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April 13, 2022

Council Members/Committee of the Whole
Municipality of Port Hope,
56 Queen Street.
Port Hope ON L1A 3Z9

Dear Members of Council:

Re: Lion's Recreation Centre Park Environmental Remediation Plan

I wish to submit to you that the March 15, 2022 Staff Report concerning this subject, directed to the Works & Engineering Committee, provides insufficient justification to remove the 2000+ trees that exist in and around the ravine located between the northern boundary of the park and Ross Street (north-east end of the park). I and my family have resided a couple of blocks from this park for almost 22 years and are frequent users of the park. In my earlier years in the 1960s I frequently played in this park as a child and swam at the swimming pool, which is now home to the Legion's horse shoe pit. I also spent time in various ravines around Monkey Mountain in the 1960s.

Based upon my almost 40 years of experience as an environmental lawyer working with the contaminated site regulations and guidance provided by the Ontario Ministry of Environment, Conservation and Parks, I believe that the nature of the industrial waste located within the ravine can be safely managed, without removal, to avoid any future legal liability and more importantly, any

significant environmental risk to the public. If this was not the case the Ministry would have ordered the Municipality to clean up the waste decades ago.

The Staff report all but states this by acknowledging that CNL and its experts have proposed alternative approaches to protecting the trees by leaving the waste in place. CNL proposed different combinations of establishing tree protection zones and fencing to prevent human access into the ravine and wood lot. This is done after completing what is known as an environmental site risk assessment that identifies appropriate and safe environmental risk measures. Such a risk assessment will be reviewed by the Ministry and either accepted or rejected.

The Staff Report acknowledges that the trees “provide significant ecological, social, health and economic benefits” to this community. However, it then goes on to say that the trees are renewable and CNL will “replace” the trees. It is true that CNL will likely make best efforts to replace the trees with 6 – 8 foot tree saplings. This is not true “replacement”, as such is impossible after removing 50 or 60 year old trees of the size now present in the wood lot. It will take another 50 years to replace the wood lot as we know it today. This amounts to complete destruction of the wood lot for the next few decades.

As a frequent user of the park I can attest that I have rarely seen anyone play or walk through the ravine and wood lot. There is sufficient open space at the park to avoid this. Fencing would not compromise the current use of the wood lot or park. No evidence has been cited that contamination is leaching from the wood lot to neighbouring lands. If it did it would be through the groundwater and the groundwater is not used for drinking.

The Staff report states in the middle of page 3 that the trees and waste must be removed as:

“Not doing so could impose long-term implications on the municipality and its residents with respect to health risk, liability, and maintenance”

I attended the CNL information session held on March 31 and have asked the Municipality for documentation supporting this statement. I have seen no such support from either the Municipality or CNL.

I strongly advise Council to challenge the authors of the Staff report and to truly value the trees. I am confident that CNL and its experts can allay you of any unsubstantiated environmental fears. God knows our community has suffered enough in the past at the whims of such fears. Until this has been done and you have fully consulted with the residents that would be most effected by such natural destruction, any plans to move ahead with the removal of the trees and industrial waste should be placed on hold. You have the power to do so and negotiate with CNL and the Federal Government changes to old and outdated remediation plans.

Yours very truly,

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