

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON SEPTEMBER 26, 2017
FROM:	KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES & CITY ENGINEER
SUBJECT:	ONE RIVER ENVIRONMENTAL ASSESSMENT UPDATE: AGENCY ADVISORY COMMITTEE REPORT

RECOMMENDATION

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the attached One River Environmental Assessment Agency Advisory Committee Report and Public Consultation Report **BE RECEIVED.**

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Planning and Environment Committee – December 14, 2015 – Back to the River Design Competition

Strategic Priorities and Policy Committee – January 28, 2016 – Downtown Infrastructure Planning and Coordination

Civic Works Committee – February 2, 2016 – West London Dyke Master Repair Plan Municipal Class Environmental Assessment Study

Civic Works Committee – February 2, 2016 – Springbank Dam

Civic Works Committee – March 8, 2016 - One River - Master Plan Environmental Assessment

Municipal Council - March 22, 2016 - One River- Master Plan Environmental Assessment: Background Information

Civic Works Committee – November 1, 2016 – One River Master Plan Environmental Assessment: Terms of Reference

Civic Works Committee – February 21, 2017 – One River Master Plan Environmental Assessment – Appointment of Consultant

Civic Works Committee – August 29, 2017 – One River Environmental Assessment Update: Technical Memorandum Stage One Work Plan and Community Consultation Plan

2015-19 STRATEGIC PLAN

The 2015 - 2019 Strategic Plan identifies these objectives under Building a Sustainable City: 1B - Managing our infrastructure; 3E - Strong and Healthy environment through protection of the natural environment; 4E - Beautiful places and spaces through investing in making London's riverfront beautiful and accessible for all Londoners. Under Growing our Economy: 2A – Promote urban regeneration through investing in London's downtown as the heart of our city.

BACKGROUND

Purpose

The purpose of this report is to update members of Council on the One River Environmental Assessment (EA) process and provide the first Agency Advisory Committee Report. The Agency Advisory Committee Report provides a summary of comments provided by the Ministry of Environment and Climate Change, Ministry on Natural Recourses and Forestry, Lower Thames Valley Conservation Authority, Upper Thames River Conservation Authority and the Department of Fisheries and Oceans during three meetings held over the summer of 2017.

Context

After a series of reports in 2016, Municipal Council directed that due to the broader social, economic and natural environment issues associated with the Springbank Dam, Thames River Valley Corridor, and Back to the River projects, these projects would be studied together through a master plan Environmental Assessment.

In February 2017, CH2M was appointed the consultant for the One River EA. The Notice of Commencement was published in The Londoner on July 20th and July 27th of 2017. The project is currently open for public consultation on options related to the Springbank Dam.

DISCUSSION

The Agency Advisory Committee was established to provide guidance and feedback to the Project Team on environmental, technical, and regulatory issues and challenges that may affect the One River Master Plan EA. The first three meetings focused on the issues and challenges related to Springbank Dam repair alternatives.

Agencies contributing to the meetings included the Ontario Ministry of Environment and Climate Change (MOECC), Ministry of Natural Resources and Forestry (MNR), Upper Thames River Conservation Authority (UTRCA), Lower Thames Valley Conservation Authority (LTVCA), and the Department of Fisheries and Oceans (DFO). Representatives from the Chippewas of the Thames First Nation were invited to the first agency meeting and provided the overall context of their connections and concerns related to the health of the Thames River.

Since the dam became non-operational, numerous fish, mussel, and terrestrial species at risk have been observed or mapped near the One River study area. The Ministry of Natural Resources and Forestry has identified ten species at risk in the One River study area. Six of the documented species at risk are listed as “Endangered” under the federal Committee on the Status of Endangered Wildlife in Canada, including the Spiny softshell turtle, Queensnake, and Salamander mussel. An attachment to the agency report includes maps that show the most current distribution of critical habitat that has: been protected under the Species at Risk Act (SARA), is under consideration for listing, or is listed as an area of special concern for fish and mussels.

The report also provides a summary of the level of complexity in attaining the various anticipated approvals required for each alternative (see table 4.2 of the report). Section 4 details each of the required approvals. Of particular note is the permitting that would be required under the Endangered Species Act. Permits are issued by the MNR and are considered for projects that fall into one of five categories: health or safety, protection or recovery, social or economic benefit to Ontario, Aboriginal, and overall benefit. The two permits that were discussed as being potentially applicable are D-permits, for social or economic benefit, and C-permits, often referred to as an “Overall

Benefit Permit”. To obtain a D-permit, a project must demonstrate that the activity will result in a significant social or economic benefit to Ontario. To date, only two D permits have been issued in the province – both are associated with the Rt. Hon. Herb Gray Parkway project in the Windsor-Essex region that impacts cross border traffic and trade.

A C-permit is issued if the applicant can demonstrate that an overall benefit to the species will be achieved within a reasonable timeframe, and reasonable alternatives have been considered including those that would not adversely affect the species and the best alternative has been adopted. Mitigation measures are also required, which often require as much as a five to one ratio of compensation for impacts to habitat and species at risk. Given the size of the area, the complexity of the habitat conditions, and the number of species at risk that have been observed or mapped in the study area, there is limited opportunity to develop a mitigation plan that would satisfy these permitting requirements. The information provided by the Agency Advisory Committee will ultimately inform the alternative selection process.

Next Steps

A Public Information Centre will be held to present the three alternatives for Springbank Dam. The public will also have the opportunity to provide feedback on the draft problem/opportunity statement at that time. It is anticipated that the recommended alternative will be brought to committee in Q4 2017.

CONCLUSION

The mandate of the Agency Advisory Committee is to provide guidance and feedback to the project team on environmental, technical, and regulatory issues and challenges that may affect the One River Master Plan EA. The various agencies involved should be acknowledged for their participation in the first three committee meetings and their time and effort they have contributed towards the One River EA to date. The attached Agency Advisory Committee Report provides useful information that will inform the evaluation of the three alternatives for Springbank Dam.

This report was prepared by Ashley Rammeloo, P.Eng., Acting Division Manager of Stormwater Engineering.

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Attach: Appendix ‘A’ – Agency Advisory Committee Report

cc. J. Fleming, B. Coxhead, A. Macpherson, S. Stafford, D. Hsia