

October 1, 2006

Hon. David Ramsay
Minister of Natural Resources
Whitney Block
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Toronto ON M7A1W3

By Fax: 416-314-2216

Mr. Dick Hibma
Chair, Conservation Ontario
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By Fax: 905-895-0751

**Re: Mississippi Valley Conservation Authority
Request for Audit of MVCA Approach to Floodplain Management**

Dear Minister Ramsay & Mr. Hibma:

I am writing to you out of concern about unnecessary risks being posed to the health and safety and property of citizens along the Carp River in the City of Ottawa, and within the jurisdiction of the Mississippi Valley Conservation Authority (MVCA).

I am a Professional Engineer with twenty years of experience on water resources engineering and planning projects throughout the Province of Ontario. For the last three years I have been involved in a project involving the MVCA and the Carp River in the City of Ottawa. Initially my involvement was as an employee of the City of Ottawa, and currently it is as a member of the public opposed to a channelization project that would involve the filling and development of 28 Ha of the Carp River floodplain in a Greenfield development area known as Kanata West.

There is a recent history of flooding along previous channelization projects within the jurisdiction of the MVCA - along the Carp River in the community of Glen Cairn in Kanata (1996 and 2002), and along the Kizell Drain also in Kanata (2004). As noted above, the MVCA is now advocating further channelization of the Carp River and filling and development of floodplain immediately downstream of Glen Cairn.

In the interest of Public Health and Safety and in the protection of private property, I hereby request the Province and Conservation Ontario initiate as quickly as possible, an operational audit of MVCA's approach to floodplain management.

In support of my request, I have prepared a documentation package that has been emailed to those people noted to have been copied this letter. The documentation includes details of the flooding incidents in Glen Cairn and along the Kizell Drain, as well as apparent inconsistencies in the approach to two-zone floodplain policy applied by the MVCA in Constance Bay (also in the City of Ottawa), the Town of Mississippi Mills, and in Kanata West. A number of other decisions of the MVCA are also outlined to illustrate the apparent misunderstanding of the MVCA with its responsibilities under the *Conservation Authorities Act*.

The documentation package includes excerpts from a 1983 consultant report warning the MVCA about

flood risks along the Carp River in Glen Cairn. The audit should investigate what action, if any, the MVCA undertook pursuant to the recommendations of the 1983 report prior to the flooding of dozens of homes in Glen Cairn in 1996. A repeat of the 1996 flooding situation occurred in 2002 that led to the City of Ottawa undertaking a \$7 Million flood remediation project along the Carp River in Glen Cairn.

The circumstances that preceded the flooding of the Kizell Drain in 2004 that resulted in the flooding of dozens of new homes and a recently constructed Nursing Home are also documented. The documentation shows that shortly after the \$350,000 Shirley's Brook and Watts Creek Subwatershed Study was approved by the MVCA and the former City of Kanata and Regional Municipality of Ottawa Carleton, filling and development of floodplain and the channelization of Kizell Drain were approved by the MVCA - contrary to the recommendations of the (at the time, just approved) Subwatershed Plan. In fact it would appear MVCA approved the channelization of Kizell Drain despite warnings in the Subwatershed Plan that alteration of the drainage system could result in flooding, erosion, and environmental problems:

The documentation includes references to two-zone floodplain policy in the Official Plan of the Town of Mississippi Mills and in the Community Design Plan of Constance Bay (located in the City of Ottawa) both approved in 2006. In each of these 2006 Planning Policy documents, MVCA has restricted application of two-zone floodplain policy to existing lots of record. Yet, despite the history of flooding along the Carp River, the MVCA endorses applying two-zone floodplain policy in Kanata West, a Greenfield development area centrally located between the Town of Mississippi Mills and Constance Bay.

I would encourage MNR and Conservation Ontario to consider Decisions of the Mining and Lands Commissioner involving Appeals under the *Conservation Authorities Act* in their consideration of the need to conduct the audit. As an example, the April 25, 1997 Decision "*Chalmers vs. Grand River Conservation Authority*" appears to consider many similar issues as those involved with the planned development of the Carp River floodplain in Kanata West. In the Decision, Mining and Lands Commissioner Kamerman states:

The tribunal finds that granting permission in this case would constitute a precedent for new residential development of other portions of the flood plain in one zone concept areas, involving considerable placing of fill which has measured impacts upstream. It is found that those residing, visiting or providing services to the new residences would unnecessarily be placed at risk. Moreover, it would provide precedent for granting of permission in other cases without the necessary calculations being performed on a reach or subcatchment basis, thereby putting unknown others at risk from increases in flood elevations upstream or increases in flood velocities downstream. If allowed, the Chalmers proposal would amount to a rewriting of the Provincial Policy in respect of new development in the floodplain for areas within a one zone concept area, being a precedent of such an order of magnitude that it cannot be allowed.

In *Chalmers vs. GRCA*, the proposal involved the placement of fill to allow the construction of two dwellings along the floodplain of the Grand River. If the position of the Mining and Lands Commissioner in that case was that the proposal would,

“amount to a rewriting of the Provincial Policy in respect of new development in the floodplain for areas within a one zone concept area, being a precedent of such an order of magnitude that it cannot be allowed”

how could a proposal that involves the filling and development of 28 Ha of floodplain immediately downstream of a flood damage center, enabling the construction of hundreds of dwellings, be found by those entrusted by the Province with regulation of the *Conservation Authorities Act* to be consistent with Provincial Policy?

The decision to file this request for an audit comes after several formal attempts to have staff at Provincial Agencies, including the Ministries of Natural Resources, Environment, and Transportation intervene in the “Carp River Restoration Project”. It would appear that none of these agencies are willing to intervene in the City of Ottawa or MVCA plans to allow filling and development of 28 Ha of the Carp River floodplain.

Thank-you in advance for your urgent consideration of this request.

Sincerely yours,

Ted Cooper, M.A. Sc., P.Eng.
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c.c. Mr. Don Pearson, General Manager Conservation Ontario
Mr. Rob Messervey, MNR Water Resources Section Manager
Mr. Kevin McGuire, Executive Assistant to MNR Minister
Mr. David McRobert, Counsel to Environmental Commissioner of Ontario
Mr. Paul Lehman, General Manager, MVCA