

To: Members of Corporate Services & Economic Development Committee (CSEDC)

City of Ottawa

Feb. 16, 2009

Subject: Item 1 "MOTION - POLICY ON SEEKING COST AWARDS" on the CSEDC Feb. 17, 2009 meeting agenda.

I support the Chiarelli/Cullen motion, with one exception. The motion refers only to "community and resident public interest groups". It should also apply to individuals who aren't a member of a group.

Individuals also take part in democratic consultation and appeal processes for all levels of government in Canada. Regardless of whether their comments are adopted in whole or in part or not at all, whether their appeals are successful in whole or in part or not at all, their efforts often provide benefit to society.

A personal example is an OMB appeal I made in 2004 regarding a City of Ottawa decision to rezone lands that are part of the Ashton Station Wetland as NEA-1. At that time that wetland was not designated Provincially Significant by OMNR. I argued that wetland is either part of the Provincially Significant Manion Corners Long Swamp Wetland (PSMCLSW) or should be complexed with the PSMCLSW and therefore be zoned as Significant Wetland.

Because I didn't have professional evidence to support my claim that the Ashton Station Wetland should be designated Provincially Significant I lost my OMB appeal. The respondent's (landowner) request for costs was denied by the Board.

My claim that the Ashton Station Wetland is Provincially Significant was since vindicated in the May 28th, 2008 letter from OMNR's Kemptville District Manager Alex Gardner to the City of Ottawa. In his letter he wrote:

"Ashton Station Wetland

Ashton Station Wetland was a non-provincially significant wetland that was originally evaluated in 1994. It is located on the SW corner of the larger, provincially significant Manion Corner's Long Swamp Wetland. At its closest point, these two wetland areas were separated by less than 400 metres. The area between the two wetlands appears to be predominantly natural cover with additional areas of wetland visible at the proximal edges of both wetlands, bringing the actual separation distance to approximately 200 metres. Additionally, there is a small surface watercourse that actually joins the two wetlands. The wetlands meet the criteria for complexing (as per OWES), because the surface water connection provides a hydrological link between the two wetland units, and the separation distance is less than 750 metres. Manion Corners Long Swamp wetland is already provincially significant. The addition of the new area of the Ashton Station Wetland can only increase the wetland score, and so the new wetland complex is also provincially significant. Ashton Station wetland should henceforth be considered as part of the Manion Corners Long Swamp Wetland Complex, and these areas should be considered to be Provincially Significant Wetland."

The above is just one of many environment protection matters I've worked on over the past 20 years. My efforts on some other matters has led to fines, charges and convictions for violations of various environment protection laws. Other court actions are presently still ongoing.

The above efforts and other non-paid environmental protection work I've carried out resulted in the legal counsel for the Environment Commissioner of Ontario nominating me each of the last 3 years for a Canadian Environment Award. I didn't win. However, the aforementioned indicates that individuals should also be given the same consideration as "community and resident public interest groups" in the matter before you.

Thanking you in advance for your consideration of the above.

With Fortitude,

Ken McRae