

**Proposed Residential Land Development/Ross Farm Subdivision
1140 Fanshawe Park Road East London, ON**

Official Plan Amendment and Rezoning Planning Act Applications' review comments for the submitted Environmental Impact Assessment (EIS), Preliminary Stormwater Management (SWM) Servicing Report, Preliminary Geotechnical Investigation & Final Hydrogeological Assessment, Functional Servicing Report that were received by EEPAC in March and April 2022.

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Summary: *EEPAC reviewed the proposed Official Plan Amendment and Rezoning Planning Act Applications to Minimize and Mitigate Potential Ecological/Environmental Adverse Impacts and Specifically related to identified existing wetland and all environmental areas, Flood lands, water resources management related to the protection of existing conditions that associated with proposed Residential Land Development/Subdivision at 1140 Fanshawe Park Road East London. Based on our review EEPAC makes the following recommendations to the City of London:*

1. Ensure that the portions of the study area that include significant wetlands (>6.35 ha), woodlands, valleylands, significant wildlife habitat, fish habitat, habitat of endangered and threatened species, water resource systems and environmentally significant areas (Table 6 of the EIS) are protected and preserved. The City Plan recognizes the importance of such areas and ensures that "Development and site alteration shall not be permitted in provincially significant wetlands as identified on Map 5 or determined through environmental studies consistent with the provincial policy statement and in conformity with this plan" [Section 1332] and "Development or site alteration shall not be permitted within a wetland. There shall be no net loss of the wetland features or functions". [Section 1334] Development and site alteration shall not be permitted in significant woodlands, significant valleylands, significant wildlife habitat, wetlands and significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on natural heritage features or their ecological functions" [Section 1392]. Therefore, EEPAC recommends the presently proposed development not be approved, and notes that each of these natural features is connected to and supported by other features in the study area. To protect the integrity of the entire ecosystem and its function and features requires the protection of all components; wetlands, woodlands, ponds, valleylands and others.
2. Ensure that the existing wetland (Grenfell Wetland) will be preserved and the proposed relocation of the existing wetland and a creation of a new wetland will **not** be permitted. Ensure that the existing wetland ecological/environmental condition, water resources functions and features will be preserved and maintained (i.e., there shall be no loss of wetland features and functions), as well make every effort to minimize potential adverse impacts that may occur from the proposed land development and construction activities associated with this proposed development. EIS and all servicing reports shall include all required references and modifications/changes that will incorporate the recommendations to preserve and protect the Grenfell.
3. Ensure that sufficient natural buffers/setbacks are identified and implemented in accordance with the City's EMG, London Plan, the UTRCA and provincial guidelines regulations and requirements to protect and maintain the existing wetland functions and features, as well as maintain all identified environmental areas that are required to be protected at the subject site. The technical justifications in the EIS and other submitted applicable reports will need to be modified and expanded to identify all required justifications and support information for the recommended required setback from the subject development to all identified environmental areas and wetlands to ensure no

adverse impacts on the existing wetland functions and features (shall be no loss of wetland features and functions) related to the ecological and water resources system, adjacent lands and surface/subsurface/groundwater functions, features, connections and correlation with the Stoney Creek system functions and performance.

4. Ensure that the existing species, specifically the Significant Wildlife Habitat (SWH), Habitat of Threatened and Endangered Species, or other species (that required protection) will be protected and all required measures, MNRF, DFO applicable ecological protocols will be implemented for handling these works on the subject lands. The EIS needs to include all required references for the proposed changes and justifications (proposed approach and applicable protocols) that will be implemented.
5. Ensure that the proposed Rezoning Application for the subject development land should include, but should not be limited to, the special provisions, which will identify the existing wetland protections related to ecological, water resources functions and features; existing SWH, Habitat of Threatened and Endangered Species, and other species that require protections identified in the EIS; sufficient buffers/setbacks to maintain and protect existing ecological/environmental functions, features of the existing wetland and identified environmental areas; and the detailed design of storm/drainage utilities and SWM services to deal with the water quality, quantity control and erosion protection control that will be in compliance with the Stoney Creek Subwatershed requirements and Municipal Class EA, MECP, MNRF, UTRCA and City's standards and requirements for this system.

Item #2 - The Existing Grenfell Wetland will be maintained and the proposed relocation and creation of a new wetland will not be permitted and approved by the City.

The proposed development plans include the proposed relocation of an existing wetland, Grenfell Wetland, and the creation of a new "wetland". The proposed location for the new wetland is to be located in a part of the environment protected block (s). Although the OMB for this wetland concluded that the present wetland evaluation information "does not meet the threshold for PSW", MNRF still show this wetland as a PSW. Also, PPS and London Plan contained policies and requirements that prevent development from occurring on lands deemed as significant wetland (locally and/or provincially significant). For example, from the London Plan, "Development, site alteration should not be permitted within wetland. There shall be no loss of wetland features and functions "

Taking in consideration the following critical factors:

- The Grenfell Wetland includes the Terrestrial Crayfish species which provides food for Queensnake, which have been observed in the area and is an endangered species. The EIS also notes SWH for the Queensnake in the subject area.
- The provincial and City's policies and requirements, which stipulate that there shall be no loss of wetland features and functions. The relocation of this 6.35 ha PSW will undoubtedly lead to a loss of wetland species, ecosystem services and functions.
- This wetland is located immediately adjacent to the Stoney Creek ecosystem and needs to function in connection with the Stoney Creek system; and
- The size of this wetland is significant and represents a size of 6.35 ha (pg. 42 of the EIS) plus buffers/setbacks land areas,

this wetland must be maintained and preserved.

EEPAC recommends that the existing wetland be preserved and the proposed wetland relocation not be permitted and/or approved. By maintaining and protecting the Grenfell wetland, the existing wetland ecological/environmental, water resource functions and features be preserved and maintained, no loss of wetland features and functions will

occur. EEPAC further recommends that the EIS and all servicing reports shall include all required references to the proposed recommendations and justifications be incorporated. The proposed land development planning and servicing design components will incorporate all required works and measures to protect the existing ecological/environmental and water resource conditions for the subject and surrounded lands.

Item #3 - SWH, Habitat of Threatened and Endangered Species, or other Required Protection

Habitat for several species that are protected under the Endangered Species Act have been reported within or in close proximity to the study area. Specifically protections of Fish Habitat and aquatic life are critical for the Silver Shiner and Black redhorse, within the Stoney Creek, live Butternut trees, SWH for the Queensnake and spiny softshell turtles. As well, two provincially rare species, *Erigenia bulbosa* and *Viola striata* were identified to be widespread.

EEPAC recommends that all identified SWH, Habitat of Threatened and Endangered Species, or species or their habitat requiring protection species will be:

- *confirmed in the detailed field review prior to any final design report submission for any proposed development in the study area; and*
- *protected, by identifying all required measures and required ecological MNR, DFO and UTRCA protocols that will be implemented for handling these works for the subject lands, ensuring no adverse impacts on the species and the health of their habitat. EIS shall include all required references for the proposed changes and justifications (proposed approach and applicable protocols) that are recommended to be implemented.*

Item #4 - Buffers Setbacks for Existing Wetland and Identified Environmental Areas

Based on the presented information in the EIS report (specifically in section 5.0 and Table 6) that provided a list of Significant natural heritage features identified on the subject lands (36.8 ha) that are: Provincially Significant Wetlands, Significant Woodlands, Significant Valleylands, Significant Wildlife Habitat, Fish Habitat, Habitat of Threatened and Endangered Species, Water Resources Systems, Environmental Significant Areas (ESA), Potential Naturalization Areas and Nests of NBCA-protective birds as well as in others noted in the Hydrogeological, Geotechnical and servicing reports for the subject site, the sufficient natural buffers are extremely important and critical to preserve/maintain the existing ecological/environmental and water resources functions and features of the existing wetland and all identified environmental areas.

EEPAC recommends the proposed natural buffers/setbacks for each of these areas will be identified and be sufficient., based on the existing provincial, UTRCA and City's requirements and regulations. The technical justifications need to be provided to support the setback recommendations for this development and the proposed buffers/setbacks need to be identified between the proposed development the existing wetland and all identified significant environmental areas.

The recommended buffers/setbacks requirements shall be consistent with the City's London Plan Policies and requirements, completed and accepted by the City Council Subwatershed and Municipal Class EA studies for the subject area, MECP, MNR and UTRCA Acts, Regulations and requirements. In accordance with the OWRA definitions, storm drainage and SWM systems, including the SWM Facilities, are considered to be sewer systems.

Item #5 - Rezoning Application's Special provisions for the Subject Lands

EEPAC recommends that the proposed Rezoning Application for the subject properties should include the special provisions, which will be required for the proposed detailed design for the proposed subject site, to preserve and

maintain the existing wetland, identify the required natural buffers/setbacks for the wetland and all environmental areas, identify measures/protocols to protect Significant Wildlife Habitat , Fish Habitat, Habitat of Threatened and Endangered Species, Potential Naturalization Areas and Nests of NBCA-protective birds, erosion sediment control, as well as possible substantial dewatering process and MECP, MNRP, UTCA and potential DFO approvals requirements and water discharges that will be in compliance with the Stoney Creek Subwatershed system requirements, MECP, MNRP, DFO, UTRCA and City's standards and requirements for this system.

EEPAC recommends additional details on monitoring protocols that show that monitoring will adequately assess and evaluate the continuation of the function and features of the wetlands and other significant features listed in the study area.

EEPAC requires to review the requested designs and monitoring designs.