

February 2008



INSIDE: SILENT GIANTS OF DUNDAS...2  
 OTTAWA STREET FARMERS' MARKET...2  
 PROTECT HARBOUR NATURAL AREAS ...3  
 LEG IT FOR YOUR NEIGHBOURHOOD...4  
 BATTLING SCRAPYARD EMISSIONS...7  
 RIDE THE BUS FOR EH...7  
 BETTY BLASHILL ENVIRONMENTAL PRIZE...8

## LESSONS FROM THE TURTLE PONDS

Changes needed in city practices and policy to protect significant natural areas

Over the last year, lakeshore residents in Stoney Creek, with assistance from Environment Hamilton and others, have successfully fought off two major development proposals that would have seriously degraded an environmentally significant remnant natural area just east of Confederation Park.

The experience offers some lessons on the shortcomings of the municipal practices that left this valuable wildlife habitat open to

desecration. This experience shows:

- 1 City designated Environmentally Significant Areas (ESAs) can be undesignated by developer pressure
- 2 The boundaries of ESAs are purposefully left vague to facilitate development proposals
- 3 There are no minimum buffer zones for urban ESAs in Hamilton
- 4 The city's ESA technical advisory



committee seems friendlier to developers than citizens

Prompt city action to correct these problems is needed to block any new attempts to develop these lands.

The Community Beach Ponds is a series of remnant shoreline ponds and wetlands known to  
*continued on page 5*

### TWO OUTSTANDING SPEAKERS

Environment Hamilton and Clean Air Hamilton present

**Feb 25 - Gil Penalosa**

Executive Director of Walk and Bike for Life

**A Hamilton for Walkers and Cyclists**

Hamilton Convention Centre - 7 pm

Environment Hamilton's Annual General Meeting

**March 27 - Mark Mattson**

Environmental lawyer and the Lake Ontario Waterkeeper

**Legally Protecting Our Waterways**

FRWY Cafe - 333 King East at Wellington - 7 pm

SEE DETAILS ON PAGES 2 AND 8

### RENEW YOUR MEMBERSHIP

It's time to renew your membership for 2008. Our annual fee remains at \$25 for a regular membership and \$15 for an unwaged or student member. All donations go into our environmental advocacy fund. You can complete the enclosed membership form and then mail us a cheque or bring a completed form and payment to any public event of Environment Hamilton such as the February 25 Gil Penalosa lecture at the Convention Centre or the March 27 annual general meeting at the FRWY Café, 333 King East at Wellington.

# DUNDAS TREE KEEPERS BUSY

The Dundas Tree Keepers continue to meet regularly. In December the EH-established group hosted a presentation by University of Toronto students who have just graduated from the Faculty of Forestry and chose the Dundas community and Tree Keepers as a case study for their Urban Forestry Management Project.

They have laid out a 20-year plan that includes many practical suggestions including proposing that neighbourhoods hire an arborist and share the cost of caring for their trees. Other ideas were community outreach plans to encourage residents to help keep their urban trees healthy, including information on how to mulch, water, prune and minimize damage from tree pests.

Some of these issues are already high on the Tree Keepers' agenda, and members are mapping out a series of public demonstrations and workshops for the coming months.

In the meantime, the group has had many requests to repeat a tree photo presentation, first shown last year by Dundas tree enthusiast, Bill Kennedy.

To lighten up the winter months, the group will be hosting another showing of "Silent Giants: a Photo Tour of Trees in Dundas"



with photos by Ginger Fillion and Julia Kollek on Sunday March 2nd at 2pm at the Dundas Valley Montessori School at 108 Park Street West in Dundas.

For more information, call the EH office at 905-549-0900.

# SUPPORTING THE FARMERS' MARKET

Hamilton Eat Local has been busy assisting the vendors of the Centre Mall Farmers' Market with their upcoming relocation. You can currently find the vendors at their temporary location in the front parking lot of Canadian Tire at the corner of Ottawa and Barton.

The proposed new site is the empty parking lots behind the businesses of Ottawa Street, just north of Cannon on the east side of the street. If everything goes accordingly, the vendors hope to be in their new location by the beginning of March.

A small group of Environment Hamilton staff, a volunteer, and one of Centre Mall Farmers' Market's farmers recently went door to door in the Ottawa Street neighbourhood with apples donated by Fletcher's Fruit Farm and information on the market relocation.

Overall, we were met with enthusiastic shoppers anxious to have the farm fresh products within walking distance. Hamilton Eat Local has been asked to have a formal role in the renewal of the Farmers' Market by representing the local food movement on the market association steering committee.

Our project manager currently sits as the Market's Secretary.

Stay tuned for details and be sure to come out to the Farmers' Market grand opening in May!

## TRANSFORMING HAMILTON STREETS

Gil Penalosa, the executive director of Walk and Bike for Life, and an outstanding international advocate of making cities cycling and walking friendly, is EH's guest speaker on February 25. In the late 1990s he was commissioner of parks, sports and recreation in Bogota Colombia where his accomplishments include shutting down 91 kilometres of city roads every Sunday to create the Ciclovía where over 1.5 million people now walk, bicycle, run and skate every week. His free Hamilton lecture will take place on Monday, February 25 at the Hamilton Convention Centre, starting at 7 pm. It is titled "Making Hamilton a Healthy City" and is co-sponsored by Clean Air Hamilton.



# PRESERVE OUR HARBOUR NATURAL AREAS

Environment Hamilton is opposed to the destruction of the natural areas in the east end of the harbour identified as Harris Inlet and Hobson's Pond

These areas have attracted local and national media attention in recent weeks as a result of development plans by the Hamilton Port Authority (HPA).

A 103 acre parcel of Stelco land was sold by to the Port Authority in December of 2006 for \$17.5 million. It includes ponds at the north end of the site, one directly connected to the



*Harbour inlet - the lower pond is already being filled in.*

harbour, which may be named Harris Inlet. But no matter what their name, they are certainly environmental treasures, as is Hobson's Pond located near Burlington Street and likely the southern terminus of the inlet.

Nearby residents know these natural areas as precious remnants of east harbour habitat that have been spared from infilling to this point and provide refuge for fish, birds and other wildlife right in the heart of the industrial core. They are particularly concerned about the fate of the harbour-connected pond, which appears to include some original shoreline and associated remnant natural features.

The Port Authority says the northern ponds are man-made 'scour ponds' which provide habitat of only questionable quality, and it plans to fill in both of them.

Immediately after purchasing the land, the HPA initiated a federal environmental screening for the northern portion of the property – an assessment process run by the Port Authority and also

evaluated by it.

Regulations under the federal *Environmental Assessment Act* gives port authorities the discretionary power to opt out of holding formal consultations with the public on environmental screening processes and this is precisely what the HPA chose to do in the case of Pier 22.

Consultation with selected agencies and organizations took place over the winter and spring of 2007, but no public meetings were held and there were no notices published in the local papers to inform community members that the environmental assessment was underway.

It was not until late fall of 2007 that residents indirectly discovered the site development plans when the HPA began accepting fill material at Pier 22. The residents contacted Environment Hamilton, prompting a search of the Port Authority's website where a copy of the Pier 22 Environmental Screening Report was found.

The report confirmed that the Port has plans to fill the two large

ponds on the north end of the site and revealed that the federal Department of Fisheries and Oceans advised that the north pond isolated from harbour waters is not fish habitat. Filling of that pond is underway today.

The second pond, which has the harbour connection, is deemed to be fish habitat so the HPA's plan to destroy this requires a permit under the federal *Fisheries Act*. As part of

the permitting process, the HPA may compensate for lost fish habitat somewhere else in the harbour.

It appears that compensation negotiations may be currently underway, although the public is not privy to the details. It is likely that compensation will occur in Cootes Paradise Marsh on the opposite end of the Harbour. The HPA has indicated in the media that Hobson's Pond will not be harmed – something that has been presented as a concession to environmental concerns although there don't appear to have been any plans to damage it in the first place. There has been no formal amendment to the HPA's Land Use Plan to confirm this commitment.

## Where to From Here?

The situation at Pier 22 can and must be rectified, but this will require a number of actions and commitments on the part of the Hamilton Port Authority:

- 1 The HPA must revisit the federal environmental assessment process for the site and

# LEG IT!

What do you see when you go out your front door? I see a very traffic-heavy street. Indeed it is a highway, highway 99; a none-stop sea of vehicles thundering down the road to the suburbs beyond, or through the city to the 403.

But the good thing about my neighbourhood is that it is a 20 minute walk to local amenities in the area. There's a bakery, a library, a post office and drug store, a swimming pool, a health food store and grocery store all

---

*from previous page*

provide a local opportunity for formal public consultation on the project.

2. The HPA must abide by the Principles set out in its own Land Use Plan, by extending an opportunity for all stakeholders to become engaged in dialogue on its land use planning activities, including its plans for Pier 22.

If you are concerned about the fate of the natural areas at Pier 22, please contact us for things that you can do.

One is to write a letter to the HPA board expressing your desire to see the Port consult with the public on a routine basis on important matters such as environmental assessment and land use planning activities:

Chairman Al Peckham and Board, Hamilton Port Authority  
605 James St North, 6th Floor  
Hamilton, Ontario Canada L8L1K

You can also write a letter to the federal Minister of Fisheries and Oceans, expressing your concern about the on-going infilling of fish habitat in the east harbour: The Honourable Loyola Hearn, Minister of Fisheries and Oceans, Parliament Buildings, Wellington Street, Ottawa, Ontario Canada, K1A 0A6.



congregated in one main area.

I'm a walker. I prefer walking to a destination rather than taking the bus, driving or biking. If it's within reasonable walking distance (4 km or so) then I'll walk it. So this set up suits me fine. Except when I have to go to Hamil-ton and getting there can be somewhat of a song and dance as the 5 Delaware bus service is erratic at the best of time and not at all on weekends and holidays.

Still, I'm with the comedian Steven Wright who said, "You can walk anywhere - if you got the time." Uncommon as this view may be, walking is not a big deal; it's part of my lifestyle and that of my family. My husband walks from our Dundas home to his office at McMaster- takes him about 45 minutes. It's a time for reflection and solitude. He takes the trail - the healthy highway and that makes it all the more pleasurable.

A walk down the street is a way of connecting to your neighbourhood and if you are really lucky as I am, the natural environment close by.

People know me and I know them. The standing joke in my family is that I always get back late from running errands because I speak to at least 3 people on my route! Running into people regularly is an indication that my neighbourhood is healthy and vibrant. It's the kind of place

people want to live in!

Besides the dubious bus system there is still room for improvement. After a snow storm we pedestrians would appreciate ploughed side walks. We'd also like less traffic on our roads; many communities in Europe and North America have adopted a *close street policy* in core areas- increasing

shopping and business in the core as people find it more pleasant to walk. And I wouldn't mind a farmers market to get my locally grown veggies. How about your neighbourhood? Why not grab a pair of walking shoes and get legging it?

Is your neighbourhood easy to get around in? Are there many amenities within walking or cycling distance? Is there a well serviced transit route?

Speak out! Let your councillor know what you think will help create a better neighbourhood. Better still; invite him or her for a walk around the neighbourhood as did the folk from Transportation for Liveable Communities (TLC). Join a Transit Users Group (TUG) that can help you. Participate on municipal committees.

One of the best gauges to knowing if your community is walkable is considering whether it is safe for children. How fast are cars allowed to go down your street? What are the traffic calming measures on your street? Does your community center, banks etc have bike racks? What kind of stop lights/signals does your street have?

A community that supports walking supports health, safety and the vibrancy of that community. It's a walk/win situation! - *Beatrice Ekoko*



local residents as the turtle ponds because of the large population of painted and snapping turtles and perhaps other species that visibly inhabit the area. The Ministry of Natural Resources has designated it as a locally significant life science Area of Natural and Scientific Interest (ANSI).

One large pond extending north-south almost to Lake Ontario is completely surrounded by homes. A second large pond parallels it between Francis Avenue and Church Street. Four acres of city owned property covers part of the pond and the lands on its western side. A further eight acres of natural area on the east side, including the majority of the large pond, is owned in equal shares by the public and catholic school boards. The public board property also contains a third pond that apparently was excavated for materials used in nearby housing developments but has been completely naturalized.

The area is known as a migratory bird stopover. A 2006 study by Dougan and Associates noted 112 recorded species and

concluded that the area compares favourably to the Fifty Point area. Local birders will know it from last April's very rare visit of a Yellow-throated Warbler.

A 1991 city backed inventory noted the significance of the area, and subsequent studies in 2003 confirmed that it should be protected. As a result, most of it was included in a list of 16 sites that were officially made ESAs in April 2004. Then the problems began.

### The ESA is undesignated

The catholic school board decided to sell the lands to a local developer whose agent (who is also a catholic trustee) then convinced city staff that the 2004 designation process was illegal because the newspaper ads and two public meetings hadn't included specific letters to the board.

In April 2005 staff re-introduced the ESA designations – but for only 15 of the 16 areas. The turtle ponds were effectively undesignated and the city entered into an agreement with both

school boards to hire a consultant to examine some ecological features of the area.

### Boundaries and buffers

That produced a report that substantially reduced the boundaries of the area described as significant, removing enough land to allow for a 42-unit townhouse development on the catholic board lands. This was to be separated from the ESA by a five metre buffer, but that turned out to lie WITHIN the new ESA boundaries rather than outside them. The 50-metre buffer requirement in the Stoney Creek Official Plan for similar areas was ignored.

### Public opposition

A public meeting of the planning committee faced over 300 angry residents who brought along a well-prepared lawyer. In the six-hour gathering, the city process came under withering criticism on the above issues and several others including the presence in the area of very uncommon salamanders. The committee unanimously decided to delay their decision on the development application and seek more information.

A month later, the Hamilton Conservation Authority issued an opinion that the salamander population should be protected with a buffer of 125 to 164 metres. Four days later, the developer for the catholic board lands withdrew their application.

However, a second developer proposed to build a townhouse complex on the public board lands, and decided to skirt the city process by appealing to the Ontario Municipal Board, thus avoiding any possible repeat of the April public meeting.

In December, planning staff responded formally to the

questions posed in April by the residents and their lawyer, defending the 5-metre buffer but indicating that they would consider increasing it's size. One councillor asked why the buffers around ESAs wouldn't be set in advance.

"Wouldn't we want to make that consideration as a city, prior to a developer submitting an application, clearly identifying what that buffer should be?" asked Brad Clark.

"Typically that's part of the review of the development application," he was told by Tim McCabe, the general manager of planning and economic development. The city's director of planning, Paul Mallard clarified the approach further.

"The salient point in the report on the buffers is that it varies depending upon the features you're dealing with, the site location, etc. So there's no set standard. You want to have the flexibility to establish whatever it should be more or less depending on the site features."

### Flexibility for whom?

Essentially the same policy is currently followed for the boundaries of the actual ESA. The comprehensive inventory studies recommend boundaries, but when a development application is made the boundaries are examined by the developer's ecological consultants, and often revised, as they were for the turtle ponds.

This "flexibility" rarely results in more natural area being protected from development.

At that December meeting, planning staff revealed that the provincial government had decided the ponds might be a provincially significant wetland – a designation

that includes a minimum 30-metre buffer. The developer of the public board lands – whose agent was at the meeting – backed out two weeks later.

### Who's protecting ESAs?

This is instructive, particularly when combined with the dropping of the catholic board site application after Conservation Authority objections. In both cases, intervention by outside agencies appear to have been decisive in actually protecting the turtle ponds area – while the 'rules' utilized by the city failed to do so.



### Buffers and buffers

The buffer discussion has another interesting aspect. The city's new rural official plan contains a requirement for a minimum 15-metre buffer. In the December report planning staff explained that the provincial Greenbelt (which covers much of Hamilton's rural area) requires 15 metres.

"There are distinct differences between urban and rural woodlands," says the report. "Urban woodlands are already impacted by human disturbance (dumping, noise, light, invasive plants, pets) and, as such, often do not have the ecological sensitivity of many larger rural woodlands."

Logic would suggest the opposite – that urban ESAs, if anything, should have larger buffers precisely to protect them from human disturbances. And again we see more stringent rules in place where outside agencies like the province have a say in the matter.

### ESAIEG

City planning staff are advised about ESA protection by a volunteer group of technical people, many of whom work as consultants. This ESA Impact Evaluation Group (ESAIEG) endorsed the 5-metre buffer and

reduced ESA boundary for the turtle ponds. Residents say it also refused to meet with them, but did a site tour with the agent of the developer. This apparent bias suggests the role of ESAIEG needs to be re-evaluated at the same time as the city needs to review its other ESA policies.

### Conclusion

Most of our city, like most of our planet, has been allocated to human "development" activities. The rest of the world's species are increasingly confined to tiny protected 'reserves'. In Hamilton those areas are called ESAs. The official plan says they "will be protected from development".

The plan intones that "opportunities to experience nature should not be taken away from future generations either through our decisions/actions or by neglecting our responsibilities for protecting, preserving and enhancing the natural features that exist in this region."

Fine words, but we've got a ways to go to actually make them mean something.

# BUS IT FOR EH

We host a volunteer night every Wednesday at our Barton Street headquarters to complete tasks large and small - writing, research, project planning, communication and more.

One of the projects we'll be working on intends to boost public transit use by encouraging families to use the \$8.00 HSR Day Pass. We have over 50 locations across the city that have agreed to give discounts for families arriving with a Day Pass.

Now we need your help brainstorming, planning and testing family tours before this program launches in the spring. We will provide your transit fare. Volunteer by being a tourist! What could be more fun?

Drop by any Wednesday night to learn more about EH projects and how you can be involved. Questions? Call 905-549-0900.

Our office is located at 1130 Barton Street East, Suite 207 (across from Centre Mall)

## THANKS TO GEOFF

Our thanks to Geoff Zalter, a grade 11 student at Highland Secondary School in Dundas who recently participated in a charity fund-raising event and raised \$30 for Environment Hamilton. Geoff designed and printed bookmarks to raise the money.



Environment Hamilton  
1130 Barton Street East, Suite 207,  
Hamilton, ONT L8H 7P9

[www.environmenthamilton.org](http://www.environmenthamilton.org)  
[contactus@environmenthamilton.org](mailto:contactus@environmenthamilton.org)  
Phone (905) 549-0900

# BATTLING SCRAPYARD EMISSIONS

Environment Hamilton is once again exercising its rights under the provincial Environmental Bill of Rights to tackle a local pollution problem. Poscor Mill Service Corporation operations a



*This obvious pollution should not be taking place.*

scrap yard in east Hamilton at the end of Parkdale Avenue near the Windermere Basin. Since last summer, area residents have noticed problems with orangy-brown emissions from the site. Some research work has revealed that the source of the emissions is oxy-propane metal cutters used at two different locations on the site.

EH requested copies of all existing provincial certificates of approval for the site. These are the legal documents issued by the Ministry of the Environment (MOE) that set out the rules for how a facility must operate. In reviewing these certificates we learned that the MOE included no conditions requiring the company to control

the emissions from the metal cutting operations.

But EH has also learned that there are other facilities in Hamilton using the same type of metal cutters that have been required, through conditions in their certificates of approval, to control metal cutting emissions. We have therefore prepared an application for review under the Environmental Bill of Rights asking the MOE to review the Poscor certificates of approval and to update them to include the missing emission control requirements. We believe this is only fair, not just to other local industries, but also for the health of our air!

## NOMINATIONS OPEN FOR EH BOARD

Our annual general meeting on March 27 will include elections for the EH Board of Directors. Four of the eight positions are automatically up for election at each AGM and some of the incumbent directors have indicated they are not running for re-election.

Members in good standing may nominate individuals to stand for election to the Board.

These nominations should be forwarded to Jim Quinn, the chair of the Nominating Committee, at the Environment Hamilton mailing address (1170 Barton Street East, Suite 207, Hamilton ON L8H 7P9) no later than March 1, 2008 and should be accompanied by the supporting signatures of three EH members.

Nominations can also be made from the floor at the Annual General Meeting.

# BETTY BLASHILL ENVIRONMENTAL PRIZE

Environment Hamilton is pleased to invite nominations for the Betty Blashill Environmental Prize. While Betty and her positive, passionate, and tireless environmental work are missed sorely since her death in 2006, we know others are taking up the torch to work hard towards improving Hamilton.

This award is intended to support Hamiltonians who have gone above and beyond in their volunteer efforts to improve the natural and/or social environment. Recipients of the prize will have demonstrated extraordinary efforts leading to an improvement in quality of life of Hamiltonians and/or others.

We hope to encourage others who work behind the scenes like Betty. The cash prize that accompanies this award may be used to advance the recipient's environmental efforts and knowledge or his/her efforts to minimize his/her ecological footprint.

Nominees will be evaluated in terms of their long-term efforts, resolve, and effectiveness supporting organizations or projects that improve or protect the social or natural environment. Additionally, the selection committee will consider aspects of that nominee's everyday life and

## EOY AWARDS

Nominations have also opened for the Environmentalist of the Year (EOY) awards. The nomination package and background information are posted at [www.eoyawards.org](http://www.eoyawards.org). Nomination packages can also be requested by contacting John Struger at (905) 547-5116 (home); (905) 336-4966 (office) [john.struger@sympatico.ca](mailto:john.struger@sympatico.ca).



interactions that benefit the environment.

The prize will be presented at the 29th Annual Environmentalists of the Year Awards Dinner. This dinner is held during Environment Week, and will take place at Michelangelo's Banquet Centre on Upper Ottawa Street, Hamilton at 5:45 p.m. on Wednesday June 4, 2008. We are grateful to the EOY Committee for inviting us to present at their celebration of

## WATERKEEPER SPEAKER AT AGM

Environment Hamilton is pleased to welcome Mark Mattson, the Lake Ontario Waterkeeper, as our guest speaker at this year's annual general meeting on Thursday March 27 starting at 7 pm at the FRWY Cafe (333 King Street East at Wellington).

An environmental lawyer, Mark is in the forefront of protecting our lakes and rivers and fighting for real improvements. He has acted as counsel for environmental and public interest groups at some fifty hearings, and is host of the weekly radio show and podcast, *Living At the Barricades*. Mark is also the supervising attorney with the Clean Water Workshop, a program dedicated to mentoring law students and providing legal tools to citizens fighting for clean water in their communities. And he closely follows the situation in Hamilton Harbour, which will be a key focus of his presentation.



Hamilton's environmentalists.

Nomination forms can be requested by contacting Jim Quinn by e-mail ([quinn@mcmaster.ca](mailto:quinn@mcmaster.ca)) or Jim Quinn (905 528-6121). Nominations must be postmarked by April 1, 2008.

## BETTY BLASHILL

Betty Blashill is truly an example of someone who lived out their beliefs in their day to day life. She was a passionate advocate for a better environment. However, she preferred to protect nature in her own quiet, modest and steady way, far from the limelight, and never seeking recognition. She was not in the foreground of environmental battles; she was not in the news; Betty did not feel the need for public validation of her environmental contribution. Having the opportunity to espouse her philosophy and dedicate her life and work to making a difference was reward enough. Betty lived according to her favorite motto that originated from Mahatma Gandhi: "Live simply so that others may simply live".