

April 4, 2018

Chair and Members
Planning and Environment Committee
City of London

Dear Chair and Members,

We, the undersigned members of the Local Advisory Committee (LAC) for Phase II of the Conservation Master Plan (CMP) for the Medway Valley Heritage Forest Environmentally Significant Area (MVHF ESA), South, submit this alternate report to identify and propose necessary changes to the staff report. Specifically, we recommend that the plan to construct two bridges be removed from the CMP. Furthermore, since the proposals for future monitoring and adaptive management depend upon the resources to support them, we recommend that Council defer adoption of the CMP until an implementation plan is submitted as part of the next 4-year budget cycle.

Our reasons for these recommendations are:

- The CMP is inconsistent with the London Plan, because it does not place protection of natural features and ecological functions for which the ESA has been identified (primary management goal) above provision of public access for recreational and education purposes (secondary objective).
- The CMP creates a risk of significant adverse impacts to Species at Risk and their habitat.
- The CMP does not identify costs and risks of implementation.
- Access to the Medway ESA will continue to be sustainable without the proposed bridge developments.

Having participated in the full range of public consultations, we have come to the conclusion that the proposals mentioned above are inconsistent with City policy, in particular with the Natural Heritage Objectives within the City's current Official Plan: 15.1.1(v) Maintain, restore, and improve the diversity and connectivity of natural features, and the long-term ecological function with biodiversity of natural heritage systems.

Background

City policy distinguishes Environmentally Significant Areas (ESAs) from the City's well-designed and well-used park system. The principal purpose of London's ESAs is "to protect the natural features and ecological functions for which the ESA has been identified." Per the City's guidelines, Provision of suitable recreational and educational opportunities is a "secondary objective" (p.4 *Guidelines for Management Zones & Trails in Environmentally Significant Areas*

(May 2016). ([http://www.london.ca/business/Resources/Guideline-Documents/Documents/reference-docs/Guidelines for Trails in ESAs.pdf](http://www.london.ca/business/Resources/Guideline-Documents/Documents/reference-docs/Guidelines%20for%20Trails%20in%20ESAs.pdf))

The CMP contains worthy proposals regarding naturalization, management of invasive species, closing of informal trails, adaptive management and monitoring, and community engagement (Sections 3.2-3.3, 4.0, and 5.0). It should be noted, however, that the proposals for naturalization, management of invasive species, adaptive management and monitoring, and community engagement generally describe initiatives already underway using existing budget or that should take place in the normal course of events (if adequate funding is provided by Council now and in the future). What is truly novel in the CMP are the proposals for bridge construction.

The first objectionable proposal is outlined in Section 3.4 of the CMP and may be seen in Figures 4 and 4a, “Proposed Sustainable Trail Concept Plan.” Construction of a bridge at point A in Figure 4 is recommended. The terrain on both sides of Medway Creek at this point is subject to flooding, so the bridge would have to be a 15-30-metre-long steel-and-concrete structure to protect its abutments from flood damage. The CMP also recommends conversion of unhardened Level 1 trails south of Fanshawe Park Road on both banks of the creek to granular or asphalt Level 2 trails. Together with the new Level 2 trails, the proposed bridge will link the east and west banks of Medway Creek, as well as join the paved Level 3 trail connecting Attawandaron Road and the Medway Valley HF ESA north of Fanshawe Park Road. This is certain to generate increased usage of trails, heightening the risk of significant negative direct and indirect impact to Species at Risk that have protection, including habitat protection, under the provincial *Endangered Species Act*.

A second bridge is recommended to be built spanning Medway Creek at point D in Figures 4, 4b and 4c. Like the first, this bridge would rest on floodplain, and therefore would have to be a large steel structure with concrete abutments like those in the northern portion of the ESA. A Level 1 trail leading to the proposed bridge site is recommended for hardening into a Level 2 trail to maximize accessibility. This route duplicates, at some unknown cost, a connection to this point to be completed from the north, on the west side of Medway Creek from Sunningdale Road to the end of the City property.

Requirements under the *Accessibility for Ontarians with Disabilities Act* (AODA)

The *Guidelines* specify that “the use of pedestrian bridges . . . should be for the purpose of protecting ecological features and functions” (*Guidelines*, p. 7). To justify the bridges, the CMP claims that users may be crossing the creek where the east- and west-bank trails currently reach the banks, possibly causing damage to the banks (Table 10, pp. 40, 43). The “damage,” as many of you have seen on site visits, is, at most, minimal. The construction abutments for the bridges will cause more permanent damage.

To construct a bridge at point D, engineers will have to thread a narrow gap (no more than 40 metres wide) between populations and habitat of two rare species on the banks of the Creek: Green Dragon and Striped Cream Violet. Green Dragon is listed on Ontario’s Species at Risk List as of Special Concern. According to the *Guidelines*, “If a bridge is to be constructed in an ESA, construction impacts shall be considered during the CMP process to determine appropriate mitigation measures to reduce impacts” (p. 36). The CMP process included no such

consideration regarding either proposed bridge. It should not be acceptable to wait until “detail design” to find this out.

The CMP notes that the City is required by AODA regulations to provide accessibility to recreational trails for disabled persons whenever such a trail is “newly constructed” or “redeveloped” (*O. Reg. 191/11*, Section 80.6). To cite this requirement to justify building bridges is to extend it beyond its legitimate application. Nothing in AODA or its regulations requires the City to build bridges where none currently exist.

Nevertheless, the CMP claims that a simple review of a single trail triggers a responsibility to review all trails within a “trail system” with the aim of making them accessible (p. 36). This claim is clearly contrary to the intent of the regulation, whose application is restricted to “newly constructed and redeveloped trails that the obligated organization intends to maintain” (*O. Reg. 191/11*, Section 80.6). The phrase “trail system” does not appear in the AODA regulations. If the City accepts the CMP’s interpretation of its obligations under the AODA in this case, it will create an existential threat to the integrity of London’s entire ESA network.

Protection of the Natural Environment: A Reason Not to Build Bridges

The combination of the proposed bridge at A with the redeveloped Level 2 trails will increase the likelihood of bicycle access to the southern portion of the ESA, despite the *Guidelines* (which envision only child cyclists accompanied by adults) as well as significantly increase the number of people and off-leash dogs year-round. This is a particular problem in the Glenridge Crescent vicinity, where the current managed Level 1 trail loop passes through a Nature Reserve Zone. This area holds special significance because it contains the largest population in Canada of a plant listed by the Federal and Provincial governments as Threatened, False Rue-anemone.

According to the Ontario government web site for Species at Risk, “the main threat to False Rue-anemone is habitat destruction due to recreational activities such as cycling, ATV-use and hiking, that can result in inadvertent trampling of this plant” (<https://www.ontario.ca/page/false-rue-anemone>).

The City has taken great pains and some expense to protect False Rue-anemone from invasive Goutweed, an effort which has been acknowledged in the Federal Recovery Strategy for this species. The threat from significant increases in traffic (staff report just over 20,000 visits per year on the paved pathway to the north) to this threatened species has been recognized in the CMP. The Plan contains a proposal to build a wood rail entrance corral at the intersection between the proposed Level 2 trail and the existing Level 1 loop trail, with interpretive signage to “inform trail users about the significant features in the ESA and how to protect them” (CMP, p. 37). This proposed deterrent to bicycle access to the populations of the threatened species False Rue-anemone is a weak defence. Bicycles can of course be easily lifted over such corrals. In addition, the area where the trails join is an open meadow, which will offer abundant opportunity



for lift-overs no matter what fencing is built to flank the corral. Protection of the Medway Valley's most precious species therefore depends upon hopeful conjecture.

A justification provided in the draft CMP for the bridge construction proposals is to direct users away from the more sensitive ecological areas of the ESA. It should be noted, however, that the Natural Heritage Inventory conducted as part of the CMP process found 31 floral species with a Conservation Coefficient of 8 or higher in this area of the Medway ESA, including species listed as Special Concern (Striped Cream Violet, Green Dragon, American Gromwell, Slender Satin Grass), which means that they "typically occur in undisturbed or pre-settlement remnants" (*Natural Heritage Inventory and Evaluation: MVHF ESA*, Table 7, p. 51). This fact indicates that distinguishing between more and less sensitive areas of the ESA is somewhat misleading, since any additional usage is likely to disturb the habitat required by one or more of these 31 species. For example, the Blue-leaved Willow, a large, bushy plant with a Conservation Coefficient of 10 (10 is the highest and is applied to plants that are almost always restricted to a high-quality natural area like the Medway). It stands directly in the path of the proposed bridge at point A. Construction of a bridge at this point will be extremely difficult without destroying this rare shrub. Unfortunately, at neither of the Open Houses hosted by City staff did a map showing these constraints and concerns appear.

The CMP addresses the threat posed by increased usage only in its discussion of adaptive management and monitoring. This is inadequate. In this case, "adaptive management" cannot mean even shutting the barn door after the horse has galloped away, since one cannot imagine the City removing a newly built bridge even if monitoring discovers trampled or ridden-down patches of threatened species.

In addition to the harm the construction the two bridges will cause to the terrestrial flora and fauna, the construction of the two bridges will definitely be detrimental to habitat for aquatic fauna, including the provincially threatened Black Redhorse (*Maxostoma duquesnei*) and Silver Shiner (*Notropis photogenis*). Based on preliminary surveys, suitable Black Redhorse habitat is present at the proposed bridge site D, that being moderate flow riffles and shallow pools with gravel and cobble substrate (Reid 2006, *Journal of Freshwater Ecology* 21:249–258), including suitable spawning habitat corresponding to riffles of rubble and gravel in 15–60 cm of water (Bowman 1970, *Transactions of the American Fisheries Society* 99:546–559) with discharge rates of 1.4 m³/sec and surface velocities of 0.24 m/sec (McSwain and Jennings 1972, *Transactions of the American Fisheries Society* 101:738–740). Furthermore, species at risk have been found at the proposed bridge site A by the UTRCA during their electrofishing surveys, and the location also supports habitat for the Black Redhorse and Silver Shiner. The construction of these bridges and placement of the footings will most likely alter the hydrological regimes of Medway Creek, especially during seasonal flooding, with some visible downstream effects that could result in the elimination of species at risk habitat for both the Silver Shiner and Black Redhorse.

Since the proposed bridges will not enhance protection of the environment, the only remaining justification for the proposed bridges, and the constructed trails which depend upon them, is the neighbourhood linkage that they would provide. Not only is this not an ecological argument, but it ignores the harm to the ecological integrity of the ESA that the increased usage it promotes will probably cause. Except to upgrade an existing connection using a Level 3 trail

or to connect with the Thames Valley Parkway (*Guidelines*, pp. 25, 35), neither of which is proposed here, connecting neighbourhoods is not the purpose of ESAs.

Eliminating the proposals for bridge construction from the CMP will not reduce access to the ESA. The existing managed trail network—offering 16 access points—together with other trail planning outlined in the CMP including increased accessibility, will continue to provide entry to the riches of the ESA from every adjacent neighbourhood, and for all the residents of London. Furthermore, there is at least one opportunity—which was not considered during the CMP process—to create an additional accessible loop trail which affords a nature experience, in the cultural meadow and cedar grove between Access points 11 and 13. Removing the objectionable proposals—and entertaining more nature-friendly ones—will make it more likely that this part of the ESA remains a place to enjoy where our natural heritage will be protected.

Conclusion

The near-final draft of the CMP was not endorsed by the LAC as a whole. The group was polled at its final scheduled meeting, on November 2, 2017, and only 4 of the 15 members present endorsed the draft without qualification. One other member gave a tentative endorsement, and one abstained on the question of trail placements and crossings. The majority did not endorse the draft (*Minutes, LAC Meeting 5*, pp. 6-8). The meeting on February 21, 2018, was only for information.

We recommend that Council reject the CMP proposals for bridge construction discussed above. These proposals should be removed from the CMP and the document be revised accordingly. In doing so, Council will support the fundamental purpose of the ESA system, to preserve and protect our natural heritage.

Furthermore, since the proposals for future monitoring and adaptive management depend upon the resources to support them, we recommend that Council defer adoption until the implementation plan is submitted as part of the next 4-year budget cycle.

We wish the policy issues discussed above to remain the focus of discussion, but we cannot close this submission without expressing our extreme dismay and disappointment at the conduct of the LAC consultation. A series of turns in the discussion eventually convinced us that City staff would accept no outcome that did not substantially expand recreational opportunities. There was no site visit, nor was there much in the way of small-group discussion that could have generated consensus. The final straw was the use of a document (Appendix D of the CMP) submitted by a member of the Accessibility Advisory Committee—well after the conclusion of the series of 5 LAC meetings—to make consequential alterations to what we believed would be the final draft of the CMP. Londoners deserve better when we are offered public consultation.

We will be pleased to appear before the Planning and Environment Committee when this matter is before committee to explain our position further.

Sincerely,

Professor Jack Blocker

Susan Hall

Mady Hymowitz

Sandy Levin

Associate Professor Katarina Moser

Sarah Peirce, PhD

Associate Professor Greg Thorn