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October 29, 2020

Hon. John Yakabuski
Ministry of Natural Resources and Forestry
Whitney Block 6th Flr Rm 6630
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Toronto, ON M7A 1W3

Via email: minister.mnrf@ontario.ca

Hon. Steven Clark
Ministry of Municipal Affairs and Housing
College Park 17th Flr, 777 Bay St,
Toronto, ON M7A 2J3

Via email: minister.mah@ontario.ca

Dear Minister Yakabuski and Minister Clark,

It has come to our attention that both of your Ministries are working toward use of a Minister's Zoning Order under the Planning Act to allow the destruction of a large provincially significant coastal wetland in Pickering. It is also clear from a review of correspondence between Minister Yakabuski and the Toronto Region Conservation Authority (TRCA) that you are seeking their concurrence and participation in this effort.

As you know, the Lower Duffins Creek Wetland Complex is a large wetland complex (over 20 hectares) that was designated as provincially significant by the Ministry of Natural Resources in 2005. It is a forested swamp with intermittent drumlins, and is a rare remnant of coastal Great Lakes wetlands, rarer still by being located within a city. Wetlands such as these provide critical benefits to communities that include flood mitigation, water filtration, and groundwater recharge. They also have significant value for wildlife, fisheries and recreation. In a 2009 study commissioned by the Ministry of Natural Resources and Forestry (MNR), the societal benefits

provided by urban wetlands were conservatively valued at \$161,420 per hectare (2008 CAD \$/year). Applying this figure to the Lower Duffins Creek Wetland Complex would suggest that the benefits it provides are worth over \$3,000,000 per year.

As you are also aware, the Provincial Policy Statement under the Planning Act strictly prohibits all development and site alteration within provincially significant wetlands. Moreover, it prohibits development on adjacent lands, thus requiring setbacks to ensure their functions are not damaged or inhibited. The requirement to ensure their protection is also included under the Conservation Authorities Act.

Durham Live has proposed to move far beyond its recently approved casino project (now under construction) located on upland areas east of the wetland complex by filling in and destroying most of the wetland on its property west of Squires Beach Road to create large warehousing facilities. The City of Pickering cannot approve such a proposal due to the prohibitions noted above.

Destruction of this provincially significant wetland can only proceed if Minister Clark issues a Minister's Zoning Order to by-pass provincial policy restrictions and if the TRCA issues a permit under the Conservation Authorities Act.

Minister Yakabuski's letter to John MacKenzie, Chief Executive Officer of the TRCA, of October 14th, 2020 suggests that the ministry has reviewed a report on the wetland conducted by the developer's consultant and "believes there is merit in reviewing reclassification of the wetland areas west of Squires Beach Road." The Minister asks the TRCA to enter into discussions with the Municipality and the Durham Live developer regarding "offsetting" the destruction that would occur if the MZO were issued and the TRCA were to issue a permit.

As you know, there is no wetland offsetting policy in Ontario. Any such offsetting program would need to be carefully designed and should never be used as an excuse to destroy the most important wetlands we have under the guise of a cash payment or "pay-to-slay" arrangement as is being contemplated in this case. This view was well articulated by a multi-member Wetland Strategy Advisory Committee, appointed by MNR, with representation from several industry groups, including developers. In its final report submitted in 2018 the committee recommended that provincially significant wetlands remain strictly off limits to development and offsetting.

Of course MZOs in themselves purposefully by-pass appropriate and necessary municipal planning, including consideration of the transportation, housing, environmental and servicing needs related to any project. In this case, those concerns are numerous given the large size of this proposed project. A failure to address these issues underlies the opposition to this project by the adjacent Town of Ajax.

Additionally, there are large areas of employment land within downtown Pickering where this project could be placed that do not require destruction of a provincially significant wetland. A review of the East Pickering Net Employment area mapping shows abundant serviced vacant and underutilized employment lands in close proximity to the proposed site (www.durham.ca/en/living-here/resources/Documents/EnvironmentalStability/EA-Servicing-Pickering.pdf).

Allowing the destruction of a provincially significant wetland in an urban setting is short-sighted in the extreme. The City of Toronto, for example, is in the process of spending billions of dollars to partially restore the coastal wetland that was destroyed over time at the mouth of the Don River. The city is doing this to try to recreate some of natural flood control, water filtration, recreation, wildlife and amenity values long lost. Places like Pickering have the opportunity to learn from the past mistakes of other municipalities, and that is why provincial policy is in place to ensure that these wetland areas are protected for the long term.

We are asking that you do not issue an MZO to rezone this provincially significant wetland. Issuing this MZO will completely undermine public confidence in Ontario's wetland conservation program and commitments, which aim to reverse the loss of wetlands across the province. Likewise, contemplating the reclassification of a large, provincially significant urban wetland to satisfy the demands of a developer will compromise the credibility of the Ontario Wetland Evaluation System which is intended to ensure that significant wetlands and the benefits they provide are scientifically assessed, recognized and protected.

We look forward to your reply and would be happy to meet at your convenience.

Sincerely,



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