

For Immediate Release – April 14, 2010

Karst assessment grossly flawed

Last month, Environment Hamilton joined hundreds of individuals and organizations – including Friends of the Eramosa Karst, the Hamilton Conservation Authority and the City of Hamilton – in asking the Ontario government to reject a deeply flawed class environmental assessment submitted by the Ontario Realty Corporation to justify selling and developing 80 acres of the provincially designated Eramosa Karst Area of Natural and Scientific Interest (ANSI).

Environment Hamilton director Joe Minor (PhD, Biology) prepared a 17,000-word review of the environmental assessment and accompanying studies prepared by Ecoplans and others. His work exposes not just a grossly flawed ORC submission, but also indicts an unacceptable environmental assessment process that clearly does not serve the public interest. Instead it suggests that the ORC's hired consultants define their role in environmental assessment as serving the predetermined ORC objective of selling the ANSI lands for development.

“This environmental assessment (EA) was a real waste of the taxpayers' money,” says Minor. “The main problem is that this EA was done backwards: the conclusion that the land should be developed was made before the start of the study, and the consultants then worked backwards to make observations and write a report that (surprise!) concluded that the land should be developed. The resulting EA document is a disorganized mess of inconsistent observations and illogical conclusions.

Minor's submission to the Minister of the Environment is 33 pages long.

“It only covers some of the errors,” he notes. “An item by item explanation of what is wrong with the EA would probably be longer than the EA itself, since there is little that is right in the document.”

We have attached a brief summary of Dr Minor's findings and conclusions. The full submission is available upon request and has been posted to the Environment Hamilton website.

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Summary of Dr Minor's Karst submission

1. This environmental assessment (EA) was publicly funded and covers publicly-owned lands that form part of the provincially designated Eramosa Karst Area of Natural and Scientific Interest (ANSI). The question that needed to be asked was: "What is the highest public use for these lands?" Instead, the obvious real purpose of the EA is to justify the sale of these lands for development.
2. The EA documents submitted by Ecoplans and the Ontario Realty Corporation (ORC) call for selling and developing 80 acres of this provincially-designated ANSI. That process will raze these lands – bulldozing off and removing the soils and wildlife habitat and paving and building and installing artificial landscapes over most of the area.
3. Both Ecoplans and the ORC misled the public, First Nations and others by repeatedly failing to mention that **the "subject lands" are part of the ANSI**. Instead they are falsely presented as being outside the ANSI.
4. Throughout this EA, the nature of the subject ANSI lands is misrepresented. There are repeated references to "active agricultural use". There is no "active agricultural use" on the subject lands. None of the subject lands have been farmed since 2003. This straw-man is repeatedly and dishonestly used to argue that development is better than the existing situation.
5. Four Species At Risk have been observed on the ANSI lands (Chimney Swift, Monarch Butterfly, Milk Snake, Butternut), two of which were observed on the subject ANSI lands. The chimney swift is a Threatened Species At Risk, and the Butternut tree is an Endangered Species At Risk. Despite this, Ecoplans told the public that "No federally or provincially designated species of conservation concern were observed."
6. The ANSI contains many cave features that are clearly specialized wild life habitat. Despite repeated requests that began over 30 months ago (September 2007), Ecoplans/ORC have refused to conduct any biological inventories of the cave habitats. This means that the identity and habitat needs of the cave fauna known to exist in the Nexus and Olmstead Caves are absent from this EA. It also means that other potential specialized wildlife use of the caves, such as by cave-nesting birds, have had to be discovered by Boy Scouts rather than the ecological consultants paid to conduct this EA.
7. Other examples of specialized wildlife habitat present on the ANSI lands but not considered by the consultants include hawthorn-hedge shrike habitat, Long-eared Owl nesting habitat, migratory bird stopover habitat, and a Monarch Butterfly migration stopover site.
8. The consultants have submitted an incomplete inventory of the plant and bird life found in the area, and made only incidental observations of other large groups of taxa (e.g., amphibians, mammals, lepidopterans) and no observations at all of other large groups of taxa (e.g., other Arthropods (Arachnids, Crustaceans), Lichens, Fungi, Mosses).
9. Ecoplans went to the public and agencies with inaccurate statements about the botanical character of the ANSI lands (both subject lands and conservation area lands) based on an incomplete survey that listed only 90 plant species instead of the 151 they eventually found – but which were only included in their final report. Even then, they missed at least 10 species entirely and 13 others in the subject ANSI lands. They also failed to notice at least eleven trees in the subject ANSI lands and many willow trees in the overall surveyed area that are so large they are visible in Google Earth.
10. The consultants' environmental assessment arbitrarily separates the subject ANSI lands from the already protected areas of the karst ANSI, ignores wildlife movement across this artificial boundary, and uses information gathered years ago in a drought year to unfairly denigrate the quality of these lands.
11. The botanical inventory also failed to mention endangered butternut trees, and offered no disclosure of the professional limitations of their survey work such as survey methods and timing. It ignored the existence of wetlands, to such an extent that it even failed to note the presence of watercress despite interpretative signage pointing it out!

12. Ecoplans incorrectly suggests that building houses on the subject ANSI lands will decrease the spread of invasive species into the existing conservation area, whereas exactly the opposite is likely true.
13. The Ecoplans faunal survey was conducted more than two years ago during a drought period and thus seriously mischaracterizes the current conditions. Ecoplans found no live snakes anywhere in the ANSI, despite the fact that both garter snakes and Milk Snakes have been observed there by volunteers. In the Ecoplans Environmental Assessment, the Species At Risk Milk Snake is incredibly described as a bird! Ecoplans acknowledged that the subject ANSI lands could provide habitat for Milk Snakes but systematically and unreasonably downplayed this possibility. This went to the extent of arguing the species is “susceptible to road mortality” and then concluding the best option is to convert 80 acres of their habitat to a road-dominated residential subdivision.
14. Their avifaunal inventory found 45 species of birds, but casual observations by a single volunteer identified 7 additional species including Species At Risk (Threatened) Chimney Swifts, and regionally rare Long Eared Owls. The nesting owls constitute the first breeding record for that species in the Hamilton Study Area since 1969.
15. The existence of the cave fauna was made known to the ORC more than two years ago (September 4, 2007). This time could have been spent evaluating the importance of the cave fauna and what their habitat needs are, but this was not done. This *Environmental Assessment* of the Eramosa Karst ANSI should have *assessed* the nature of the creatures living in the karst caves, but it didn't. Scientists entering both the Olmstead and Nexus caves noted the presence of cave fauna in both caves. When the ORC asked the advice of the pre-eminent Canadian cave invertebrate researcher Dr. Stephen Peck, Dr. Peck indicated that there were “undoubtedly some invertebrates” present. However, this “final” Environmental Assessment still uses the words “if” and “potential” when referring to the presence of cave fauna and their cave faunal habitat. This Environmental Assessment has wasted more than two years of time and has produced a less than honest result.
16. The Ecoplans survey noted the presence of Monarch Butterflies, but then neglected to mention that this is a Species At Risk during the Public Information Centres. The ORC preferred option of razing 80 acres utilized by the butterflies is directly counter to the Ontario management strategy to protect and encourage native wildflower habitat, and to protect migration stopover areas from disturbance – objectives which the lands in their current state help to accomplish.
17. The ORC assessment claims without documentation that its plan “provides balanced economic benefits to the taxpayers of Hamilton”. In fact, provincial legislation prevents the city from recovering the full costs of residential development resulting in taxpayers picking up the remainder. This is currently exacerbated in Hamilton by a decision of council to freeze development charges as a result of lobbying by the homebuilders association led by a consultant to this ORC study.
18. The ORC alternatives chart dismisses the alternative of protecting the subject ANSI lands, then incredibly states that development will have no direct impacts on the ANSI. The ORC notes several potential risks attributed to other alternatives but fails to mention that these risks are much higher with its preferred option.
19. The subject ANSI lands and the adjacent ANSI core area function as an integrated whole and wild life, including Species At Risk, move both ways across the artificial human-defined boundary between them. Razing the subject ANSI lands will certainly disrupt their environmental integrity contrary to the dubious conclusions of the environmental assessment.
20. The best way to promote the long term ecological stability of the Eramosa Karst ANSI is to add the 80 acres of the ANSI feeder area to the Eramosa Karst Conservation Area, since it is well known from island biogeography that the number of species an area can sustainably support increases greatly with increased size.