

Thames Valley Parkway North Extension

Comments following attendance at preconstruction Open House held January 31, 2019

Submitted to February EEPAC meeting by Prof. K. Mosher and S. Levin

This area is part of the Thames River Valley corridor and is home to many species at risk (SAR) and the increasingly rare habitats which they depend on to survive. Woodlands adjacent to the river form a narrow corridor within the city of London that provides critical habitat to many migratory birds and SAR. It also offers protection for the Thames River from urban development and inputs of sediments, nutrients and contaminants. Therefore, given that the City has made the decision to construct two new bridges to cross the Thames in this ecologically important area, the City has the responsibility to take all possible precautions to protect this environment and species at risk. Given the sensitivity of the site and its importance to SAR, we believe that the city must well beyond normal measures to ensure minimal impact on the environment, and that SAR and their habitat will be protected. A detailed and thorough monitoring plan accurately documents any impacts that occur during or after construction, and provides targets for conservation and mitigation. Here we provide comments and recommendations to help ensure full protection of SAR and their habitats during and after construction.

Monitoring:*Pertinent Note from ESR*

A screening for potential SAR in the construction area will be completed prior to construction and mitigation measures, such as exclusionary fencing will be installed. Additional mitigation measures will be developed during detailed design, in consultation with UTRCA and MNRF, based on the final design. A monitoring plan will also be developed, with input from UTRCA. (p. 56)

Concern: There was no information about planned post construction monitoring available at the meeting. EEPAC members were told that it is still a work in progress.

Effective monitoring allows for actions to be taken to minimize deleterious impacts of construction and avoid costly errors.

Monitoring must be done pre-, during and post- construction. Baseline conditions, including water quality, should be accurately determined in order to determine post construction targets. We assume that during-construction monitoring will be done by Dillon, but the pre-and post-construction monitoring will be the responsibility of the City. How will this be co-ordinated to ensure that monitoring effectively shows the impacts of the project? Detailed post construction monitoring plans are still being determined, but that no water quality monitoring is planned.

Given that the detailed design phase is nearly complete and construction is set to start June 2019, EEPAC is concerned that monitoring plans, particularly post construction plans, are not yet available for review. This is an opportunity for the City to show strong environmental leadership by developing a well-planned and effective monitoring strategy.

Recommendation 1: EEPAC receives the monitoring plans for review when they are complete.

Given the sensitivity of the site, we are particularly concerned about what measures will be taken beyond the “normal” ones to ensure the protection of sensitive SARs and their habitat. What will be included in the pre- and post-construction monitoring? How long will post-monitoring be done? We urge the City to re-consider including water quality monitoring in the plans. Although construction plans indicate several measures, including silt reducing fencing and de-watering pools, there is still the potential for increased turbidity and nutrients downstream as a result of increased erosion. We presume the erosion control measures will be put in place before the first tree is removed to minimize sediment and nutrient loads to the Thames resulting from vegetation clearing and bridge construction. The loss of a buffer zone during the bridge construction could increase sediment and nutrient loading.

Recommendation 2: In order to accurately determine any water quality changes related to the bridge construction, pre and post construction water sampling must be done upstream and downstream of the bridge and include other potential inputs located just downstream of the construction site. For each sample, we would recommend at a minimum turbidity or total suspended solids, total phosphorus, total nitrogen and major and minor ions. This type of sampling provides a means to determine how the habitat of key species is being affected by construction.

Recommendation 3: We also strongly recommend including pre-construction checks for hibernacula in the warm spring when snakes emerge and not just before actual construction. This would also apply to any of the SCC or SAR plants that are spring ephemerals.

Preventive Measures:

Concern: Owing to the sensitivity of this site, preventive measures should be substantial to protect SARs and their habitat. Such measures should prepare for and prevent any possible damage to the ecosystem. EEPAC requires reassurances that everything possible is being done to prevent loss of species habitat or endangering SAR.

One of the most serious risks to the SAR turtles are dogs. This area is notorious for dogs off leash; in fact many people already treat it as a dog park.

Recommendation 4: EEPAC strongly recommends that the City make plans ahead of and after construction to curb dogs off leash in this area.

EEPAC recommends a strict enforcement of dogs on leash in this area prior to construction and immediately after construction. Sending enforcement officers in weekly in the early morning

and evenings to caution and/or fine dog owners would be one strategy. Such a strategy seems to have been quite effective in Komoka Provincial Park. Large clear signage including the amount of the fines and the reason to keep dogs on leash (protection of species at risk) are also recommended.

Screening on bridges should be used to reduce the ability of people standing on the bridge from seeing the spiny softshell turtle nesting site to the north. Dillon argues that the Ross Park bridge is 300 m away and that people walking along Richmond by the car bridge have an even better view. This may be true, in which case screening is also needed at Richmond as well as on this new bridge. Regardless of decisions about the Richmond bridge, the Ross Park Bridge include screening because these bridges are being built for walkers and bikes, not cars, and people are much more likely to stop and observe nature on this type of bridge than pedestrians traversing the Richmond bridge. Given the total costs of the bridges, the screening is a small measure that the City should take to protect SAR.

Recommendation 5: EEPAC seeks clarification on the timing of construction and the rationale for not having screening on the bridges, in particular, the Ross Park bridge.

The panels at the public meeting held Jan. 31, 2019 indicated construction will start in June 2019, however, it was stated previously that construction would only begin after the migratory season and would be done in the Fall. It is important that birds and species risk be left alone during spring and summer months. Construction and site access should be strictly limited until Fall as was previously planned.

Recommendation 6: Appropriate Clean Equipment Protocols be included in the final contract documents to prevent the spread of invasive species. Failing to do so will increase invasive species harming native ones.

Recommendation 7: EEPAC recommends that all contractors receive species at risk training prior to access to the construction site so that they know the protocols to use when a SAR is encountered on the site. As well, photos of species at risk be displayed in an construction staging areas such as trailers.

There is recent beaver activity in the construction area.

Recommendation 8: There should be training for site workers and city staff about the City protocols concerning beavers. EEPAC understands that the stormwater management group has a standard beaver protocol in place for contractors removing sediments from SWM ponds.

Turtles have been observed in the area of construction in the past, so there is the possibility of turtles being encountered during construction.

Recommendation 9: EEPAC recommends daily site inspections by an ecologist and that a SAR specialist (perhaps from the UTRCA) will be on-site during construction as required.

As well, we assume that there will be adequate post-construction monitoring of SARs. Such monitoring would provide much needed knowledge about the impacts of bridge construction on water quality and how to best protect SARs and their habitat. Failing to protect SARs would not only be a major loss for the ecosystems London harbours, but also for the City who has a responsibility to protect species at risk and their habitats. Monitoring will help protect SARs because having accurate data about their numbers before and during bridge construction would mean that if there were a decrease in population or habitat, measures could be taken before the problem worsened.

Recommendation 10: Annually, all parks operation staff, including summer and casual staff, be provided information and training on the identification of species at risk in the Natural Heritage System and be given a wallet card or similar in order to direct them to call selected staff when species are sighted.

This should be city wide, not just this part of the Natural Heritage System.

We are also concerned about post-construction monitoring for invasive species. How will this be done and over what period? Any increase in invasive species requires an immediate action plan to prevent it worsening.

Recommendation 11: Annually, all parks operation staff, including summer and casual staff, be provided information and training on the identification of the invasives species that have priority for early detection and response and be given a wallet card or similar in order to direct them to call selected staff when species are located.

Recommendation 12: The City must monitor the area post construction to see if off path trails are starting and to stamp them out quickly, as city staff at the meeting said that the parks operations staff will be the only ones there regularly from the city – (also see section 10.2 p 40 of the ESR).

It continues to be unclear what maintenance will be done on the bridge and trails during winter, and what the city policy will be for using these trails for equipment. It is well known that salt can have detrimental effects on water quality which in turn affects fish, mussels and turtles.

Recommendation 13: EEPAC recommends that the City commit to not use de-icing chemicals (including salt) on the bridges and pathways.

Although there are other “pathways” for salt to enter the Thames, salt use on the TVP path and bridges would add to the total salt input to the Thames and increases danger to nearby species at risk and their habitat.

As well, EEPAC is looking for a commitment that the City ensure contractors operating equipment in sensitive city areas be appropriately trained about SAR and safe driving with particular regard to risks of encountering species. On Feb. 11 2019 just before 8:00 am a EEPAC member observed a large sidewalk snow removal vehicle (included a front plow and salt spreader at the rear) driving at high speed on the bike pathway east of Adelaide (approximate location 43.024458°, -81.239797°) heading north and east towards Highbury. The vehicle was neither plowing nor spreading salt and it was clear by tracks in the snow that it had accessed the path at Adelaide. The member's best guess is that the driver was using the pathway as a short cut – this is not an appropriate use. Clearly, the City needs to improve training for these workers or end this practice of using park infrastructure as a shortcut. (This incident was reported to the City and D. Clarke from Parks Operations responded).

Mitigation Measures

Concern: To build the bridge and extend the pathway many trees have to be removed. EEPAC appreciates the pathway alignment has tried to minimize the loss of trees and to avoid larger trees as much as possible. Still, we are given to understand that 150 trees 30-50 dbh will be removed. The total count by size was not available at open house.

Recommendation 14: EEPAC requests further information about tree replacements.

Replacement is 3:1 for 30-50 dbh, 5:1 for larger trees. We assume it is 1:1 for trees less than 30 dbh. Is that correct? Have locations for plantings been determined? When will plantings take place? Where will plantings be done? In the areas cleared? We understand only native plants will be planted. What types of trees will be used? How long will the trees be cared for after planting? Are tree plantings part of the compensation/enhancement plan? If so, is it available for anyone to see? We would like to see the plans because the loss of trees and re-planting of trees and possible revegetation of the "meadow" area north of the pathway is an environmental concern and we would like to provide our recommendations about these plans. We also understand that some planting will commence prior to completion.

Recommendation 15: A minimum five year warranty period for ecological restoration and plantings be required in the tender documents. The warranty period should only begin once 70% or more of the plantings are completed.

Recommendation 16: EEPAC recommends that invasive species control along the Thames and in Huron Woods be a part of the compensatory plan.

Recommendation 17: Professor Emeritus Brock Fenton from Western University be consulted on the proposed installation of bat boxes.

Other:

Concern: There appears to be no mention regarding the marked trail that runs adjacent to the river. The trail is well marked with white paint and we believe it is part of the Thames Valley Trail. This trail takes people from Adelaide west and up the hill behind the seminary and over to Ross Park. By crossing the Thames at Adelaide you can continue on the trail on the north side of the Thames east through Killaly Woods ESA to Highbury and beyond.

***Recommendation 18:* Prior to construction a plan for this trail should be decided and be part of the detailed design. If the trail is to continue it should be re-routed and made part of the TVP where there is overlap.**

EEPAC was pleased to learn that no in water work will be required as part of this project.

EEPAC continues to believe that the Thames Valley Parkway North Extension is in a part of the Natural Heritage System that meets at least two of the seven criteria as an Environmentally Significant Area (ESA). It should be noted that to date it has not been evaluated against the criteria in the City's Official Plan.