

November 4, 2009

**NOTICE OF  
BOARD OF DIRECTORS' MEETING**

**DATE: TUESDAY, NOVEMBER 24, 2009**

**TIME: 1:30 P.M.**

**LOCATION: UTRCA ADMINISTRATION BOARDROOM**

- AGENDA:**
1. Approval of Agenda
  2. Declaration of Conflicts of Interest
  3. Confirmation of Payment as Required Through Statutory Obligations
  4. Minutes of the Previous Meeting  
- Tuesday, October 27, 2009
  5. Business Arising from the Minutes
  6. Delegations - None
  7. (a) For Your Information Report  
(I.Wilcox)(Report attached)
  8. Presentation
  9. Committee of the Whole - In Camera
  10. Business for Approval
    - (a) Administration and Enforcement - Section 28 Report  
(M.Snowsell)(Report attached)(Document #82427)
    - (b) 2010 Capital Budget  
(I.Wilcox)(Report to be circulated at meeting)
    - (c) House Rentals  
(A.Shivas)(Report attached)(Document #75197)
    - (d) Board of Directors and Hearings and Personnel  
Committee Meeting Schedule for 2010  
(I.Wilcox)(Report attached)(Document #82420)

- (e) Appointment of Cari Ramsey as an Officer Pursuant to Section 28 of the Conservation Authorities Act (J. Brick – Report Attached) (Document #82396)
- 11. Standing Committees
  - (a) Building Committee
- 12. Business for Information
  - (a) Tree/Vegetation Removal and the Role of the Conservation Authorities Act (J. Brick – Report Attached) (Document #81250)
  - (b) Natural Cover Target (Report attached)(C.Harrington)(Document #82474)
  - (c) Fanshawe Pioneer Village Update (S.Johnson)(Verbal)
- 13. Other Business (Including Chair and General Managers' Comments)
- 14. Adjournment
- 15. Following Adjournment

**VOLUNTARY BUDGET WORKSHOP TO BE HELD  
IMMEDIATELY FOLLOWING THE BOARD MEETING  
(Expected 30-45 minutes)**

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Ian Wilcox, General Manager

c.c. Chair and Members of the Board of Directors

I.Wilcox	C.Earl	London Free Press
J.Brick	C.Machan	Stratford Beacon Herald
C.Tasker	S.Musclow	Woodstock Sentinel Review
B.Glasman	B.Mackie	M.Snowsell
C.Harrington	A.Shivas	L.Trottier
S.Johnson	J.Howley	K.Winfield
T.Hollingsworth	S.Shivas	G.Inglis

MINUTES  
UTRCA BOARD OF DIRECTORS' MEETING  
TUESDAY, NOVEMBER 24, 2009

J.Baechler, Chair of the Upper Thames River Conservation Authority called the meeting to order at 1:30 p.m., Tuesday, November 24, 2009 in the Boardroom of the UTRCA Administration Office. The following members and staff were in attendance:

Members:	J.Baechler	E.Hunt
	A.Bannister	T.Jackson
	M.Blackie	C.Lauder
	J.Boyce	G.Marr
	J.Bryant	H.McDermid
	S.Clark	M.Wearn
	P.Huitema	
Staff:	J.Brick	S.Shivas
	C.Harrington	M.Snowsell
	B.Mackie	L.Trottier
	C.Ramsey	I.Wilcox
	A.Shivas	
Absent:	J.Brown, D.Mayberry	
Solicitor:	Grant Inglis	

1. Approval of Agenda

P.Huitema moved –J.Boyce seconded:-

“RESOLVED that the UTRCA Board of Directors approve the agenda as presented.”

CARRIED.

2. Declaration of Conflicts of Interest

The Chair inquired whether the members had any conflicts of interest to declare relating to the agenda. There were none.

3. Confirmation of Payment as Required  
Through Statutory Obligations

The Chair inquired whether the Authority has met its statutory obligations in the payment of the Accounts Payable. The members were advised the Authority has met its statutory obligations.

4. Minutes of the Previous Meeting  
Tuesday, October 27, 2009

M.Wearn moved–J.Boyce seconded:-

“RESOLVED that the Board of Directors’ minutes dated October 27, 2009 be approved as circulated.”

CARRIED.

5. Business Arising from the Minutes

There was no business arising from the previous minutes to discuss.

6. Delegations

There were no delegations.

7. For Your Information

The report, "For Your Information" was presented to the members.

8. Presentation

There were no presentations to present.

9. Committee of the Whole – In Camera

There was no business to discuss in Committee of the Whole – In Camera.

10. Business for Approval

(a) Administration and Enforcement - Section 28 Report  
(Report attached)(Document #82427)

The report was presented to the members for consideration.

P.Huitema moved –J.Boyce seconded:-

“RESOLVED that the UTRCA Board of Directors concur with the actions taken by staff as outlined in the attached report.”

CARRIED.

(b) 2010 Capital Budget- For Information  
(Report attached)(Document #82716)

I.Wilcox outlined the attached report for the member’s information.

(c) House Rentals  
(Report attached)(Document #75197)

B.Mackie outlined the attached report for the members’ consideration.

A.Bannister moved – J.Boyce seconded:-

“RESOLVED that the UTRCA Board of Directors approve the proposed 2010 house rental rates as outlined in the attached report.”

CARRIED.

- (d) Board of Directors and Hearings and Personnel Committee Meeting Schedule for 2010  
(Report attached)(Document #82420)

The attached report was presented to the members for consideration.

G.Marr moved – H.McDermid seconded:-

“RESOLVED that the UTRCA Board of Directors approve the recommendation as outlined in the attached report.”  
CARRIED.

- (e) Appointment of Cari Ramsey as an Officer Pursuant to Section 28 of the Conservation Authorities Act  
(Report attached)(Document #82396)

The attached report was presented to the members for consideration.

J.Boyce moved – E.Hunt seconded:-

“RESOLVED that the UTRCA Board of Directors approve the recommendation as outlined in the attached report.”  
CARRIED.

11. Standing Committees

- (a) Building Committee

The General Manager advised the members that to date the Authority has not been notified whether the Infrastructure Stimulus Fund application has been approved.

12. Business for Information

- (a) Tree/Vegetation Removal and the Role of the Conservation Authorities Act  
(Report attached)(Document #81250)

J.Brick outlined the attached report for the members’ information. The members expressed concern regarding the roles of the Authority and the member municipalities relating to tree/vegetation removal and site plan alterations. The members were of the opinion that the roles required clarification and therefore requested staff to prepare and forward to the municipalities in the watershed the following resolutions:

J.Bryant moved – M.Wearn seconded:-

“RESOLVED that staff be directed to advise municipalities in the watershed that the UTRCA views Tree and/or Forest Conservation By-Laws made under Section 135 of the Municipal Act as important tools for the protection and enhancement of natural heritage resources in the Upper Thames watershed for all lands, including those lands that are also regulated under S. 28 of the CA Act.

THAT staff be directed to advise the municipalities in the watershed that the UTRCA is willing to provide policy and technical assistance to municipalities to:

- review and update current Tree/Woodland Conservation by-laws,
- review applications under the by-laws, and
- assist with identifying appropriate areas and prescriptions for compensation and/or restoration related to enforcement of the by-laws.

THAT staff be directed to advise municipalities in the watershed of the potential conflict between site alteration by-laws made under Section 142 of the Municipal Act and the areas regulated by the Conservation Authority under the Conservation Authorities Act and that staff work with municipalities to identify appropriate processes to avoid these conflicts.

THAT staff be directed to advise the City of London Planning and Development Department that the UTRCA is of the opinion that areas identified as being within the Regulation Limit and regulated by the UTRCA under the *Conservation Authorities Act* are not exempted from application of the City of London Tree Conservation By-Law made under Section 135 of the *Municipal Act*.

CARRIED.

- (b) Natural Cover Target  
(Report attached)(Document #82474)

C.Harrington outlined the attached report for the member's information.

The members entered into a lengthy discussion regarding the natural heritage feature cover targets for the watershed and cautioned that 30% target is the ultimate goal. The members further discussed the implications this endeavour could have on the Authority from a financial and resource point of view.

- (c) Fanshawe Pioneer Village Update

S.Johnson advised the members that the Fanshawe 1812 Re-enactment was a success. She noted the event was featured on the October 13, 2009 episode of the Rick Mercer Report.

She also advised the members that;

- the Village was closed to the public on Monday, October 12<sup>th</sup>
- the earned revenue and attendance are up from 2008,
- the attendance at the 'Haunted Hayrides' decreased from previous years,
- twenty-five hundred students have registered for the 'Upper Canada Christmas' program,
- seven hundred people have booked for 'A Visit with St. Nicholas', and
- approximately 200 people have booked for the 'Dickens' Dinner', a slight decrease from 2008.

13. Other Business (Including Chair and General Manager's Comments)

I. Wilcox stated that a voluntary Budget Workshop will commence following adjournment. The General Manager advised the members that if they are unable to stay for the workshop they can pick up a budget package prepared by L.Trottier and call the office with any questions.

14. Adjournment

There being no further business the meeting was adjourned at 2:55 p.m. on a motion by S.Clark.

15. Following adjournment the voluntary budget workshop was held in the Boardroom.

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Ian Wilcox  
General Manager  
/ses/Att.

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J.Baechler, Chair



The boardwalk project nears completion.

## A Boardwalk in the Park

On Saturday, September 26<sup>th</sup>, six members of the Optimist Club of Shakespeare and two UTRCA staff completed construction of a boardwalk at Shakespeare Conservation Area. The CA is located just north of the Village of Shakespeare in Perth County.

Every year for the past four years, another 80 foot section of boardwalk has been added to the loop trail around the pond. The boardwalk provides recreational access through a wet section of the trail while minimizing disturbance to the area.

The Optimist Club of Shakespeare has had an agreement for many years with the UTRCA, which owns the property, to manage and maintain the area for the recreational use for the local residents.

Funds for this four-year project were contributed by the Shell Environmental Fund, TD Friends of the Environment Foundation, and the Stratford and Perth County Community Foundation.

Construction of the 320-foot boardwalk was done by the Shakespeare Optimist Club and the UTRCA.

Contact: Bill Mackie, Superintendent, Support Services and Properties

## Emergency Watermain Repair in London!

The Conservation Authority recently became aware of a serious situation involving a large-diameter watermain in London. The 600 mm (24 inch) concrete pipe was originally installed beneath the bed of the North Thames River in 1959, with good protective cover over it at the time of installation. It is located approximately 1 km downstream of the University Drive bridge on the University of Western Ontario campus.

Over time and largely as a result of recent flood and erosion events, the pipe had become exposed to direct river flows and

assorted debris, including a large tree trunk and root system that required a 60-tonne crane to remove. All supporting pipe bedding had been scoured away, leaving roughly 15 metres of the watermain suspended in the water. Not a good situation, especially when considering that this utility is a primary source of water for UWO and a large section of residential dwellings in the area! Failure of this watermain would have had serious implications.

The UTRCA met on site with City of London officials and representatives from Stantec Consulting, who were retained to prepare remedial design details and to undertake environmental investigations. The UTRCA provided Stantec with critical background information on aquatic and near-aquatic species, including species at risk documented for the general area. We met with Fisheries and Oceans Canada (DFO) staff and provided them with sufficient background to allow us to take a lead on fish habitat interests. Stantec also received approvals from Transport Canada, the Ministry of Natural Resources (provincial Endangered Species Act) and DFO Science (for species listed under the federal Species at Risk Act).

Originally it was anticipated that a product known as Aqua Dam would be used to isolate river flows in the working area, but site conditions and flows proved to be more challenging than anticipated. Eventually a decision was made to proceed with a strategy that involved “wet” placement of protective stone material using a large hydraulic hoe (working from the river bank and on a stone apron) and manual placement of some of the rock. A silt curtain was installed downstream in the channel to intercept suspended sediments from the repair site and UTRCA staff observed very little turbidity beyond a 20 m radius from the watermain. Favourable weather conditions prevailed, with most of the work scheduled for completion by mid-November.

Contact: Mark Snowsell, Land Use Regulations Officer



Protective stone is placed around the exposed watermain.



The enhancement project will improve access to the trail.

## Ellice Swamp Trail Takes Shape

On Saturday, October 17<sup>th</sup>, a small group of trail enthusiasts got together to work on a rail trail enhancement project in the Ellice Swamp, north of Stratford.

The work party included UTRCA staff, a UTRCA Board member, members of the Friends of Ellice & Gads Hill Swamps, equipment and an operator from McCann Construction, and a few young student volunteers.

The day's work involved laying out a geogrid mat on the wet areas of the path and covering it with a layer of stone, thereby improving the trail access from the roadway to the beginning of the rail trail.

The project was made possible through funding and in kind support from the following partners: TD Friends of the Environment Foundation, Rotary Club of Stratford, Stratford and Perth County Community Foundation, Perth Stewardship Network, Municipality of Perth East, Friends of Ellice & Gads Hill Swamps, and the UTRCA.

There will be a public launch for the new Ellice Swamp hiking trail in the spring of 2010.

*Contact: Bill Mackie, Superintendent, Support Services and Properties*

## Common Sense Conservation

On October 28<sup>th</sup>-30<sup>th</sup>, close to 100 people from 24 different Conservation Authorities gathered at Geneva Park in Orillia for the 2009 Conservation Areas Workshop. This year's theme was Common Sense Conservation. The three days highlighted speakers and topics around enforcement, grants and alternative energy sources. Speakers came to us from Fleming College, Ministry of Natural Resources, World Green Building Council, Saugeen Business Development and various Conservation Authorities. The event was a huge success, and plans are already underway for the 2010 workshop.

*Contact: Craig Machan, Superintendent, Wildwood Conservation Area*

## Planters Planning

On October 28<sup>th</sup>-29<sup>th</sup>, Trees Ontario and the UTRCA hosted a two day Site Plan Development course for those planting trees under the 50 Million Trees Program. This program is a private landowner reforestation initiative of the Province to plant 50 million trees by the year 2020.

The course was held in Woodstock at the Quality Inn & Suites, and attracted 40 Conservation Authority staff from central and southwestern Ontario. The first day was an indoor session with presentations on matching species to site, site preparation, writing a planting plan, and tending. On the second day the group toured four UTRCA private land reforestation sites. Stops included a 12 year old hardwood conifer mixed plantation, a one year old plantation tending operation, and a three year old field windbreak established using plastic mulch. The fourth stop was at a site proposed for planting, where the group developed a planting plan, matching species to soil type.

*Contact: John Enright, Forester*



Participants evaluate a three year old field windbreak established using plastic mulch as an alternative to herbicide on an organic farm near Hickson.

## Groundwater Monitoring

UTRCA staff began fall water quality sampling of the Provincial Groundwater Monitoring Network wells in October. There are 24 monitoring wells in the network, including 13 bedrock wells and 11 overburden wells.

The wells are sampled once a year for water quality, and analyzed for nutrients, general chemistry and metals at the Ministry of the Environment (MOE) lab in Toronto. The MOE protocol dictates samples be taken in the fall.

In addition to the annual water quality sampling, dataloggers installed in the wells record the water level and temperature hourly. The water levels data is currently being used to aid in the Ontario Low Water Response Program. The UTRCA is participating in a pilot project to develop a groundwater indicator for this program.

*Contact: Karla Young, Monitoring Technician*



The distinctively marked adult brook trout.

*Species of the Month*

**Brook Trout** (*Salvelinus fontinalis fontinalis*)

The brook (AKA speckled) trout is one of the most colourful and attractive freshwater fish and a highly prized gamefish. They are particularly colourful at this time of the year, as they are sporting their spawning colours. This species is the only native fall spawning fish species found naturally in the Thames watershed. Brown trout and Pacific salmon are introduced fall spawners.

Brook trout can be identified by the worm-like markings on their backs, coloured spots surrounded by white halos on their sides, and reddish lower fins with white leading edges defined by a black stripe. While much larger in northern lakes and rivers, Thames brook trout inhabit small drains and creeks and typically reach lengths of 15 to 20 cm with occasional “trophies” exceeding 30 cm.



Brook trout have been found at nearly two dozen locations in the Thames watershed.

Sampling over the last decade has indicated brook trout are surprisingly widespread in the Thames watershed. They have been found at almost two dozen locations, including a main

Thames tributary in London, four South Thames tributaries in the Dorchester to Ingersoll corridor, several Middle Thames tributaries and a couple of North Thames tributaries. The largest concentration of remnant trout are in the North Thames and Trout Creek and their tributaries, in the area east of St. Marys.

Although widespread, most of the fish are in small, isolated headwater streams and drains and are present in relatively low numbers. As such, these populations would support little or no harvest and could be destroyed by moderate angling pressure. Catch and release or just observing this attractive little fish is recommended.

Several additional Thames tributaries have been identified that may have the potential to support brook trout – the primary requirement being cold, clear flows with temperatures that rarely rise much above 22° C. Temperature measurements or the presence of other coldwater species (mottled sculpin, pearl dace and American brook lamprey) were used to locate these habitats. A cooperative project with the Thames River Anglers and the OMNR to (re)-introduce trout to these waters is being considered.

Contact: John Schwindt, Aquatic Biologist



Like the brook trout, mottled sculpin, pearl dace and American brook lamprey (top to bottom) need cold, clear flowing water.

## Much Ado About Nesting

A pair of osprey caused consternation last spring when they nested on a transmitter tower at the London Airport. Birds and aircraft are a hazardous combination but, fortunately, no serious incidents occurred this year.

In order to prevent these large birds from returning to the same spot next year, a plan was hatched to dismantle the existing nest and erect a new nesting platform in a safer location nearby.

On October 15<sup>th</sup>, after the adults and two young had headed south for warmer climes, representatives from Nav Canada Technical Operations, London Hydro, the Ministry of Natural Resources and the UTRCA met on site at Fanshawe Conservation Area. The group's goal was to erect a 50 foot hydro pole with a preassembled platform mounted on top.

The hope is that this alternate nesting opportunity will lure the osprey away from the transmitter tower. The new platform is a couple kilometres from the airport, and close to Fanshawe Reservoir, which is a favourite fishing spot for the osprey. The airport tower has been modified to deter the birds from nesting there again. We will find out next spring if the plan has worked.

*Contact: Bill Mackie, Superintendent, Support Services & Properties*



The London Hydro crew erect the new nesting platform and tower.

## TD FEF Enhances Public School

Thanks to a grant of \$4802.50 from the TD Friends of the Environment Foundation, Emily Carr Public School in London is now home to 14 new native trees! The trees were spade moved in on October 12<sup>th</sup>, from Little Creek Tree Farm in Kintore.

The UTRCA helped the school address their environmental concerns of not enough shade and the issue of vandalism. These large trees were the solution and are bigger than the usual bare root, 250 cm trees available through the UTRCA's communities for nature program. Staff and students are thrilled with their new additions!

*Contact: Karen Pugh, Resources Technician*

## Citi Global Community Day

On Saturday, November 7<sup>th</sup>, UTRCA staff helped local employees of Citi Group with their contribution to the fourth annual Citi Global Community Day. Citi expected over 40,000 volunteers in more than 90 countries to participate in projects around the world. Projects address specific community needs including literacy, housing, environmental protection, nutrition, and health care with one goal in mind - to make a difference in the communities they live and work in.

The UTRCA has helped the local Citi Group staff with their project in three of the four years this effort has been in existence. Past projects included helping the ESA team remove boardwalks from Westminster Ponds, and building new biking trails along the Fanshawe Lake Trail.

This year's effort, under sunny November skies, was to plant 310 native trees and shrubs at London's Greenway Park. A total of 83 very enthusiastic volunteers came out, including Citi Group employees, families and friends. In addition to planting new trees and shrubs, the group also provided some maintenance to past planting efforts in the park. It was a great Saturday morning.

The UTRCA appreciates the volunteer contribution of Citi Group employees and their commitment to making the environment the focus of their efforts on this Global Community Day. We look forward to working with them again next year.

*Contact: Brad Hertner, Community Partnership Specialist*



The Citi Group tree planters enjoyed beautiful November weather.



Dr. Simonovic gave an excellent presentation on water and climate change.

## Learning about Climate Change Effects

On Tuesday, November 3<sup>rd</sup>, the UTRCA brought together environmental community groups from across the upper Thames River watershed to learn about water and climate change. Approximately 50 people were on hand to hear Dr. Slobodan Simonovic, University of Western Ontario, Faculty of Engineering, give an enlightening presentation on this topic and what it means for the Upper Thames River watershed.

Researchers at UWO and the University of Waterloo recently conducted a study that looked at the Upper Thames River basin to examine the effects of climate change on water management issues, such as floods and droughts.

The study, entitled “Assessment of Water Resources Risk and Vulnerability to Changing Climatic Conditions,” was led by Dr. Simonovic. The UTRCA participated in the project, which was funded by the Canadian Foundation for Climate and Atmospheric Sciences.

The UTRCA is committed to providing leadership in adapting to climate change. The questions that we need to address include:

- How to protect life and property through extreme weather events?
- How to maintain environmental health through weather shifts?
- How to prepare adequately for climate change?

While the facts laid out in the presentation were sobering, it reinforced the importance of mitigating and adapting to our changing climate.

*Contact: Julie Welker, Community Partnerships Specialist*

## Communities for Nature ~ Fall Summary

The following sites now have new native trees and shrubs from the fall community forestry program: Weldon Park in Arva, Greenway Park in London, Camp BEL in Dorchester, Downs Golf Course in Woodstock, CAMI and Smith Pond in Ingersoll, the Butler farm in the Cedar Creek watershed, lands in the Dingman Creek watershed off of Wonderland Road South, and Avon Public School in Stratford.

In total, 2505 stems have been planted by over 960 participants from local schools and community groups.

Thank you to the funding partners, which include the Municipality of Middlesex Centre, EcoAction (through Environment Canada), Citibank, TD Friends of the Environment Foundation, CAMI Automotive, Tree Canada, and the City of London.

*Contact: Karen Pugh, Resources Specialist*



Top: Sir Frederick Banting Secondary School students planting trees in the Dingman Creek subwatershed.

Bottom: UTRCA staff make the best of the hail that pelted them and the CCH students at Weldon Park.

## Partnering Agency Training

During the fall, federal and provincial agencies have partnered to deliver training programs throughout Ontario for agency staff with overlapping requirements. These training sessions were offered to provide training to new staff, to refresh new staff and to provide updates regarding the incorporation of new legislation.

Staff from UTRCA, neighbouring Conservation Authorities, Fisheries and Oceans Canada and local provincial ministries participated in the training sessions held in Stratford and London.

In general, participants were provided with an overview of each agency’s roles and regulations and how they relate to each other. The participants also learned about process requirements, where to direct inquiries, and with whom to confer.

The workshops focussed on the Fish Habitat Compliance Protocol, Fish Habitat Referral Protocol for Ontario, and Draft Interim Species at Risk Harmonization Protocol.

*Contact: Mark Snowsell, Karen Winfield, Cari Ramsey, or Cathy Reeves*

## Ingersoll Home Centre Employees beautify Ingersoll, their Home

Smith Pond was the recipient of 80 new trees and shrubs on Sunday, October 25<sup>th</sup>. Tree Canada funded the project and worked in partnership with the UTRCA. This is the fifth consecutive year that the Eisen family, which owns the Ingersoll Home Centre, has successfully applied for the grant. No other Home Centre store has managed this feat, and this store is one of only three in Ontario to receive the grant this year.

The Rotary Club has built a new pavilion beside Smith Pond, and the trees and shrubs were planted to naturalize around the new facility. These plants complement previous plantings in the park, by both local students and the Home Centre Employees. Two trees also were also planted at the new Habitat for Humanity house. Ed Borczon from Tree Canada was on hand to offer support. He has been a strong partner of the UTRCA.

*Contact: Karen Pugh, Resources Specialist*



Home Centre employees and UTRCA staff take a break from planting, to pose in front of the new trees and the pavilion.

## Funding Applications for 2010-11

As fall deadlines loom for funding applications, UTRCA staff have diligently prepared proposals, applications and detailed budgets to source funding for 2010.

In gearing up for the next round of funding applications for Species at Risk (SAR) projects, a workshop was held on September 24<sup>th</sup> at the Black Creek Pioneer Village in Toronto. This workshop was co-hosted by Conservation Ontario, Environment Canada and the Ontario Ministry of Natural Resources.

The workshop focussed on what is expected when applying to the federal Habitat Stewardship Program and the provincial Species at Risk Stewardship Fund. Submission to either stewardship fund is very competitive because the monetary amount is limited and each fund has been oversubscribed to every year. The federal and provincial agencies highlighted the guidelines and priority areas of their respective programs, and some of the high quality projects that had received funding in the past.

Applicants were instructed to prepare focused applications after discussing projects with their associated Recovery Teams and SAR biologists involved in the application review process.

Following attendance at the SAR Stewardship workshop, UTRCA staff have prepared and submitted applications to both the federal and provincial funds. With great anticipation, staff await approval of the applications submitted in order to continue SAR stewardship projects throughout the watershed. It is expected that staff should know by April 2010 whether projects will be fully or partially funded, or not funded at all.

*Contact: Chris Harrington, Scott Gillingwater, John Schwindt, or Cathy Reeves*

## On the Agenda

The following items will be presented at the UTRCA Board of Directors meeting on November 24<sup>th</sup>, 2009. Board meeting minutes are posted at [thamesriver.on.ca](http://thamesriver.on.ca); click on "Downloads."

- Administration and Enforcement - Section 28 Report
- 2010 Capital Budget
- House Rentals
- Education Program Fees
- Board of Directors and Hearings and Personnel Committee Meeting Schedule for 2010
- Appointment of Cari Ramsey as an Officer Pursuant to Section 28 of the Conservation Authorities Act
- Building Committee Update
- Erosion and Sediment Control Compliance and the Role of the Conservation Authorities Act
- Tree/Vegetation Removal and the Role of the Conservation Authorities Act
- Natural Cover Target
- Fanshawe Pioneer Village Update

*Contact: Susan Shivas, Executive Assistant*

**To:** Chair and Members of the UTRCA Board of Directors  
**From:** Jeff Brick, Coordinator – Hydrology & Regulatory Services  
**Date:** November 11, 2009  
**Subject:** Administration and Enforcement – Section 28 Status Report –  
Development, Interference of Wetlands and Alteration to  
Shorelines and Watercourses Regulation

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A summary of staff activity related to the Conservation Authority's *Development, Interference of Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ont. Reg. 157/06 under Ontario Regulation 97/04) is presented below. This report covers the period from October 13 to November 10, 2009.

**Application #141/09**  
**Brian and Danielle Stere**  
**616565 Line 13 – Township of East Zorra-Tavistock**

- proposed garage addition.
- plans prepared show the new garage addition outside of the floodplain and encroaching no closer towards the woodlot boundary than existing development at it's closest point.
- staff approved and permit issued October 13, 2009

**Application #142/09**  
**City of London**  
**Huron Street Watermain Protection – N. Thames River**

- emergency work required to protect the exposed section of a 600 mm watermain within the North Thames River
- repair work designate by Stantec Consulting included a pipe bedding reinstatement, overburden protection, and river bank/bed stabilization using appropriately-sized "river run" stone
- numerous approvals required from other environmental agencies including Transport Canada (for temporary installation of turbidity curtain and placement of protection rock over pipe), MNR and DFO (for species at risk documented for the area in general – particularly upstream in Medway Creek)
- staff approved and permit issued on November 4, 2009

**Application #143/09**  
**Sacred Heart Church**  
**Gideon Drive – Delaware**

- proposed construction of exterior retaining walls surrounding basement windows for a measure of flood protection (Church basement was inundated twice in the past 16 months due to high Thames River flows in Delaware)
- detailed designs prepared by Santarelli Engineering
- staff approved and permit issued on October 27, 2009

**Application #144/09**

**Murray McPhail**

**128 Centre Street – City of London**

- proposed kitchen addition to existing house
- plans prepared show the location of the proposed addition to be within the regulatory limit but outside of the natural hazard features
- staff approved and permit issued on October 22, 2009

**Application #145/09**

**Phil Megaro**

**157 Springbank Drive – City of London**

- proposed porch and garage addition, deemed minor works as per Board-approved policy
- property located within Coves Special Policy Area
- staff approved and permit issued on November 3, 2009

**Application #146/09**

**Phil Megaro**

**155 Springbank Drive – City of London**

- proposed construction of a 2-storey home, within Coves Special Policy Area
- floodproofing components prepared by J.H.Vincent, P.Eng.
- staff approved and permit issued on November 3, 2009

**Application #147/09**

**County of Oxford**

**800 Lansdowne Avenue, Block 50 Registered Plan 41M 221 – City of Woodstock**

- proposed Trillium Woods Sanitary Pumping Station.
- plans prepared by AECOM Consultants Limited for pumping station and emergency overflow to service the new Trillium Woods subdivision.
- staff approved and permit issued October 22, 2009

**Application #148/09**

**Lloyd & Roberta Vandenburg**

**Part Lot 5, Concession 2 (Downie) – O’Loane Avenue – City of Stratford**

- proposed house construction
- plans prepared show the location of the proposed home within the regulatory limit but site visit confirmed that structure would be located outside of slop hazard associated with Avon River
- staff approved and permit issued on October 28, 2009

**Application #152/09**

**Township of Zorra**

**Part Lot 29, Concession 1 – Township of Zorra**

- proposed access to haul road associated with the “Robinson Pit” to be operated by Zorra Township
- plans prepared by Spriet Associates previously approved by UTRCA in 2006, but project put on hold pending outcome of related Ontario Municipal Board hearing.
- staff approved and permit issued on November 6, 2009

Recommended by:

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Jeff Brick, Coordinator  
Hydrology & Regulatory Services

Prepared by:

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Karen Winfield  
Land Use Regulations Officer

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Mark Snowsell  
Land Use Regulations Officer

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**To:** UTRCA Board of Directors  
**From:** Ian Wilcox, General Manager  
**Date:** November 22, 2009  
**Subject:** Capital Budget Update- For Information

**Agenda #:**  
**Filename:** ::ODMA\GRPWISE\UT\_MAIN.UT  
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It was intended that a UTRCA 2009 Capital Budget would be presented to the Board of Directors for approval at the November Meeting. Staff have been waiting specifically for word regarding the Authority's Infrastructure Stimulus Fund (ISF) application before finalizing the draft capital budget. No decisions have yet been made regarding ISF applications so we are unable to present the budget for approval at this meeting.

While we expect to receive word regarding funding very soon, this delay makes Board approval somewhat challenging since our next scheduled meeting is January 26, 2010. The following is proposed an alternate strategy to ensure we receive Board approval as quickly as possible so the draft budget may be circulated to member municipalities:

1. Once word regarding the ISF grant is received and the draft capital budget is complete, it will be circulated to members via email.
2. At this point staff anticipate requesting approval of the budget through an email voting procedure.
3. If approval is not straight forward, a special meeting of the Board will be called to discuss and review the draft capital budget.

This delay in finalizing the draft budget is also creating challenges for our member municipalities as they try and include forecast levy amounts in their own draft budgets. In an effort to assist municipalities with their budget development, the following email and spreadsheet were sent to all member municipalities on November 9, 2009. This is provided for your information and as an early consideration of what that draft capital budget may contain.

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**Email forwarded to all Member municipalities November 9, 2009.**

**Memo To: UTRCA Member Municipality CAOs**  
**Re: 2010 UTRCA Draft Budget**

Municipal CAOs,

The UTRCA's Draft 2010 Budget has not yet been circulated to member municipalities. Normally, we would have sent the package by now, however, we have been delaying hoping to hear if our Infrastructure Stimulus Fund application for the new UTRCA Community Conservation Centre (Administration Building) has been approved. It has been three months since we submitted our application and there is no word on when decisions will be made. This obviously affects our 2010 Draft Budget and it was our belief this issue would have been resolved by now.

I understand that each of you have started, or will soon start, your own budget development cycle. In order to assist, I have developed a spreadsheet (attached) which provides our expected budget numbers. **Please note these values have not yet been approved by our Board of Directors and the draft numbers also assume that we will be successful in securing the 2/3 ISF funding for our new building.**

The attached spreadsheet contains two tables; the top table includes our operating budget, plus the expected 2010 building levy, plus a specific flood control capital levy for Oxford County and London. The bottom table provides more specific details about the building levy. **Please note that a 2010 building levy payment schedule will be negotiated with each municipality.** As I've said in the past, we will work with each municipality to finance the balance owing over whatever term you wish. The entire building levy will be included as part of the 2009 and 2010 budgets so that apportionment values are fixed but the actual payment schedules will then be negotiated with each municipality.

For your information, the operating budget increase was approved by the Board at 4% however, due to dramatic changes in assessment growth among some watershed municipalities, the bulk of that increase will be borne by Oxford County and to a lesser extent Lucan/Biddulph and Middlesex Centre. The remaining municipalities will see increases below 2.5%.

Once our ISF application is approved (hopefully) the Board will finalize our budget and we'll send the draft package out to you in its usual form. I also intend on presenting to each Council like in past years however the schedule will have to be more compressed.

I hope this information is clear and is useful to you in your own budget development. Please call if you have questions.

Thanks

Ian Wilcox  
General Manager  
Upper Thames River Conservation Authority  
1424 Clarke Road  
London, Ontario  
N5V 5B9  
(519) 451-2800 ext. 259  
Fax (519) 451-1188  
[wilcoxi@thamesriver.on.ca](mailto:wilcoxi@thamesriver.on.ca)

Prepared by:

Ian Wilcox

**UTRCA DRAFT 2010 BUDGET**

*These values are For Municipal Draft Budget Development Only*

*These values have not yet been approved by the UTRCA Board of Directors*

2010 UTRCA Draft Levy Municipality	2010 Operating Levy	2010 Capital Building Levy	2010 Flood Control Capital Levy	2010 Total Levy
London	\$2,283,701	\$1,391,577	\$1,200,000	\$4,875,278
Oxford County	\$521,294	\$340,853	\$125,000	\$987,147
Stratford	\$266,732	\$153,751	\$0	\$420,483
Thames Centre	\$85,205	\$60,984	\$0	\$146,189
Middlesex Centre	\$59,959	\$45,028	\$0	\$104,987
St. Marys	\$73,235	\$35,169	\$0	\$108,404
West Perth	\$68,316	\$27,273	\$0	\$95,589
Perth East	\$36,503	\$25,911	\$0	\$62,414
Perth South	\$27,747	\$20,837	\$0	\$48,584
Lucan Biddulph	\$7,133	\$5,357	\$0	\$12,490
South Huron	\$5,332	\$4,004	\$0	\$9,336

**2010 UTRCA Building Levy Details**

**Assumes:**

- \$12 million building total budget

- \$4 million total municipal share

- \$1,889,257 already paid in 2009 using 2008 apportionment

Remaining Municipal Balance to be Paid in 2010 (or financed) using new 2009 apportionment= \$2,110,743

**Municipalities will have the option to finance their share of costs over the term of their choosing**

Municipality	2008 Apportionment (for 2009)	2009 Apportionment (for 2010)	2009 Building Levy	2010 Building Levy	Cumulative Total Building Levy
London	66.39	65.93	\$1,254,152	\$1,391,577	\$2,645,729
Oxford County	15.23	16.15	\$287,705	\$340,853	\$628,558
Stratford	7.44	7.28	\$140,547	\$153,751	\$294,298
Thames Centre	3.02	2.89	\$57,050	\$60,984	\$118,034
Middlesex Centre	2.12	2.13	\$40,048	\$45,028	\$85,076
St. Marys	1.65	1.67	\$31,170	\$35,169	\$66,339
West Perth	1.38	1.29	\$26,069	\$27,273	\$53,342
Perth East	1.3	1.23	\$24,558	\$25,911	\$50,469
Perth South	1.03	0.99	\$19,457	\$20,837	\$40,294
Lucan Biddulph	0.25	0.25	\$4,723	\$5,357	\$10,080
South Huron	0.2	0.19	\$3,778	\$4,004	\$7,782
<b>Total Cost</b>			<b>\$1,889,257</b>	<b>\$2,110,745</b>	<b>\$4,000,002</b>

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**To:** UTRCA Board of Directors

**From:** Alex Shivas, Coordinator  
Lands & Facilities Unit

**Date:** November 9, 2009

**Subject:** Proposed 2010 House Rental Rates

**Agenda #:**

**Filename:** ::ODMA\GRPWISE\UT\_MAIN.UT  
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**Recommendation:**

**That the UTRCA Board of Directors approve the proposed 2010 House Rental Rates as attached.**

The attached report outlines the proposed 2010 fees for Authority rental houses. Each year the Ontario government announces the Provincial rent increase guideline. The annual rent increase guideline is the maximum percentage by which a landlord can increase the rent for existing residential tenants.

**The 2010 guideline has been set at 2.1 %.**

Rent increase guidelines are released under the auspices of the Ontario Landlord and Tenant Board pursuant to the Residential Tenancies Act.

Recommended by:

Prepared by:

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Alex B. Shivas  
Coordinator, Lands & Facilities  
Att.

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Bill Mackie  
Superintendent, Support Services & Properties

**PROPOSED 2010 - HOUSE RENTAL RATES**

<b>LOCATION</b>	<b>PROPERTY</b>	<b>2009 PER MONTH RENTAL FEE</b>	<b>2010 PER MONTH RENTAL FEE 2009 + 2.1%</b>
<b>Wildwood Area</b>	<b>Township of Perth South, Downie Ward Lot 24, 983115 Wildwood Road.</b>	<b>\$ 566.00</b>	<b>\$ 577 .00</b>
<b>Glengowan Area</b>	<b>Township of Perth South, Blanshard Ward Conc. 15, Lot 4 2248 Road 137</b>	<b>\$ 610.00</b>	<b>\$ 622 .00</b>
	<b>Township of Perth South, Blanshard Ward Conc. 15, Lot 3 2288 Road 137</b>	<b>\$ 593.00</b>	<b>\$ 605 .00</b>
	<b>Township of West Perth, Fullarton Ward Conc. EMR, Lot 30 2492 Road 137</b>	<b>\$ 614.00</b>	<b>\$ 626 .00</b>
	<b>Township of West Perth, Fullarton Ward Conc. 17, Pt. Lot 25 5225 Line 16</b>	<b>\$ 559.00</b>	<b>\$ 570 .00</b>

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**To:** UTRCA Chair and Members of the UTRCA Board of Directors  
**From:** Ian Wilcox, General Manager  
**Date:** November 9, 2009 **Agenda #:** 10(d)  
**Subject:** Proposed 2010 Board of Directors and Hearings and Personnel Committee Meetings **Filename:** ::ODMA\GRPWISE\UT\_M  
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It is proposed the 2010 Board of Directors' meetings commence at 1:30 p.m. as follows:

January 26th	June 22nd
February 16th	August 24th
March 23rd	September 28th
April 27th	October 26th
May 25th	November 23rd

It is proposed the 2010 Hearings and Personnel Committee meetings commence at 11:30 a.m. (unless otherwise noted) on the following dates:

March 23rd	September 28th
June 22nd	November 23rd

Recommended by:

Prepared by:

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Ian Wilcox, General Manager

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Susan Shivas, Executive Assistant

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**To:** UTRCA Board of Directors  
**From:** Jeff Brick, Coordinator – Hydrology and Regulatory Services  
**Date:** November 9, 2009 **Agenda #:** 10 (g)  
**Subject:** Appointment of Cari Ramsey as Officer Pursuant to Section 28 of the *Conservation Authorities Act* **Filename:** ::ODMA\GRPWISE\UT\_MAIN.UTRCA\_PO.File\_Centre\_Library:82396.1

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**Recommendation:**

**That Cari Ramsey be designated as an officer pursuant to Section 28 of the Conservation Authorities Act for the purpose of administering and enforcing Ontario Regulation 157/06.**

**Background**

Cari has recently been selected to fill Karen's Winfield's position as Regulations Officer while Karen is off on maternity leave. Karen's last scheduled day before maternity leave is November 20<sup>th</sup>. In order to fully and properly fulfill the position's responsibilities, Cari must be designated as an officer by the UTRCA Board. Refer to the following excerpt from the Conservation Authorities Act:

**Regulations by authority re area under its jurisdiction**

**28. (1)** Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,

(a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;

(b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;

(c) prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;

***(d) providing for the appointment of officers to enforce any regulation made under this section or section 29;***

(e) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section. 1998, c. 18, Sched. I, s. 12.

Prepared and Recommended by:

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Jeff Brick, Coordinator  
Hydrology & Regulatory Services

**To:** Chair and Members of the UTRCA Board of Directors  
**From:** Jeff Brick, Coordinator – Hydrology & Regulatory Services  
**Date:** November 10, 2009 **Agenda #:** 12 (a)  
**Subject:** Tree/Vegetation Removal and the Conservation Authorities Act **Filename:** Doc # 81250

**Background**

This report has been prepared as a follow-up to discussions which occurred during the June 2009 Board of Directors meeting. These discussions were in regards to the destruction of trees/woodlots in specific areas in the watershed and the UTRCA’s role in preventing tree/vegetation removal. While stewardship and education initiatives are a major focus of the Conservation Authority in helping to prevent further deforestation of the watershed, the focus of this report is on the legislative framework relating to tree removal and UTRCA’s regulatory abilities.

**Legislative Framework**

Until the end of 2002, there were two statutes in Ontario that provided the means to pass tree cutting by-laws, the *Forestry Act* (administered by the Ministry of Natural Resources) and the *Municipal Act* (administered by the Ministry of Municipal Affairs and Housing). Upper-tier municipalities had the authority to pass tree cutting by-laws under the *Forestry Act*, while lower-tier municipalities had the authority to pass tree cutting by-laws under the *Municipal Act*. The new *Municipal Act*, 2001 (which came into effect on January 1, 2003) consolidated all tree cutting by-law provisions under one Act and sections of the *Forestry Act* dealing with the authority to pass tree by-laws were repealed.

Section 135 of the *Municipal Act*, 2001, empowers all levels of municipalities to pass forest conservation by-laws to regulate tree cutting and provide direction to landowners on how to sustainably manage their woodlands. While this is the most direct legislative authority for regulating tree conservation, there are several other regulatory tools in Ontario which can directly or indirectly deal with the matter of tree/vegetation removal. The table below provides information on the legislative tool, the agency responsible and the relevant sections.

INSTRUMENT	AGENCY	KEY SECTIONS AND COMMENTS
<i>Fisheries Act</i>	Fisheries and Oceans Canada (DFO)	Section 35 (1) - No person shall carry on any work or undertakings that result in the harmful alteration, disruption or destruction of fish habitat. This section has occasionally been used to regulate the removal of trees and riparian vegetation in sensitive fish habitat areas.
<i>Planning Act</i>	Ministry of Municipal	The Provincial Policy Statement (2005) is made pursuant to Section 3 of the <i>Planning Act</i> . Decisions that are made on

INSTRUMENT	AGENCY	KEY SECTIONS AND COMMENTS
	Affairs and Housing (MMAH) with implementation delegated to municipalities	<p><i>Planning Act</i> applications shall be consistent with the PPS. The PPS includes broad goals for the protection of natural heritage and specific policy direction for various components of the natural heritage system. The <i>Planning Act</i> tool is limited in that it deals with establishing land use and not land management <sup>1</sup> and therefore municipalities are not able to control undesirable land management activities under the provisions of the <i>Planning Act</i>. To deal with this, many municipalities have a tree or woodland conservation by-law (made under Section 135 of the <i>Municipal Act</i>) to complement the land uses established under the <i>Planning Act</i>.</p> <p>Note 1: Site plan approvals are an exception to this but they are limited to certain categories of land use.</p>
<i>Municipal Act, 2001</i>	MMAH with implementation delegated to municipalities	<p>Section 135 empowers municipalities pass a by-law to:</p> <ul style="list-style-type: none"> <li>• prohibit or regulate the destruction or injuring of trees.</li> <li>• prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law.</li> </ul>
<i>Municipal Act, 2001</i>	MMAH with implementation delegated to municipalities	<p>Section 142 empowers municipalities to pass site alteration by-laws to:</p> <ul style="list-style-type: none"> <li>• prohibit or regulate the placing or dumping of fill;</li> <li>• prohibit or regulate the removal of topsoil;</li> <li>• prohibit or regulate the alteration of the grade of the land;</li> <li>• require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land; and</li> <li>• impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site.</li> </ul> <p>There are several exemptions provided including:</p> <ul style="list-style-type: none"> <li>• activities approved under the <i>Drainage Act</i>, the <i>Tile Drainage Act</i> and the <i>Aggregates Act</i>;</li> <li>• activities that are covered by a subdivision or development agreement with a municipality</li> <li>• areas that are regulated by the Conservation Authority under the Section 28 of the <i>Conservation Authorities Act</i> (<b><i>Refer to Discussion and Analysis section for more on this item</i></b>)</li> </ul>
<i>Conservation Authorities Act</i>	MNR with implementation delegated to the local Conservation Authority	<p>Section 28 (1) - an authority may make regulations applicable in the area under its jurisdiction:</p> <p>(b) – prohibiting, regulating or requiring permission of the Authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or changing or interfering in any way with a wetland;</p> <p>(c) – prohibiting, regulating or requiring the permission of the Authority for development if, in the opinion of the Authority, the</p>

INSTRUMENT	AGENCY	KEY SECTIONS AND COMMENTS
		control of flooding, erosion, dynamic beaches or pollution or conservation of land <sup>2</sup> may be affected by the development
<i>Migratory Birds Convention Act</i>	Environment Canada (EC)	Section (6) - No person shall (a) disturb, destroy or take a nest, egg, nest shelter, eider duck shelter or duck box of a migratory bird.  While the Migratory Birds Regulations strictly prohibit the harming of migratory birds and the disturbance or destruction of their nests and eggs, many are inadvertently destroyed by activities involving tree removal. This inadvertent destruction is called “incidental take” and is illegal.
<i>Species At Risk Act (SARA)</i>	DFO, EC, Parks Canada	The federal Species at Risk (SAR) Program is intended to conserve, protect and provide for the recovery of threatened, endangered and extirpated species (which includes SAR trees and plants) and the ecosystems that support them.
<i>Endangered Species Act (ESA)</i>	Ministry of Natural Resources (MNR)	In Ontario, protection for endangered species (including trees and plants) and their habitats is provided through regulations under the Endangered Species Act (ESA).

### **Discussion and Analysis**

Under the *Conservation Authorities Act*, the UTRCA has the ability to prohibit or regulate development in defined Natural Hazard lands and Regulated Areas. The meaning of development and the ability to regulate the placing or moving of any “material” has been explored with the UTRCA solicitor. A search of other Conservation Authority policy documents and Mining and Lands Commissioner Decisions has also been undertaken.

With regard to the definition of development, it is our opinion that removal of trees does not strictly fall within this definition. The UTRCA Environmental Policy Manual and many other Conservation Authority policy documents refer the matter of tree/woodland removal to the tree/woodland conservation by-laws established by municipalities. In situations where a permit is required under the *Conservation Authorities Act*, the “conservation of land” provision has been found to be applicable in cases involving removal of vegetation in wetland areas and vegetation on steep slopes as part of an integrated ecosystem approach.

The attached map is taken from the Ontario Woodlot Association’s web page ([http://www.ontariowoodlot.com/bylaw\\_main.html](http://www.ontariowoodlot.com/bylaw_main.html))

The map shows that most municipalities in the Upper Thames watershed have tree/woodland conservation by-laws. Details on the by-laws in the UTRCA watershed are as follows:

Huron County – Forest Conservation By-Law – 2006  
<http://www.huroncounty.ca/bylaws/downloads/By-law10-2006.pdf>

Perth County – By-Law Number 2927, Being a By-Law to prohibit or regulate the destruction or injuring of trees, in woodlands and woodlots in the County of Perth – 2005

<http://www.perthcounty.ca/bl2927.pdf>

Oxford County – Woodlands Conservation By-Law No. 4489-2004, 2005  
[http://www.county.oxford.on.ca/Portals/\\_county/3667/80100cb6-d617-411a-a40f-9c2c1a5f065b.pdf](http://www.county.oxford.on.ca/Portals/_county/3667/80100cb6-d617-411a-a40f-9c2c1a5f065b.pdf)

Town of Ingersoll – Ingersoll Tree By-Law, 2002 (Draft)

Middlesex County – Woodlands Conservation By-Law #5738  
[http://www.county.middlesex.on.ca/PDFs/Woodlands\\_Bylaw.pdf](http://www.county.middlesex.on.ca/PDFs/Woodlands_Bylaw.pdf)

City of London – Tree Conservation By-Law, October, 2007  
[http://www.london.ca/By-laws/PDFs/tree\\_conservation.pdf](http://www.london.ca/By-laws/PDFs/tree_conservation.pdf)

It is our understanding that the City of London Council has directed staff to review options for revising the current Tree Conservation By-Law to possibly expand the areas that are covered. This exercise will also help to address enforcement limitations associated with the s. 142 Municipal Act exemption for lands regulated pursuant to Section 28 of the Conservation Authorities Act.

Board members are reminded that the Conservation Authority does not have injunctive powers to immediately stop a tree cutting operation. Our legislative power is “after the fact” while municipalities have the ability to stop and event immediately through the issuance of a “stop work order” or similar process.

### **Conclusion**

It is our opinion that tree removal can be effectively regulated by using a combination of land use planning control under the *Planning Act* and a complementary tree/woodland conservation by-law under the *Municipal Act*. These regulatory tools are applied by municipalities and Conservation Authorities can provide support in various ways. The UTRCA provides support by assisting municipalities with completing natural heritage studies and inventories and by providing land use planning policy and technical support. The UTRCA also assists municipalities by reviewing applications for exemptions to tree/woodland conservation by-laws.

Recommended by:

Prepared by:

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Jeff Brick, Coordinator  
Hydrology & Regulatory Services

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Karen Winfield  
Land Use Regulations Officer

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Mark Snowsell  
Land Use Regulations Officer

JB/KW/MS/  
attachment

**To:** UTRCA Board of Directors

**From:** Chris Harrington, Coordinator Planning and Research

**Date:** November 11, 2009 **Agenda #:** 12(b)

**Subject:** For Information - Natural Heritage Target **Filename:** File Number: 82474  
Setting Exercise

**Background:**

Work to develop natural heritage feature cover targets for the UTRCA watershed and the feasibility of such targets has been underway since August 2009. This exercise has been the effort of a multi-disciplinary team including staff from all UTRCA divisions. The purpose of this work is to develop, market, and implement watershed coverage targets for natural heritage features in the Upper Thames watershed. This work stems from reoccurring issues related to natural heritage protection, enhancement and development impacts. The notion of target setting has also evolved from other initiatives such as the Property Assessment Project and Watershed Report Cards which are directly linked to UTRCA stewardship programs.

Extensive work related to the development of natural heritage targets has been undertaken by the Toronto and Region Conservation Authority in drafting “The Terrestrial Natural Heritage System Strategy” report (TNHSS). This effort was based on similar observations of reduction in vegetation communities, species population, and distribution within the TRCA area of jurisdiction (TRCA, 2007). Significant research has been undertaken and published by the TRCA to develop the strategy that will help them achieve greenspace and biodiversity objectives of their “Living City” Strategic Plan. These resources can be drawn on for work in the UTRCA watershed. The key assertion behind the project is that the distribution and quantity of natural cover is intricately linked to water, air quality and climate regulation, quality of life and sustainability for citizens (TRCA, 2007).

A commonly referenced watershed target of 30% natural heritage cover has been recommended by Environment Canada (Environment Canada, 2004) to ensure a persistence of bird species, regardless of habitat configuration. Of the 30% natural heritage cover, 10% of the natural cover in a watershed should be wetland habitat to reduce nutrient loadings, reduce flooding and provide higher base flows (Hey and Wickencamp 1996). Focused stewardship efforts have been made to conserve and replace natural heritage cover features, yet in total it still amounts to less than 15% of the original extent in the Upper Thames River watershed. Despite considerable ongoing efforts, such as tree planting programs, it appears that there has been no measurable increase in natural heritage cover over recent years (since 1950s). Recent GIS analysis shows natural heritage cover in the UTRCA watershed to be at 14.8% (as described in Table 1 below).

Table 1. Natural Heritage Cover Types for UTRCA Watershed

COVER TYPE FOR WATERSHED	OVERALL TARGET	CURRENT MEASURE (2009)
UPLANDS	15% - 30%	8.7%
LOWLANDS / WETLANDS	10%	1.5%
*PRAIRIES / MEADOWS	NA	1.5%
*HEDGEROWS	NA	0.3%
*RIPARIAN	NA	2.8%

<b>TOTAL</b>	<b>14.8%</b>
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*\* features included here but not traditionally considered in natural heritage cover estimates*

**Target Setting:**

With the background information on the existing amount of natural heritage cover types, a rough analysis to determine what progress could be made to improve the cover amounts was conducted. The approach taken was to first roughly identify what areas could be targeted for increased cover. Secondly, the level of resources needed to achieve this was determined, including the required number of plants (trees, shrubs and grasses) and human resources/manpower needed. These exercises will help to set a natural heritage cover target that is achievable.

A GIS model was developed to identify amounts of area, by land use type, that could potentially be targeted for naturalization to achieve an increase in natural heritage cover amounts. Within these broad land use categories (see Table 2 below) it was determined that there is approximately an additional 20% of the watershed where this could occur. This analysis also identified areas that would not be suitable for naturalization (e.g. transportation corridors, class 1 agricultural land)

**Table 2. Potential Available Naturalization Areas**

Land Use Type	Amount in watershed	Notes
Resource Extraction Areas	1.79%	Extraction areas that can be re-vegetated
Urbanized areas	1.65%	Based on UFORE analysis for the City of London that determined the “plantable” portion of the urban area at 19%. This has been extrapolated to all urban areas in the watershed (19% of 296.2 km <sup>2</sup> ).
Class 2 agriculture	16.00%	More discussion needed – how much of this land use type would be considered.
Class 4 agriculture	0.17%	
Class 5 agriculture	0.90%	
<b>Total</b>	20.51%	

Estimates of the amount of resources that would be necessary to achieve natural heritage target scenarios were then developed. Initially, the amount of area that would need to be naturalized has been identified, along with an estimate of the number of plantings (trees, shrubs, grasses). Preliminary estimates of manpower needed to achieve these amounts are being developed and will be reported on at a later date. Two scenarios have been developed (see Table 3 below). Scenario 1 aims to increase the natural heritage cover amount by approximately 5%, to a total of 20% of the total watershed area. Scenario 2 simply reflects a move to the generally accepted target of 30% natural heritage cover.

**Table 3. Scenario Increases in Natural Heritage Cover**

Natural Heritage Cover Types	SCENARIO 1 – 20% (+ 174 km <sup>2</sup> ) / Number of Plants (trees, shrubs, grasses)	SCENARIO 2 – 30%(+ 542 km <sup>2</sup> ) / Number of Plants (trees, shrubs, grasses)
Uplands	Increase to 348 sq. kms (10%) / + 7,785,000 plants	Increase to 522 sq. kms (15%) / + 37,887,000 plants
Lowland / Wetland	Increase to 174 sq. kms (5%) / + 18,300,000 plants	Increase to 348 sq. kms (10%) / + 44,400,000 plants
Prairies / meadows	Maintain	Increase to 70 sq. kms (2%) / 17,500,000 plant plugs
Hedgerows	Maintain	Maintain

Riparian	Increase to 105 sq. kms (3%) / + 17,500,000 plants	Increase to 105 sq. kms (3%) / + 17,500,000 plants
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Given the magnitude of the work required to achieve any increase in natural heritage cover, the team has identified the initial step of 20% cover as a realistic target to be achieved in approximately 20 years. Work to achieve such a target will require support from a wide range of stakeholders (*i.e.* funding support, additional plant suppliers, landowners, local and senior levels of government, *etc.*). Implementing, promoting, and monitoring progress would become a major initiative of the UTRCA if natural heritage cover targets are put in place.

**Next Steps:**

While this report to the UTRCA Board of Directors highlights the work accomplished to date to develop natural heritage targets, further analysis is needed to refine some of the information and confirm what will be a feasible target for natural heritage cover. Given the UTRCA adopted approach of implementation on a subwatershed level, analysis to reflect realistic targets for each subwatershed needs to be further explored as targets will be different throughout the watershed. In addition, it is recognized that how this effort will be integrated with existing programs, communicated, and monitored, needs to be considered.

**References:**

Toronto and Region Conservation Authority (TRCA). 2007. Terrestrial Natural Heritage System Strategy.

Environment Canada. Canadian Wildlife Service. 2004. How Much Habitat Is Enough? A Framework for Guiding Habitat Rehabilitation in Great Lakes Areas of Concern. 2<sup>nd</sup> ed. Minister of Public Works and Government Services Canada Downsview, Ontario.

Hey, D.L. and J.A. Wickencamp. 1996. Effects of wetlands on modulating hydrologic regimes in nine Wisconsin Watersheds. The Wetlands Initiative, Chicago, Illinois.

Prepared by:

Chris Harrington  
Coordinator, Planning and Research

Tara Tchir  
Ecologist

Terry Chapman  
GIS Specialist