

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Contract Renewal for Management of Environmentally Significant Areas  
**Meeting On:** October 9, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions **BE TAKEN** with respect to the renewal of the five year Agreement with the Upper Thames River Conservation Authority for the management of City owned Environmentally Significant Areas in the City of London:

- (a) approval **BE GIVEN** under Section 14.3 (c) of the Procurement of Goods and Services Policy to enter into an Agreement with the Upper Thames River Conservation Authority for the management of Environmentally Significant Areas in the City of London as a “Sole Source” contract;
- (b) the attached, proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on October 16, 2018, to approve an Agreement between The Corporation of the City of London and the Upper Thames River Conservation Authority for the management of Environmentally Significant Areas in the City of London, substantially in the form attached to the by-law, and to authorize the Mayor and City Clerk to execute the agreement; and,
- (c) **IT BEING NOTED** that funding for this service is included within the base budget of Parks and Natural Areas Planning and Design.

## Executive Summary

- The City’s [award-winning](#), leadership in the protection of Environmentally Significant Areas (ESA) is enhanced by the highly skilled members of the Upper Thames River Conservation Authority (UTRCA) ESA Team who have assisted the City with the majority of the “hands on” aspects of ESA management since the original contract with the UTRCA was signed back in 2002.
- The UTRCA ESA Team’s skills, depth of experience, and ability to leverage additional funds through grants and other programs are key to the enhanced protection of our ESAs making the UTRCA the most qualified to provide a unique service that cannot be handled by any other City service area, environmental group or general contractor.
- The UTRCA is a quasi-governmental, non-profit, London based organization and their mission statement is “*Inspiring a healthy environment*” making them a great fit for continuing the effective and efficient management of London’s ESAs. The UTRCA’s ends are:
  - *protect life and property from flood and erosion*
  - *protect and improve water quality*
  - *preserve and manage natural areas*
  - *provide outdoor recreation opportunities*
- An opportunity to assume some aspects of the mandate items along with the corresponding funding associated with that work in the UTRCA contract was offered to relevant City Service Areas in early 2018. Due to the unique nature of

the work, these offers were declined and ESA conservation work will continue to be outsourced.

- The 2019-2023 contract is provided in **Appendix A**.

## Background

### 1.0 Previous Reports Pertinent to this Matter

**September 25, 2017** - Planning and Environment Committee Meeting Report for [The London Invasive Plant Management Strategy](#)

**November 26, 2013** – Planning and Environment Committee Meeting Report for [Contract Renewal for the Management of ESAs](#)

### 2.0 ESA Management Activities and UTRCA “Sole Source” Contract

#### 2.1 London’s Environmentally Significant Areas

ESAs are managed by the City funded UTRCA ESA Team under contract, for the protection and enhancement of ecological integrity, while permitting safe and appropriate access to nature for all Londoners. The 735.6 hectares of City owned ESA lands to be managed in 2019 cover a range of habitats including upland forests, floodplains, wetlands, bogs, and meadows that support a diversity of wildlife. Due to the unique blend of skills required to manage and protect ESAs, the City has a long standing contract with the UTRCA to manage London’s ESA lands on our behalf. The cost for this service in 2018 (excluding HST) is \$505,146. Eleven City owned ESAs currently being managed by the UTRCA include:

- Westminster Ponds/Pond Mills
- Meadowlily Woods
- Kains Woods
- Sifton Bog
- Kilally Meadows
- Medway Valley Heritage Forest
- Warbler Woods
- The Coves
- Lower Dingman
- Kelly Stanton
- Pottersburg Valley

#### 2.2 ESA Policies and Guidelines

The City’s management and protection of London’s ESAs is guided by the leading edge and [award winning](#) policies in the:

- London Plan
- Environmental Management Guidelines
- Guidelines for Management Zones and Trails in ESAs
- ESA Conservation Master Plans
- Tree Risk Management Policy for ESAs
- London Invasive Plant Management Strategy

#### 2.3 London Invasive Plant Management Strategy

The City of London is an identified leader among other municipalities and other levels of government in demonstrating a proactive approach to the management of invasive species since 2006. London is the first municipality in Ontario to complete a citywide strategy. The [London Invasive Plant Management Strategy](#) (LIPMS) approved by Council in 2017 identifies the continued success in managing invasive species in ESAs as a model for best practices.

In ESAs, the successful execution of this challenging work is thanks in large part to the highly skilled ESA Team who are licenced by the Ministry of the Environment, Conservation and Parks, and meet a special Ministry of Natural Resources and Forestry “Natural Resources Exception” to manage invasives (including associated restoration work) as part of their mandate under operations, and through annual capital projects. Over the last 5 years about 10% of the ESA Team’s time was devoted to invasive species management and restoration as part of the contract. In addition to this operational work, the UTRCA brings in other qualified staff to complete an average of \$50,000 capital invasive species management and restoration projects in ESAs each year.

## **2.4 General Management Items in the Contract**

Proactive, highly skilled management for the protection of ESA lands continues to be a priority for the City, local residents, EEPAC, and members of the Trails Advisory Group. The City and the UTRCA have enhanced the effectiveness and sustainability of ESA management since the UTRCA was formally contracted in 2002. Due to efficiencies and policy updates included in the last contract, the City of London and the UTRCA have revised the mandate in the revised contract in **Appendix A**.

General management items and targets, as outlined in the revised contract (refer to **Appendix A**) are as follows:

1. Monitoring and enhancing the natural resource – (40% of time)
2. Enforcing provincial regulations, and City by-laws including encroachments (20%)
3. Risk management, structure inspections and tree hazard programs (5%)
4. Developing and maintaining trail network (30%)
5. Coordinating educational programs, special events and community projects (5%)

These mandate items are expanded upon in Appendix #2 of the updated contract. In order to effectively fulfill these mandate items, the UTRCA has continued to broaden the professional and technical skills of their ESA Team to include the following skill sets:

- Provincial and Municipal By-law Enforcement Officers
- Ecological Restoration Technicians with pesticide applicator licenses
- Forestry Technicians with hazard-tree assessment and chain saw qualifications
- Fish and Wildlife Technicians
- Trail Building and Design Specialists, and Carpenters
- Communications Specialists

The ESA Team meets the diverse operational needs and improves efficiency in management of the ESAs. For example, while building a boardwalk, planting native trees or managing invasive species, the same staff could educate/charge persons under the Parks and Recreation By-law, Conservation Authorities Act or Trespass to Property Act. While each of these tasks could be performed by individual contractors, it is the blend of these skills and the depth of experience that make this team the most qualified to provide a unique service that cannot be met by any other general contractor. The UTRCA also has a wide range of professional conservation staff who assist with this contract as needed.

## **2.5 Leveraged Funds for Enhanced ESA Protection**

Over the last decade the UTRCA has successfully leveraged funds to hire additional staff to do conservation work in London’s ESAs. During the last 4 years of the current 5 year contract, the UTRCA received \$183,500 in grants and donations for the enhanced protection of our ESAs including participation in the Canada Summer Jobs program, co-op programs and the Province’s Junior Rangers program.

## **2.6 Enhanced Local Stewardship Through the Adopt an ESA Program**

ESA protection and awareness of their significance is enhanced through the City’s [Adopt an ESA](#) program launched in 2013. Dedicated local volunteers, businesses, organizations

and community groups help to protect ESAs through stewardship efforts including tree planting, invasive species removal, litter removal, and engagement in the City's Trails Advisory Group.

### **3.0 Agreement Changes**

#### **3.1 Adjustments to Time Allocated to Mandate Items**

Some mandate items have been shifted to better match the category titles. Assisting City staff with by-law enforcement and reduction of private use encroachments on to public lands has been shifted from the risk category to the enforcement category. Other changes are based on successes achieved during the last contract, and areas targeted for further improvement based on ESA public observation reports, and comments from the public and local community groups over the last 5 years:

- Monitoring and enhancing the natural resource including invasive species management and restoration continues to be a priority and this mandate item's target has been increased from 25% of the ESA Team's time to 40%.
- A reduction in private property encroachments into the ESAs has been successfully achieved and will continue through ongoing enforcement work coordinated by City by-law staff with support from the ESA Team. Since 2016, 47 properties with encroachments into City owned ESA lands have been brought into compliance, and another 35 are now in the enforcement process, moving towards compliance.
- The City's highly effective Hazard Tree Risk Management Policy brought in with the last contract, has significantly reduced the time spent managing hazard trees (from 22% in 2014 down to just 2% in 2017) freeing up 20% of the ESA Team's time to focus on other items in the mandate.
- Time allocated to by-law enforcement and education to increase compliance with ESA rules including "Dogs on Leash" remains the same in the mandate, however, other adjustments will better allow the ESA Team to actually meet the 20% of time targeted, effectively increasing time devoted to this mandate item. During the summer, London Animal Cares provides additional enforcement of Dogs on Leash by-laws in ESAs.

### **4.0 Financial Implications**

In the first year of the term of this Agreement, the City shall pay the UTRCA \$700.44 per hectare for the management of ESAs. In each subsequent year of the term, the annual payment shall be increased by an amount equal to the annual increase in the Cost of Living Index, to a maximum of 2% on an annual basis. As new ESA lands are acquired, the City shall pay the corresponding increase in the contract amount in accordance with the formula established. For 2019, the cost of the services provided by the UTRCA is estimated to be \$515,243.

Funding for the services provided under this contract is included in the approved Parks and Natural Areas Planning and Design base budget.

### **5.0 Conclusion**

#### **4.1 Enhanced ESA Protection and Advantages to the City in Retaining UTRCA**

- The City's leadership in the protection of ESAs is enhanced by the highly skilled members of the UTRCA ESA Team who have assisted the City with the majority of the "hands on" aspects of ESA management since the original contract with UTRCA was signed back in 2002.
- The UTRCA ESA Team's skills and the depth of experience, and, ability to leverage additional funds through grants and other programs are key to the protection of our ESAs making them the most qualified to provide a unique service

that cannot be handled by any other City service Area, environmental group or general contractor.

- The UTRCA is a quasi-governmental, non-profit, London based organization and their mission statement is “*Inspiring a healthy environment*” making them a great fit for effectively and efficiently managing London’s ESAs.

The 2019-2023 contract is provided in **Appendix A**.

<b>Prepared by:</b>	<b>Linda McDougall, MES, OALA, RPP Ecologist, Environmental and Parks Planning</b>
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Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

September 28, 2018  
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