

March 21, 2010

Louissette Lanteigne
700 Star Flower Ave.
Waterloo, Ontario
N2V 2L2

In regards to OMB case # PL091182 regarding the West Side Lands in the City of Waterloo

OMB case PL091182 is following a previous OMB process, case PL071044. There are issues regarding failure to comply to the board order which I would like to raise with all parties. It is imperative that these issues be addressed prior to the finalization of draft plan approvals for the West Side Lands properties.

I have divided the topics into the following five categories:

- 1. Current Draft Plans of Subdivision for Vista Hills**
- 2. Grading and Water Augmentations Prior to OMB Mandated Studies**
- 3. Permits that allowed Greyerbiehl to be Augmented**
- 4. Tree Removal in ESPA 19**
- 5. Conclusion**

Current Draft Plans of Subdivision for Vista Hills

Currently the draft plan of subdivision for Vista Hills to be used for the upcoming OMB process for appeal PL091182, as provided to me by City of Waterloo planner Joel Cotter by email on February 25, 2009 appears to lack regard to the previous OMB ruling for PL071044 regarding these same properties.

OMB case PL071044, Exhibit 8, Expert Minutes regarding Amphibians section 2, it states the following passage.

Wetland W12, located in the northern block of the E.S.P.A. just east of the Vista Hills lands, is understood to be dependent upon groundwater and surface water flows, a significant

portion of which are understood to originate on the Vista Hills development lands. The Experts agree that in order to prevent an adverse environmental impact as defined in the Regional Official Policies Plan, and as prohibited under Policy 4.3.15, a detailed hydrological study shall be carried out prior to any disturbance in the form of grading or placement of fill within the catchment area of this feature, to recommend measures for the protection of the surface water and groundwater regimes which sustain the feature. These recommendations shall be implemented and there shall be no adverse impacts on wetland W-12.

Technical Water Experts Minutes, Exhibit 9 addressed the need to protect pond W-12 in Item #1.

ITEM #1 - The development of the Waterloo West Side Development Lands will remove a significant contributing source area for an environmentally sensitive feature in the Environmentally Sensitive Protection Area 19 (ESPA 19). Specifically, the wetland area identified as W-12 within ESPA 19 will have the portion of its contributing source area that falls west of the ESPA 19 buffer area removed during the development of the Waterloo West Side Development Lands.

Mr. Denhoed is satisfied that groundwater is not a concern with respect to W12.

Mr. Denhoed has concerns as to whether the post-development surface water regime will maintain pre-development surface water drainage and specifically the water balance and timing of the surface water run off with respect to maintenance of wetland ecology in W12, and the prevention of adverse environmental impacts as defined in the Regional Official Policies Plan.

The experts agree that this issue can be addressed and resolved by the following:

1. Include the following condition:

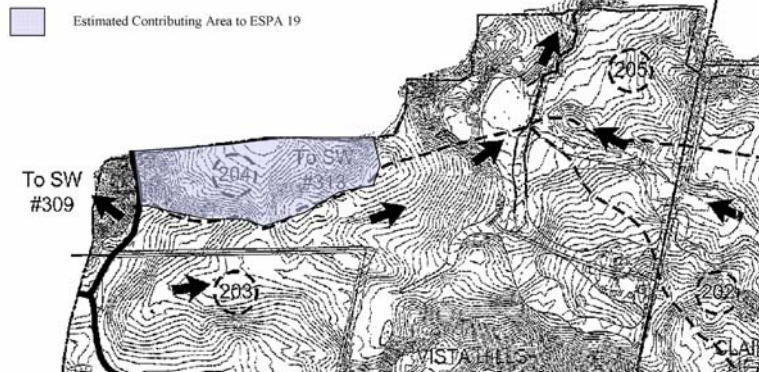
"The Owner shall demonstrate, to the satisfaction of the GRCA, the City of Waterloo, and Regional Municipality of Waterloo:

- (a) That post-development surface water drainage for the catchment area of W-12 that is within the proposed development lands be maintained in order to prevent an adverse environmental impact from the development as defined in the Regional Official Policies Plan, and prohibited under Policy 4.3.15. Pre-development surface water hydrology is to be determined through pre-development monitoring; or
- (b) That an assessment of the ecological characteristics and surface water hydrology of W-12 be undertaken to determine what surface water

Here is the delineation of the capture zone as created by my senior hydrologist, Stan Denhoed, in his affidavit used at the experts' meeting for the previous OMB appeal PL071044.

Figure 1: Estimated Area Contributing to ESPA 19

Base Source: Figure 2.0 Subwatershed Delineations / Existing Conditions Drainage Plan (Stantec, 2005b)



Harden Environmental

Figure 2: Location of Wetland W12



Harden Environmental

Source: Email from Louise Lanteigne..origin of photo is Ken Cornelisse, MNR.

The OMB ruling for the previous OMB appeal PL071044 dated, December 18, 2008 states on page 7, fourth paragraph:

The result of these two expert meetings is that all of the issues on the Issue List were resolved and the resolution recorded in the minutes of the respective experts' meetings. Specifically, the minutes of the meeting of experts dealing with the fish and amphibian issues were signed by Dean Fitzgerald and filed as Exhibit 8 in these proceedings. The minutes of the meeting of experts dealing with the water issues were signed by Stan Denhoed and filed as Exhibit 9 in these proceedings.

Counsel for the proponents, the City and the Region, as appropriate, confirmed that the requirements and conditions referenced in Exhibits 8 and 9 are acceptable and will stand. Ms Lanteigne confirmed that she relies on the opinions of her experts as

reflected in Exhibits 8 and 9 and is content. Since all of Ms Lanteigne's issues have now been resolved, as between Ms Lanteigne and parties opposite no issues remain.

The OMB ruling for PL071044 stated the conditions referenced in Exhibits 8 and 9 are acceptable and will stand.

With over a year since the OMB ruling for PL071044, the current draft plan for Vista Hills remains unchanged. The draft plans being used for OMB hearing PL091182 still reflect a situation of adverse environmental impact as defined in the Regional Official Planning Policies Plan, and as prohibited by policy 4.3.15.

This matter will need to be resolved.

Grading and Water Augmentations Prior to OMB Mandated Studies

I observe in the experts' minutes for the previous OMB appeal process, PL071044, Technical Experts' Meeting regarding water Item #3 it states:

ITEM #3 – There has been inadequate monitoring to accurately calculate existing runoff conditions, infiltration conditions and groundwater discharge to Clair Creek and therefore these components of the water balance may be grossly inaccurate.

The experts agree that this issue can be addressed and resolved by the following:

1. Installation of additional mini-piezometers (2 to 3) at additional locations along the North Branch of Clair Creek. The approximate locations are shown on the attached figure and will be incorporated into the on-going pre-development monitoring program.

It is reasonable to state that in the experts' meeting, existing runoff conditions were meant in reference to the on site conditions that existed at the time of the experts' meeting for OMB case PL071044. The Water experts' meeting took place on September 25, 2008. Unfortunately dramatic land augmentations have taken place prior to the OMB mandated studies.

In the first week of August 2009, prior to the installation of the piezometers, grading, cut and fill and water diversions from Clair Creek began on the Greyerbiehl properties as permitted by the City of Waterloo and Grand River Conservation Authority (GRCA). Here are some of the photos to show what took place.

Aug.10th 2009: Augmentations between Greyerbiehl and Clair Creek Meadows



Aug. 28 2009: Natural flow is altered.



Oct. 2, 2009: the topography of the area and water features has been altered.



The Permits that allowed the Augmentations of the Greyerbiehl Lands

In this correspondence sent from May 20, 2009 from City of Waterloo Planner Ron Ormson to Joe Grubb at Stantec, it states:

As Stantec is aware, subdivision engineering approvals have not been granted for the West Side Lands. No area grading or servicing is permitted at this time.

I have included this two page letter for your reference.

20 May 2009

Stantec Consulting Limited
49 Fredrick Street
Kitchener, ON
N2H 6M7



Attention: Mr. Joe Grubb, CET – Project Manager/Senior Associate

Subject: Greyerbiehl Subdivision Plan 30T-05402 – Waterloo Westside Lands – 2009 Initial Site Works

Further to Stantec's correspondence of 31 March 2009 and our subsequent discussions about the above-referenced subject, City staff understand that:

1. On behalf of Activa, Stantec will coordinate and supervise the excavation of two local topographic depressions and structurally backfill those depressions with borrow material from the site (i.e. the "initial works").
2. The purpose of the initial works is to establish geotechnically suitable conditions at the depressed areas in advance of future area grading. Stantec anticipates that an area grading plan will be submitted to the City in 2010 following the completion of subdivision engineering design.
3. The initial works are to be limited to those locations depicted on Stantec Drawing C-600 (dated 31 March 09).

Site Management Requirements

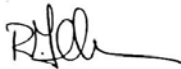
4. No initial works will be commenced until a topsoil permit has been issued by the City's Engineering & Construction Division and all applicable fees, securities and requirements in support of that permit have been provided to our satisfaction. We can confirm that Stantec's application for same is currently being reviewed by City staff.
5. Prior to the commencement of the initial works, Stantec will provide the City with a final clearance letter from the Grand River Conservation Authority (GRCA) for the works and/or a copy of a GRCA permit for the works pursuant to O.Reg. 150/06.
6. Sediment and erosion control fencing will be installed prior to any onsite work. The proposed temporary sediment basin 'A' (depicted on Stantec Drawing C-600) will be constructed to prevent the offsite discharge of sediment laden water. Routine site inspections will be carried out by Stantec following rainfall events and at any other time deemed necessary by City staff.

to verify that all erosion control measures are performing effectively. Written records of those inspections shall be provided to the City within 24 hours of a rainfall event.

7. Prior to the commencement of the initial works Stantec will verify the haul route(s) and construction access point to the Greyerbiehl site. This is to be depicted on Drawing C-600. As Stantec is aware, the City does not support the use of the construction access point currently depicted on Drawing C-600 and suggests that the necessary arrangements be made to use Columbia Street.
8. The name and contact information of the contractor(s) performing the initial works is to be provided to the City's Engineering Project Manager at least five (5) working days in advance of the commencement of work.
9. All excavated organic materials are to be managed offsite in accordance with applicable standards and regulations.
10. All fill material shall be free of deleterious matter and shall be compacted to a minimum 100% standard proctor density. The suitability of all fill materials, moisture contents, lift thicknesses, and compaction methods, are to be verified by a geotechnical engineer prior to backfill and compaction work. A copy of that engineer's verification, along with compaction testing records collected during the initial works are to be provided to the City's Engineering Project Manager.
11. Any applicable provisions of the City of Waterloo Development Manual (2003), Region of Waterloo and Area Municipalities Design Guidelines and Supplemental Specifications for Municipal Services (2008), OPSD requirements; the Greater Golden Horseshoe Area Conservation Authorities Erosion & Sediment Control Guidelines for Urban Construction (2006) shall be addressed.

As Stantec is aware, subdivision engineering approvals have not been granted for the West Side Lands. No area grading or servicing is permitted at this time.

Thank you for careful consideration of this matter. Please contact me at 519-747-8708 should you have any questions, or the Engineering Project Manager, Mr. Thomas Daniel 519-747-8744, who will be the primary contact for this file.



Ron G. Ormson, P. Geo.
Director, Engineering & Construction

cc. J. Cotter
T. Daniel
R. Lusk
D. McKean

I observed that John Palmer, Water Resources Engineer at the GRCA sent a message to Lisa Beth Bulford at the GRCA which states water will be *removed from Clair Creek* as a result of *grading and cut and fill operations*. This appears to conflict with the city's previous statement in the correspondence as provided by Ron Ormson to Joe Grubb of Stantec dated May 20, 1009 saying that grading is prohibited at this time.

From: John Palmer
Sent: Thursday, June 04, 2009 4:53 PM
To: Lisa Beth Bulford
Subject: P60/08 Greyerbiehl Subdivision fill permit

Lisa,

I have reviewed Stantec's Drawing C-600, Initial Site Works to Fill Depressions, and have no engineering concerns with the proposed works. It appears that the cut and fill operations and grading to a temporary sediment basin results in discharge away from the Clair Creek system on to hummocky lands or depressions owned by the developer and thus there is likely no environmental sensitivity to the proposed operation that has not already been addressed. If you would like confirmation of this then I am awaiting a call from Joe Grubb for clarification.

John

John Palmer, P.Eng.
Water Resources Engineer
Grand River Conservation Authority
519-621-2763 ext.2289

The next pages show a correspondence from Joe Grubb of Stantec to Planner Ron Ormson at the City of Waterloo which includes a copy of the Initial Site Works Plan dated 2009.



Stantec Consulting Ltd.
49 Frederick Street
Kitchener ON N2H 6M7
Tel: (519) 579-4410

Stantec

March 31, 2009
File: 1603-10809/29

City of Waterloo
Engineering Division
City Hall, 2nd Floor
100 Regina Street South
Waterloo ON N2J 2Z5

Attention: Mr. Ron Ormson

Dear Mr. Ormson:

Reference: Greyerbiehl Subdivision – City of Waterloo – Plan 30T-05402
2009 Initial Site Works

On behalf of Activa Holdings Inc., enclosed is the following:

- Three copies of Drawing C-600 illustrating Initial Site Works proposed for 2009
- Two copies of the temporary sediment basin volume calculation sheets
- One copy of the Topsoil Removal Permit and associated site management control estimate

The works proposed in this submission are limited to excavation (to competent subgrade) of two local site depressions on the north side of the Hydro One Easement and structurally filling these depressions using onsite borrow material. The works are proposed to commence on July 16, 2009 immediately after the window relating to the Migration Bird Convention Act of which the draft plan conditions currently limit site works between May 1 and July 15, 2009. An area grading submission for the subdivision is expected to occur in 2010, once final design works have been completed.

We understand that for the limited site works proposed, only approval of the Topsoil Removal Permit is required. A copy of the submission has been forwarded to the GRCA for information purposes.

Should you have any questions please call me at this office.

Sincerely,

STANTEC CONSULTING LTD.

Joe Grubb, CET
Project Manager/Senior Associate
Tel: (519) 585-7279
Fax: (519) 579-8664
joe.grubb@stantec.com

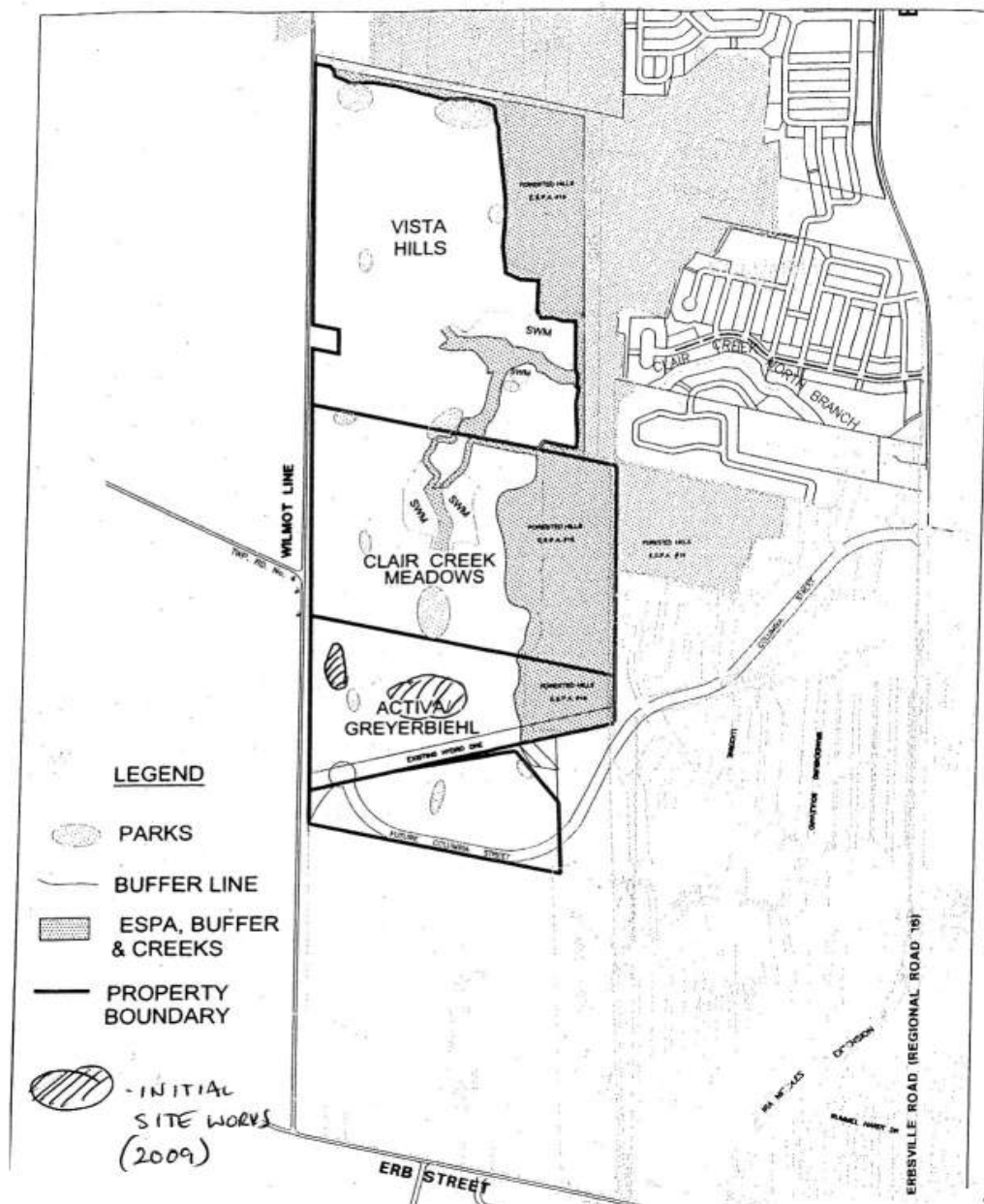
Attachment

- c. Mr. Peter Armbruster, Activa Holdings Inc. (enclosure)
Mr. Douglas Stewart, IBI Group (ltr. only)
Ms. Lisa-Beth Bulford, GRCA (enclosure)

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4.



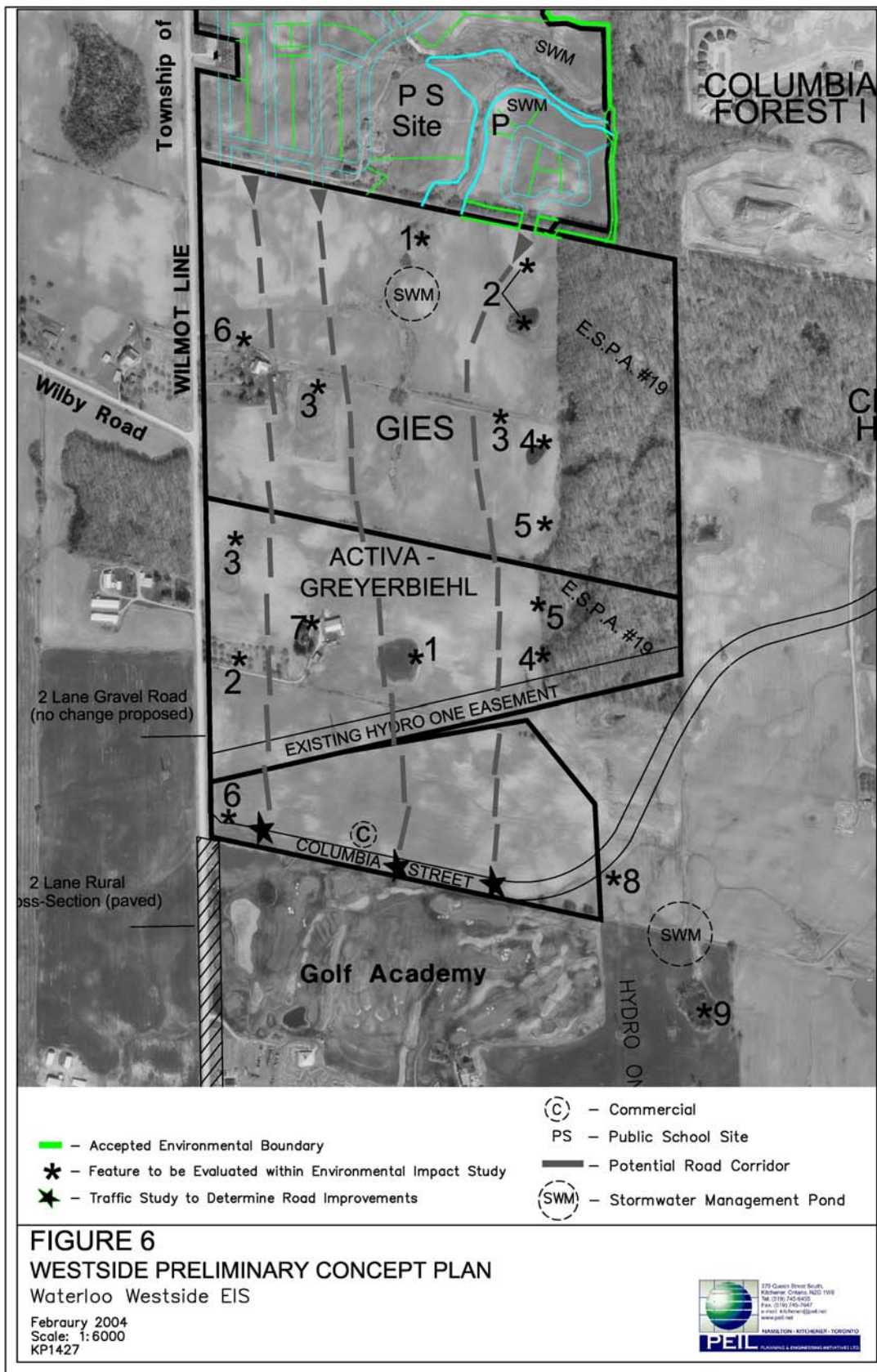
The map shows the delineation of the proposed augmentation area as well as a Storm Water Management Pond (SWM) is to be installed to the north on top of reaches of Clair Creek; in spite of the fact that the OMB process PL071044 secured those SWM ponds would be **offline**. This measure was required to protect the fisheries in Clair Creek as noted in the experts' minutes. Exhibit 8 section regarding Fish section 2.

2. *Has the Clair Creek tributary and any potential fish habitat located therein been properly protected in the design of the proposed development and by way of conditions of draft approval?*

Based on the discussion today, the Experts agreed that the design of the proposed development, including offline stormwater management facilities, and conditions of draft approval will adequately protect the Clair Creek tributary and any potential fish habitat located therein.

The map below was used during the experts' meeting for PL071044 to illustrate how the original proposed pond would have overlapped branches of Clair Creek. The photo is a detailed look of Figure 6 West Side Preliminary Concept Plan Waterloo Westside EIS





I observed in the Circulation Notice by Lisa-Beth Bulford dated May 14, 2009, that it indicates grading activity will take place. The comment section states a note in the Draft Approval of Subdivision:

prior to area grading or pre-servicing, a geotechnical report and plans will be required to ensure that shallow and deep groundwater infiltration targets will be maintained post development.

At the bottom of the page in handwriting it states, "...no engineering concessions, permit approval recommended" and it is signed by John Palmer, who is the Water Resources Engineer for the GRCA.

2009-06-05

CIRCULATION NOTICE by Lisa-Beth Bulford	
DATE ISSUED: May 14, 2009	GRCA ID#: Permit # 187-09 YEAR: 2009 30T-05402
DATE DUE: May 28, 2009	TIME TRACKING REQ'D: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
FILE NO:	
PERMIT Site Plan Subdivision Class EA Zoning Severance Minor Variance Other OPA	
APPLICANT/AGENT: Activa Holdings Inc.	
LOCATION (GIS map): Greyerbiehl Subdivision (map attached)	
NATURE OF WORK: Initial Site Works to Fill Depressions	
TO: Engineering	
STAGE IN PLANNING PROCESS: N/A Preliminary (Pre-Conditions)/Pre-consultation: Final Clearance (DPC or Planning Conditions): Submission #: Final:	
DATE OF LAST GRCA CORRESPONDENCE (comments attached): June 16, 2006 Conditions of Draft Plan Approval 30T-05402	
TO REVIEW/RELATED FILES:	
<p>Engineering: <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> SWM <input checked="" type="checkbox"/> E&S <input type="checkbox"/> Floodplain <input type="checkbox"/> SWS <input type="checkbox"/> Slope <input type="checkbox"/> Geotech <input type="checkbox"/> HydroG <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> Grading <input checked="" type="checkbox"/></p> <p>Fisheries:</p> <p><input type="checkbox"/> E&S <input type="checkbox"/> Timing Window <input type="checkbox"/> SWS <input type="checkbox"/> DFO <input type="checkbox"/> Setbacks/Buffers</p> <p>Biology:</p> <p><input type="checkbox"/> EIS <input type="checkbox"/> E&S <input type="checkbox"/> SWS <input type="checkbox"/> Setbacks/Buffers <input type="checkbox"/> Wetland <input type="checkbox"/> HydroG</p> <p>Additional Comments:</p> <ul style="list-style-type: none"> The EIS confirms that the two kettle depressions near the Wilnot Line are not environmentally significant and can be removed subject to obtaining a permit under O. Reg. 150/06. There is a note in the Draft Approval of Subdivision that prior to area grading or pre-servicing, a geotechnical report and plans will be required to ensure that shallow and deep groundwater infiltration targets will be maintained post-development. The plan will include a cut/fill plan, depth to water table after cut/fill, and percolation testing for silt material and all other matters of interest to the GRCA. 	
FILE ATTACHED (if not who has main file): Engineering	

SAVE COMMENTS:

N:\Watershed Resources Planning\Resource Planning\ROW\Waterloo\SUBDIV\30T-05402

No engineering concerns - permit approval
Recommended for 5 June 2009

I observed the GRCA permitted the land and water augmentations on July 21, 2009 as signed off by Paul Emerson, CAO of the Grand River Conservation Authority.

2009-06-02



Permit Number: 187/09

Grand River Conservation Authority

Under Ontario Regulation 150/06 made under the Conservation Authorities Act, R.S.O. 1990, Chapter C.27, permission is granted to:

Activa Holdings Inc.

Whose address for purposes pertaining to this project is:

735 Bridge Street West
Waterloo, ON
N2V 2H1

To execute proposed works in accordance with the following particulars and conditions:

Location of Work: Part Lot 42, G.C.T.,
City of Waterloo

Purpose of Work: To remove two wetland pockets prior to pre-grading of a subdivision development at Part Lot 42, G.C.T. in the City of Waterloo.

Nature of Work: Remove two wetland pockets

This permit is valid from: **July 21, 2009**

and expires on: **July 21, 2011**

The attached Schedules form parts of this permit describing the approved work and must be implemented in order so that the true intent of the permit can be achieved.

The Permittee, by acceptance and in consideration of the issuance of this permit, agrees to the conditions listed on the reverse side of Schedule "A".

Dated at Cambridge, Ontario, this 21st day of July, 2009

GRAND RIVER CONSERVATION AUTHORITY

Paul Emerson,
Chief Administrative Officer

Mini-piezometers were mandated to resolve the following issues so the West Side Lands as noted in the experts' minutes for OMB appeal PL071044:

ITEM #3 – There has been inadequate monitoring to accurately calculate existing runoff conditions, infiltration conditions and groundwater discharge to Clair Creek and therefore these components of the water balance may be grossly inaccurate.

The experts agree that this issue can be addressed and resolved by the following:

1. Installation of additional mini-piezometers (2 to 3) at additional locations along the North Branch of Clair Creek. The approximate locations are shown on the attached figure and will be incorporated into the on-going pre-development monitoring program.

ISSUES FROM THE PROCEDURAL ORDER – Water

1. **Have the subject lands been studied from a watershed and subwatershed perspective, and if yes, are the proposed developments consistent with the recommendations of the watershed and subwatershed planning?**

The experts agree this issue has been resolved subject to the implementation of Items No. 1, 2 and 3 above related to Mr. Denhoed's Affidavit.

2. **Have the subject lands been studied from a hydrogeological perspective, and if yes:**
 - a. **Was the study properly undertaken?**
 - b. **Are the recommendations of the study appropriate?**
 - c. **Are the recommendations of the study being implemented through the design of the subdivision and/or by way of conditions of draft approval?**

The experts agree this issue has been resolved subject to the implementation of Items No. 1, 2 and 3 above related to Mr. Denhoed's Affidavit.

4. **Is there sufficient protection through the design of the development and/or by way of conditions of draft approval to maintain groundwater infiltration in accordance with applicable legislation/policy?**

The experts agree this issue has been resolved subject to the implementation of Items No. 1, 2 and 3 above related to Mr. Denhoed's Affidavit.

7. **Has the groundwater and surface water been properly monitored over a 12 month period?**

The experts agree that the answer to this issue is yes subject to Item No. 3 above related to Mr. Denhoed's Affidavit.

In an email sent to me by City of Waterloo Planner Joel Cotter dated March 18, 2010, it states:

In regards to your email of 17 March 2010, the additional mini piezometers were installed in September 2009

Based on the information provided by Joel Cotter, it is clear the installation of the piezometers took place one month after the augmentation of the Greyerbiehl and Clair Creek Meadows properties.

It is reasonable to state that the GRCA and the City of Waterloo permitted the augmentation in spite of the fact that all experts signed off on that:

- There was inadequate monitoring to accurately calculate existing runoff conditions, infiltration conditions and groundwater discharge to Clair Creek
- The plans were not consistent with the recommendations of the watershed and subwatershed planning
- There were insufficient studies from a hydrogeological perspective
- There was insufficient protection to maintain groundwater infiltration in accordance with applicable legislation/policy
- There was insufficient data regarding groundwater and surface water monitoring reflecting a 12 month period

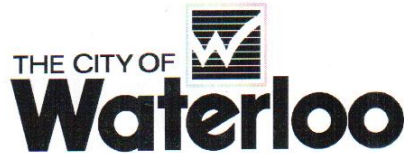
The piezometer was mandated to remedy the situation, but it was not installed prior to the permit that allowed the land augmentations.

This action constitutes as a direct violation of the Federal Fisheries Act, Municipal and Provincial Planning Policy and the OMB Order for PL071044.

Tree Removal in ESPA 19

The servicing for the West Side Lands subdivision is planned to be built with servicing underground and an asphalt trail over top through areas of ESPA 19 between the Columbia Forest Subdivision and Vista Hills. The trail is going to feature lighting as well.

Here is the city's official notice as provided to residents of Columbia Forest.



PUBLIC NOTICE

February 18, 2010

Later this year, trail and servicing works will commence in E.S.P.A. #19 immediately west of Columbia Forest Court (see location map on reverse). All works will be carried out in accordance with municipal approvals and completed Environmental Assessments. Initial work in March 2010 will include some limited tree removal to facilitate soil sampling. Soils information will be used to complete the detailed design of the underground services that are required for the approved subdivisions west of the E.S.P.A. Construction of the trail and servicing works is anticipated in the fall of 2010.

The trail will be a primary pedestrian link between the residential neighbourhoods on the east and west sides of E.S.P.A. #19. The trail will serve as a travel route for school children, facilitate connectivity between neighbourhoods, and contribute to safe and affordable recreational opportunities as part of the west side trail system. The trail will likely be a three (3) metre-wide asphalt trail, with lighting in accordance with the *West Side Trail Master Plan*. Lighting is for public safety, but will be designed so that the illumination has low disturbance on the area ecology.

Beneath the trail will be a gravity sanitary sewer to service the subdivisions to the west in accordance with the *West Side Trunk Sanitary Sewers South Branch Class Environmental Assessment*. The eastern section of the service, where the woodlands are less dense and there are fewer mature trees, will be installed using an open cut with trench box. The western section of the service, where the topography is more rolling, will be installed using trenchless technology.

All works within E.S.P.A. #19 will be confined to a ten (10) metre working corridor in accordance with the completed Environmental Assessments. Following the installation of the trail and servicing infrastructure, the working corridor edges will be naturalized and trees will be replanted in accordance with an approved restoration plan. The alignment of the trail/servicing works was determined in 1996 through the *West Side Trunk Sanitary Sewers South Branch Class Environmental Assessment*. The alignment is through the narrowest part of E.S.P.A. #19 in a location that minimizes the loss of mature trees. A straight crossing is practical in this location, which is important for two reasons: (1) it allows for clear sightlines through the woodlands, a design principle to enhanced public safety; and (2) it facilitates trenchless servicing technology to minimize impacts on the natural environment. The alignment is sufficiently distanced from Clair Creek and wetlands to avoid ecological disturbance.

Should you have any questions, please free to contact us.

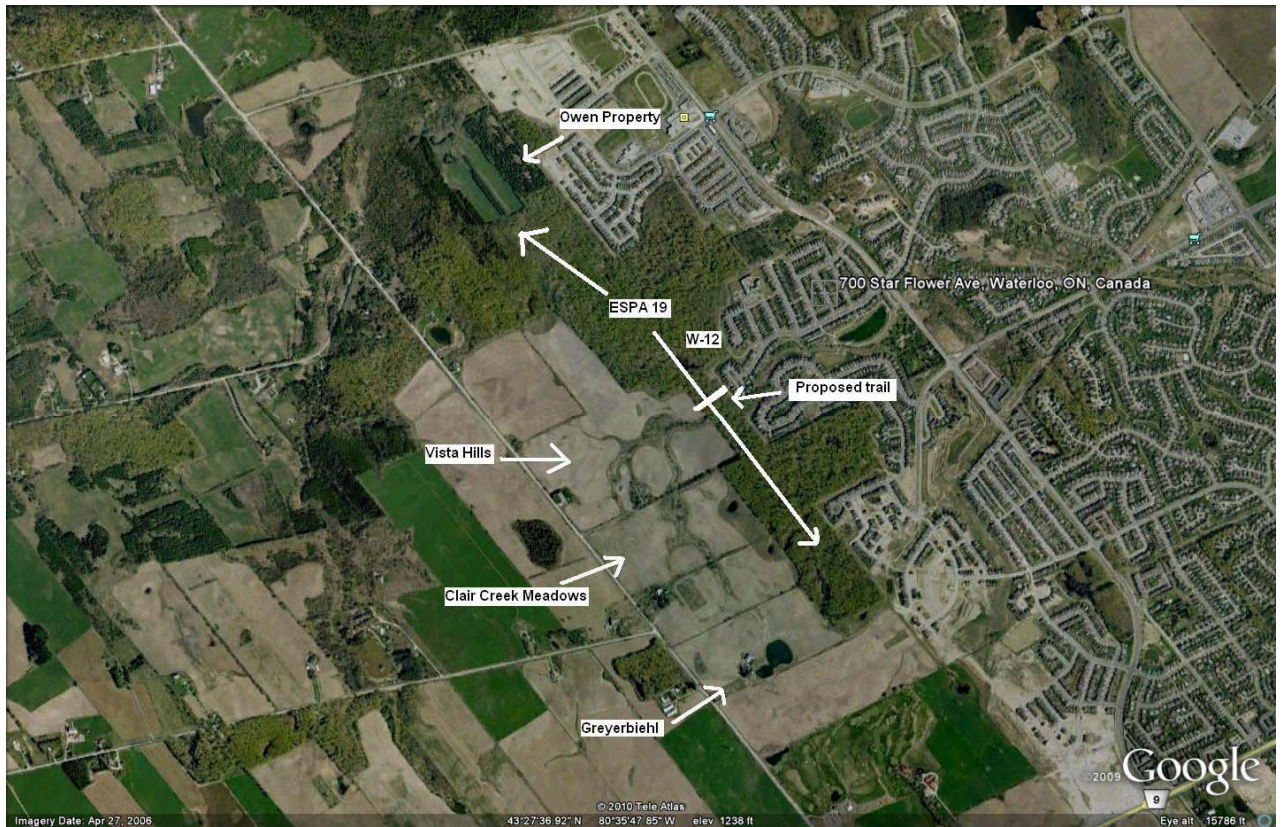
RON ORMSON P. GEO
Director, Engineering & Construction Division
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519.886-1551 x2206
ron.ormson@waterloo.ca

THOMAS DANIEL B. Sc. ENG
Project Manager, Engineering & Construction Division
City of Waterloo
Development Services
519.747.8744
thomas.daniel@waterloo.ca

LOCATION MAP



Here is a Google Earth Map to view the placement of the trail in proximity to the ESPA 19 and the West Side Lands area.

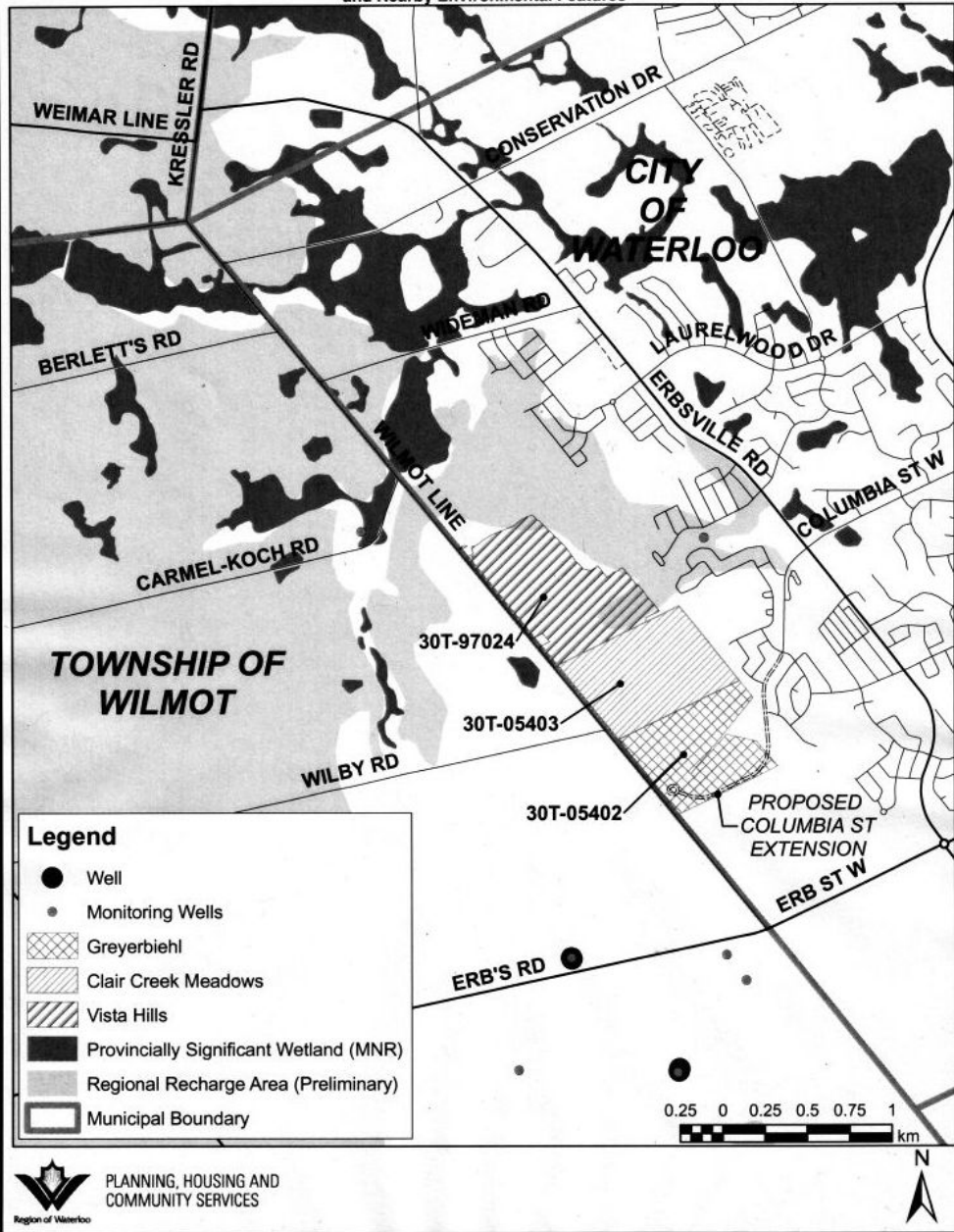


The open water features, forests and fields in and along ESPA 19 attract a wide diversity of rare birds including endangered Acadian Flycatchers, Hooded Warblers, Red Headed Woodpeckers Red Shouldered Hawks among other species previously identified in ESPA 19. EIS reports for the Owen Property and the West Side Lands confirm sightings of the endangered Acadian Flycatcher in ESPA 19 in 1997 and 2001.

The Waterloo Moraine is approximately 400 sq km but 80% of the water is gathered in primary (preliminary) recharge areas in approximately 120sq km of land located within the Waterloo Moraine's delineation. The trail and servicing is currently planned to be installed through primary recharge in the capture zone of a vernal pond adjacent to wetland W-12.

A map is provided to illustrate the primary recharge areas located in the area in proximity to the West Side Lands properties.

Location of Draft Plans of Subdivision 30T-97024, 30T-05402 and 30T-05403
and Nearby Environmental Features





These photos were taken on August 15, 2009 in ESPA 19 in the vicinity of the proposed trail.

From spring to fall, the canopy from the mature trees keeps sunlight out, except at dawn and dusk when the sun shines in from the buffer zone areas along Columbia Forest and the West Side Lands. The shading they provide the leaves they produce and their root systems help to maintain the recharge capacity of this area. The plants, moss, leaves, decaying branches and trees help to retain moisture on site which facilitates infiltration of water through sediment to the aquifer systems we rely on as a municipality.

Waterloo Region is the largest region in Canada dependent on ground source drinking water. Currently groundwater provides approximately 80% of our current water supply.

On March 19, 2010 I photographed trees that were removed in ESPA 19, some of which were located in the capture zone of a vernal pond. I built a website to show the photos online at: <http://www.waterloomoraineact.com/treeremoval.htm>

I have included some of those photos on the next page for reference.

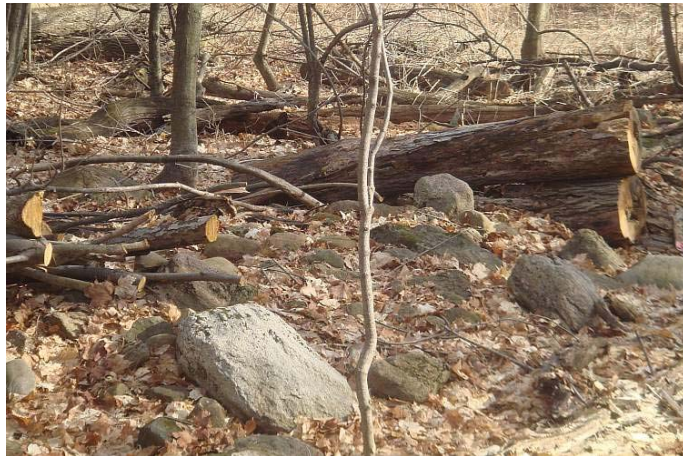


The City of Waterloo sign confirms plans to create a corridor 4-10 meters wide. Below is a photo of testing taking place adjacent to a vernal pond. Trees were removed in the capture zone in areas that slope down from the buffer zone along Vista Hills.





This cluster of trees is tagged for removal. Many trees of the similar height are tagged.





Many heritage trees, including the one above (measured at 83 inches), are tagged for removal.

Conclusion

I have witnessed grading, cut and fill, as well as water diversions from Clair Creek that have taken place prior to the installation of the OMB mandated piezometers and prior to the completion of the mandated studies in violation of the OMB ruling and the Federal Fisheries Act.

Prior to land augmentations, the OMB process for PL071044 proved there was no reasonable data to assess changes in flow contribution to downstream water sources and associated impacts on fisheries; there was uncertainty relating to assurance of long term flow contribution to these watercourses; uncertainty relating to the impact on municipal well systems; uncertainty related to flood control; as well as lack of reasonable data to establish a rehabilitation plan.

The current draft plans being used for OMB hearing PL091182 reflects a situation of adverse environmental impact as defined in the Regional Official Planning Policies Plan, and as prohibited by policy 4.3.15.

I have witnessed the removal of trees to facilitate hydrological testing in ESPA 19 without regard to the fact that the tree removal will adversely impact the existing hydrology. Removing heritage trees and replacing them with saplings will not reasonably maintain the same hydrologic regime or replace the function of mature trees in this forested primary recharge area.

I demand that the City of Waterloo, the Region of Waterloo and developers immediately cease and desist all further land augmentations in ESPA 19 and throughout the West Side Lands until the mandated studies from OMB process PL071044 has been reasonably completed.

Yours respectfully,

Louissette Lanteigne