



July 16, 2010

Mr. Douglas B. Kelly  
Soloway Wright LLP  
Barristers and Solicitors  
427 Laurier Avenue West, Suite 900  
Ottawa, Ontario K1R 7Y2

Dear Mr. Kelly:

**Re: Draft Plan of Subdivision KNL Development Ltd. D07-16-03-0025**

The Natural Systems Team has reviewed the Tree Preservation Plan for the KNL Lands submitted in April, 2007 prepared by Corush Sunderland Wright Limited, CCL/IBI and Muncaster Environmental. This report applies to the entire Kanata Lakes North and is lacking some key elements for Phase 9 of the proposed development. The following comments address these shortfalls:

- 1) The protective measures for Phase 9 have not been specified in the report. Specific protective measures for retained vegetation are required and will need to be approved by City Forestry Staff prior to the removal of any trees.
- 2) There is a lack of discussion of any buffers adjacent to the NEA lands within Phase 9. The report, which covers the entire KNL lands, discusses the need for a buffer around the NEA lands and specifically recommends a 10m buffer along the north side of the Kizell Pond. A similar buffer should be provided for the NEA lands in Phase 9 as per the recommendations made in the following documents provided to the City by the proponent:

1. *Tree Preservation and Protection Plan*, April 2007, prepared by Corush Sunderland Wright Limited, CCL/IBI and Muncaster Environmental, page 4, section titled "The NEA Lands"

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2. *Preliminary Tree Preservation and Conservation Plan*, April 22, 2004, prepared by Muncaster Environmental Planning, pages 4-5, section titled "Recommendations for the NEA Lands"
3. *Environmental Impact Statement*, April 2003, prepared by Muncaster Environmental Planning, pages 23-24, section 6.1.3

The following documentation supporting the recommendation for a buffer around all NEAs in the KNL Lands was prepared on behalf of the City of Ottawa:

1. *Kanata Lakes NEA Boundary Definition, Shirley's Brook and Tree Cutting Mitigation*, Nov., 2002, prepared by ESG International, pages 16-17, section 5.1.3
2. *Kanata Lakes West Natural Environment Evaluation Report*, Sept., 2002, prepared by ESG International, pages 12-13, section 5.1.3

Buffers are an important component in the preservation of NEA lands, particularly when construction activities such as blasting of the bedrock have a strong likelihood of impacting these ecologically sensitive areas.

- 3) An inventory of species at risk shall be included in the report. Although permits for the removal of the endangered Butternut trees (*juglands cinerea*) is the responsibility of the Ministry of Natural Resources, the City cannot approve the removal of these trees without the necessary permits.
- 4) In addition to butternut, the inventory of species at risk must include those other species at risk identified under regulation in the Provincial Endangered Species Act (2007) with the potential to occur on site, especially Blanding's Turtle and American Ginseng (which have been identified in identical habitat on adjacent properties). If species at risk are identified on site, or if they are likely to occur on site at some point during their life cycle, then the plan must include appropriate mitigation measures for their protection, along with applicable permits from the Province. This requirement arises from the Provincial Policy Statement and from Draft Plan Condition 37, which states that the Detailed Tree Planting and Conservation Plan... shall be integrated with... the Environmental Impact Statement. An EIS must address the impacts of a development on species at risk. If Blanding's Turtle and Ginseng occur on the site, then the removal of trees cannot occur without disturbance or harm to individuals of those species, unless a plan for mitigation during vegetation clearing is prepared and implemented. Causing disturbance or harm to individuals of these species would also violate the Endangered Species Act.
- 5) There is no discussion in regards to tree retention outside the NEA lands or of the retention of regeneration stems specific for Phase 9 of this development as per Section 5 of the Tree Preservation Plan:

“The tree retention outside of the NEA lands can be enhanced through:

- Identifying and protecting groupings of trees which are located in areas of the future subdivision, and linear open spaces which will not require regrading or other disruption. These areas should be identified in the field prior to clearing or grading and be enclosed with snow fencing to prevent entry by construction vehicles. Additionally these areas or cells should be identified with signage stating “No entry – tree preservation”.
- Where possible, adjacent to the NEA or retained stands of trees, provide a grade transition by lowering the grades of rear lots to match existing elevations. This can be accomplished by siting ‘back-split’ or ‘walk-out basement houses on lots backing onto the retained tree areas. (Reference Figure 1 in Section 5 of report).
- Where retention of regenerating stems will not be feasible due to their location in a lot, the seedlings should be considered for transplanting to provide a source of native trees. This would be part of the rehabilitation of the NEA lands where tree removal will be required as part of the reconstruction of the energy dissipater, and where blasting, grading or construction access will necessitate planting after development. These seedlings should be hand-dug and transplanted immediately in early spring before budding out. As an example, in the area west of Goulbourn Forced Road, south of Kizell Pond, there is opportunity for a small number of 2 -3 year old spruce trees to be transplanted into the NEA lands in the vicinity of the energy dissipater. Future opportunities for transplantation elsewhere within the subdivision will be assessed at the time of detailed design for those areas.

In addition to the above comments, Condition 37 has not been met by Urbandale whereby “The owner shall undertake to protect all existing vegetation on site until such time a Detailed Tree Planting and Conservation Plan is approved by the City and the vegetation communities and specimen trees which are to be conserved are appropriately marked with snow fencing on-site”. The City has not been contacted to conduct a site visit to approve these mitigation measures.

Furthermore, the detailed preservation plan is normally reviewed in conjunction with other relevant plans (e.g. Grading and Drainage Plans) in order to determine precisely what trees need to be removed and what can be retained. This is also specified in Condition 3 whereby “The Detailed Tree Planting and Conservation Plan shall be prepared by a qualified landscape architect and shall be integrated with the Grading and Drainage Plan, the Storm water Site Management Plan and the EIS, and further, the Owner agrees that no tree cutting or removal shall occur prior to approval of the Detailed Tree Planting and Conservation Plan and no sooner than two years in advance of construction, or no sooner than is necessary to complete detailed engineering submissions.” Without these additional documents, particularly the Grading and Drainage Plans, large-scale tree removal at this point is premature and not approved.

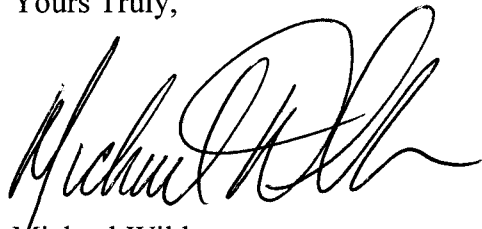
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Please submit the requested information to the assigned planner, Kathy Rygus.

Yours Truly,

A handwritten signature in black ink, appearing to read "Michael Wildman". The signature is fluid and cursive, with a large initial "M" and "W".

Michael Wildman,  
A/General Manager - Planning and Growth Management

cc: Michael Boughton, Program Manager, Development Review (Suburban West)  
Kathy Rygus, Planner, Development Review (Suburban West)  
Astrid Nielsen, Forester, Planning Branch  
Nick Stow, Planner, Land Use and Natural Systems