



August 8, 2022

Dan Namisniak
Planning Division
66 Grand River St. N.,
Paris, Ontario N3L 2M2

Re: ZBA30-22-DN

Dear Dan,

Thank you for providing notification on the above application.

Six Nations of the Grand River Territory is within the most highly urbanized land in Canada. Development has occurred on Six Nations' traditional territory without consultation or consent of our Nation. The cumulative effects of this intense development has contributed to significant environmental degradation and, as a result, Six Nations has experienced severe impacts on our ability to exercise our Aboriginal and Treaty Rights that are not only set out in the treaties themselves, but are also recognized and affirmed in Section 35 of the *Constitution Act*, 1982.

Six Nations is concerned about any development relating to air, land, water and resources which occur throughout our treaty territory and any archeological issues associated with such developments.

Based on the information presently available to us, we oppose the proponent's Zoning By-Law Amendment Application.

We particularly disagree with Natural Heritage areas being rezoned to Heavy Industrial and were astonished to read in the PJR that "changes in the Natural Heritage Zone boundaries [are] to protect the natural features on the subject lands."

The proponent's proposal has large areas of the property converted from Agricultural to Heavy Industrial and Natural Heritage to Heavy Industrial. Only a small proportion of the land is being converted from Agricultural to Natural Heritage.

Despite the Monarch butterfly population plummeting as much as 90% in past decades, and the special concern status of Yellow-banded Bumblebees, the proponent is not proposing any mitigation measures for those endangered insects. Instead, we're offered assurances that abundant suitable habitat exists within the wider local landscape.

So let's look at that landscape: 15 years ago, the property to the west of the subject property contained trees, meadows and other vegetation. Today it consists entirely of impermeable surfaces. During that same time, the property to the east replaced the agricultural land at its northern end with impermeable surfaces, and the subject property tripled its impermeable surfaces at the expense of agricultural land.

There's a clear trend of disappearing local habit and the county must consider cumulative effects when assessing the proponent's claims about habitat abundance.

We're very confused about what the proponent is talking about with respect to the Eastern Woodpeewee. Possible or probable breeders were counted at bird stations 6, 8 and 9. Yet the EIS blasely concludes, "Areas of proposed development and disturbance is not located near the habitat for this species." How is this possible? From our understanding of the property, they are absolutely in close proximity to disturbances.

The proponent also claims the Threatened Bank Swallow will not be impacted by the proposed development, but doesn't offer an explanation. We would like one.

We are equally concerned about species not currently at-risk or endangered. In that regard, we'd like to highlight the wild turkeys on the property who "routinely roosted in the meadow and successfully nested within the Study Area". Like other wildlife, their habitat should be protected.

As the county knows, Haudenosaunee have hunting rights that extend to the subject property. We particularly value the turkey for its meat and sometimes use its feathers for ceremonial purposes. How does the county or proponent intend to mitigate this impact on our treaty rights?

A systemic search for fish and turtles was not conducted. Why is that?

We also have concerns about the veracity of the data used to determine ground water conditions and erosion management. The slope survey was conducted on a day when temperatures were below freezing. As freezing temperatures prevent seepage, it's hardly surprising the report determined "No groundwater seepage was observed within the slope during our assessment." Yet that information was used in determining the slope's stability.

As the disclaimer within the slope study states: "...groundwater conditions shown in the factual data and described in the report are the observed conditions at the time of their determination or measurement. Unless otherwise noted, those conditions form the basis of the recommendations in the report. Groundwater conditions may vary between and beyond reported locations and can be affected by annual, seasonal and meteorological conditions. "

We have no idea why the proponent chose to conduct a slope survey on a day with freezing temperatures and snow on the ground. But it's not difficult to see how those factors may have compromised the integrity of the survey and tainted the study's conclusions.

On a related matter, we question why the hydrology in the SWM Report relied on desktop data.

Lastly, from what we know at present, we would like the county to at least double the meagre environmental setbacks suggested by the proponent.

Sincerely,

Peter Graham
Land Use Officer
Six Nations of the Grand River