

Sunningdale Court EIS (600 Sunningdale Road West)

October 12, 2017

Reviewed by C. Dyck and S. Levin

### **MAJOR CONCERNS:**

Size of buffers where the buffer is less than 10 m

Lack of information on protection of S2 plant (Two flowered Cynthia) – we believe this omission is sufficient grounds to reject the current version of the EIS

Date of field work predates the construction of the multi-use pathway and bridges

Lack of detail on restoration plans and insufficient monitoring period post restoration

### **BUFFERS**

The rationale for a “relatively small buffer areas” given on page 7.7 is unclear, particularly in explaining why 5 m is sufficient. No explanation is given as to why the construction buffer is only 5 m. Page 7.7 indicates that final buffer requirements are to be determined as part of a site specific EIS. Were these words written at a different time? Isn't the document a final EIS? Regardless, there is no explanation of the buffer widths or a clear buffer management plan (very limited information appears in Table 7-2).

**RECOMMENDATION 1:** Either the EIS be revised to explain why the buffer widths are as narrow as 5 m. Otherwise, 10 m buffers should be the minimum requirement.

**RECOMMENDATION 2:** A buffer management plan with ecosite specific native planting recommendations be a condition of the development agreement.

Figures 6 and 7 note there is a 30 m buffer for fish habitat but the legend indicates “no buffer for the golf course pond.” EEPAC assumes this refers to the pond at the west end of the development in an area that, according to the zoning map that went out with the public notice, will be lands zoned OS5. Therefore, EEPAC is unclear how the pond is not buffered.

**RECOMMENDATION 3:** EEPAC requests that staff ensure that this pond is retained.

### **TWO FLOWERED CYNTHIA**

In Appendix B, two CC of 10 plants are noted. There is some discussion in the text about one of the plants – Twinleaf. Its general location is noted in the report (7.6). This plant is listed as S4. However, there is absolutely no mention in the text of the other CC 10 plant – Two-Flowered Cynthia. This plant is listed as S2 which means Very Rare (page 3.5 uses the word ‘imperiled’ for S2) in Ontario; usually between 6 and 20 occurrences in the province, or found in only a few remaining hectares. For comparison, False Rue Anemone, which is listed as Threatened, also has an S2 ranking.

**RECOMMENDATION 4:** Until it is clarified if this plant is off the development site and protected from disturbance, the EIS be considered incomplete.

## **EDUCATION**

It is unclear to the reviewers how access to the ESA from Block 115 will be limited. Although many will stay on the paved path, there are others who will stray. The EIS mentions in a number of places “education” but does not detail what steps will be taken to “educate.” It is also unclear how fencing will help homeowners avoid fertilizer and herbicide use, or avoid planting invasive species (p. 7.6, section 7.1.6)

EEPAC believes the following recommendation would address both of these.

### ***RECOMMENDATION 5:***

As a condition of development

- the proponent be required to install signage at Block 115 and 116 with information on the ESA including why it is significant and with normative messages consistent with behaviour science (‘nudges’), that encourage people to do the right thing and stay on designated paths, keep dogs on leash, etc. This is more likely to be considered “ongoing public education” (pgs 7.6 and 7.7). In return, EEPAC recommends the requirement for a home owner “package” be deleted from the development agreement.
- 6 months after assumption, the City send each resident the “Living With Natural Areas” brochure

## **NET EFFECTS ASSESSMENT (Section 7)**

***RECOMMENDATION 6:*** Page 7.13 - EEPAC strongly discourages installing bird boxes as a means of mitigating the impacts of this development and recommends that this be removed from the EIS.

As the EIS points out domestic pets are a threat to birds. It is unlikely that birds will “learn” to avoid domestic pets and installing bird boxes simply makes it easier for cats to find nesting birds. Numerous studies indicate that domestic animals increase stress in wildlife populations as they devote energy to avoidance and flight rather than on reproduction.

## **ENVIRONMENTAL MANAGEMENT PLAN (Section 8)**

The report is very general in terms of the restoration and compensation plantings and plans. For example, page 7.4 says “...buffer management techniques will be used to reduce indirect impacts during construction and over the long term.” There is no clear explanation for this assertion.

In Table 7-3 under “ground disturbance and grading” the report recommends “regular inspection and repair of erosion and sediment control measures” and “regular inspection of the outlet and downstream for evidence of erosion.” It is unclear how often “regular” inspection will be and who or what agency will be responsible for monitoring and repair.

The EIS has two different proposed monitoring periods, neither of which, in EEPACs opinion and from examples from other developments, is sufficient.

***RECOMMENDATION 7:*** An Environmental Management Plan be prepared for approval by the City and the UTRCA as a condition of development. The EMP must include a clear explanation for how the Plan will minimize indirect impacts on the Natural Heritage features and functions over the long term as well

as how often inspections will occur during construction. EEPAC recommends the following elements be included in the EMP:

- a. The areas north and to the south (including the area south of the pathway) of the proposed outlet spillway be restored. It is unclear why this area was not restored when the sewer or the path were built. However, it does provide an opportunity for compensation, given the rip-rap spillway will not provide much opportunity for riparian habitat replacement.
- b. Post construction monitoring be for three springs and three falls subsequent to the buffer and restoration plantings.
- c. An Invasive Species Management Plan be required as part of the development agreement, including for lands to be dedicated to the City as part of the City owned ESA (see Table 4-1)
- d. All restoration be with species that are native and appropriate for each ecosite.
- e. Clarification of the proposed "qualitative vegetation monitoring" be provided to EEPAC and if necessary, City staff. Does "quality" refer to the individual plants (i.e. poor health of planted species due to stressors like drought) or does it refer to the "quality" of the overall species composition (i.e. heavy presence of invasive species)? This recommendation should perhaps read "qualitative and quantitative" to determine the degree to which the newly planted vegetation has survived and is thriving. Indicators of overall plant health should be clearly outlined, such that when individual plants do not thrive the warranty period would be triggered, and the vegetation would be replaced.

### **CONSTRUCTION RECOMMENDATIONS**

In section 8.3, it states "while the site is actively being developed/constructed with a log of dates when the facilities (i.e. erosion and sediment controls, construction fencing) were inspected, the condition of the facilities at the time and remedial actions, if any, that were taken." This also appears on page 9.2, recommendation #8. Are these activities that get reported to Development Services? It is unclear which City department receives these reports, or if there any random site visits to see if there is compliance specifically when the development is adjacent to a part of the Natural some other point in time?

As a result of this lack of clarity, EEPAC recommends:

#### ***RECOMMENDATION 8:***

- a) The city conduct random visits to ensure sediment control measures are in place, particularly when the outlet channel is being constructed.
- b) Clean Equipment Protocol be followed.
- c) No equipment shall be stored or refuelled within 30 m of any natural feature or watercourse.
- d) Gates with no fences must (not should as shown on page 7.4) be erected between the development and the ESA.
- e) Removal of vegetation must (not should as stated on page 8.2) take place outside the nesting period of migratory birds.
- f) Invasive plants be removed.

## **STORMWATER**

Page 7.3 indicates at the bottom that the proposed outflow is at “an appropriate spot for discharge to Medway Creek.” Nowhere does the report explain why the proposed location is better there than any other spot along the Creek.

**RECOMMENDATION 9:** A clear rationale for this location be provided before the EIS is accepted.

**RECOMMENDATION 10:** The development agreement be clear in who (the proponent or the City) is responsible for the ongoing maintenance of the OGS and outlet after assumption (see page 7.11, Table 7-3)

## **TO BE FORWARDED TO TRANSPORTATION DIVISION**

EEPAC notes on page 4.10 that there is a perched culvert preventing fish passage. This should be rectified with the road widening. A box culvert is the preferred option.

## **QUALITY OF DATA COLLECTION - AMPHIBIAN SURVEYS**

EEPAC questions if the frog call count surveys were done in a manner consistent with the Marsh Monitoring Protocol. Although the stations are located in areas off the developable lands, it is unusual to see the 3 required surveys done in two different years. It was also unclear as to when the three minute samples were taken, given the wide range of times shown in Table 3-2 on page 3.4. EEPAC notes that sundown on June 16, 2011 was roughly one hour prior to the time period shown in the Table. As well, two of the survey stations were closer than the 500 m recommended in the Protocol.

## **OTHER EDITS, ERRORS and OMISSIONS**

The legend in Figure 7 notes ‘Fence’ but it is not clearly shown on the Figure. It would be helpful to know if the proposed fencing with no gates is actually along all properties particularly the ones abutting Blocks 115 and 116.

- References to UTRCA Watershed Report Card for the Medway should be updated to the most recent version, released this year.

- The first three paragraphs on page 4.2 appear to be unnecessary as:

- the proponent will not be addressing the lack of interior forest in the watershed.
- it is unclear when the benthic survey after 2001 was conducted
- there is little in this EIS that will implement the recommendations in the third paragraph which seem to relate to needs in other parts of the Medway Creek Subwatershed.

EEPAC believes Table 7.1 on pages 7.2/7.3 includes fewer direct impacts than is likely.

Page 9.2 ends abruptly. It is unclear whether a ‘period’ is simply missing to end the sentence, or whether a portion of the sentence/page is missing.