

Presentation to PEC – Item No. 11 – Carp River Terms of Reference

Ted Cooper

Mr. Chair and Committee members,

My name is Ted Cooper, and I have spoken to this Committee several times now about concerns that I have about recommendations involving the Carp River and Kanata West.

Being a City of Ottawa employee, making a decision to come before Committee and raise questions about the recommendations being made by my superiors is something that I take no satisfaction in doing. Nor was there satisfaction when I felt compelled to report the Carp River situation to the Fraud and Waste Hotline more than two years ago.

After raising concerns about the project while on-the-job that were never responded to, I must admit having some satisfaction after reading the audit and seeing city management agreed with all but one of the Audit recommendations involving floodplain technical and policy matters that I had long been raising – the only exception being, if you can believe it, whether properly calibrated models should be required to support a complex, risk laden undertaking like the Carp River Restoration Project.

After raising concerns about this floodplain development project for five years that have never been responded to, it didn't really come as a surprise to me when I read in the Committee Report that all of my recommendations concerning the Terms of Reference for the Third Party Review had been dismissed. Yes, once again, 20 years of professional experience in water resources engineering projects from across the province being disregarded.

What I found surprising about the rejection of my input this time, though, was the justification used, as outlined in Document 2 of the Committee Report.

Bullets 1, 2, and 3 – my comments were dismissed by staff on the basis of findings of the Carp River Subwatershed Plan and Class EA documents. Well I thought the Auditor General found serious problems with those studies and documents.

Bullet 4 – the staff response is that the modeling problems have been addressed by the consultant – what is that conclusion based upon? I guess the expected outcome of the Third Party Review is already known.

Bullet 5 – staff have responded by stating that adaptive management is appropriate for situations like the Carp River Restoration Plan, in-place of using calibrated models. I

thought the purpose of hiring an Independent Third Party was to review and comment on such matters.

Bullet 6 – staff have dismissed the concern raised about recent developments like the Sensplex, and SMART Technologies not properly being accounted for in the analysis by suggesting that those areas were surveyed. Meanwhile the results presented in the Class EA documentation and HECRAS modeling suggest otherwise. Shouldn't an independent Third Party check this?

Bullet 7 – There is an immediate need for proper stormwater management criteria to be established, if there is to be any consideration given to approving interim development. Staff's response is to point to Tasks 22 and 24. I have read these tasks at least a dozen times, and I can't figure out what they are about. About all I can tell is that the Third Party reviewer won't tackle this issue until Phase 2, and it relies on no problems being discovered during Phase 1.

Not surprisingly, it appears none of the other members of the public who took the time to participate in this process had much of an impact on the staff recommended Terms of Reference either, given that only a mere six words have changed between the Draft version and those recommended to Committee.

I thought there were some excellent comments provided by the public. however. One that resonated with me was in the third paragraph of Pam Cain's submission where she stated:

“At the risk of stating the obvious, we ask that residential development in potentially fragile natural environments be held to a much higher standard than might be expected in less sensitive areas.”

That one sentence gets to the very essence of the planning controversy plaguing Kanata West.

There are also the comments by MOE that have not been reflected in the Terms of Reference, reportedly because of a lack of time. I submit that this project has been in the works for many years and we are at a critical point in this process for the public not to have an opportunity to comment on the City's approach to addressing MOE's comments.

There has also been reference to the Trinity OMB Decision. I wish to bring to Committee's attention that I have requested the OMB to review that Decision. Are Committee members aware that all that City staff was willing to admit in testimony and

submissions at the February Hearing was that there “may be an error in the analysis”? We have all since learned that City Staff knew since November the findings of the Auditor General. These include that in certain locations flood levels could rise 1m or more than indicated in the consultants’ reports.

In any event, the record shows that OMB Decisions have no authority over Mother Nature. Look for example at its 1989 Decision about the Hazeldean Housing Co-op, where it stated ‘the Board must accept the geotechnical evidence that the proposal is feasible and viable as the old adage states that “the proof of the pudding is in the eating”, the proof of the viability of the proposal will be in the actual construction. Any risk, small as it may be, would primarily rest with the appellant, Co-operative.’ Within months of this project being built in the former river bed of the Carp River in Glen Cairn with the approval of Mississippi Valley Conservation, the Housing Co-op was flooded twice, and suffered \$500,000 in structural damage.

Of course I wish to draw Committee’s attention to the submission of my colleague Darlene Conway who, with her twenty years of professional experience in the private and public sectors, has drafted a far superior Terms of Reference. Her proposal is well researched and organized, with clearly stated objectives and scope of work that follows a logical process from start to finish.

Mr. Chair, in closing, I’d like you to take note of the position Ms. Conway and I take with respect to the proposed Terms of Reference. We are not the only water resources engineers employed by the City of Ottawa, but it could be argued that we are the two with the most experience in water resources engineering of natural systems. Last week, Corporate Services Committee passed a report on the issue of Employee Accountability. I submit that Ms. Conway’s and my presence before you today is a testament to our accountability to Ottawa taxpayers and our paramount duty as professional engineers to serving the interests of the public.

Thank-you,

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