

A Brief to the  
Oshawa Harbour Task Force

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## INTRODUCTION

The Canadian Environmental Law Association (CELA), founded in 1970, is a public interest environmental law group committed to the use of the law to protect our environment. We have represented clients on a wide variety of environmental issues. One of our clients is the Second Marsh Defense Association (SMDA), a group we have been representing since 1975.

Oshawa Second Marsh is a part of Oshawa's heritage. For generations Oshawa citizens have visited the Marsh to enjoy its wealth of wildlife or just to get away from it all for a few hours. Road signs urging visitors to explore Oshawa's Marshland Trail can still be seen in the vicinity of the Marsh despite the restrictions placed on entry by its present owners.

The importance of Second Marsh to the people of Oshawa has been expressed through a multitude of letters to political leaders of all three levels of government. It is our position that a Master Plan for Oshawa's waterfront should strongly recommend the preservation of Oshawa Second Marsh and the Woodlot to its immediate north.

We base our position on two factors. First, the studies we have reviewed strongly indicate that Second Marsh is an important lakefront wetland. Second, the harbour studies we examined lead us to conclude that a need does not exist to justify the construction of a harbour in the Second Marsh.

### Studies Indicate Second Marsh Should be Preserved

A number of studies by government and private researchers attest to the value of Second Marsh. A.A. Wainio in a study conducted for the Ministry of Natural Resources (1973) stated the importance of Second Marsh in the following terms:<sup>1</sup>

"Second Marsh is without doubt, one of the most valuable waterfront marshes. Its size, 146 acres of productive marshland perhaps makes it the most valuable of all."

He adds:

"The amount of wildlife in this marsh truly overwhelmed us. We had heard about this valuable marshland, but were quite unprepared for the wealth of birds we encountered. It's truly a beautiful habitat, with dense acres of cattails separated by open water."<sup>2</sup>

Environment Canada's Oshawa Second Marsh Baseline Study (1982) agrees with Wainio's assessment. This report states that the Marsh is considered by federal and provincial government wildlife agencies and by many sportsmen and naturalists to be the largest and best quality shoreline marsh on Lake Ontario between Niagara and Prince Edward County.<sup>3</sup> Its proximity to Oshawa and the Toronto Central Region make it readily accessible for people to see and enjoy wildlife while learning about the marsh ecosystem.<sup>4</sup>

The research team working on the Baseline Study conducted extensive surveys of the wildlife, vegetation, soil conditions and water quality of the Marsh. They found Second Marsh to be renowned for its bird populations. Over 254 species of birds were observed in the marsh and at least 68 of them nest there.<sup>5</sup> Several of these species are considered to be rare summer species. The Caspian tern is listed by the Committee on the Status of Endangered Wildlife in Canada as an endangered species.<sup>6</sup>

Between 1956 and 1973 more than 30,000 ducks were banded in Second Marsh under the supervision of the Canadian Wildlife Service and the Ministry of Natural Resources.<sup>7</sup> This station was considered to be one of the five top stations along the Atlantic Flyway. Bird banding activity ceased in 1974 when the Oshawa Harbour Commission restricted access to the marsh.

Second Marsh is also considered to be an important spawning area for forage fish which serve as food for larger sports fish and waterfowl.<sup>8</sup> The Ministry of Natural Resources stated in the mid-1970s that Second Marsh was an essential link in the rehabilitated Lake Ontario sport fishery.<sup>9</sup> The Fish and Wildlife Inventory Oshawa Second Marsh, undertaken by K. Coleman and D. Bell for the Lindsay District of Ministry of Natural Resources states that the large number of fish indicates that the marsh is an important fish nursery area and an important component of the Marsh and Lake Ontario ecosystem in terms of providing forage for large fish.<sup>10</sup>

A variety of small mammals, reptiles and amphibians contribute to the diversity of the wildlife found in the Marsh.

In addition to the abundance of wildlife, the study also found the Marsh to contain diverse plant communities two of which are recognized as rare in Ontario and several others are rare in the region.<sup>11</sup>

The Baseline Study reported some damage to the Marsh from a combination of natural and man-induced activities. It cites the dyking of the Marsh's natural outlet by the Oshawa Harbour Commission in 1974 as being responsible for changing the characteristics of the Marsh. In addition, the lack of sediment control for urban runoff going through the municipal storm sewer systems has led to an increase in sedimentation of the Marsh. Environment Canada recommends that, given the importance of the Marsh, remedial methods for restoring it to health should be adopted.

In addition to the Environment Canada and the Ontario Ministry of Natural Resources studies, the Central Lake Ontario Conservation Authority (CLOCA) also completed a study which attests to the significance of Oshawa Second marsh. Undertaken by Gartner Lee Associates the study concludes that CLOCA should support efforts to preserve and minimize degradation of the Oshawa Second Marsh owing to its provincial significance.<sup>12</sup>

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The study recommends that CLOCA adopt policies which restrict land use in the highly sensitive areas such that their significant environmental characteristics are protected.<sup>13</sup> Public acquisition or incentives to fulfill this objective should be considered at the municipal and provincial level.<sup>14</sup>

The findings of Environment Canada, MNR and CLOCA are supported by a study conducted by Michele Lemay and George Mulamoottil. The Lemay/Mulamoottil study compared Second Marsh with 7 other lakefront marshes and concluded:

If the marshes are compared for productivity levels as measured by chlorophyll a, emergent vegetation and benthic macro-invertebrates, Second Marsh emerges as the most productive one. There is considerable urban pressure on this marsh and adjacent land. It is our hope that decision makers consider the significance of this marsh in a regional context before resource allocations are made.<sup>15</sup>

In addition to the studies we have summarized in this text, the significance of Second Marsh is stated in the following works:

- Sparling and Tozer, 1971 present a detailed study of the vegetative communities of Second Marsh;
- Tozer and Richards, explore the great varieties of birds found in Second Marsh in The Birds of Oshawa, Lake Scugog Region;
- B.C. Johnson 1975, The Biological and Social Values of Second Marsh;
- Debra Chamberlin, An Evaluation and Comparison of Dover Marsh, Four Lake Ontario Marshes and the Goose Bay Marsh, Dec. 1980.

Over the last twenty years, the talk of expanding Oshawa's harbour into Second Marsh has been a constant concern to those who favour the pre-

ervation of the Marsh. This concern was aptly expressed by A.A. Wainio when he wrote:

"From a wildlife standpoint, these proposals (the construction of a harbour) are truly disastrous but apparently the decision has already been made to destroy this beautiful marsh.<sup>16</sup>

Any alternative proposal would consist simply of preservation of the marsh and the creation of a wildlife sanctuary. The creation of a harbour with its surrounding development will destroy one of the truly great wildlife areas of this region."<sup>17</sup>

To paraphrase Mark Twain, rumours of Second Marsh's downfall were premature. Ten years after Mr. Wainio made his comments, the Marsh is still alive and a harbour in Second Marsh still can't be justified.

#### Harbour Studies Indicate No Justification for a New Harbour

Several harbour studies undertaken between 1969 and 1982 offer explanations for why the much discussed harbour in Second Marsh was never built and why it may never be built.

These studies examined the existing cargo traffic, the port trends, the anticipated new industries locating in the harbour area and the general economic trends. Information based on these factors was extrapolated and a forecast of potential cargo traffic was developed. The consensus of these studies was that the present facilities could handle anticipated cargo growth.

Future Port Requirements - Western Lake Ontario: : Gibb Aiberry, Pullerits and Dickson, 1969

This report states that there is no economic justification for a general cargo oriented port in Oshawa.<sup>18</sup> In addition, bulk cargo, the mainstay of the

port, will grow in volume, but will eventually level off and in the future may decrease.<sup>19</sup>

The Gibb Aiberry Report found Oshawa a poor location for a port and suggests that if a port is required in the future, it should be built well east of the City of Oshawa.<sup>20</sup>

Oshawa Port Study - Kates, Peat, Marwick. August 1971

The authors of this report conclude that present facilities are sufficient to handle maximum foreseen expansion of existing traffic and other potential cargo. The development of a harbour in Second Marsh will not be required in the coming decade.<sup>21</sup> They add that if the existing opportunities for new traffic do not materialize, it will be difficult to justify retaining the Marsh in Harbour Commission hands.<sup>22</sup>

Port of Oshawa: Market, Traffic and Capacity Study

Price Waterhouse/C.D. Howe Central. June 1977

Although the Oshawa Harbour Commission has used this Report in the past to justify its demands for a new harbour, this often ambiguous and contradictory report also contains information which indicates a new harbour is not required.

For example, their forecasts for the annual growth rate of cargo predict a decrease from 3½% (1972-76) to 2½% (1986).<sup>23</sup> The projected growth rate would decrease even further if St. Mary's Cement builds their own coal handling facility, the report states. St. Mary's has now built their own facilities.

The report states the loss of St. Mary's coal tonnage would reduce the volume of bulk cargo at the Port of Oshawa by 116,000 tons. The loss of tonnage would result in a projected decline of bulk cargo handled by the Port by 1986 to 78% from 1976 levels of 91%.<sup>24</sup>

In addition, the report projects very little growth in container cargo and only a modest growth in break-bulk cargo. Hardly the scenario one would use to justify an expansion of present facilities.

#### The Acres Report

Our repeated requests for a copy of this report have been consistently refused by the Oshawa Harbour Commission and Ports and Harbours Canada.

However, information we have attained in a telephone conversation<sup>25</sup> with Derek Sweet (April 14, 1982) and quotes attributed to Mr. Sweet in an Oshawa newspaper indicate the report concludes that the shipping industry probably will not experience large periods of growth.<sup>26</sup>

#### Strategy of Attracting Port Using Industries a Failure

Since existing and expected future cargo volumes from Oshawa's port using industries could be handled by the present harbour facilities, a new strategy was developed in order to justify a new harbour. Some of the studies recommended Oshawa should pursue the strategy of attracting port using industries as a way of increasing cargo volume to the levels required before a new harbour could be justified.

This strategy has failed to attract any significant new port using industries to the area since Westcane Sugar located in Oshawa in the early 1970s.

Kates, Peat, Marwick in their report held open the possibility of future port expansion if potential cargo generating industries located in the harbour area, thus bringing about a demand for increased draft and berthing space.<sup>27</sup>

Two of the three industries touted by Kates, Peat, Marwick as the most likely to locate in the area did not in fact locate there. Fetio Industrial Development Ltd. was considering the Oshawa area for its smelter (on 12 acres of the Gifford Farm).<sup>28</sup> The Fetio smelter figured prominently in Kates, Peat, Marwick's projected increase of cargo movements to a million tons, a doubling of the ports volume by 1980. The Fetio proposal didn't materialize. Neither did Interpool International Ltd.'s planned container pool service.<sup>29</sup>



The one project which did get off the ground temporarily was the translake ferry.<sup>30</sup> Kates, Peat, Marwick did not hold out much hope for the success of this service. In this respect they were right. The service ran for several months in 1982 and then went bankrupt.

The Price Waterhouse/C.D. Howe Central Report encouraged the Oshawa Harbour Commission and the City of Oshawa to attract port using industries within the port area. This report offers the City and the Harbour Commission some reason for hope, but even greater reason for despair.

Three cargo generating industries did settle on the waterfront - Westcane Sugar, Hub Transport and a fertilizer company in the years prior to the beginning of this study. The main report also indicated that Oshawa has a favourable opportunity to attract new port industry.<sup>31</sup>

Despite providing these glimmers of hope, the Price Waterhouse/C.D. Howe Report does not think highly of Oshawa's chances for attracting more cargo generating industries.<sup>32</sup> In addition, the report stated gains to cargo volumes through addition of the three new harbour-oriented enterprises could be dashed by St. Mary's Cement's decision to build their own coal handling facilities. St. Mary's decision means that the port will lose 116,000 tons of coal.

Addendum A of the report lists Oshawa's potential for attracting new industries as the lowest in a comparison of five other port cities on Lake Ontario.<sup>33</sup> Addendum B of the report states that none of the targetted industries have plans to move to Oshawa.<sup>34</sup>

Addendum B also states that the type of industries which are required to increase port usage are not the types of industries which will meet the area's employment targets. As a result regional and local governments' priorities will probably be given to attracting labour intensive light manufacturing.<sup>35</sup> These industries while they will have the potential to create more jobs are unlikely to generate significant cargo traffic.<sup>36</sup>

It appears that the strategy of attracting new harbour using industries, was the wrong type of strategy to promote long-term employment goals.

The Acres report examined the potential impact of cargo traffic from possible new industries locating in Oshawa.<sup>37</sup> One was the Ro Ro Ferry and the other industry was not identified. In the year or two since the release of the Acres Report the Translake Ferry has gone bankrupt and there have been no indications that a new industry is in the process of locating on the waterfront.

The Gibbs Aiberry Report of 1969 establishes a sound principle for the construction of future harbours in Western Lake Ontario. It states:<sup>38</sup>

"Elaborately equipped cargo ports should be built only if they can be justified on their own merits...they should never be built in the hope that they will attract or generate cargo movement."

#### Design and Capacity Limitations

Besides examining cargo traffic some of the studies also examined the design and capacity of the present port. Once again the studies offer contradictory opinions on the suitability of the present port.

These design constraints have been described as:

- shortage of storage space
- narrow width of the present channel entrance
- narrow turning basin
- shallow draft
- loading docks are too short to accomodate longer Great Lakes ships.

These design problems are not sufficient reason for building a harbour in Oshawa Second Marsh. Indeed, the studies indicate that the harbour can accomodate present and projected cargo growth despite these constraints.

We contend that these constraints can be overcome if they indeed become problems in the future, through alternatives such as the construction of additional wharves into the lake or the phased development of an outer harbour as the economic need arises. These alternatives should be pursued with the appropriate environmental hearings held to determine the impact of their construction on Second Marsh. Only the alternatives which are environmentally consistent with the aim of the preservation of Second Marsh should be pursued.

A report for the Region of Durham in 1975 favoured an outer harbour concept over proposals for a harbour in Oshawa Second Marsh.<sup>40</sup> This report also discusses the possibility of constructing wharves one at a time, extending into the lake. These alternatives advocate a phased development based on the economic dictates of the time. They have been supported publicly by several prominent political leaders including Oshawa MP Ed Broadbent<sup>40</sup> and Ontario Treasurer Frank Miller.<sup>41</sup>

## CONCLUSION

Studies on the value of Second Marsh unanimously agree on the need to preserve this unique wilderness area. Meanwhile, harbour studies have agreed that a harbour in Second Marsh is not justified by the expected growth of cargo levels from the existing harbour using industries. Their recommended strategy of increasing cargo by attracting new harbour using industries in order to justify a new harbour in Second Marsh has failed.

If it is true that the present harbour has several design deficiencies more reasonable and economical alternatives for remedying these deficiencies exist. We have listed a few of them.

In the final analysis, we are faced with two choices. Preserve Second Marsh, a wilderness area that has widely been recognized as a valuable resource, or destroy that Marsh to build a harbour which studies show cannot be justified.

We believe the Master Plan should prefer the first choice and recommend the preservation of Second Marsh as a unique waterfront wilderness area. This would involve an immediate program to rehabilitate the Marsh, the first step being removal of the dyke from its south western outlet. In addition, recommendations by Environment Canada in its baseline study should be implemented immediately by the appropriate agencies.

## Footnotes

1. Wainio, A.A. A Survey of Lake Ontario Waterfront Marshes, September 1973. Ministry of Natural Resources, p.164.
2. *ibid.*, p.168.
3. Environment Canada, Interim Report of the Oshawa Second Marsh Baseline Study, March 1982, p.xiv.
4. *ibid.*, p.xiv.
5. *ibid.*, p.xvii.
6. *ibid.*, p.xix.
7. *ibid.*, p.xvii.
8. *ibid.*, p.xx.
9. *ibid.*, p.xx.
10. Coleman K. and Bell D. Fish and Wildlife Inventory of Oshawa Second Marsh, Lindsay District, Ministry of Natural Resources, p.8.
11. *Op.cit.* Environment Canada, p.xviii. (plants)
12. Central Lake Ontario Conservation Authority, Environmental Sensitivity Mapping Project, June 1978, p.88.
13. *ibid.*, p.88.
14. *ibid.*, p.88.
15. Lemay, Michele, Mulamoottil, George "A Limnological Survey of Eight Waterfront Marshes", published in Urban Ecology, Vol. 5 1980/81.
16. *Op.cit.* Wainio, p.168.
17. *ibid.*, p.166.
18. Gibb, Aiberry, Pullerits and Dickson, Future Port Requirements for Western Lake Ontario, 1969 Transport Canada, p.5.
19. *ibid.*, p.94.
20. *ibid.*, p.95.
21. Kates, Peat, Marwick and Company, Oshawa Port Study, Oshawa Harbour Commission, August, 1971, p.V-12.
22. *ibid.*, p.V-12.
23. Price Waterhouse Associates/C.D. Howe Central Ltd., Market, Traffic and Capacity Study, Transport Canada. June 1977, p.2.
24. *ibid.*, p.3.

25. Telephone Conversation between Derek Sweet and Frank Giorno, April 14, 1982.
26. Oshawa This Week, "Task force to determine best use for Oshawa Harbour", March 2, 1983.
27. Op.cit., Kates, Peat, Marwick, p.6.
28. ibid., p.2.
29. ibid., p.3.
30. ibid., p.3.
31. Op.cit. Price Waterhouse Associates, p.57.
32. Op.cit. Price Waterhouse Associates, Addendum A, p.14.
33. ibid., p.14.
34. ibid., Addendum B, pp.7,12.
35. ibid., p.2.
36. ibid., p.2.
37. Op.cit. Sweet-Giorno telephone conversation.
38. Op.cit. Gibbs Alberry, p.130.
39. Regional Municipality of Durham, Durham Region Transportation Study Analysis of Ports, Airports and Railway Systems, Working Paper No. 5, May, 1975.
40. Toronto Star, York Durham editor, NDP backs Oshawa Harbour dock extension, May 1, 1979.
41. Oshawa Times, Expanding into the Marsh unwise: Miller, January 12, 1979.