



Memo

To: EEPAC

From: Environmental & Parks Planning (E&PP)

Date: April 9, 2015

RE: Medway Valley Heritage Forest ESA
Phase 1, Conservation Master Plan Report
by Dillon Consulting. Responses to
EEPAC's Comments of March 19, 2015

E&PP and Dillon thank EEPAC for their detailed review of the January 2015 Natural Heritage Inventory and Evaluation for the Medway Valley Heritage Forest South Environmentally Significant Area (ESA) by Dillon Consulting Ltd. EEPAC provided comments on the December 2013 version of the report and Dillon provided a detailed response letter dated December 1, 2014 addressing all of EEPAC's previous comments. We do want to ensure that we have this document accurate and clear and trust that this response and a second presentation to EEPAC completes this Conservation Master Plan (CMP) Phase 1 process. The Terms of Reference (TOR) for the report was circulated for review to EEPAC in February 21, 2013 and EEPAC had no comments at that time. Any CMP TOR is scoped to ensure sufficient inventory work is completed to direct the CMP process, noting that all lands are already protected as ESA and zoned OS5. The degree of effort and funds allocated for studying the ESA needs to be balanced with the effort and funds reserved for implementing the recommendations of the CMP to protect the ecosystem features and functions.

1. *RECOMMENDATION: Staff provide rationale for changes in management zone designations and boundaries in its upcoming report on the CMP to Planning and Environment Committee.*

Staff Response: The rationale was presented to EEPAC by Dillon's Biologists on January 15, 2015 and a Q&A session was provided. The changes are described in Dillon's Dec 1, 2014 response letters included on the December 2014 and January 2015 EEPAC agendas addressing EEPAC's and Nature London's comments, noting some Management Zone (MZ) changes were in response to those comments:

- Section 5.1.1 – Management Zones reassessed which resulted in the following:
 - Removal of NRZ 9 & expansion of NA1 G, no SAR, no S1-S3 Communities, no seeps
 - Reduction of NRZ 7 (was NRZ 6 in 2013); redefined as expanded area of NA1 F
 - Addition of two NRZ areas (NRZ 4 & NRZ 13) seepage areas noted by public
 - Addition of seven circular NRZ for Butternut SAR trees
 - Removal of Cultural Heritage Zones

Dillon determined NRZ 9 (2013) should be part of NA1G (2015) as it meets Natural Area 1 (NA1) criteria but not Nature Reserve (NR) as no SAR, no S1-S3 Communities, no seeps are present. This also applied to a portion of NRZ 6 (2013) now part of NA1 F (2015) where the size of the NR zone was reduced to encompass the refined habitat area of SAR False rue-anemone habitat determined after targeted fieldwork in 2014 related to the City's protection of the species from invasive Goutweed. No change to report.

2. *RECOMMENDATION: Make the original version released to the public available again on the City's web site.*

Staff Response: The Dec. 2013 original version of the report is available again on the City website noting that EEPAC was provided with digital and hard copies of the original version of the report. No change to report.

3. *RECOMMENDATION – Staff clarify and explain the changes made and the reason(s) for them and report back to EEPAC.*

Staff Response: Dillon reviewed the December 2013 original report in light of public, EEPAC, NL and staff comments, verified the species rankings, and then revised the report accordingly highlighting the changes in their presentation to EEPAC on January 15, 2015. In advance of the EEPAC presentation a formal response letter was added to EEPAC's agendas which addressed all of EEPAC's previous comments. No change to report.

4. *RECOMMENDATION: Staff or the consultants explain to EEPAC the reason for this change between versions.*

Staff Response: The report was updated after statuses of rare species were verified and updated using the appropriate reference documents and databases including;

- Regionally Rare Plants of Middlesex County, Updated 2002, Bowles.
- Rare Vascular Plants of Ontario, Fourth Edition, Oldham 2009,
- NHIC databases: Ontario Plant Community List & Ontario Tracked Species Lists

No change to report.

5. *RECOMMENDATION: City staff revise its 10 year capital plan to provide an acceleration of the recommendations of this (and other) CMPs.*

Staff Response: Staff has already submitted a \$100,000 increase to the ESA budget for consideration during the new 4 year budget process. Funds allocated to studies for CMPs must be balanced with funds for implementing the recommendations of CMPs. No change to report.

6. *RECOMMENDATION: The proposed Management Zones be changed to be consistent with the Trail Standards.*

Staff Response: The Management Zones are consistent with the Trail Standards. Sub-nationally ranked S1-S3 Species and S1-S3 Communities are tracked separately by NHIC. Provincially Rare Species and Provincially Rare Communities are not the same thing. The Trail Standards

require Provincially Rare Communities ranked S1-S3 to be Nature Reserve, and Habitat Areas for Prov. Rare Species are protected inside the ESA in a (NA1) or NR zone as noted on page 19 of the Trail Standards document. No change to report.

7. *RECOMMENDATION: As a Significant Wildlife Habitat, NA 1 A should be NR*

Staff Response: Management zones were designated using the Matrix for Identifying and Delineating ESA Management Zones found in the City's *Planning and Design Standards for Trails in Environmentally Significant Areas* Document (2012). Some features or habitats listed under the Matrix that fall under multiple sensitivities and could be designated as Nature Reserve, Natural Area 1 or Natural Area 2. This includes seasonal wildlife concentration areas (i.e. amphibian breeding habitat) listed under Criterion 6. To provide consistency when applying the matrix to these types of features, designation of Nature Reserve was reserved for those highly sensitive areas containing Species at Risk and/or groundwater discharge or seepage zones. Species at Risk were not observed within the amphibian breeding habitat observed in NA1 A and therefore a designation of Nature Reserve was not applied.

8. *RECOMMENDATION: An explanation for the NA2 zoning be provided in a table similar to the ones used for the NR and NA1 zones.*

Staff Response: If a polygon did not meet the NR or NA1 Criterion Dillon assigned the Natural Area 2 (NA2) Management Zone by default. No additional analysis is warranted to assign an NA2 as there are no other zones to apply. This is consistent with the Trails Standards and the NA2 areas are protected inside the ESA. No change to report.

9. *RECOMMENDATION – Staff or the consultants explain to EEPAC the rationale for these protocols.*

Staff Response: A five season inventory was carried out, including early summer Floral Surveys in May 15, 16 and 17 of 2013 in accordance with the approved TOR (circulated to EEPAC) which specified that the City Standards for Ecological Inventory be followed. Dillon's work exceeds those requirements. No change to report.

10. *RECOMMENDATION – Staff or the consultants explain to EEPAC the reason for no light trap surveys given both were made aware of SAR bats in the Valley.*

Staff Response: The bats, moths, and insects and their habitat are protected inside the ESA. The Bats recorded by Dr. Adams are included in the report. Light trap surveys for moths and other nocturnal insects are not in the TOR which specified that the City Standards for Ecological Inventory be followed. This work would add extra costs and is not a priority in the inventory goals of the CMP. No change to report.

11. *RECOMMENDATION – During the next phase of this CMP, consideration be given to including an analysis and protection of the changes in the landscape.*

Staff Response: This will be considered in Phase 2. No change to report.

12. *RECOMMENDATION – If not already done, the NHIC and the Species at Risk Biologist at the MNRF be notified of the findings of this study.*

Staff Response: NHIC has received all of the SAR data from the City led studies in the Medway, Coves and Westminster Ponds ESAs. The City's proactive management activities to protect SAR False Rue-anemone (*Enemion biternatum*) from invasive Goutweed have been registered with the *Endangered Species Act, 2007* under Species Protection or Recovery Activities. The mitigation plan was done in consultation the MNRF. The MNRF will be engaged when required in Phase 2. No change to report.

13. *RECOMMENDATION – Before the LAC begins its work, staff should clearly delineate areas, using the precautionary principle, that will require either trail removal or trail avoidance.*

Staff Response: The role of the Local Advisory Committee (LAC) is to review existing trails with the Management Zones and make recommendations following the Trail Standards document and process. No change to report.

14. *RECOMMENDATION – Staff or the consultant explain how the SAR Act and 2.1.7 of the PPS, will be followed in order to protect the endangered bats and their habitat prior to any site alteration taking place.*

Staff Response: The PPS / Planning Act processes refer to “development” and “site alteration”. This report is part of a Conservation Master Plan process consistent with Official Plan Policy 15.3.8., and the Planning and Design Standards for Trails in ESAs document as developed with participation from EEPAC and endorsed by EEPAC and approved by Council in 2012. No change to report.

15. *RECOMMENDATION - Wildlife trees are potential roosting or maternal colony habitat for the SAR bats. Therefore, a NR zone of 25 m from the drip line be applied to such trees noted in the record of snags. This zone could be changed after a cavity tree assessment.*

Staff Response: Wildlife Trees are protected inside the ESA and the Tree Risk Management Procedure Manual for ESAs ensures that wildlife trees are retained in the ESA as wildlife habitat to the greatest extent possible. In the very unlikely event that a Wildlife Tree would need to be mitigated a cavity assessment is completed first. No change to report.

16. *RECOMMENDATION: Appropriate zoning for this species based on sightings by the public be included.*

Staff Response::

The Trail Standards identify that the habitat areas for Species at Risk (SAR) be identified as NR. Staff has reviewed turtle habitat requirements with UTRCA and the habitat areas for SAR Turtles would include the area of the Medway Creek itself, and, the areas of the shoreline with appropriate substrates in sunny areas where they could nest or bask in the sun. The habitat areas would not include the wooded or vegetated shore areas, or areas with steep banks. Any areas with exposed mineral soils suitable for nesting were limited and those that were observed

are generally covered by other NR zones. Dillon will add text to the report supporting the NR determination to include potential turtle nesting habitat, where applicable.

17. *RECOMMENDATION: Section 3.0 be reworded to better explain the rationale for the boundary change.*

Staff Response: Agree and Dillon will revise wording to the following:

The refined boundary excludes some residential building sites and infrastructure (i.e. SWM facilities) from the ESA that were previously included within the ESA constructed within the limits of the existing ESA boundary. It further includes those areas of naturalized vegetation that had been previously excluded. The northern portion of the MVHF ESA generally had fewer refinements because of current planning policies requiring stronger protection of the ESA and developers designing subdivisions with consideration of the boundary. The biggest refinements of the boundary in the northern portion are around SWM facilities that were built within the existing ESA boundary.

18. *RECOMMENDATION: The report explain the changes in the boundary at this location and make a correction if necessary. EEPAC requests it be informed of the action taken.*

Staff Response: The changes to the boundary between extents “B” and “D” on Figure 15B are the same changes that are applied to extent “D”. The boundary was revised to follow the actual dripline of the ESA which is further from the residential houses than the existing boundary. This is the same justification that was applied for the revised boundary within extent “D”. The extent boundary for “D” on Figure 15B has been expanded to include the area between “B” and “D”.

19. *RECOMMENDATION: Even before the completion of the CMP, the city begin to make contact with residents in the stewardship sites listed in the report. EEPAC is willing to participate with the city and any other public body (UTRCA?) in developing a communication plan as well as the desired actions the new stewards should undertake.*

Staff Response: Agree noting that the UTRCA and Friends of Medway Creek have started this outreach. No change to report.

20. *RECOMMENDATION: The NRZ 16 overlay on Figure 16 be shown in its entirety as the entire habitat is protected under the SAR Act.*

Staff Response: The habitat is protected inside the ESA lands which are designated as Open Space on Schedule A, designated as ESA on Schedule B-1 and Zoned OS5, the most restrictive open space zone. Please note the SAR Act does not apply to these lands as they are not federal lands. The Ontario *Endangered Species Act*, 2007 applies. No change to report.

21. *RECOMMENDATION: All of the Western and Huron lands be shown as an NR Zone until data collection is undertaken.*

Staff Response: The habitat is protected inside the ESA lands which are designated as Open Space on Schedule A, designated as ESA on Schedule B-1 and Zoned OS5. No change to report.

22. *RECOMMENDATION: Huron be reminded by the City of its ownership and be asked what action it will take to comply with the Endangered Species Act as its lands at this location are within the protected habitat of an Endangered Species.*

Staff Response: No change to report.

23. *RECOMMENDATION – The existence and sensitivity of this lower order watercourse be noted in the report and shown more clearly in the Figures.*

Staff Response: Dillon will coordinate the information collected for this report with the subwatershed study and include mapping of lower order tributaries on Figure 6 and include text on the tributaries as a subsection within the Aquatics section of the report to highlight the existence of these features.

24. *RECOMMENDATION – The beaver activity be conserved due to the lack of risk to life or property.*

Staff Response: Agree and will follow the Council Approved Humane Urban Wildlife Policy Beaver Protocol, noting that SAR habitat may also be impacted by beaver activity. No change to report.

25. *RECOMMENDATION – A scoped EIS be required prior to any site alteration in the ESA.*

Staff Response: This report is part of a Conservation Master Plan (CMP) process consistent with Official Plan Policy 15.3.8. and the Planning and Design Standards for Trails in ESAs document as developed with participation from EEPAC and endorsed by EEPAC and approved by Council in 2012. A CMP does not include or recommend activities that meet the definition of site alteration, development or infrastructure under the PPS and the Planning Act. Where warranted additional ecological inventories have been done ahead of implementing some CMP recommendations to ensure the protection of key ecological features and functions. No change to report.

26. *RECOMMENDATION – Change the wording on page 37 as follows (highlighting retained for clarity and explanation):*

Staff Response: Thank you for the comments and Dillon will consider and revise as appropriate.

27. *RECOMMENDATION: This error should be corrected in the final version.*

Staff Response: Thank you for the comments and Dillon will consider and revise as appropriate.

28. *RECOMMENDATION: EEPAC believes the benthic and fish surveys completed should be included, at least in summary, in the final Conservation Master Plan.*

Staff Response: This is summarized in the report and Dillon noted this in the previous response letter to EEPAC. No change to report.

29. *Recommendation: The City immediately begin an invasive species management plan including priorities for this portion of the ESA. This should begin immediately or not later than concurrent with the LAC's work.*

Staff Response: Dillon noted this was in place and being implemented in the Dec. 2014 response letter to EEPAC. This important work will continue in 2015 as Goutweed, Knotweed, Buckthorn, Scots Pine, Periwinkle and Phragmites are being managed by the City and UTRCA to protect SAR and the ecological integrity of the Medway Valley HF ESA. Staff is developing a "City Wide Invasive Species Management Plan" and is implementing multi-year invasive species management plans with the UTRCA for all 8 City owned ESAs. No change to report.

30. *Recommendation: The City apply for funding through the Provincial Species at Risk Stewardship Fund, TD Friends of the Environment, and the London Community Foundation.*

Staff Response: Agree and will review these opportunities. No change to report.

31. *RECOMMENDATION – The second phase of the CMP include a discussion of what the ESAs features and functions should be in 50 years.*

Staff Response: Agree, no change to report.

32. *RECOMMENDATION – Signage appear at various locations indicating the Creek is polluted and fish should not be eaten.*

Staff Response: Staff has reviewed the suggestion with UTRCA. UTRCA believes that while EEPAC's intention with signage is protect the public and hopefully educate people on water quality, this type of signage may be misinterpreted by the public as "the stream is polluted so who cares what we do to it or dump into it". A more positive message to include on signage regarding water quality would be that our streams are important resources that should be protected, enhanced and restored. No change to report.

33. *RECOMMENDATION - The city avoid signage near to unique species assemblages, in particular, SAR species.*

Staff Response: Staff will respect the level of data sensitivity recommended by NHIC. No change to report.

34. *RECOMMENDATION: The proposed Special Feature Overlays be removed as this decision should be left to the LAC in its review of the entire ESA and its recommendations regarding the trail system.*

Staff Response: Dillon's rationale for the Special Feature Overlays (SFO) is provided in the report. The LAC will review the use of SFO's in Phase 2. No change to report.

35. *RECOMMENDATION: Revise the wording as necessary to avoid confusion.*

Staff Response: The wording on page 41 is correct and the wording in “Appendix C – ESA Criteria Update” was provided to Dillon by the City as part of the TOR and Dillon was tasked with updating the previous wording of the Criterion. No change to report.

36. *RECOMMENDATION: Revise the wording in support of Criterion 3 as follows (p. C2 and 51) subject to clarification of the size of the ESA.*

Staff Response: The lands owned by Western University and Huron College that are within the existing ESA boundary are included in the total calculation of the ESA area.

Dillon will consider and revise as the text as appropriate with the City in support of Criterion 3. Revised text will work to balance the current status of the ESA and the long term expectations of how the ESA will/will not meet this criterion.

OTHER CONCERNS:

Using different colours for the ELCs in Figures 5 and 6 made comparisons difficult. The same colours should have been used for greater consistency and ease of analysis.

Staff Response: Where possible, the same colours were used between Figure 5 and 6 for vegetation communities. If communities were added or deleted because of ELC validation, a similar colour scheme was used (i.e. shade of green for upland forest, shade of red for swamp/swamp thicket).

It is hoped that the existence of unmanaged trails on Western and Huron lands will be investigated during the next step of the Plan (assuming Western and Huron participate in the next phase). Ignoring both the flora and fauna and human behaviour seems inconsistent with the goal of conserving the ESA and protecting its natural features and ecological functions.

Staff Response: Attempts were made to gain access to the UWO lands for the purpose of obtaining data from that part of the ESA. The City will continue efforts to persuade the University and Colleges to allow access.

Page 14 – we disagree with the rationale for changing the BLT1 polygon south of the Snake Creek Valley. According to H. Lee (per. communication with S. Levin, 2015), height is not what makes a bluff - it is the presence of active erosion.

Staff Response: Agree and rationale has been revised to better reflect the change from Treed Bluff to Sugar Maple- Beech Deciduous Forest.

37. *RECOMMENDATION: It be made clear how the floral rankings were applied.*

Staff Response: See Staff Response to EEPAC’s Recommendation 4. The 1993/2002 regional rankings influenced the designation of Natural Area 1 management zones but were not exclusive for designation. The paragraph regarding regional rarity rankings was expanded on page 22 to provide clarity on how the rankings were applied.

38. *RECOMMENDATION: This section of the report be clarified and reptile habitat, where appropriate, be noted in the appropriate Figure.*

Staff Response: Potential snake habitat, defined by the Significant Wildlife Habitat Technical Guide (MNR, 2000) as hibernacula, was not identified during the 2013 surveys. Report text will be revised to omit references of mapping non-sensitive species observations.

39. *RECOMMENDATION: EEPAC be advised when this matter is clarified.*

Staff Response: *Pg. 38, 1st line: there is a word missing after “has”, making the meaning of the sentence unclear.* This sentence was missing the word “resulted”. The report has been revised to include this.

The asterisk next to the header title for Criteria 7 of Table 12 was an error and has been removed.

40. *RECOMMENDATION: The habitats mapped on Figure 19 be included in one map for the LAC that also shows the proposed Management Zones and existing trails, both managed and unmanaged.*

Staff Response: Agree and Dillon provide ahead of LAC. Trails will be added back onto Figure 19 in the meantime.

If neither the Museum nor the EPW are included as Cultural Heritage Zones, then the reference to CHZ on page 66 should be removed.

Staff Response: Agree. This reference to the Cultural Heritage Zones should have been removed from the report. The final version of the report will not include reference to the Cultural Heritage Zones as they are outside of the revised ESA Boundary.

MISC Comments related to omissions, errors, etc. will be addressed in the revised Final version of the report.

Pg 19: Barn swallow species name is missing. It is likely that they are nesting in the chimneys at Huron University College where they have been seen previously (per communication with W. Wake)

Staff Response: Barn Swallow was not observed during the studies and therefore not included. Observations of swallows or swifts (more likely species to be nesting in chimneys) within the actual grounds of Western or Huron would not be included as those areas are outside of the ESA boundary.

City On-Line Map - It is unclear why the City’s new on line map shows parts of this ESA as Park and not ESA. (e.g. Gainsborough Valley Park).

Staff Response: The City Map interactive online map appears to show the ESA as it is divided up by landowner. The portion of the ESA labeled Miggisie Lawson Park is owned by the UTRCA but still part of the MVHF ESA.