

ONTARIO MUNICIPAL BOARD

1281216 Ontario Inc (Intracorp) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 270-2004 of the City of Brampton to rezone lands respecting Part Lot 14 and 15ND, Concession 7 from "Recreational Commercial" and "Flood Plain" to "Executive Residential, Valley Land and Parkette " to permit residential uses
OMB File No. PL081113

1281216 Ontario Inc (Intracorp) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Brampton to redesignate land at Part Lot 14 and 15ND, Concession 7 from "Recreational Commercial" to "Residential" to permit residential developments
Approval Authority File No. CO7E15.009
OMB File No. PL081175

1281216 Ontario Inc. (Intracorp) has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the City of Brampton to make a decision respecting a proposed plan of subdivision on lands composed of Part of Lot 14 and 15ND Concession 7 in the Town of Brampton.
Approval Authority File No.: 21T-05014B
OMB File No. PL081174

WITNESS STATEMENT

OF

DENA LEWIS

TORONTO AND REGION CONSERVATION AUTHORITY

EXHIBIT _____

March 30, 2009

Witness Statement

Dena Lewis
Supervisor Terrestrial and Aquatic Ecology
The Toronto and Region Conservation Authority
5 Shoreham Drive, Downsview, Ontario, M3N 1S4

Witness Qualifications and Preparation

1. I am employed as the Manager of Terrestrial and Aquatic Ecology within the Ecology Division of The Toronto and Region Conservation Authority (the Authority), and have worked with the Authority since October, 1990. My responsibilities include the review of planning documents, development applications and applications for permits in the Authority's jurisdiction pursuant to the Fill, Construction and Alteration to Waterways Regulation (Ontario Regulation 166).
2. I was responsible for the Authority's former Environmentally Significant Areas (ESA) Program including the update designation criteria, identification of ESAs and preparation of interpretation, management and policy guidelines. I also coordinated the field investigations to identify, describe and map ESAs.
3. I coordinated the preparation of the Authority's Terrestrial Natural Heritage System Strategy. The strategy is a more comprehensive and pro-active approach to conserving the terrestrial biodiversity in the Authority's jurisdiction.
4. With respect to the development application that gives rise to the subject proceedings, I have been involved with other Authority staff with the review of the proposals in response to their circulation by the City of Brampton.
5. Prior to obtaining this position with the Authority, I worked for approximately 12 years in a variety of positions relating to natural resource assessment, protection and management.
6. My curriculum vitae are attached as Schedule A to this witness statement.
7. I am familiar with the areas in question and have visited the area.
8. For the purpose of preparing this witness statement, I have relied upon the following documents:
 - 1281216 Ontario Inc. (Intracorp Projects) Proposed Residential Subdivision Phases 5 and 6 Functional Servicing Study, Candevcon Limited, Revised November 21, 2008.
 - 1281216 Ontario Inc. Proposed Residential Subdivision and Castlemore Golf &Country Club Proposed Golf Course Modifications Summary Report Environmental Enhancement and Low Impact Development Features, Candevcon Limited, November 27, 2008.

- Environmental Impact Study Intracorp Phase V and VI Subdivision, Aquafor Beech Limited and North South Environmental Incorporated, March 2008.
- Addendum to Environmental Impact Study Intracorp Phase V and VI Subdivision, Aquafor Beech Limited and North South Environmental Incorporated, November 2008.
- Terrestrial Natural Heritage System Strategy, Toronto and Region Conservation Authority, January 2007.
- Humber River State of the Watershed Report- Terrestrial System, Toronto and Region Conservation Authority, June 2008.
- TRCA correspondence dated March 7, 2008; September 15, 2008; and March 13, 2009.
- Information contained within the witness statements of Mr. Quentin Hanchard and Mr. Ryan Ness.

DESCRIPTION OF THE AREA

The lands in question are located south of Countryside Drive and west of Goreway Drive and extend easterly to the valley of the west branch of the West Humber River. The lands are currently part of a golf course and consist of two parcels, north and south of an existing estate residential subdivision along Tortoise Court.

Two tributaries of Salt Creek traverse the site flowing generally in a southeasterly direction. The most easterly tributary has been identified as Tributary 2 and the western one as Tributary 1. The upstream reaches of the tributaries (i.e.; north of Countryside Drive) are now part of the storm water management scheme for the subdivisions with the outfalls from the storm water management ponds acting as the “source” for the two tributaries. Tributary 2 has been partially piped under the fairways of the golf course.

The topography of the site is quite undulating, likely due to the grading that was done as part of the golf course design. In the northern parcel a fairly large ridge/berm separates the stream corridors for the two tributaries.

There two ponds that are on-line to tributary 1 within the existing golf course. There are other on-line ponds within the private lots on Tortoise Court on both Tributary 1 and 2. In addition there are 3 other ponds within the golf course lands that are not on-line to the tributaries. It is my understanding that the ponds within the golf course lands are used for irrigation purposes.

The proposal is to convert the table land portion of the golf course (east of the West Humber Valley both north and south of Tortoise Court) to residential uses and to realign and reconstruct the stream corridors for Tributary 1 and Tributary 2. The latter is only being realigned on the northern parcel. This realignment and reconstruction will result in the removal of the existing on-line ponds and creation of a continuous stream corridor. The other off-line irrigation ponds will be removed to make way for the residential development.

The southern parcel abuts the exiting valley of the West Humber where a 2.5 m buffer is proposed between the new houses and the valley feature.

ISSUES

In my evidence, I will speak to the fact that insufficient information and analysis has been provided to demonstrate that the proposed realignments and reconstruction of Tributaries 1 and 2 will provide for the long term health and ecological function of the stream corridors and associated terrestrial and aquatic systems. The West Humber valley and the two tributaries of Salt Creek have been identified in the Humber River Watershed Plan as part of the “target” natural heritage system for the watershed. The re-development of the golf course for residential uses may offer an opportunity to rehabilitate and restore the tributaries as part of this natural heritage system. However, it is critical at this stage to ensure that the post-development water management scheme and proposed corridor blocks are appropriate by ensuring:

- The new tributaries maintain flow regimes and patterns that are consistent with the existing conditions and the conditions for the downstream reaches that are not part of this proposal. This includes both surface and subsurface contributions,
- That the realigned and reconstructed corridors have bottom widths that will accommodate the new channel form (meander belt),
- That the new corridors provide for enough room to restore woody riparian zones adjacent to the watercourse to improve aquatic and terrestrial habitat functions,
- That the new corridors be of sufficient size to ensure that the restored habitat is adequately buffered from the negative edge impacts associated with the new urban uses. This also applies to areas where the new residential uses are proposed abutting the main valley, and
- The crossing of the tributary channels, by the interior road “I”, is large enough to not constrain or impair the restoration of aquatic and terrestrial habitat functions.

The information provided to date does not address all of these issues. The corridor blocks are proposed to be 25 m for tributary 1 and 15 m for tributary 2. However, the corridor for tributary 1 narrows south of Street “I” to only 15 m. This is the area where most of the storm water flows will be entering the water course. It is also where the two tributaries are in close proximity and will need to be separated by a berm thus reducing the bottom width of the corridors. In addition, this is also a critical area for the tie in with the existing channels as they enter the private properties on Tortoise court. Further information in the form of a technical brief that speaks to: channel hydraulics and fluvial geomorphology (channel stability and natural channel design principles) is required. As well a comprehensive storm water management plan is required to show the existing drainage patterns and catchment areas for the tributaries will be maintained post-development to support the ecological functions of the two tributaries.

OVERALL CONCLUSIONS

It is my opinion that the proposed subdivision plan should not be approved at this time and based on the current proposals. There has not been sufficient information to demonstrate:

- The adequacy of the corridor blocks for the realigned tributaries.
- That there is adequate buffering of the new channels and exiting valley from the negative edge effects associated with new urban uses.

DISCLAIMER

This witness statement has been prepared based on the information available at the time of its preparation, March 30, 2009. If new information is provided prior to the hearing, modifications to this statement may be necessary.

Dated March 30, 2009

SCHEDULE A

Curriculum Vitae

Dena Lewis
Manager, Terrestrial and Aquatic Ecology
Toronto and Region Conservation Authority
5 Shoreham Drive
Downsview, Ontario
M3N 1S4

EDUCATION

Bsc. Forestry - University of Alberta, 1978

EXPERIENCE

May 2005 to the Present

Manager, Terrestrial and Aquatic Ecology

- Lead a team of terrestrial and aquatic ecologists to develop, communicate and ensure that the interpretation of the Authority's environmental objectives and programs are consistently, effective and efficiently delivered.
- Direct the preparation of the Authority's terrestrial natural heritage strategy and aquatic management plans, including development of targets for protection and restoration; impact analyses and compliance with ecological and planning principles.
- Ensure that the Authority's terrestrial natural heritage, aquatic and other environmental objectives and targets are communicated through the review of municipal planning documents and planning applications.
- Lead the development of the necessary guidelines and policies to achieve the implementation of the terrestrial natural heritage strategy and aquatic management plans, as well as, develop and recommend policies and guidelines for other aspects of natural resources protection and management.
- Guide the preparation of natural heritage (terrestrial and aquatic) related data and information necessary to achieve Authority natural heritage management objectives and procedures for ongoing updates.

July 2002 to May 2005

Senior Planning Ecologist, Toronto and Region Conservation Authority

- Lead a team of planning ecologists to communicate and ensure that the interpretation of the Authority's environmental objectives and programs are effectively delivered
- Supervise and direct staff in technical review of environmental reports and studies

- related to development proposals
- Develop and recommend policies/guidelines for natural heritage protection and management
- Represent the Authority on various environmental steering committees and technical committees
- Guide the collection of the necessary natural heritage data and information to achieve the Authority's natural heritage objectives as well as procedures for ongoing updates
- Provide technical support and guidance in the preparation and implementation of watershed management and natural heritage strategies.

October 1990 to July 2002

Planning Ecologist, Toronto and Region Conservation Authority

- Review of planning, zoning and development documents and permit applications and provide environmental comments to ensure environmental policies are adhered to
- Review of technical reports, drawings and documents submitted in support of plans and applications under the Authority's Fill, Construction and Alteration to Waterways Regulation for environmental concerns and comments
- Participation in preparation of Watershed Strategies, Subwatershed Planning and Corridor Reach Planning activities
- Maintenance of an up-to-date knowledge of the environmental policies of other agencies
- Development of a program to update designation criteria, identify and prepare interpretation, management and policy guidelines for the Authority's Environmentally Significant Areas (ESAs)
- Coordination of the field investigations to identify, describe and map ESAs
- Representation of the Authority on technical committee such as Rouge Park Vegetation Management Subcommittee, Rouge Park Natural and Cultural Heritage Subcommittee, subwatershed studies, natural feature studies and environmental master servicing plans

March 1989 to October 1990

Environmental Planner, Ontario Waste Management Corporation

- Administration of the activities of key environmental consultants (agriculture, biology, and atmospheric) who were involved in the site assessment and ongoing environmental monitoring for a proposed hazardous waste management facility

July 1988 to March 1989

Environmental Technician/Plant Ecologist, Metro Toronto and Region Conservation Authority

- Conducted vegetation inventories and prepared environmental study reports for sites where remedial works were to be done and made recommendations under the class EA regarding site rehabilitation
- Reviewed development plans and permits and provided comments, concerns and recommendations from an environmental perspective

June 1987 to October 1987

Site Classification - Vegetation Specialist, Alberta Forestry, Lands and Wildlife

- Collected and compiled field data for a bioclimatic inventory of the eastern slopes of Alberta from the Bow-Crow Forest north to the Rocky-Clearwater Forest with specific responsibility for all vegetation information for each site.

June 1984 to June 1987

Weather Resource Specialist, Alberta Agriculture

- Researched and developed methods of disseminating and interpreting agroclimatic information to the farming community, Department of Agriculture and other agencies
- Chaired a working group under the Agrometeorology Advisory Committee to describe climate parameters to be included in a new agricultural land classification system
- Vice-chair of the Weather Services subcommittee and Acting Secretary to the Drought Monitoring Committee, the latter was an interagency committee formed to develop action plans and policy recommendations in response to the severe drought experienced in Alberta in 1984 and 1985

May 1983 to June 1984

Technologist- Reservation Review, Alberta Forestry, Lands and Wildlife

- Conducted a review and resolve conflicts around the reservations that had been placed by various government departments on crown land within the agricultural zones of Alberta

March 1983 to December 1983

Ecological Reserves and Natural Areas Consultant, Alberta Forestry, Lands and Wildlife

- Conducted an assessment using existing information and remote sensing of candidate sites of interest to the Ecological Reserves and Natural Areas Program within the northern foothills of Alberta describing vegetation, soils, unique features, and access

June 1982 to January 1983

Reclamation Research Assistant, Syncrude Canada Limited

- Maintained, monitored and analysed data from several experiments on woody plant establishment started in 1978

August 1980 to June 1982

Forester/Plant Ecologist, D. A. Westworth and Associates

- Designed and conducted an inventory and sensitivity analysis of the vegetation within the North Saskatchewan River Valley within and upstream of the City of Edmonton
- Participated in the preparation of an ecological land classification for a large oil sands lease in northeastern Alberta

May 1978 to December 1979

Reclamation Research Assistant, Syncrude Canada Ltd.

- Participated in the design, set-up, and collection/analysis of data from various research projects involving the propagation and establishment of native woody material on tailings sand

AFFILIATIONS

Canadian Society of Environmental Biologists
Alberta Society of Professional Biologists