

**3RD REPORT OF THE  
ENVIRONMENTAL AND ECOLOGICAL PLANNING ADVISORY COMMITTEE**

Meeting held on February 21, 2013, commencing at 5:09 p.m.

PRESENT: G. Sass (Acting Chair), K. Delaney, R. Gupta, S. Levin, Dr. W.R. Maddeford, L. Nattagh, S. Sanford and Dr. N. Zitani and H. Lysynski (Committee Secretary).

ALSO PRESENT: B. Haklander, B. Krichker, L. McDougall and H. McNeely.

REGRETS: B. Bergsma, C. Creighton, A. Macpherson, C. Peterson, D. Sheppard and A. Youssef.

**I YOUR COMMITTEE REPORTS:**

- Old Victoria  
No. 2  
Environmental  
Impact Study
1. That the Environmental and Ecological Planning Advisory Committee (EEPAC) heard verbal presentations and received copies of the Environmental Impact Study, from B. Krichker, Manager of Stormwater and B. Haklander, Environmental Services Engineer, with respect to the Old Victoria No. 2 Environmental Impact Study (EIS). The EEPAC referred the EIS to its Working Group to review and report back at the next EEPAC meeting.
- Pottersburg  
Creek Slope  
Stability  
Environmental  
Assessment of  
Hamilton Road  
Bridge
2. That the Environmental and Ecological Planning Advisory Committee (EEPAC) heard verbal presentations and received copies of the Environmental Impact Study, from B. Krichker, Manager of Stormwater and B. Haklander, Environmental Services Engineer, with respect to the Environmental Impact Study (EIS) for the Pottersburg Creek Slope Stability Environmental Assessment of the Hamilton Road bridge. The EEPAC referred the EIS to its Working Group to review and report back at the next EEPAC meeting.
- Z Group – 530  
Sunningdale  
Road East
3. (5) That the Environmental and Ecological Planning Advisory Committee (EEPAC) received a Notice, dated January 31, 2013, from N. McKee, Senior Planner, with respect to the application of Z Group, relating to the property located at 530 Sunningdale Road East. The EEPAC requested confirmation that the proposed changes do not contradict Condition 29.
- Thames Village  
Joint Venture –  
1697, 1738  
and 1742  
Hamilton Road  
and 1990  
Commissioners  
Road East
4. (6) That the Environmental and Ecological Planning Advisory Committee (EEPAC) received a Notice, dated January 31, 2013, from L. Mottram, Senior Planner, with respect to the application of Thames Village Joint Venture, relating to the properties located at 1697, 1738 and 1742 Hamilton Road and 1990 Commissioners Road East. The EEPAC referred the Environmental Impact Study to its Working Group to review and report back at the next EEPAC meeting.
- Colonel Talbot  
Developments  
Inc. – 3924 and  
4138 Colonel  
Talbot Road
5. (7) That the Environmental and Ecological Planning Advisory Committee (EEPAC) received a Notice, dated January 23, 2013, from A. Riley, Senior Planner, with respect to the application of Colonel Talbot Developments Inc. relating to the properties located at 3924 and 4138 Colonel Talbot Road. The EEPAC asked the Planner to provide copies of the scoped Environmental Impact Study to the Working Group for review and report back at a future EEPAC meeting.
- Bilyea – 3804  
South Winds  
Drive
6. (8) That the Environmental and Ecological Planning Advisory Committee (EEPAC) received a communication, dated February 6, 2013, from A. Riley, Senior Planner, with respect to the Environmental Impact Study (EIS) for the Bilyea property located at 3804 South Winds Drive. The EEPAC referred the Environmental Impact Study to its Working Group to review and report back at the next EEPAC meeting.
- Draft North  
Medway Valley  
Heritage Forest  
ESA Trail  
Master  
Planning Study
7. (9) That the Environmental and Ecological Planning Advisory Committee (EEPAC) asked that the attached comments, prepared by the EEPAC Working Group, with respect to the draft North Medway Valley Heritage Forest Environmentally Significant Area Trail Master Planning Study, be forwarded to the Civic Administration for their review and consideration.
- Medway Valley  
Heritage Forest  
ESA –  
Conservation  
Master  
Planning  
Process
8. (10) That the Environmental and Ecological Planning Advisory Committee heard a verbal presentation and received a communication, dated February 12, 2013, from L. McDougall, Ecologist Planner, with respect to the Medway Valley Heritage Forest Environmentally Significant Area Conservation Master Planning Process, Phase 1.

Natural  
Heritage  
Inventory and  
Evaluation for  
the Medway  
Valley Heritage  
Forest South  
ESA

9. (11) That the Environmental and Ecological Planning Advisory Committee heard a verbal presentation and received a communication from L. McDougall, Ecologist Planner, with respect to the Natural Heritage Inventory and Evaluation for the Medway Valley Heritage Forest South Environmentally Significant Area.

Johnstone  
Family Subject  
Lands Status  
Report

10. (12) That the Environmental and Ecological Planning Advisory Committee (EEPAC) received the Johnstone Family Subject Lands Status Report prepared by BioLogic. The EEPAC referred the Report to its Working Group to review and report back at a future EEPAC meeting.

The Coves  
ESA Natural  
Heritage  
Inventory and  
Conservation  
Strategy

11. (13) That the Environmental and Ecological Planning Advisory Committee (EEPAC) asked that the attached comments, prepared by the EEPAC Working Group, with respect to the Coves Environmentally Significant Area Natural Heritage Inventory and Conservation Strategy be forwarded to Staff for their review and consideration.

Proposed  
Recovery  
Strategy –  
American  
Badger

12. (14) That the Environmental and Ecological Planning Advisory Committee (EEPAC) received a communication, dated January 18, 2013, from S. Humphrey, Regional Director, Canadian Wildlife Service – Ontario, with respect to the proposed recovery strategy for the American Badger. The EEPAC encouraged its members to provide comments directly to the Canadian Wildlife Service.

EBR Posting  
#011-7696

13. (15) That the Environmental and Ecological Planning Advisory Committee heard a verbal presentation from L. McDougall, Ecologist Planner, with respect to Ministry of Natural Resources (MNR) Environmental Bill of Rights posting #011-7696, "Proposed approaches to the implementation of the *Endangered Species Act* which could include regulatory amendments to authorize activities to occur subject to conditions set out in regulation consistent with MNR's Modernization of Approvals".

700541 Ontario  
Limited – 1300  
Fanshawe Park  
Road East

14. (16) That the Environmental and Ecological Planning Advisory Committee received a Notice, dated February 15, 2013, from N. McKee, Senior Planner, with respect to the application of 700541 Ontario Limited, relating to the property located at 1300 Fanshawe Park Road East. The EEPAC requested confirmation that the proposed changes do not encroach on the Open Space area beside Stoney Creek and do not contradict Condition 30.

15. That the Environmental and Ecological Planning Advisory Committee (EEPAC) received and noted the following:

2nd Report of  
the EEPAC

(a) (1) the 2nd Report of the EEPAC from its meeting held on January 17, 2013;

1st Report of  
the TFAC

(b) (2) the 1st Report of the Trees and Forests Advisory Committee from its meeting held on January 23, 2013; it being noted that the EEPAC asked its Committee Secretary to provide them with a copy of the Draft Urban Forestry Strategy;

1st Report of  
the ACE

(c) (3) the 1st Report of the Advisory Committee on the Environment from its meeting held on January 9, 2013; and,

Wastell  
Developments  
Inc. – 655  
Tennent  
Avenue

(d) (4) a Notice, dated January 18, 2013, from N. McKee, Senior Planner, with respect to an application submitted by Wastell Developments Inc., relating to the property located at 655 Tennent Avenue.

Next Meeting

16. That the Environmental and Ecological Planning Advisory Committee will hold its next meeting on March 21, 2013.

The meeting adjourned at 8:16 p.m.

Review of: **Draft North Medway Valley Heritage Forest ESA Trail Master Planning Study**  
as prepared by City of London Environmental and Parks Planning;  
dated January 2013

Reviewers: R. Gupta, S. Levin, D. Sheppard. N. Zitani, January 2013

## **RECOMMENDATIONS**

### **Trail Options**

- 1) EEPAC supports option 3 or 5A or 7B as the top three preferred trail options**

Page 24 of the draft report identifies the significant environmental features. These features would receive the highest level of protection if one of option 3, 5A and 7B were implemented. This approach is consistent with Section 15.4.1.4 of London's Official Plan. (*Where necessary, public access to identified ESAs within public ownership will be controlled such that access will not be detrimental to the significant features of the property.*)

We also note that these are likely the least costly options and also score highest on the environmental factors.

### **Weight of Environmental and Social Criteria**

- 2) The weighting of environmental and social criteria in evaluating trail options should be 75% environmental and 25% social. This is an accurate reflection of the management priorities of all City owned Environmentally Significant Areas.**

Any weighting of criteria which does not give precedence to environmental factors over social factors is, at the base of it, contrary to Section 15.4.1.4 of London's Official Plan (and sections 16.1.xi and 16.2.8).

The priority of ecological protection over all other uses within an ESA is established by several City documents and guidelines, not the least of is the recent Planning and Design Standards for Trails in Environmentally Significant Areas "The ecological integrity and ecosystem health of the ESA shall have priority in any trail use or design-related decision." (p. 4)

Consistent with these city policies, we do not support the equal weighting between social and environmental criteria. We have attached a spreadsheet showing the outcomes of other weightings.

### **Delineation of Nature Reserve Lands**

- 3) The significant and sensitive ecological features depicted on page 24 include should be delineated within a Nature Reserve Zone not a Natural Area 1.**

7

The Planning and Design Standards for Trails in Environmentally Significant Areas very clearly state that features such as seepages and critical wildlife habitat areas shall be delineated Nature Reserve.

The Nature Reserve Zone is also applicable to “areas of highest sensitivity which sustain important ecological features and functions that meet the minimum standard of significance for one or more ESA criteria.” Two of the criteria which contribute to the Medway Valley being designated an Environmentally Significant Area are Hydrological Function (including groundwater discharge zones) and Corridors and Linkages. The seepages and the wildlife corridor depicted on page 24 seem prime examples of the reasons why the Medway Valley is designated an ESA. This provides even further rationale as to why the features on page 24 should be within a Nature Reserve Zone.

#### **Inappropriate Width of Utility Overlay**

- 4) **The utility overlay should be aligned tightly with the location and width of the sewer access grassed roadway, and should be ‘expanded’ along its length to include the surface access areas to the manholes.**

As currently depicted, the Utility Overlay seems very oversized. It is unlikely the width of the sewer is as wide as the width of the Utility Zone. We believe it should be no wider than what is needed for maintenance and the rest zoned appropriately. It is likely that a Restoration Overlay is appropriate along the entire length of the Utility Overlay (whether it the Utility Overlay is narrowed or not). It would be perfectly appropriate to implement restoration measures to minimize the fragmentation caused by the installation and ongoing access to the sewer line.

We are also concerned that the map shown on page 14 of the report is from March 2012. Isn't the August 2012 map the current version?

#### **Both Continuous Trail and Asphalt Surface Encourages Non-Permitted Cycling in the ESA**

- 5) **The trail option evaluations and the report should address the non-permitted use of bicycles in the ESA.**

It is well established that a continuous path ‘through’ an ESA encourages more intense impact on the ESA than does a recreational loop. Surfacing with asphalt is an immediate attractant for cycling.

We recommend that the report include commentary that the use of bicycles in Environmentally Significant Areas is contrary to the Parks-By Law. It is also noted that there is little that can be done to stop bicycle use completely, but that a paved pathway encourages the use by bicycles, rollerblades and skateboards.

#### **Accessibility for those with Disabilities**

- 6) **The report should more clearly state that there is no regulatory requirement to make the entire Valley accessible, and therefore should not be a pressing factor in choosing trail surfacing.**

There are a variety of access points already that provide access to the ESA for those in wheelchairs. We further note that none of these access points conform with the City's FADS for slopes as they are much steeper than permitted for buildings. We also note that the Integrated Accessibility Standards of the AODA (Regulation 413/12) only requires the surface of a recreational trail to be firm and stable. It does not mandate material. There are also exceptions to the requirements of the Regulation which are germane to the city's Natural Heritage System as noted in Section 80:15:

**80.15** Exceptions to the requirements that apply to recreational trails and beach access routes are permitted where obligated organizations can demonstrate one or more of the following:

5. There is a significant risk that the requirements, or some of them, would adversely affect water, fish, wildlife, plants, invertebrates, species at risk, ecological integrity or natural heritage values, whether the adverse effects are direct or indirect.

#### **Ecological Compensation Required by Environmental Assessment**

- 7) The legally required "compensatory mitigation for negative impacts to the valley and ESA caused by the sewer project" should be defined and implemented.**

Page 11 in the Summary section notes that the EA adopted by Council and approved by the Minister required not only a social and public benefit of a pathway, but also "... compensatory mitigation for negative impacts to the valley and ESA caused by the sewer project..." EEPAC is not aware of any compensatory mitigation (as defined in Section 15.3.3 of the Official Plan) and see adopting one of the options it supports as meeting this requirement of the EA. It also is consistent with the Trails Standard document which notes on page 4 that "The ecological integrity and ecosystem health of the ESA shall have priority in any trail use or design-related decision."

#### **Clarification of Public Preference Results**

- 8) The report should provide a clear explanation as to how the conflicting results on page 57 and 58 can be reconciled.**
  - p 57 - almost 60% of respondents indicated support for no trail or for a Level 1 trail.
  - p 57 - 45% supporting option 4C (continuous hiking trail)
  - p 58 - 101 votes for option 4A (continuous asphalt)

We find the information contained on page 57 and 58 to be confusing. While we note that options 4A and 4C score the same for public preference, there is conflicting information shown. For example, on page 56 it states that the public agreed that designing a trail for bikes was not desired. On page 57 it states that almost 60% of respondents indicated support for no trail or for a Level 1 trail. However, it is unclear why the results shown on page 57 (45% supporting option 4C) are different than the results for the "combined survey" on page 58. It is recognized that the data methods used are not valid and reliable statistically (for example, it was possible to submit scoring on paper and on line) but can only be used for guidance; however, it would be helpful to be able to follow the information presented and how it lead to the information found in section 10.4 on page 32 where the public comments are summarized. It is also noted that there were different areas circulated for each meeting (pages 29 and 30). This would also skew the data and should be noted.

### Guiding Policies

- 9) The report should include in the Preface (or elsewhere) reference to the most important guiding City policies regarding Environmentally Significant Areas, namely Official Plan sections 8 and 15 and the Planning and Design Standards for Trails in Environmentally Significant Areas

Other policy and requirement drivers are mentioned in the report (e.g. EA) and so should the ESA policies.

### Ownership of Lands

- 10) The non-City owned property should be shown on the maps in the report. This will assist both councillors and the public in showing where the private property is, and why any recommendation will take time to implement.

## ***RECOMMENDATIONS FOR EDITORIAL CHANGES TO THE DRAFT REPORT***

ESA should be spelled out as Environmentally Significant Area at least once on each page it appears. We all use too many abbreviations. Spelling it out will help reinforce the meaning of the term ESA and the reason why we try to protect them.

### Page 12 section 6.0

We would recommend adding a point 6 that would say:

- 6) As per sections 16.1.xi and 16.2.8 of the City's Official Plan, the provision of recreational opportunities within Environmentally Significant Areas is subject to the environmental policies of Section 15.3 of the Official Plan.

### Page 12+ Section 7.0

It would be helpful to add a note as to the meaning of Level 1 etc (similar to what appears in the Natural Area Zone 2 section on page 13. It is included for only some of zones and not for all. This may cause confusion, particularly as the report doesn't mention on page 12 that the intent of the Nature Reserve Zone is to prevent the creation of trails.

### Page 13

We believe the last sentence/paragraph needs to be re-worded. We understand the intent is to point out that the sewer construction eliminated interior habitat and that the SWMF blocks were constructed in what was ESA. However, as worded, it appears to say that the ESA is no longer an ESA. This is not the case – it is noted in a number of places in the report that it is still an ESA (page 32 for example). A suggested wording would be:

“Sewer construction and ... fragmented the ESA, resulting in the loss of interior habitat (Figure 4). The construction of the SWMF blocks has also slightly reduced the size of the ESA.



#### Page 17

In the second paragraph at the bottom, which community fought for the social benefit? The Orchard Park – Sherwood Forest Ratepayers were not invited to the 2005 exercise. It might be better simply to delete the first sentence of this paragraph.

#### Page 17 - Photo 3

We don't think the picture does justice to the width of the path in this location without a context. Try using <http://www.flickr.com/photos/35429803@N07/4532480530/in/set-72157623759479169/>

We have also attached others that may be helpful to show scale and the posts and fence where the Gdanski Property is located, as referenced in the report.

#### Page 18 – Section 9.1

Since the whole list of assumptions is not included, is it necessary to number them?

Suggest spelling out MH as manhole

#### Page 21 – Section 9.3

In the sentence that is in bold, replace "in general," with "as per the City's Official Plan," as it is the OP policies that provide environmental protection as primary.

#### Page 22

In the paragraph just above 9.4, delete 'generally' from the last sentence.

last line of this page – should the reference be to Section 9.2?

#### Page 23

Note at the bottom of the page is confusing. It might be better to delete it. At a minimum the last line should be deleted because the arithmetic difference between each pair of numbers (e.g. 8 and 5) is still the smaller number subtracted from the larger.

#### Page 25

The last line should delete the word slightly. We did not spend a great deal of time reviewing the revised table which showed the difference between the options expressed in a Fibonacci sequence. However, we note that the arithmetic difference is not the correct difference between the results given the use of Fibonacci in the scoring.

#### Table between pages 26 and 27

As there are estimated costs included later on page 36, it would be helpful to include them here so that someone wanting to take in the information in a glance has that opportunity.

7

Page 32 – bottom, last sentence

The sentence should be highlighted in bold and should be the first statement of staff's presentation.

Page 33 - top

Where is the research reference to support 'the fact' that a well designed and improved continuous trail system would keep 90% of the users on the trail? There is no reference in the list of references. This should be reworded or deleted unless the research is noted.

Page 35 – last line prior to 12.0

It would be better to say which community has a desire. Otherwise it appears to suggest that there is overall city wide support which has not been tested.

It should say passive recreation as opposed to just recreation.

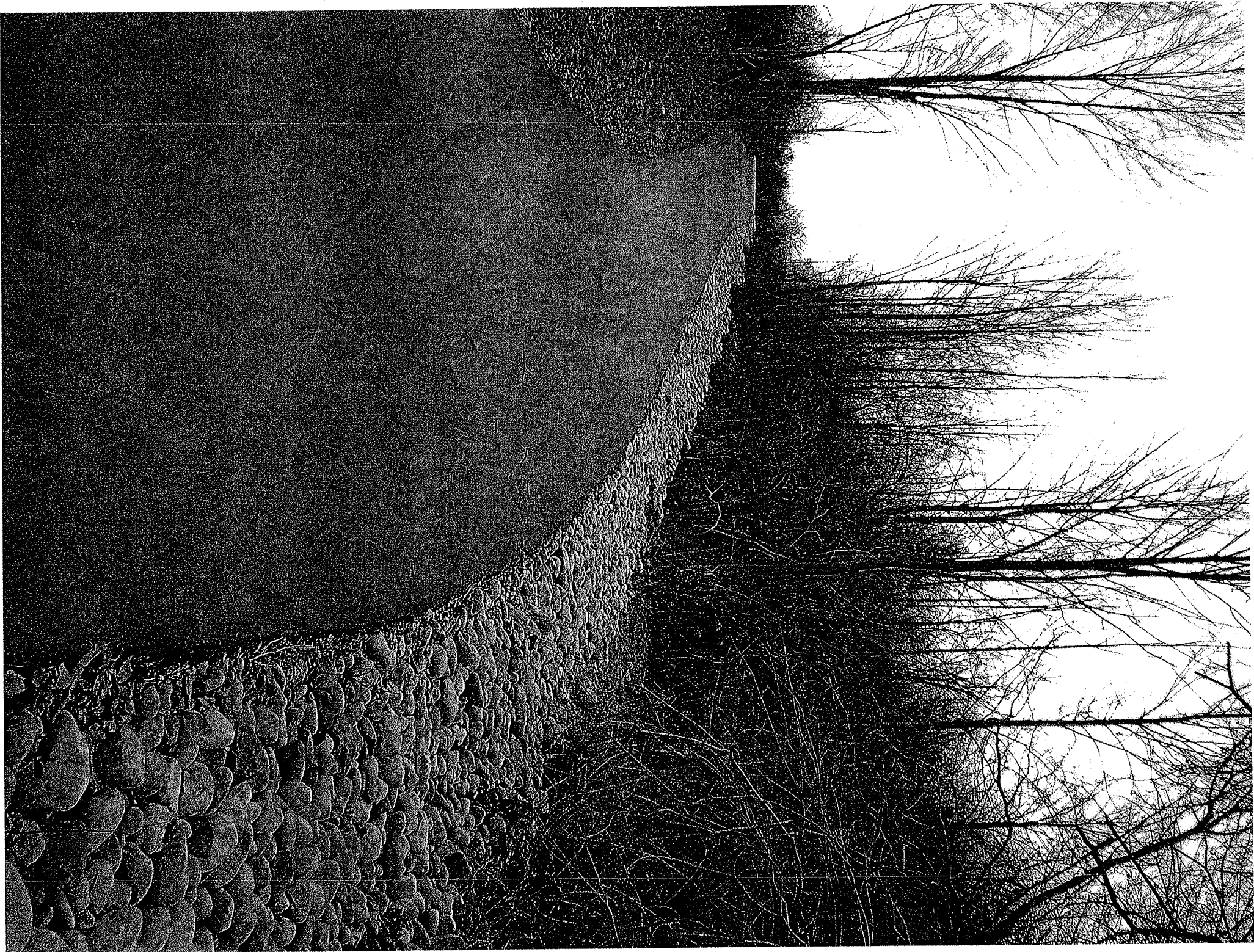


7

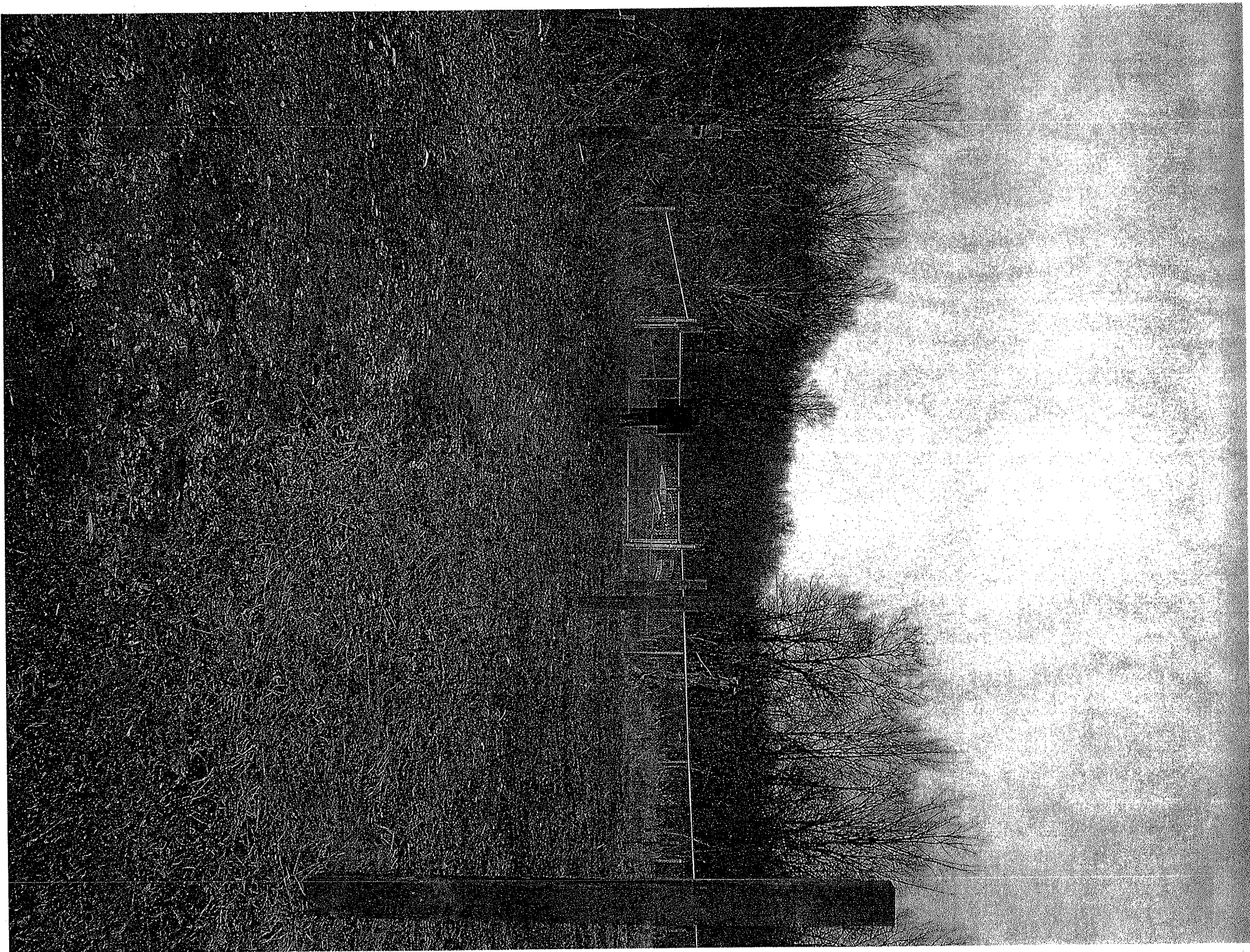
Option	Env	Soc	50/50	75/25	70/30	60/40
1	-18	1	-17	-13.25	-12.3	-10.4
2	-45	34	-11	-25.25	-21.3	-13.4
6A	-25	15	-10	-15	-13	-9
7A	-21	13	-8	-12.5	-10.8	-7.4
4B	-25	25	0	-12.5	-10	-5
3	0	2	2	0.5	0.6	0.8
5A	-7	11	4	-2.5	-1.6	0.2
7B	-13	19	6	-5	-3.4	-0.2
6B	-17	25	8	-6.5	-4.4	-0.2
8	-16	26	10	-5.5	-3.4	0.8
5B	-20	32	12	-7	-4.4	0.8
4A	-28	41	13	-10.75	-7.3	-0.4
4C	-20	37	17	-5.75	-2.9	2.8



7



7



7



On Fri, Feb 8, 2013 at 5:59 PM, Bill Maddeford wrote:

The Coves area at one time provided ice from the east pond for citizens refrigeration. As well this area by Cove rd. had recreational uses for the past 100 years. My father skated on it 1915-6 and I in 1951-2 and my sons in 1969. Kids today if the weather is right still skate on it. In summer you may often see them with a makeshift raft or canoe on the east pond.

The paint factory that was in the midst of the floodplain area and the apple -pear orchard that was cropped by the factory owner are gone but chemical leftovers no doubt remain.

Development around the Silver creek and coves ESA area hasn't changed a lot since 1960 and likely most people using the trails and ponds live close by. Fortunately we're making a concerted effort started by the Friends of the Coves to preserve this gem.

The document in general was well done, no doubt after a lot of hard work.

Issues:

A. The factory site.

There is nothing said about this area's future. If made toxin free will it be part of the ESA? If it becomes residential high density housing the ESA usage will greatly increase.

**Recommendation 1:**

The destiny of this area (former factory site) needs to be factored into the plan.

B. The old orchard area:

This area has ESA written on it on the maps. Is it city owned? If it is part of the ESA how will it be managed? It once was a grassy field. It was and is great habitat for birds and animals.

**Recommendation 2:**

The old orchard area needs careful assessment and planning to maintain a good habitat function while fitting in changes that are compatible.

C. East pond restructure:

This plan looked rather elaborate and costly. The aquatic life and shoreline will be very disturbed by construction. Best value is to allow better wintering areas for aquatic species. Will this need to be re-dredged in a few years because of silt? Is this pond to be primarily used for fishing, canoeing recreation? This is a good use but hardly compatible with ducks' nesting. Can we just deepen the pond in part?

**Recommendation 3:**

Deliniate the primary use for this area and make a plan to fit it.

D. Importance as a Migration area:

As seen by the bird list this area is important for land and water birds and is connected to the green Thames corridor. Herons could and may nest here, ducks certainly do. Sandpipers and ducks use this as a good refuelling centre in migration. Land birds such as hawks, warblers, flycatchers, and sparrows all come through here in high numbers in spring and fall. 64 bird species are listed as having been seen here. I personally have seen 100 and I'm sure more than that use the area.

**Recommendation 4:**

This a valuable bird migration area as well as nesting area. Efforts should be made to keep sensitive areas protected as well as increasing native species of food sources available (berries, seeds) while divesting of the buckthorn. Particular attention to threatened species needs.



E. Erosion control:

Steep banks and probable increased heavy rainfall will increase this problem. Several sites are mentioned on present trails and by Silver creek. Trails should be laid out to prevent exacerbation of this,

**Recommendation 5:**

Trail strategy should focus on prevention of erosion. Areas of present erosion should be addressed early in the ESA process so further soil and plants are not lost.

F. Maps:

These are lovely distinct maps. However descriptions of 'existing trails' and 'other existing trails' on p37 and 43 was confusing. On p42 symbols on the map weren't in the legend and vice versa. Meaning of the black line through the midst of the orchard area; land ownership line ?p 40.

**Recommendation 6:**

Maps need more clear explanations.

G. South pond:

Mention is made of the pond needing 'utility overlay' Does this mean dredging? A formidable project in this area one would think. Mention is made of sewage entering this pond with storm water overflow but no solution offered.

**Recommendation 7:**

Clarification of what this 'overlay' means is needed. Sewage solutions should be outlined.

H. Encroachment:

This may be a massive issue and these settlers have been at it a long time. Buildings and fences at Elmwood ave access towards the west prohibit a trail without a lot of work and expense. The whole ridge from Elmwood to Langarth has many yards to the top of slope with no room for a trail. At the dead ends of Erie ave and Elmwood place the piles of yard waste extend out 15 ft from the hillside and are 10 to 12 ft deep.

**Recommendation 8:**

An encroachment plan must be started early in this process so trail planning can proceed

I. Trails:

Areas where trails will be difficult to put through or maintain.

- A. top of slope areas where encroachment-Elmwood access, Langarth area
- B. west side of Silver creek termination -trail to the top of the ridge is quite steep
- C. east side of Silver cr. ravine -trail to top of ridge is in part steep.
- D. connection of south side of south pond to north side (orchard)

This area floods easily and is quite wide so will be a challenge if envisioning a joining trail. There are many trails on the areas to the south of the south pond. Many people have their own little trail out of their yard to roam the ESA. Kids will go up the slopes wherever it's convenient Loops will be a challenge in most areas

**Recommendation 9:**

Trail safety is very important in steeply sloped areas. Trails should be delineated strictly according to TAG guidelines. A bridge is likely necessary in Southcrest ravine to accommodate students shortcutting to Westminster school

Bill Maddeford