assessments and development approvals for Kanata West. This change in the process gives concerned citizens and our elected officials more opportunities to receive information and provide input on the plans for Kanata West. At the same time, we recognize the interrelationship between the environmental assessments and the development approvals. As you may know, we are currently reviewing the draft plan conditions for several of the developments in Kanata West. We have compared the current development plans with your Ministries' letter of January 31 2006 which outline your concerns about the assessments of the environmental impacts of projects in support of the proposed developments. This exercise shows us that the development plans assume resolution of issues raised in your letter. We are therefore endeavouring to ensure that approvals to proceed are conditional on approval of the environmental assessments, including resolution of any appeals.

We also want to ensure that the environmental assessments are consistent with provincial legislation, policies and regulations. We understand that each of your respective ministries is continuing to review the environmental assessment reports. Members of the Carp River Coalition are expected to be provided with these documents for the first time in the week of April 2; however, we have reviewed the Carp River Watershed/Subwatershed Study (CRWSS) and have had various discussions with city staff, developers and staff of the provincial ministries. Our concerns include the following.

1- Reliability of the hydrologic and hydraulic models. The CRWSS, at paragraph 9.7.2, recommended that three devices be acquired, at a cost of \$10,000, to measure water levels and velocities at two additional locations. The Study called such data integral to the development of reliable models. (To our knowledge, this recommendation has not been implemented.) At the public meeting of March 7th, 2006, we learned that there was no perceived need on the part of the consultants and the city to calibrate the hydraulic and hydrologic models with actual flow rates. We will require confirmation from independent experts that substitution of real data with sensitivity analysis is appropriate in this case.

Specifically, we will be looking for evidence that the simulation of actual conditions of the hydrologic model is reconciled with those found in the 1983 floodplain mapping report or that otherwise the differences are adequately explained; that an urban hydrologic analysis has been conducted; and that the hydraulic analysis of the impact of full build-out has been completed.

2- Two-zone floodplain policy. We continue to question the use of a two-zone floodplain approach for Kanata West. Provincial Policy Statement 3.1.6 under the *Planning Act* states quite clearly that four conditions have to be met before such a policy is permitted, including no worsening of flood elevations, no creation of new flood hazards and no adverse environmental impacts.

It was noted at the March 7th public meeting that the latest (non-calibrated) modelling results show 100-year flood levels rising by 4cm downstream, of Richardson Side Road. While 4cm does not seem to be extreme, it nonetheless would be a worsening of existing flood levels. Furthermore, authorizing such an increase in flood levels establishes a precedent that could result in further encroachments and mounting cumulative impacts.

The technical basis for implementation of a two-zone floodplain policy involves dividing the floodplain into two parts – the floodway and the flood fringe. Based on information available in the CRWSS, and subsequent documentation, we have yet to see the technical analysis that would allow definition of the floodway and flood fringe along the Carp River through Kanata West. Rather, an arbitrary “modified floodplain concept” appears to have been adopted as the basis for implementing a two-zone floodplain policy. We are not aware of the definition of a “modified floodplain concept” under the Provincial Policy Statement.

We expect to see detailed proof of compliance with the PPS should a two-zone floodplain policy be approved.

3- Scope of the analysis.

(a) We continue to question the appropriateness of excluding the Del/Brookfield lands from the environmental assessments of Kanata West. While they have become part of the urban area later than the rest of Kanata West, that does not change the physical reality that a large portion of these lands will drain to the Carp River. Excluding consideration of the urbanization of the Del/Brookfield lands is contrary to one of the fundamental principles of watershed planning. One cannot avoid the logical conclusion that excluding these lands will likely result in underestimation of run-off impacts for the Carp River.

(b) Several encroachments and/or alterations of the Carp River floodplain have been approved in recent years in various Class EAs and other land development projects. These projects include the Terry Fox Road extension in the Special Study area, the Broughton Subdivision, the Highway 417 widening, the Bell Sensplex Arena, and the Hazeldean Road widening / Carp River Bridge reconstruction, to name but a few. It is uncertain how these projects have been considered in the analysis, and whether these projects form part of the “existing conditions” or “proposed conditions” from which impact assessments are being conducted.

(c) We cannot find an example in the list of Schedule B projects for Municipal Class Assessments that would fit the Restoration project. We find one example in the list of Schedule C projects that might fit in a borderline interpretation. Our reading of the rules and practices is that the Restoration projects should be subjected to an Individual Environmental Assessment. In light of the scale and non-recurrence of the project, and the fact that its objective goes beyond mitigation for new development, we will be looking for justification of the decision to treat it as a Schedule B project. Moreover, section A.2.2, Step 1 of the Municipal Class EA manual (page A-25) states: “If the component parts are dependent on each other, then all of the components must be combined and dealt with as a single project.” Yet that is not what has been done here. We will need to be convinced that not having integrated the projects is appropriate.

(d) The CRWSS identified Priority 1 restoration projects in the rural reaches of the Carp River. We will be looking for justification for not extending the restoration works beyond Richardson Sideroad.

4- Conformity with the *Lakes and Rivers Improvement Act*. At the March 7th public meeting, the public heard that the results of the hydrologic and hydraulic modelling demonstrate that proposed changes to the channel cross-section and floodplain on the Carp River through Kanata West will not result in any negative changes in downstream flow conditions resulting from a 25mm rainfall event, or the 2-year, 5-year, or 25-year storm conditions (in addition to the 100-year event used to define the floodplain).

It appears that the consultants were basing their impact assessments on the results of the non-calibrated models. MNR stipulated in its September 27, 2005 letter:

“The following hydraulic characteristics of the natural river shall remain the same in the proposed channel:

Travel time (not to be decreased)

The stage storage and stage discharge relationships of the natural river and its floodplain are to be maintained (evaluated in 0.3 m elevation increments from the channel bed to the flood level per Provincial standards for defining natural hazards)

These criteria maintain a flood prone area in the channelized reach, identical to that of the original watercourse. The strength of these criteria is that they are straightforward to apply and easily verified by the approving agency.”

The letter further noted that exceptions may be considered if the objectives of the criteria are met in specified ways. Either way, we will be looking for demonstration of conformity of the proposed works with the requirements of the LRIA.

5- Status of the Carp River as a Municipal Drain. Information uncovered by members of the Coalition confirms the status of the Carp River as a Municipal Drain from at least around Maple Grove Road to its sufficient outlet below Carp Village. We will be looking for an explanation of how the sufficient outlet can now be at Richardson Sideroad and why it is not necessary to restore the downstream as well as the upstream reaches in order to maintain a sufficient outlet. It is our understanding that, until the drain is abandoned by by-law, its channel dimensions cannot not be altered. Alteration of the mainflow channel of the Carp River could therefore be subject to a legal challenge based on the status of the Carp River as a drain.

6- Impact of road and other service structures. Has the number of planned crossings of the Carp River and of Poole and Feedmill Creeks been minimized? Have appropriate mitigation measures been formulated and costed? We share the concern identified by the Ministry of Transportation in August 2005 and again in January 2006 with respect to the impact of flood levels on Highway 417 bridges. We are looking to the Ministry of Transportation to ensure that the development of Kanata West does not compromise public roadway infrastructures and that the impact of widening of Hazeldean Road, extension of Huntmar Drive, the Campeau Drive and Transit Bridges, and re-alignment of Terry Fox Drive have been satisfactorily included in the analysis. In replacing inadequate or old crossings, will downstream property owners not experience increased erosion?

7- Species at Risk. Has sufficient information been obtained to reach conclusions regarding the presence of SARs?

8- Fish habitat. Has more field work been performed to reach firm conclusions on the pike population in the Carp River? Has an adequate monitoring plan been specified? Have blockages from Richardson Road to the Ottawa River been identified that could prevent the pike population from moving up the Carp River? Has it been demonstrated that Poole and Feedmill Creeks will remain cold water habitat following development?

9- Impact on downstream restoration work. Has the potential impact of proposed works on existing and planned restoration work downstream been analyzed?

10- MVCA sign-offs. We are somewhat uncertain about what to make of the large number of concerns that have been raised about the hydrologic and hydraulic modelling by MNR in comparison with the apparent lack of any concerns being raised by the MVCA. Because approvals under the LRIA (MNR) and the Planning Act (MVCA – Natural Hazard Policies of PPS) are largely contingent on the results of the same hydrologic and hydraulic models, but for different design storm / flow conditions, how can we be confident that MNR's and MVCA's review of potential impacts on riparian and flood levels is valid?

Has the MVCA approved the hydrological and hydraulic analyses of all cross-sections in the three water bodies?

11- Implementation. We have met with representatives of the Mattamy development, as well as representatives of the Loblaws/Taggart development. It is clear by the level of detail available for the development projects that planning and design of these developments have been underway for some time. On the other hand, there is comparatively less detail available for the Carp River Restoration project.

Proponents for these developments are seeking Draft Plan Approval before Notices of Completion for the Class EAs have even been posted. This leads us to believe that there is a strong possibility that there will be a time period in which urban development of the Kanata West area will proceed in advance of implementation of the River Restoration project. This is of concern to us because not only has no detailed impact assessment been conducted for such interim conditions, but, as was demonstrated by the flooding of the March Pump Station in the area of the Kizell Drain channelization, the interim condition is typically the time period in which the drainage system is most vulnerable to impacts.

We look forward to a satisfactory resolution of these outstanding issues prior to the commencement of development in Kanata West.

For Amy Kempster, John Almstedt, David Spence, Erwin Dreessen, Lisa Zuchiatti, and Mike Kostiuk,

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