

## Paul Renaud

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**From:** Paul Renaud <paul@renaud.ca>  
**Sent:** March-03-11 3:08 PM  
**To:** shad.qadri@ottawa.ca  
**Cc:** 'gord.miller@eco.on.ca' (gord.miller@eco.on.ca); 'Ken McRae'; Doug.Thompson@ottawa.ca; El-Chantiry, Eli (Eli.El-Chantiry@ottawa.ca); scott.moffatt@ottawa.ca; stephen.blais@ottawa.ca  
**Subject:** FW: Proposed Hazeldean Road Municipal Drain Engineer's Report  
**Attachments:** Proposed Engineer's Report for proposed Municipal Drain in wetland.eml (1.53 MB); Photo 2, June 14, 09; 2nd dam on creek.pdf; Photo 3, June 14, 09; 3rd dam on creek.pdf; Photo 1, June 14, 09; 1st dam on creek.\_pdf; Photo 4, June 14, 09; 4th dam on creek.pdf; 2005 aerial photo showing beaver dam locations.jpg; Upper Poole Creek Subwatershed Study Fig. 1.1.pdf; 2005 aerial photo showing Prov. Sig. Wetlands.jpg; 1963 aerial photo PSW on west side of Stittsville.jpg; Photo 6, June 14, 09; wetland observation deck.\_pdf

**Importance:** High

Shad,

The bad decision making by John Moser seems to be endless. The Environmental Commissioner of Ontario has already highlighted the City of Ottawa as the bad boy in Ontario over the use of municipal drains to destroy provincially significant wetland (see the following link):

[http://www.ecoissues.ca/index.php/The\\_Drainage\\_Act:\\_Drying\\_up\\_Ontario%E2%80%99s\\_Wetlands](http://www.ecoissues.ca/index.php/The_Drainage_Act:_Drying_up_Ontario%E2%80%99s_Wetlands)

How much longer is Council going to go along with this mockery of environmental laws?

As Ken correctly points out, the only purpose for a municipal drain is to benefit farmers. If no land is zoned agricultural, by attempting to apply the Drainage Act the City of Ottawa will be in violation of the law and subject to legal liability which is both an unnecessary risk and expense. According to Section 4(1)(d) of the Drainage Act, a Petition Drain can only be used "where a drainage works is required for the drainage of lands used for agricultural purposes."

Furthermore, speaking as a landowner in the vicinity of Poole Creek Wetland, there will be mass tax revolt in Stittsville should the City attempt to tag anyone's property with a drainage assessment on their property taxes as a result of a Petition Drain application. It's not even clear that is even allowed under the Drainage Act since most of the area is classified as a built-area.

That leaves only a Mutual Agreement Drain as the only legal way that the Drainage Act can be used by landowners who are proponents of a municipal drain in this case. **This limits them to draining only their properties and not other lands**. According to Section 2(1) of the Drainage Act,

### MUTUAL AGREEMENT DRAINS

#### **Mutual agreement re drainage works**

**2. (1)** When two or more owners of land desire to construct or improve a drainage works on any of their lands **and are willing to pay the cost thereof**, they may enter into a written agreement for the construction, improvement, financing and maintenance of such drainage works"

The following is a fact sheet on the intended use of Drainage legislation which may help provide councillors with better context:

<http://www.omafra.gov.on.ca/english/engineer/facts/89-166.htm>

However note that the Provincial Policy Statement section 2.1.4 explicitly prohibits both development and site alteration in a PSW without an EIS or EA that demonstrates **no negative impacts** on natural features or ecological functions. It is not possible for an EIS or EA to demonstrate that there is no negative effect on a wetland caused by draining it. If a Mutual Drain is to be constructed to allow the passage of water thru a PSW, an EIS must demonstrate no negative impact on the wetland itself or be a violation of the Planning Act.

Isn't it time that Council reigned in Moser before he damages more wetlands and causes more flooding in Stittsville and Kanata? At the very least put an end to this plan before any more city resources are wasted in pursuit of illegal environmental activity. Council should be more concerned with spending our money wisely and kill this waste of resources immediately.

With Fortitude,

Paul Renaud  
14 Cypress Gardens  
Stittsville, Ont

**From:** [Ken McRae](#)

**Sent:** Wednesday, March 02, 2011 11:56 PM

**To:** [Councillor Doug Thompson City of Ottawa](#) ; [Councillor Eli El-Chantiry City of Ottawa](#) ; [Councillor Scott Moffatt](#) ; [Councillor Shad Qadri City of Ottawa](#) ; [Councillor Stephen Blais](#)

**Cc:** [Christopher Zwierzchowski City of Ottawa](#)

**Subject:** Proposed Hazeldean Road Municipal Drain Engineer's Report

To: Members of Agriculture & Rural Affairs Committee (ARAC)  
City of Ottawa  
March 2nd, 2011

Subject: Proposed Hazeldean Road Municipal Drain Engineer Report and City staff report to be considered at March 3, 2011 ARAC meeting.

The following are my comments on the above subject. Given that I just saw the Engineer's Report for the first time yesterday, minus Appendix F "Technical Background Report" which is a separate document, which I just saw for the first time this afternoon, I am unable to submit all of my comments at this time. I will submit more detailed comments to all members of Council for when the matter goes to full Council.

**1/** Please see attached email entitled "Proposed Engineer's Report for proposed Municipal Drain in wetland." This is a Sept. 8, 2009 email of my then comments that I sent to all members of the then City Council when they were considering a recommendation from the then ARAC to appoint an engineer to carry out a full Engineer's Report, under the Drainage Act, for the proposed "Hazeldean Road Municipal Drain". Within that email there is also a copy of the earlier Aug. 27, 2009 comments that I sent to ARAC. Those comments also apply to the February 2011 Engineer's Report, with the exception of my comment regarding part of the Feedmill Creek Subwatershed being included within the "Drainage Basin" shown on the Preliminary Engineer's Report map figure included in the City

staff report that went to the ARAC in Aug. 2009. In comparing that map figure to Drawing 1 "Plan" in Appendix C of the Feb. 2011 Engineer's Report. The more recent map figure or plan has some differences in its "Drainage Basin" boundaries compared to the 2009 map figure.

**2/** The only real issue about this proposed municipal drain is the landowners wanting to use the Drainage Act as a vehicle to establish a municipal drain throughout a large part of the Provincially Significant Goulbourn Wetlands Complex in an attempt to have the wetland drained and destroyed so that they could then get the Provincially Significant Wetland (PSW) designation on their on properties removed, making way for future development applications where PSW now exists. Despite this neither of the map figures in Appendix C of the Engineer's Report shows the boundaries of the PSW. In my opinion this demonstrates either a bias on the part of the Stantec engineer against PSWs, or incompetence, perhaps both. I note as well that in the City staff report the map figure provided doesn't show either the PSW boundaries or the Engineer's Report "Drainage Basin" boundaries. That is information which should have been provided for any member of the public reading the staff report. The staff report is deficient.

**3/** In further regard to my previous raised concern about active beaver management in the Upper Poole Creek Subwatershed violating the City approved "Upper Poole Creek Subwatershed Management Plan" please note that the City's Mr. Moser never gave a straight answer to that concern when asked about it by former ARAC Chair Councillor Rob Jellett, at least not on the public record. I therefore request that Chair Thompson pry a straight response out of Mr. Moser on this matter during the March 3, 2011 ARAC meeting, on the record.

**4/** I looked at the Zoning Bylaw in the area of the proposed municipal drain and noticed that there is no land zoned agricultural in the area supposedly requiring drainage.

According to Section 53 of the Ontario Water Resources Act:  
SEWAGE WORKS

Approval of Director for sewage works

53. (1) Subject to section 47.3 of the *Environmental Protection Act*, no person shall establish, alter, extend or replace new or existing sewage works except under and in accordance with an approval granted by a Director. R.S.O. 1990, c. O.40, s. 53 (1); 2007, c. 12, s. 1 (14); 2009, c. 12, Sched. H, s. 3 (1).

Exception

(6) This section does not apply,

(d) to a drainage works under the *Drainage Act* or a sewage works where the main purpose of the works is to drain land for the purpose of agricultural activity;

Since none of the land involved is zoned agriculture and the main purpose of the drainage works is not to drain land for the purpose of agricultural activity a sewage works approval would be required if this proposed municipal drain is to be established. Please note that such an approval has previously been required in the case of the Faulkner Municipal Drain. Click on the links below to see copies of sewage works approvals issued in regard to the Faulkner Municipal Drain. I will write to the MOE requesting that they ensure that a sewage works approval is required if the proposed Hazeldean Road Municipal Drain is approved by City Council.

<http://www.environet.ene.gov.on.ca/instruments/2327-4KGQTC-14.pdf>

<http://www.vironet.ene.gov.on.ca/instruments/4619-5UYJTZ-14.pdf>

My time available to make comments on this matter at this time is now up. I will provide further comments when this matter is to go to full Council.

With Fortitude,  
Ken McRae