



Greenspace Alliance of Canada's Capital
Alliance pour les espaces verts de la capitale du Canada

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To: Agricultural and Rural Affairs Committee,
Meeting of 24 November 2016, Agenda item 3

Re: KNL Lands – Proposed Drainage Diversion to the Kizell Municipal Drain - Report Findings and Recommendations and Appointment of Engineer for Supplemental Study and Report

+ This file is fraught with confusion. It is even not undisputed where exactly the Kizell Municipal Drain begins and ends.

+ It is clear that a section 78 appointment of an Engineer under the Drainage Act cannot be used to study the implication of an extension of drainage or to accommodate increased flow as a result of a diversion.

+ So the staff report carefully states that the purpose is to address required repairs and identify required modifications to accommodate Phase 9 lands that are currently within the KMD drainage area.

+ But the elephant in the room clearly is KNL's desire to divert 150 ha from Shirley's Brook to Kizell. Denying that this is what it's all about strains credibility.

+ Never mind that apparently nobody has yet examined the impact on Shirley's Brook if such a diversion were to be implemented.

+ This Drain, and the fact that it is a Municipal Drain appears to have been much forgotten over the years. Several works have taken place outside the Drainage Act framework. The Stantec report of March 2016 identifies many deficiencies. One telling deficiency is "Update assessment schedule per the current land ownership and watershed land uses."

+ New flood plain maps for the Kizell watercourse and Drain are due soon.

Bottom line: We recommend that you

- 1) defer this proposed appointment of an Engineer under section 78;
- 2) instead seek consensus to Abandon this Municipal Drain under section 84 of the Act.

As the Environmental Commissioner of Ontario noted some years ago: The Drainage Act is not well suited for managing drainage in urban areas. Getting out from under the strictures of the Drainage Act would allow a more comprehensive and balanced analysis of the options -- encompassing the Kizell Watercourse/Drain, Watts Creek, Shirley's Brook, Beaver Pond and the related Provincially Significant Wetlands.

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The Phase 2 Stormwater Management Study commissioned by the City was a step in the right direction. It identified four alternatives for drainage of Phases 7, 8 and 9, with one option involving no diversion of Shirley's Brook.

By the way, before the summer we were offered a briefing on planning matters by Ms. Lee Ann Snedden. We asked for a briefing on the status of KNL's Stormwater Management Plan. We were promised an answer in September. We are still waiting.

Thank you for your attention.

Erwin Dreessen
for the Alliance