

32 Chesterfield. SLSR and EIS received at the February 2024 meeting of ECAC. Document prepared by NRSI and dated January 2024.

Working group comments from S. Levin and K. Mosher

AREA MAPPED AS H1

The section marked H1 on the EIS maps is identified as direct fish habitat (EIS page 22). It is city property according to the City of London map site. Page 23 of the EIS states:

“An assessment of the thermal regime of the drainage feature to the northwest of the subject property was not completed; however, as the drainage feature is entirely contained within the Significant Woodland associated with the FOD7-3 community the 30m buffer proposed from this feature will provide appropriate protection for the watercourse as well.”

Temperatures were recorded at 12 degrees (pg. 17), which seems quite cool for June. This has implications for protection and drainage from construction and post construction impacts.

Despite this, page 19 / 20 of the EIS indicates H1 (which is where this drainage feature flows through) should not be considered as part of the Significant Woodland. This leads ECAC to ask, “So what’s the right answer?” From our site investigation, Page 12 of the EIS seems to mischaracterize H1 as a hedgerow (H1 is mapped in the EIS as being west of the subject site). The west side of the site slopes dramatically. The sides of the slopes are wooded. There are mature Black Cherry trees on the top of the slope just to the west of the current metal fence.

And while it is true (p.19) that “... the lands to the south of the subject property are urbanized... we are unclear why this leads to the EIS concluding the H1 feature does not provide a natural linkage to other areas of natural cover and should not be considered to be part of the significant woodland.

ECAC RECOMMENDS that H1 be included as part of the Significant Woodland and the entire Significant Woodland be mapped accordingly on Map 1 and on Map 5 of the London Plan. These changes to the land use designations must be undertaken by City staff either as part of the staff recommendation on this application, the consent, or as part of upcoming “technical amendments” to capture changes as a result of this and preceding development applications. (It remains unclear to ECAC why designation changes to the NHS included in an accepted EIS are not included along with other land use designation changes in staff reports on a development.

CONSTRUCTION IMPACTS

Section 6.1 page 26 points out that at this stage, the impacts of servicing on the tree protection plan and replanting is unknown. **RECOMMENDATION: The detail design of servicing must be done and approved before the compensation plan is finalized.**

p. 36, 7.2.1 says the buffer should be inspected during construction. There is no detail as to who, when and how often. **RECOMMENDATION: Details of the buffer inspection must be laid out in the development and consent agreements. And it should be a City ecologist who receives the reporting as well.**

p. 11 of the EIS states: “To the east of the residence drainage collects along the property boundary and collects within the forest within the lowland area.” There is no detailed information about how the servicing, which will direct water to the south rather than to the forest, will affect the health of the Significant Woodland.

RECOMMENDATION: A water balance report be required as a condition of development.

MONITORING

a. COMPENSATION PLANTINGS

It is noted on page 27 of the EIS that the compensation plan has not yet been prepared.

RECOMMENDATION: Given the dedication of lands to the City, the monitoring of that land should be at the cost of the developer and the city must sign off on the success of the compensation planting before the land is conveyed to the City. 7.2.1 indicates a three year monitoring period.

RECOMMENDATION: As the trees being removed are large and represent significant carbon storage, tree compensation should be with larger trees and a high ratio of compensation to removal. This should be a condition of the consent and of any development agreement.

At the bare minimum, compensation should at a minimum be consistent with London Plan policies and a condition of the consent and of any development agreement. (p. 30)

RECOMMENDATION: Tree planting must be of native species. As pointed out in the EIS page 12, most trees being removed are native including 19 Bur Oak and 22 Northern Red Oak, all in good or fair condition. ECAC did not have the Tree Protection Plan to review.

RECOMMENDATION: A city ecologist’s sign off on the compensation plan be a condition of the consent and/or development agreement.

- b. As noted on page 3 of the EIS, development of a comprehensive Environmental Management and Monitoring Plan (EMMP), that will include a Naturalization Planting Plan, and proposed monitoring plan for the subject property and plantings within the naturalization area is to be prepared. **These must be included in the conditions of approval, and as part of the consent agreement along with the other items listed on page 3 for inclusion prior to finalizing agreements.**

c. KENTUCKY COFFEE TREE (KCT)

P. 32 points out that a 5-year record of the effects of the KCT move must be collected. Who has the responsibility for the recording **must be included** in the consent because it appears that the tree is to be transplanted onto lands either already city lands or to become city lands. It must be clear who is responsible for this monitoring and reporting. If it is the proponent, copies must be provided to the city including a City Ecologist. It is also unclear from the EIS how large this tree is. The only hint is that trees greater than or equal to 10 cm DBH were inventoried. It is assumed that the KCT met this threshold. If it is the tree ECAC thinks it is, there is sufficient space around it for a safe removal if it is done at an appropriate time of year for transplantation of a Carolinian species.

RECOMMENDATION: The transplanting plan for the KCT must be included as part of the consent agreement and subject to the approval of a City ecologist or City forester. It must also specify responsibilities for who does what for the five-year record keeping.

INVASIVE SPECIES

Invasive species must be removed and post construction removal must take place on the lands to be conveyed to the city. It would be helpful if those invasives on adjacent city lands within 30 m would be removed concurrently. **RECOMMENDATION: The Monitoring Plan should be done for at least 3 years and include reporting on the success of invasive plant species removal.**

BOUNDARY FENCING/SIGNAGE

There is no information about either fencing or signage in the EIS. There should be fencing at the back of the retained property to prevent new accesses down the steep slope. Signage about the site and the ecological significance would be a better choice than a homeowner brochure.

The site has a mild slope to the north beyond where the present above ground pool is. This slope is not indicated on the mapping or on page 11 of the EIS. ECAC assumes the retained property boundary is roughly in line with the north end of the pool. We assume the pool will be removed as part of the site development which provides the opportunity for boundary fencing.

RECOMMENDATION: The existing boundary fencing must be either repaired or replaced as it is not in particularly good shape anywhere on the site. This is particularly true on the east side where it slopes downward into a “gully” between this site and the private properties to the east.

EXISTING HOUSE

It appears that in addition to the interior renovations mentioned on page 26 of the EIS, it appears there are exterior renovations required. Although outside the scope of ECAC's expertise, why the house is to be retained is a bit of a mystery. If the house is to be removed, additional information should be required about mitigating impacts of demolition. Removal might provide a better site layout than retention.

ERRORS

Page 29, the watercourse is to the west of the site. H2 is the **eastern** “hedgerow” mapped in the EIS. ECAC notes that this area has several mature trees which are to the immediate east and below the grade of the subject property (which slopes gradually to the east at the rear of the house). Topographic mapping would have been very beneficial to our review.

OTHER

- a. Page 28 references off site trees. Are these the neighbours' to the east or the city trees to the south in the boulevard? Regardless, it is unclear how they will be protected and if removed, the compensation requirements.
- b. An unmanaged trail exists from the City Park to the east and runs west along the river. It would be beneficial if a paved connection is created between the park and the lands to be acquired. This could reduce impacts on the riverbank by giving people an alternative to get to Chesterfield. There is already a clearly used access from the end of Chesterfield down the slope of H1 on city lands. If the city does continue the paved path from Thompson Park to the east thru the nearly acquired lands, it could provide an access point up to Chesterfield that could be a beneficial feature.
- c. P. 17 notes that there is a trail along the drainage feature that has a small wooden bridge approximately halfway down towards the confluence with the Thames River. This encroachment into City property has been shared with by law enforcement by a member of the public without response/action. **RECOMMENDATION: This encroachment should be addressed sooner rather than later.**
- d. Bird surveys were not done in winter – ECAC observed two raptors during its site visit – one likely a red tail hawk and one maybe a peregrine falcon. Have citizen science (e.g., eBird) sites been checked to ensure no raptors of concern in the area reported?
RECOMMENDATION: At a minimum check eBird etc. for raptor sightings in the area.