

Developer's plan fails to show 'overall benefit' for Kanata Lakes species at risk

After intensive negotiations with the provincial Ministry of Natural Resources and Forestry, Kanata Lakes North Development Inc. (KNL) has applied for a permit to destroy up to 124 hectares of Blanding's Turtle habitat, remove up to 120 Butternut trees and "kill, harm and harass" Least Bittern—species designated as either endangered or threatened.

The granting of this permit would allow the company to proceed with developing subdivision phases 7 and 8, located between Kizell Wetland and the South March Highlands Conservation Forest. (Readers may recall this developer's wholesale destruction of forested land in 2002—the Great Kanata Tree Massacre—and in 2011—the destruction of Beaver Pond Forest.)

KNL could be given this permit if it can demonstrate that taking certain actions would result in an "overall benefit" for these species.

This application should be rejected for the following reasons:

- The ministry botched the process. Information posted on Ontario's Environmental Registry website is vague on how an overall benefit would be achieved. Halfway through the initially announced 30-day comment period, Councillor Marianne Wilkinson got wind of additional information that was available and, over three weeks into the comment period, was able to make paper copies available in the Beaverbrook branch of the Ottawa Public Library. As a minimum, the notice should be withdrawn and reposted, and all the background documentation should be made conveniently accessible to all.
- The application is incomplete as it does not mention other species at risk also found on the site, including Whip-poor-will and American Ginseng.
- In the Ministry's words, "Overall benefit is more than 'no net loss' or an exchange of 'like for like.' Overall benefit is grounded in the protection and recovery of the species at risk and must include more than mitigation measures or 'replacing' what is lost." The bulk of KNL's proposed measures consists of no more than mitigation, e.g. the extensive fencing that would be erected to channel Blanding's Turtles into corridors and construction of new nesting and overwintering sites that it is hoped the turtles will make use of. These are experiments -- that they would be an "overall benefit" is speculative.
- Doing research on the Blanding's Turtles population is given much attention in the application, but that research consists mostly of monitoring, which is even less of a standard than mitigation. Monitoring could consist of observing the extirpation of the local population. In fact, a tentative agreement with a university professor foresees an "out" in case there is nothing left to research.

- The application duly describes three possible alternatives—destroy everything, destroy nothing, or do something in between—but argues that destroying nothing, which means leaving this sensitive habitat alone, is not a "reasonable" alternative. This is a fundamental misinterpretation of the legislation. When the *Endangered Species Act* refers to "reasonable" alternatives, it means reasonable with respect to achieving the objectives of the Act, i.e. the protection of the endangered species. The profit of a developer does not come into it.

This application fails to demonstrate that an overall benefit would be achieved for the three species at risk mentioned by KNL. On the contrary, there would be a massively destructive impact on these species and their habitat.

We urge members of the public to send in their comments on this application before **February 17**. Search for notice **012-6270** posted on Ontario's Environmental Registry website (www.ebr.gov.on.ca).

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For further information, please visit www.greenspace-alliance.ca