



## Save the Leitrim Wetlands

### A letter from the Sierra Club of Canada to the federal Minister of Fisheries and Oceans

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The Hon. Robert Thibault  
Minister of Fisheries and Oceans  
House of Commons  
Ottawa, Ont. K1A 0A6

July 17, 2003

Dear Mr. Minister,

**Re: CEEA Screening Report for the Leitrim (Wetlands) External Storm System, DFO-OGCA# 5250-100**

Firstly, let me thank you for your action on a different project. Your recommendation that a panel review be held on the proposed rock quarry in Digby Neck, Nova Scotia is deeply appreciated. The two issues -- a housing development in Ottawa and a rock quarry in a small seaside town in Nova Scotia -- may seem completely dissimilar. However, they have one very strong common denominator. In both cases the proponent hoped to conduct an end-run around adequate environmental assessment, by limiting the scope of the project to a relatively small component. In the Digby Neck case, the initial permit was for several acres of a planned 380-acre rock quarry. In the case of Leitrim Wetlands, the environmental assessment has been limited to a storm water system rather than the impact of 4,000 homes being placed in a Class 1 Provincial Wetland. The only reason for the storm water system is to accommodate this massive example of poorly planned urban sprawl.

I am writing to urge, in the strongest possible terms, that you refer the environmental assessment of the proposed developments in the Leitrim Wetlands area of Ottawa to a full panel review. Under the Canadian Environmental Assessment Act, and due to your responsibilities under the Fisheries Act, your department is the Responsible Authority in relation to a screening level environmental impact statement reviewing the impacts of developments in the Leitrim Wetlands. There are several grounds under which you must not merely rubber-stamp the inadequate reassuring notions that subsequent monitoring will avoid catastrophic damage to the wetlands.

Firstly, there is public concern. The Leitrim Wetlands have been a source of public concern for years. Thousands of people have signed petitions and called for the preservation of this ecological treasure in the heart of the Nation's Capital. Public concern is a ground for referring the matter to panel review. As well, there is the issue of scientific uncertainty. As other submissions to you, and further in this letter, have demonstrated, not enough is known about the hydrology in the absence of baseline studies. Despite the fact that such baseline studies were recommended by the federal department of Natural Resources, the proponent has opted for a crossed-fingers approach to science. That is not good enough. A further ground for reference to the panel review is that the toxic plume moving from the old Transport Canada waste site has shown higher levels of 1,4-dioxane than that used in the modeling for the risk assessment. The Risk Assessment must be re-run using the actual levels of 1,4-dioxane measured in the plume.

A further issue of public participation is evident on this file. The proponent of record for purposes of the EIS is the City of Ottawa. The real proponent is the developer, Tartan Homes. Tartan Homes has effectively chilled an open and transparent public debate on this project through a series of lawsuit threats against local newspapers. This sort of bully tactic is not in the public interest. While it is outside your direct responsibilities, and is not, of itself, ground for a court action on the grounds of departmental violation of CEAA, the restrictive atmosphere surrounding the project should be made known to you.

Only a full panel review can ensure full, transparent and complete review of the issues posed by the project. The Leitrim Wetland is too important a resource to be gambled away on the strength of a few offers to monitor damage after the fact.

### **Ecological value of the Wetland:**

As recently as 1993, the Inland Waters Directorate and the Canadian Wildlife Service (CWS) took an unequivocal stand against the development in the wetland. In a letter to the National Capital Commission, CWS wrote: "We consider the resultant loss of wetland area and function to be a MAJOR PERMANENT NEGATIVE IMPACT and recommend that the entire wetland be protected and that an adjacent zone of 120 m be secured around the wetland. (Capitalization for emphasis in the original)"

This strong call for protection of the wetland was ignored, but it is not too late to ensure that any development not place the entire wetland at risk through altered hydrology.

The wetland is home to over 500 species of plants, about 200 of them regionally, provincially or nationally significant species. No other wetland in North America duplicates the flora of the Leitrim Wetlands. Over 90 species of migratory birds are found in the Leitrim Wetlands. The biodiversity found in Leitrim Wetlands is truly remarkable. It ranges from mosses to land snails, mammals to damselflies. Although only a small fraction of the flora and fauna in this ecosystem have been identified, at this point over 1,032 species have been identified. There are old growth forest patches, among a fen and marsh. In fact, the old growth forest is home to a rare rookery of Great Blue Herons. There are literally no other Canadian wetlands with biodiversity to equal Leitrim Wetland.

### **Weak Science of the EA on hydrology:**

The impact statement reports that NRCAN advised DFO "that they believed that analysis and reporting of ground and surface water flow data and modeling provided by the Proponent was insufficient to determine the effects of the Project on the Leitrim Wetland and Findlay Creek" (CEAA Screening Report, p. 13). Throughout the review process, NRCAN personnel have argued for more and better data. Instead, the Proponent (City of Ottawa) has proposed an "adaptive Environmental Management Plan (EMP)", arguing that "it was the opinion of the City and their consultants that additional monitoring and modeling was not necessary and would not provide substantial new information" (p. 13). Although NRCAN subsequently signed off, this was based on the proponent following through with the EMP with guarantees and assurances of compliance.

Section 8.1.6 of the CEAA screening report addresses the mitigation and monitoring measures for the Wetlands / Ground Water as proposed by the City. The report states that "the EMP will include a one year pre-construction groundwater monitoring program." (p.33). The EMP goes on to talk about the installation of new overburden and bedrock groundwater monitoring wells and the development of trigger levels "based on baseline and pre-construction monitoring data". It then states that "mitigation measures will be implemented if groundwater levels fall below the seasonal minimum levels", but they "will not be implemented if it is determined that low groundwater levels are due to a lack of precipitation".

Noted expert, Frederick A. Michel, Ph.D., Associate Professor, Department of Earth Sciences, and Institute of Environmental Science at Carleton University, has concluded that the project cannot be approved based on existing information. In his submission to you, he wrote:

"In summary, I believe that there is still considerable uncertainty about the impacts and effectiveness of the proposed constructed works on the continued integrity of the Leitrim Wetland. Given this uncertainty, which has been expressed or acknowledged by myself, federal government experts, and the proponent's consultants, and given the requirements of the Canadian Environmental Assessment Act (subsection 20(1)), I can only conclude that the necessary research and analysis should be undertaken to resolve these serious issues before the project is approved. My understanding of the CEAA is that if there is real uncertainty about significant environmental effects (in this case the potential de-watering of a wetland because of the design of the storm water system) and whether they can be effectively mitigated, then the Minister has a duty to refer the project to a public review (either a panel or a mediator) to ensure that the impacts of the project are fully analyzed. This review would also assess any additional research to ascertain whether there can be some level of confidence in the proposed construction not adversely affecting the wetland."

"Given the acknowledged uncertainty of the environmental effects of this project on the Leitrim Wetland and the uncertainty of the success of the proposed mitigation measures, I call upon you as Minister of Fisheries and Oceans Canada to refer the project to a public review."

### **Issues not assessed:**

Due to the unacceptably narrow scoping of the environmental assessment, the review did not include many significant environmental impacts. The construction of

over 4,000 new homes in a green area, the attendant burden on municipal services, the need for more highways, the air pollution impact of increasing levels of commuter traffic -- none of these impacts were considered. Moreover, the significant Kyoto implications of the destruction of the wetland were also ignored. Nowhere in the Environmental Assessment is there reference to the fact that the destruction of the wetland will likely liberate over one million metric tons of carbon dioxide, and large amounts of methane and nitrous oxide.

**Toxic threat to the proposed housing development:**

There is already clear evidence that these substances, including the probable human carcinogen 1,4-dioxane, are migrating toward the proposed housing development. The hydrology is such that the activity of building the subdivision in a wetland will accelerate the movement of these chemicals.

The Health Risk Assessment (HRA) must be withdrawn and re-designed to take into account better understanding of the fate and persistence of these substances, the movement of water and gases through the many media of water, bedrock, fractured rock and so on in order to form a complete picture. More specifically, the HRA did not look at the direct risks (particularly for children) of contact with contaminated groundwater which could rise to the ground surface in the section of the wetland to be developed. This new concern must be addressed, now that extremely high concentrations of 1,4-dioxane have been found outside Transport Canada property, migrating towards the residential development. This new data suggests that the capture effort of Transport Canada's groundwater pumping station at the federal toxic waste site has failed to contain the toxic plume and must be re-evaluated, which Transport Canada is in the course of doing. The consequences for the federal government, should the people living in this proposed sub-division ever be exposed to these wastes, are just too great to imagine. There is a lot of uncertainty here. Of course, the best way to avoid the risk of people living in a development faced with a migrating plume of toxic waste is to take every possible step to avoid the housing being placed there at all.

**Conclusion:**

There are abundant reasons why you must exercise your ministerial discretion, guided by the precautionary approach, to insist on a full panel review of the proposed development in Leitrim Wetlands. Please, review Canada's obligations within the United Nations Convention for the Protection of Biological diversity, as well as Canada's own policies for no net loss of wetland. Be guided by these commitments and by the strong scientific critiques received from sources both within and outside government and refer the development proposal to a full panel review.

With best wishes,

Elizabeth E. May

Cc: Prescott District Office

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