

Environment and Climate Change Advisory Committee (ECCAC)
Meeting held July 30, 2024

A meeting of the Environment and Climate Change Advisory Committee is held this day commencing at 5:00 o'clock p.m. via Zoom video conference, there being present the following members:

Councillor Kieran McKenzie, Chair
Councillor Angelo Marignani
Glory Aimufua
Frank Butler
Mike Fisher
Masoumeh Mazandarani
Jennifer Nantais
Maria Boada
Kiemia Rezagian

Guest in attendance:

Derek Coronado

Also present are the following resource personnel:

Karina Richters, Supervisor, Environment Sustainability & Climate Change
Barbara Lamoure, Environment & Sustainability Coordinator
Aaron Farough, Senior Legal Counsel
Wadah Al-Yassiri, Manager Parks Development
Karen Cedar, Naturalist and Outreach Coordinator
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 5:04 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Declaration of Conflict

None disclosed.

3. Adoption of the Minutes

Moved by Councillor Angelo Marignani, seconded by Frank Butler,
That the minutes of the Environment and Climate Change Advisory Committee of
its meeting held May 21, 2024 **BE ADOPTED** as presented.
Carried.

4. Business Items

4.1 Black Oak Heritage Park Discussion

Karen Cedar, Naturalist and Outreach Coordinator provides the following salient points of discussion as it relates to Black Oak Heritage Park:

- Black Oak Heritage Park has been under the Administration of the City of Windsor since 1990.
- There is a geological feature that is over 4,000 years old (old shoreline for Lake Rouge).
- Some trees are over 260 years old.
- When they first acquired the property, dumping of very large tires, large vehicles on the property, and ATV's were evident.
- Administration then erected six foot heavy duty chain link fencing around the parcels that were to be part of the Black Oak Heritage Program. The fencing was critical at that time to stop the use of motorized vehicles getting onto the site and subsequently, there was push back.
- Did an outreach education campaign that involved school children who helped with massive cleanups and made an effort to increase the public awareness of the site being significant and special.
- The Police were helpful and community groups i.e. Friends of Ojibway, the Fields Naturalist Club consistently had strong support for Black Oak Heritage Park.
- This has been an ongoing process with the city since 1990.
- The current unauthorized trails are two metres wide (which is what an ATV would require) and involves many plants, animals and habitats being interrupted and destroyed. This type of damage takes some time to be rehabilitated which can be done.
- The city has spent hundreds of thousands of dollars towards the care of this property. Unfortunately, these funds have been spent on vandalism and on the repair of the destruction that has occurred.
- Thousands of signs have been destroyed that make people aware that they in areas that they should not be in due to being an endangered species habitat area.
- Police bicycle patrols have been present to provide education and to advise people to go back to the authorized trail. The Police presence has made a huge improvement in reducing the damage caused.

- When people are on these unauthorized trails, there are numerous hazards for personal liability and injury because this is city property, and the risk falls to the City of Windsor.
The *Ontario Endangered Species Act* requires the city to maintain, preserve and protect the risk to habitat.

Wadah Al-Yassiri, Manager, Parks Development asks Karen Cedar to comment on the use of a “camera approach”. Karen Cedar responds that they utilized the trail cams that were installed high in the trees and were stolen within two days

Councillor Kieran McKenzie asks if Administration has considered a strategy to address the foregoing challenges. Wadah Al-Yassiri responds that they have been approached by some cyclists and enthusiasts who were advised that this park is off limits for unauthorized use. For this purpose, City Councillors and Administration approved the use of hundreds of thousands of dollars to create bike trails at Malden Park, and at Little River Park. He adds that they met with many groups and advised that these locations are off limit and offered to work with them on other locations that have been approved.

Councillor Kieran McKenzie reiterates that bikes are not allowed – no off road cycling is offered in that park whatsoever even on the designated official trails and asks if that is correct. Karen Cedar responds that they have not stated that cyclists are not allowed on the authorized trail – the issue is with the unauthorized trails.

Aaron Farough, Senior Legal Counsel states that what we have on the books addresses the circumstances that we’re dealing with – i.e. the Parks Bylaw, restricting use of unauthorized areas and how it deals with designated multi-use trails versus non-designated trails. He states that the Parks By-law is currently being worked on as far as being able to prosecute under Part 1 under the Provincial Offences Act rather than Part 3 which means that tickets can be issued rather than issuing summons in order to prosecute violations. This process involves a set fine schedule that has to be approved by the court (waiting for judicial approval of this). The difficulties of enforcement remain that in order to properly ticket someone like when issuing a summons, one must be able to positively identify the person in order to issue the ticket. Obviously, the issue they run into is the nature of the use, i.e. people on bicycles so Park staff do not have the opportunity to properly address that. The Parks By-law covers the set fine schedule that is before the courts for approval. Administration could look into seeing what the maximum fine is for a ticket and upping that and raising public awareness regarding the possible issuance of a ticket. The history of the use and ongoing issues suggest how brazen some of these attempts are which may not discourage some people. He adds that changing prosecution from a Part 3 to Part 1 of the Provincial Offences Act should streamline the enforcement process. In certain cases could potentially apply to the court for an injunction. The issue is always that we do not know exactly who these individuals are and there is a different threshold for getting an injunction issued from the court against persons unknown.

Frank Butler advises that he visited Black Oak Heritage Park on two occasions over the past month and provides an overview of the areas of damage and unsafe conditions as follows:

- Significant moving of topsoil to build ramps and turning embankments
- Moving of rubble and logs to build turning embankments and jump ramps.
- Removal of warning signs and authorized trail signs for approved paths.
- Damage to trees to make trails using hand axes.
- Damage to trees by dumping soil against trunks which impact their health.
- Disturbed habitat areas.
- Chain link fences cut back in three locations to access across ETR rail tracks and into WUC property.
- Significant widening of paths using line trimmers to keep trails clear (often two metres in width on average).
- Blind spots due to sharp turns in the trail path.
- Exposed roots which could lead to loss of control of bikes or tripping hazards.
- Narrow paths between two trees creating impact/striking hazards.
- Complex and overlapping paths could lead to hikers and dog walkers becoming disoriented and lost.
- The “non-profit” group is engaging in illegal activity which may put their non-profit status in jeopardy that can be identified.

In terms of the non-profit group engaging in illegal activity, Aaron Farough responds that this information will be provided to By-law Enforcement who would handle the actual claim to the extent we have one. The other difficulty that they run into as you identify either the non-profit organization or an unincorporated association of individuals is whether they are a proper party to a proceeding or whether we are best to identify the individuals and deal with them on an individual basis.

Kiemia Rezagian refers to dialogues held with the groups and asks if a different approach, i.e. speaking to one individual who may be able to communicate with the group would be more effective. Wadah Al-Yassiri responds that he is willing to sit with Karen Cedar and Aaron Farough to discuss ways to educate the violators.

Kiemia Rezagian concurs with developing a relationship building strategy. The Chair suggests that an education outreach strategy with Parks to improve some of the existing infrastructure may help to ameliorate the situation to some extent.

Councillor Angelo Marignani agrees that education and outreach is very important and proposes reaching out to the groups and have a dialogue on the importance of conserving the area, which may foster better support with that group. Secondly, he states that the placement and removal of the signage is an issue and asks if pile driving steel stakes into the ground with a sign in front of their trails saying “this is not a bike trail” is a possibility. Karen Cedar responds that the use of a pile driver has been done for the past thirty years; drove 12 stakes down 8 feet with signs that said “no entry”.

Councillor Angelo Marignani refers to switching the Part 3 violation to a Part 1 violation and asks if there is a timeline for this. Aaron Farough responds he does not have a definitive timeline as it is currently before the court for judicial approval. He adds that the Parks By-law is enforceable and states if prudent, a letter can be sent to the group noting that numerous reports have been received and to be advised that there are numerous fines under the Parks By-law and we intend to enforce these if we catch anyone in violation of them and ask that this be circulated to the members of your group to use the designated trails.

Councillor Angelo Marignani asks what are the risks involved with using social media to communicate with these groups. Aaron Farough responds that the risk is feeling targeted again not knowing how many people are in that particular group, how many people condone the use of those trails or go outside of the trails. Certainly in reading their media relations they frame themselves as people who are stewards of these parks who have taken credit for getting rid of off road vehicles within the park. The risk creates a more adversarial approach early on in the process that might foreclose the discussions that we are open to having with them.

Councillor Angelo Marignani asks Aaron Farough to provide recommendations from a legal perspective since enforcement seems to be the only thing that is working at this time. Aaron Farough responds it would be along the lines of what can we do to up that enforcement, consulting with Parks to see what resources they require and what type of engagement do we think would work well alongside that enforcement. He suggests an approach where we issue a letter notifying the group of the intended step up in enforcement and whatever powers we have to increase the level of enforcement between Parks and By-law Enforcement or Police based on past experience would probably be useful.

Mike Fisher refers to the violation of provincial laws in terms of the *Endangered Species Act* and asks how do we make that clear that this is Provincial and not just the City as removing that habitat is a violation of Provincial Law. He adds that with these lands are being earmarked to be Canada's second national urban park and suggests to extensively consult with the community, document and talk to people and explain why this area so special.

In response to a question asked by the Chair regarding the ability to quantify the damage to the Parks, Karen Cedar responds that they have the technology to map it to show the width of the trail and to quantify that with the city's Geomatics team.

Maria Boada proposes that the Public Education and Engagement Subcommittee begin engaging the community and the youth on this issue.

Jennifer Nantais asks if there any cycling networks or groups who would assist in sharing this messaging. The Chair expresses concern that there is an opportunity for deviousness to emerge from this.

Mike Fisher asks how much can we leverage the Black Oak Heritage Management Plan. Karen Cedar responds that the Management Plan was approved and the damage to the landscape was documented. She adds that they have not had a change in their position that the use and creation of unauthorized trails is prohibited in this area. As Aaron Farough indicated, there are now some other enforcement possibilities, so in the past they had to rely on the police to come in with authority and to advise they cannot be on an unauthorized trail.

Moved by Councillor Angelo Marignani, seconded by Maria Boada,
That the following direction and next steps **BE APPROVED**:

That an assessment **BE UNDERTAKEN** to determine the size and scope of the unauthorized trail impact on Black Oak Heritage Park and surrounding area; and,

That the Legal Department **BE DIRECTED** to bring back a report on the enforcement mechanisms available for Black Oak Heritage Park; and,

That the Black Oak Heritage Park matter **BE REFERRED** to the Public Education and Engagement Subcommittee for comment.

Carried.

5. Subcommittee Reports

5.1 City of Windsor Bird Team Subcommittee

Jennifer Nantais, Chair of the City of Windsor Bird Team Subcommittee provides an overview of the activities of the subcommittee as follows:

- The Bird Team has been meeting since Windsor was certified as a Bird Friendly City in 2022. Four meetings have been held in 2024.
- The Subcommittee is looking at the goals and deliverables to maintain and improve that bird friendly status with Nature Canada which requires annual reporting.
- Will continue to discuss bird friendly initiatives. Birds are important because they tell us about the health of our working landscapes, they are well studied, they provide connections to the natural world and resonate with people. Windsor is a hotspot for eco-tourism, is a great birding spot.
- Regularly connect on governance and processes, discussing roles and responsibilities of this Subcommittee and the relationship to the Advisory Committee and powers of the Subcommittee to inform and make recommendations.
- There is an interest in the public participating and joining this group so a discussion was held regarding if this should be opened up to the public, or to remain as a

small team, whether a Terms of Reference be established if guests are invited for public meetings.

- Will keep the closed group for now and may have a public meeting annually in the spring during migration activities around World Migratory Bird Day.
- Next steps include:
 - Reaching out to Birds Canada about potential outreach to inform and build relationships at chimney swift roost sites which have been added to the municipal database.
 - Ongoing research and review of Toronto standards and guidelines to compare progress with other cities.
 - Establishing baseline data collection on window collisions to inform future recommendations on potential window upgrades and the adoption of municipal standards.
 - Continuing discussions to bring awareness of the impact of outdoor cats on bird populations (cats kill billions of birds annually) and potential outreach and education through the Windsor Essex Humane Society and local rescues and T & R programs .
- Outcomes –Prepared a global bird rescue event from September 23 – 29, 2024 and a call to action for city staff and the public.
- A survey to be developed with a QR code that folks can submit and the possible involvement of the City’s Wellness Committee.

Moved by Kiemia Rezagian, seconded by Mike Fisher,
That the update provided by Jennifer Nantais, Chair of the City of Windsor Bird Team Subcommittee **BE RECEIVED**.
Carried.

5.2 Planning and Environment Subcommittee

Councillor Angela Marignani, Chair of the Planning and Environment Subcommittee provides an overview of the activities of the subcommittee as follows:

Councillor Angelo Marignani, Chair advises that they have not met. He advises that the purpose of the Planning and Environment Subcommittee is to see how they can affect the City Council meetings moving forward. He refers to a recent meeting of the Development Charges Task Force and a question was asked about the environmental risks involved with those development charges. He adds that this is something that the Subcommittee will pursue. He alludes to the sustainable development in the city’s Planning Department and with compliance and regulations that are being put forward both Provincially and Federally.

Barbara Lamoure remarks that this is a great Subcommittee for the Advisory Committee to partner with as they can assess which documents could use some modification or discussion.

Moved by Frank Butler, seconded by Maria Boada,
That the update provided by Councillor Angelo Marignani, Chair of the Planning and Environment Subcommittee **BE RECEIVED**.
Carried.

5.3 Public Education and Engagement Subcommittee

Maria Boada, Chair Public Education and Engagement Subcommittee provides an overview of the activities of the subcommittee as follows:

- Subcommittee to focus on three issues – Transit, Habitat and Waste Management and Recycling
- Discussion regarding how communities can be more involved, e.g. how a First Nations Community created QR codes to educate citizens about nesting turtles.
- Interested in doing a “mock Council” with high school students who will provide ideas to the Subcommittee on environmental issues that matter to them.
- Suggestion to partner with the Windsor International Film Festival (WIFF) to show movie(s) on environmental matters followed with a discussion. WIFF is eager to partner with the Subcommittee at a cost of \$1,500.
- Hold a Speaker’s Corner where the public can speak to environmental matters in the city which would be posted on social media or another site.
- Suggestion to hold a contest whereby people create a short film on an environmental matter.
- Recruited three additional members to the Subcommittee.

Moved by Councillor Angelo Marignani, seconded by Kiemia Rezagian,
That the update provided by Maria Boada, Chair of the Public Education and Engagement Subcommittee **BE RECEIVED**.
Carried.

Moved by Mike Fisher, seconded by Frank Butler,
That **APPROVAL BE GIVEN** to an expenditure in the upset amount of \$1,500 for the Windsor International Film Festival to show a movie on environmental issues.
Carried.

5.4 Youth Subcommittee

Kiemia Rezagian, Chair Youth Subcommittee provides an overview of the activities of the subcommittee as follows:

Discussed a plan to have a high school focused conference to provide awareness of municipal decision making, specifically as it relates to the environment; to receive their feedback; to encourage their engagement in municipal politics in the city and to show them avenues for environmental career paths.

Reached out to Art Windsor Essex to determine if they are interested in hosting the conference in February 2025.

Initial outreach for additional members has been undertaken.

Next steps – Will set up a meeting with the broader Youth Subcommittee.

Will be requesting a budget to bus students to the conference to be held in February 2025, for purchasing some food and perhaps some honoraria if Indigenous speakers are present.

Moved by Maria Boada, seconded by Councillor Angelo Marignani,

That the update provided by Kiemia Rezagian, Chair of the Youth Subcommittee

BE RECEIVED.

Carried.

5.5 Budget Subcommittee

Frank Butler, Budget Subcommittee Chair provides an overview of the activities of the subcommittee as follows:

- On June 18, 2024 the Chair advises that he met with Barbara Lamoure, Karina Richters, Derek Coronado and Philippa von Ziegenweidt met to have a discussion on the budget review process and the cycle for input to City Council on budget items.
- The Budget Subcommittee will meet in August and September 2024 in order to report back to ECCAC and will then report to the Environment, Transportation and Public Safety Standing Committee and City Council.
- Two volunteers have joined the Subcommittee.

6. New Business

None.

7. Date of Next Meeting

The next meeting will be held on a date to be held on Tuesday, September 17, 2014 at 5:00 o'clock p.m. via Zoom video conference.

8. Adjournment

There being no further business, the meeting is adjourned at 7:00 o'clock p.m.