

Date: March 22, 2010

Environmental Review Tribunal

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Attention: Paul Muldoon

Delivered via E-mail

cc: Jennifer Mesquita
Paul McCullough

RE: Appeal Withdrawal

This will confirm that the Greenspace Alliance Of Canada's Capital and Sierra Club Canada withdraw this appeal.

My clients wish to record their disappointment in the very limited scope of the leave granted. Notwithstanding this determination, they are satisfied that additional wetland protection measures have been negotiated including some measures that are seen by the Instrument Holders as going beyond that limited scope.

One potentially significant wetland protection measure that is still under discussion is an agreement to try to determine seasonally safe water levels. Based on the hydrogeologic data made available, a preliminary estimate of seasonally safe water levels has been made. The appellants have committed to have an independent wetland biologist offer an opinion on the feasibility of amending these levels in light of biotic data. Establishing seasonally safe water levels will enhance the degree of protection already provided for and help to ensure the long term viability of the wetland.

We hope that, when validated, the Director will modify the definition of "potential adverse effect" in Condition 4.8 of the PTTW accordingly.

Our clients hope that this settlement will result in a new era of cooperation between the appellants and the instrument holders ensuring the preservation and rehabilitation of the Leirim Wetland.

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Linda McCaffrey Q.C. (LSUC # 11616U)

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