

July 5, 2010

Dear Mayor Farbridge and City Councillors,

Sierra Club Canada has the following comments with respect to the development proposal for 1291 Gordon Street:

I. The proposal provides inadequate wetland buffers and is contrary to the Provincial Policy Statement (PPS) in that it does not show that there will be “no negative impact” on the provincially significant wetland. The staff report states that the 30-metre wetland buffer is appropriate for the site and that wetland function will not be impacted by this development. However, the Hanlon Creek Watershed Plan recommended 120 metre, *not* 30 metre, buffers for this wetland stating that this is

“an area of rare plants & aquatic vegetation sensitive to disturbance. Wide buffer required to protect vegetation from influx of salts and nutrients. Buffer should include upland open area next to road to provide upland habitat for wildlife.”

There is no justification in the planning documents for reducing this buffer, and there is clear evidence that the buffer should be much wider to protect the wildlife functions of the wetland. There is but a single sentence in the updated EIS discounting the need for a 120-metre buffer.

It states “Ground investigations, including detailed hydrogeology studies, indicate that this amount of buffering is unnecessary to protect the form and function of the PSW . . .”

No authorities are cited to indicate that 30-metre buffers will protect the wildlife functions of the wetland.

Wood frogs and spring peepers have been found in this wetland. These frogs spend most of their lives on land, not in the water. The Environment Canada booklet, *How Much Habitat is Enough*, states that...

“Most wetlands around the Great Lakes Basin are likely to support at least some wildlife attributes that also include the upland areas of seasonal habitat.

Therefore, minimum wetland adjacent-lands areas based on water quality parameters alone (i.e. 15 metres to 30 metres on slopes of less than 12 percent with good ground cover) are unlikely to be sufficient . . . Based on the current level of scientific support for adjacent lands areas, reasonable minimum guidelines are provided in Table 6.” [Table 6 indicates that a 100 metre buffer is the minimum buffer for wildlife protection.]

I have provided copies of some of the tables from this document which shows buffer requirements for various species. You will note that a 1990 study found that the wildlife critical function zone around a wetland ranged from 98 to 223 metres.

The standard of “no negative impact” in the *Provincial Policy Statement* is difficult to meet, and rightfully so. The intent is to preserve all of the biodiversity, all of the functions of our valuable remaining wetlands. If this means 100 metre buffers or more, and puts some areas off limits for development, that is the imperative.

Even the Places to Grow Act recognizes that the environment should take priority:

“if there is a conflict between a direction in a growth plan and a direction in a plan or policy . . . relating to the natural environment or human health, the direction that provides more protection to the natural environment or human health prevails.” at 14 (4)

Again, the PPS states:

2.1.6 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features . . . unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions*

We believe the buffers to the wetland will be inadequate to protect ecological functions, so that this proposal is contrary to PPS policy.

II. The Environmental Impact Study is inadequate in that it lacks critical information regarding impacts to the wetland and habitat for species of concern.

The Environmental Advisory Committee raised a number of serious issues. They were concerned about rare bird species on the site and habitat. They were concerned about impacts to the wetland edge. They were concerned about infiltration and impacts to the wetland. In their motion they supported the EIS on the condition that these concerns, among others, be addressed:

1. Habitat for species of conservation concern [the black-billed cuckoo and rose-breasted grosbeak have been found on this property] be assessed prior to commencing works on the property;
2. The EIR will elaborate on the impact, appropriateness and alternatives to the dewatering activities proposed for the parking garage, including the functionality of the structure considering the high water table; [Note: If this development should end up requiring continuous pumping for dewatering, would that not be contrary to the City’s Community Energy Initiative because of the wasteful use of energy?]
3. That details for the implementation of infiltration galleries proposed underneath the parking garage are provided;
4. That the EIR assess and address the impact of the changed flow of surface and groundwater to the wetland.

So, in other words, you are being asked to approve this development without knowing it’s effect on habitat for species of conservation concern, without knowing the impact of dewatering for the underground parking garage, without knowing whether the building will be functional considering a high water table, without knowing how or if the infiltration galleries will work, and without knowing the impact of the changed flow of surface and groundwater to the wetland.

The question is, why aren’t all of these things included in the ENVIRONMENTAL IMPACT STUDY? How can the Environmental Advisory Committee or this Council or GRCA or MNR determine the environmental impact of this proposal without this

information?

The cart isn't just before the horse, its many clicks down the road already.

Critical information that should be included in EIS's is being deferred to the EIR stage. It means that EAC and this council are deciding whether projects should move forward without full information about their environmental impacts. Once the project has been approved, it will move forward whether or not in retrospect it should have been significantly altered or even rejected as unfeasible and contrary to the PPS.

EAC should receive further guidance concerning 1) their powers to suggest more than minor modifications to EIS's; 2) the need to state clearly in their recommendations whether the "no negative impact" standard and other PPS policies are being upheld; 3) the need to provide environmental recommendations independent of growth and economic concerns.

Clearly, approval of this project is premature. There are too many unknowns. I urge council to postpone a decision on this development until critical information about impacts to groundwater, the provincially-significant wetland, and species of conservation concern have been addressed.

Thank you for the opportunity to comment on this proposal.

Judy Martin, Guelph Regional Representative
Sierra Club Canada