

Wetland sparks court case

Indigenous leader says protected land was 'run roughshod'

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- ISAAC PHAN NAY STAFF REPORTER SHAWN MICALLEF TORONTO STAR FILE PHOTO

A conservation authority is preparing for court after a provincially significant wetland near Toronto was altered.

The wetland was previously set to be the site of a highly protested Amazon distribution centre. As first reported by the Narwhal, the Toronto and Region Conservation Authority this month someone had cleared and tilled nearly 90 per cent of the wetland, without permission. Now, the TRCA said they will take the matter to court amid public outcry against the site's clearing.

Kelly LaRocca, elected chief of the Mississaugas of Scugog Island First Nation, told the Star the community action had long advocated Lower Duffins Creek wetlands.

"We've been stewards of the land for generations, and fully intend to continue in that vein," LaRocca said. When she found out the Lower Duffins Creek wetlands had been cleared and tilled, she said she was "greatly disappointed."

"I was pretty upset," LaRocca said. "I thought (about) all of that work and toil to protect that space, only to have it run roughshod."

The Lower Duffins Creek wetlands, which sits about a half-hour drive from Toronto, has been designated a "provincially significant" wetland which means it is covered under the status prohibiting certain activities on the wetlands without permission from a conservation authority.

The activity on the Lower Duffins Creek wetlands comes as environmental protections on Ontario land are degrading. Ontario is set to remove 15 parcels of land from the protected Greenbelt. One such parcel is the Duffins Rouge Agricultural Preserve, a developer-owned stretch of currently protected land that is also in Pickering.

According to the community observation site iNaturalist, several at-risk species of flora and fauna have been observed in the area, including the endangered butternut plant, monarch butterflies and the horned grebe, a threatened species of bird.

In 2020, Doug Ford's government approved a minister's zoning order for a warehouse project on the Lower Duffins Creek wetlands. In March 2021, Amazon, which was set to have the warehouse as a distribution centre, announced it was no longer interested in the project after local residents and environmental groups protested the development. As the Narwhal reported, the landowner and project developer, Triple Group, promised not to harm the wetlands.

The conservation authority observed the land had been changed mid-October, TRCA chief financial and operating officer Michael Tolensky said in an email to the Star. Tolensky added the conservation authority had not granted permission to alter the wetlands.

In an email to the Star, city of Pickering spokesperson Mark Guinto said city representatives "had no advanced knowledge" of activity at the site.

According to Ontario regulation 166/6 under Conservation Authority "no one shall interfere in any way with a wetland" without the permission of a conservation authority.

Courts can order site rehabilitation and penalties of up to \$10,000 upon conviction.

Tolensky said “charges have been initiated” under the regulation, but the TCRA would not share who altered the Lower Duffins Creek wetlands “as the matter is proceeding before the courts.” David White of Triple Group told the Star in an email that activity stopped on the wetlands as soon as the conservation authority asked.

“We respected the TRCA’s recommendations and the farmers ceased productive use of the land immediately,” White said. “We are actively working with the TRCA and we are committed to working within the master plan and supporting the ambitions of the city.”

White said the land “was being prepared for farming” and the land “has been farmed since before the 1920s (sic) for agricultural purposes.”

LaRocca told the Star she and the Mississaugas of Scugog Island First Nation were not consulted before the land was altered. LaRocca, alongside band councillors Jeff Forbes and Laura Colwell, released a statement on Monday condemning activities on the wetland.

“It is deeply troubling to know that the provincially significant wetland was voluntarily cleared and tilled despite its known importance,” the statement read.

“The fact that an important part of our environment is under severe threat is appalling.”

LaRocca said she hoped the wetlands could be rehabilitated.

“With the destruction of this wetland, obviously, we’re dismayed to see that the damage has been done,” LaRocca said.

“At this time we strongly believe that the property owner must complete a full restoration of the space.”