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April 15, 2021

File B-8600-0087

City of Oshawa
50 Centre Street South
Oshawa, ON
L1H 3Z7

Re: Designation of the Second Marsh, Oshawa, Ontario under Section 29 of the *Ontario Heritage Act*

I confirm that the Council of The Corporation of the City of Oshawa passed By-law 31-2021 on March 29, 2021 designating the property legally described as:

Pt. W1/2 & NE ¼ Lot 2 Concession Broken Front East Whitby; Pt. SE Pt. Lot 2 Concession Broken Front East Whitby; Pt. SE Pt. Lot 2 Concession Broken Front East Whitby as in D415999 (Firstly); Oshawa, being PIN 26938-0012 (LT); and,

Road Allowance between Lots 2 & 3 Concession Broken Front East Whitby; road allowance between Lots 4 & 5 Concession Broken Front East Whitby; Pt. Lot 3 Concession Broken Front East Whitby; Pt. Lot 4 Concession Broken Front East Whitby; Pt. Lot 5 Concession Broken Front East Whitby as in * OS66363, OS69070*, OS70876, D415999 (Secondly) Pts. 2 & 3, 40R16881, Pts. 1, 3 & 5, 40R6375, Pt. 1, 40R15761 S. of Colonel Sam Dr., E. of EW19461, D363463 except Pts. 2 & 3, 40R15761, Pt. 3, Exprop. Pl. 149, D119084, D460774, Pt. 1, 40R16155, Pts. 1* & 4*, 40R4996, Pt. 1, 40R1446, Harbour Road, Oshawa; S/T D16235, D16974E; Oshawa, being PIN 163780053 (LT); and,

East Whitby Concession BF Pt. Lot 4 RP 40R6375 Part 4, Oshawa

as being of cultural heritage value or interest. Schedule "A" to By-law 31-2021 is a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.

Please find served upon you pursuant to subsection 29(6) of the *Ontario Heritage Act* a copy of By-law 31-2021, including Schedule "A".

If you require further information or clarification, please contact me at the address shown or by telephone at (905) 436-3311, extension 2402 or by email to cleherbauer@oshawa.ca.



Connor Leherbauer, Planner B
Policy
Planning Services

CL/k

Attachment

- c. Sam Yoon, City Solicitor
Office of the Chief Administrative Officer

Ontario Heritage Trust
10 Adelaide Street West
Toronto, ON M5C 1J3



being a by-law to designate the property constituting the Second Marsh situated south of Colonel Sam Drive, specifically as Pt. W1/2 & NE ¼ Lot 2 Concession Broken Front East Whitby; Pt. SE Pt. Lot 2 Concession Broken Front East Whitby; Pt. SE Pt. Lot 2 Concession Broken Front East Whitby as in D415999 (Firstly); Oshawa, being PIN 26938-0012 (LT); and, Road Allowance between Lots 2 & 3 Concession Broken Front East Whitby; road allowance between Lots 4 & 5 Concession Broken Front East Whitby; Pt. Lot 3 Concession Broken Front East Whitby; Pt. Lot 4 Concession Broken Front East Whitby; Pt. Lot 5 Concession Broken Front East Whitby as in * OS66363, OS69070*, OS70876, D415999 (Secondly) Pts. 2 & 3, 40R16881, Pts. 1, 3 & 5, 40R6375, Pt. 1, 40R15761 S. of Colonel Sam Dr., E. of EW19461, D363463 except Pts. 2 & 3, 40R15761, Pt. 3, Exprop. Pl. 149, D119084, D460774, Pt. 1, 40R16155, Pts. 1* & 4*, 40R4996, Pt. 1, 40R1446, Harbour Road, Oshawa; S/T D16235, D16974E; Oshawa, being PIN 163780053 (LT); and, East Whitby Concession BF Pt. Lot 4 RP 40R6375 Part 4, Oshawa, as being of cultural heritage value or interest pursuant to the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18.

Recitals:

1. Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18 (the "Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value or interest.
2. The City of Oshawa is the registered owner of the property constituting the Second Marsh situated south of Colonel Sam Drive, in the City of Oshawa and per City Council's decision on February 18, 2020, has consented to Heritage Oshawa's request that the property, legally described as Pt. W1/2 & NE ¼ Lot 2 Concession Broken Front East Whitby; Pt. SE Pt. Lot 2 Concession Broken Front East Whitby; Pt. SE Pt. Lot 2 Concession Broken Front East Whitby as in D415999 (Firstly); Oshawa, being PIN 26938-0012 (LT); and, Road Allowance between Lots 2 & 3 Concession Broken Front East Whitby; road allowance between Lots 4 & 5 Concession Broken Front East Whitby; Pt. Lot 3 Concession Broken Front East Whitby; Pt. Lot 4 Concession Broken Front East Whitby; Pt. Lot 5 Concession Broken Front East Whitby as in * OS66363, OS69070*, OS70876, D415999 (Secondly) Pts. 2 & 3, 40R16881, Pts. 1, 3 & 5, 40R6375, Pt. 1, 40R15761 S. of Colonel Sam Dr., E. of EW19461, D363463 except Pts. 2 & 3, 40R15761, Pt. 3, Exprop. Pl. 149, D119084, D460774, Pt. 1, 40R16155, Pts. 1* & 4*, 40R4996, Pt. 1, 40R1446, Harbour Road, Oshawa; S/T D16235, D16974E; Oshawa, being PIN 163780053 (LT); and, East Whitby Concession BF Pt. Lot 4 RP 40R6375 Part 4, Oshawa (the "Property"), be designated under Section 29 of the Act. The property to be designated constitutes a portion of the Second Marsh, a 137 hectare (339 ac.) coastal wetland located along the shore of Lake Ontario, east of the Oshawa Harbour. The Second Marsh and its surrounding lands include a wide variety of habitat types (e.g. meadow marsh, thicket swamp) that form a complex biological and hydrological system for a diversity of species. As one of the best remaining examples of coastal wetlands in Southern Ontario, the Second Marsh has been designated as a Provincially Significant Wetland (P.S.W.) and Life Science Area of Natural and Scientific Interest (A.N.S.I.) by the provincial government of Ontario.
3. On January 21, 2021, the City forwarded to the Ontario Heritage Trust and the registered owner of the Property a Notice of Intent to Designate the Property.
4. Notice of Intent to Designate the Property was published on January 21, 2021 in the *Oshawa This Week* newspaper having general circulation in the City of Oshawa.
5. The last day for serving a Notice of Objection to the Notice of Intent to Designate the Property was February 20, 2021. No Notice of Objection to the proposed designation was served on the City Clerk.

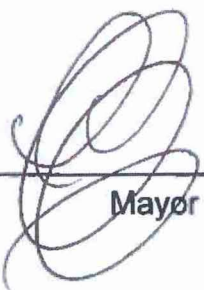
NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa, by its Council, as follows:


1. The Property, including its features which are described in Schedule "A" to this By-law, constituting the Second Marsh situated south of Colonel Sam Drive, and legally described

as Pt. W1/2 & NE ¼ Lot 2 Concession Broken Front East Whitby; Pt. SE Pt. Lot 2 Concession Broken Front East Whitby; Pt. SE Pt. Lot 2 Concession Broken Front East Whitby as in D415999 (Firstly); Oshawa, being PIN 26938-0012 (LT); and, Road Allowance between Lots 2 & 3 Concession Broken Front East Whitby; road allowance between Lots 4 & 5 Concession Broken Front East Whitby; Pt. Lot 3 Concession Broken Front East Whitby; Pt. Lot 4 Concession Broken Front East Whitby; Pt. Lot 5 Concession Broken Front East Whitby as in * OS66363, OS69070*, OS70876, D415999 (Secondly) Pts. 2 & 3, 40R16881, Pts. 1, 3 & 5, 40R6375, Pt. 1, 40R15761 S. of Colonel Sam Dr., E. of EW19461, D363463 except Pts. 2 & 3, 40R15761, Pt. 3, Exprop. Pl. 149, D119084, D460774, Pt. 1, 40R16155, Pts. 1* & 4*, 40R4996, Pt. 1, 40R1446, Harbour Road, Oshawa; S/T D16235, D16974E; Oshawa, being PIN 163780053 (LT); and, East Whitby Concession BF Pt. Lot 4 RP 40R6375 Part 4, Oshawa is hereby designated as being of cultural heritage value or interest.

2. The reasons for designation of this Property under the Act are set out in Schedule "A" to this by-law. Schedule "A" forms an integral part of this by-law.
3. A copy of this by-law shall be registered against the Property in the Land Registry and Land Titles Offices for the Land Registry Division of Durham (No. 40).
4. The City Clerk is hereby authorized to serve a copy of this by-law on the Ontario Heritage Trust and the registered owner of the Property, and to publish notice of the passing of this by-law in the *Oshawa This Week* newspaper.

By-law passed this twenty-ninth day of March, 2021.



Mayor

City Clerk

**Schedule "A" to By-law Number 31-2021
Passed This Twenty-Ninth Day of March, 2021**

Designation Statement and Description of Property: Second Marsh

Location and Description of Property:

Second Marsh is a 137 hectare (339 ac.) coastal wetland located along the north shore of Lake Ontario east of the Oshawa Harbour. Second Marsh and its surrounding lands include a wide variety of habitat types (e.g. meadow marsh, treed swamp, thicket swamp, open water marsh and ponds) that form a complex biological and hydrological system for a diversity of species. As one of the best remaining examples of coastal wetlands in Southern Ontario, Second Marsh has been designated as a Provincially Significant Wetland (P.S.W.) and Life Science Area of Natural and Scientific Interest (A.N.S.I.) by the Province of Ontario.

Legal Description:

The property constituting Second Marsh is legally described as:

Pt. W1/2 & NE ¼ Lot 2 Concession Broken Front East Whitby; Pt. SE Pt. Lot 2 Concession Broken Front East Whitby; Pt. SE Pt. Lot 2 Concession Broken Front East Whitby as in D415999 (Firstly); Oshawa, being PIN 26938-0012 (LT); and,

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East Whitby Concession BF Pt. Lot 4 RP 40R6375 Part 4, Oshawa.

Statement of Cultural Heritage Value or Interest:

Oshawa's Second Marsh is a site rich in Indigenous and settler history that witnessed the development of the city. It is significant for its direct association with the early history of Oshawa, having been explored and mapped by Samuel de Champlain in 1616 and being the site of an early French trading post and the residence of one of Oshawa's first European settlers. As early as 1816 it provided the setting for the City's first cemetery and a few years later it was the location of a shipbuilding business operated by the Farewell Brothers. It is also significant for its association with several important early Oshawa families, including the Wilsons, the Farewells, the Conants, the Woons, and the Beatons of Beaton's Dairy. It was the southerly terminus of the Scugog Carrying Place Trail and is bordered by the historic Gifford Hill drumlin—the archaeologically significant former location of the Wilson homestead and Pioneer Cemetery.

Since the late 1900s, the Second Marsh has been the focus of intense interest on the part of Environment Canada, local naturalist groups, the Central Lake Ontario Conservation Authority, Ducks Unlimited and the City of Oshawa for its natural heritage significance. Considerable sums of money have been expended in sustaining and improving its biological functions through maintaining the barrier beach and enhancing its vegetation communities. Free, year-round public access to the area has been facilitated by the construction of a network of trails surrounding the Second Marsh, along with raised viewing decks, osprey nesting platforms and other birdhouses.

The Second Marsh is home to a number of rare and at-risk species and provides spawning habitat for several fish species and nesting areas for many birds, including the rare Little Gull. It is a focus of environmental education for Oshawa's children, offering many year-round environmentally-focused programs. It is a good example of effective stormwater and invasive species management systems. The Second Marsh tells the story of environmental restoration, featuring tree-planting by Scouts Canada and General Motors of Canada employees.

The Second Marsh is adjacent to several important historic, natural, and recreational areas, including the McLaughlin Bay Wildlife Reserve, Darlington Provincial Park, the Scugog Carrying Place Trail, the Great Lakes Waterfront Trail, the Joseph Kolodzie Oshawa Creek Bike Path, historic Gifford Hill, Lakeview Park, and the Oshawa Harbour.

In addition to providing recreation opportunities, the Second Marsh and waterfront areas provide refuge and a stopover for migratory birds as well as a pathway for wildlife travelling along the lakeshore.

Heritage Attributes:

The key heritage attributes of Second Marsh that reflect its value as an important link to the history of Oshawa consist of the following:

- The association of the Second Marsh and its adjacent landscape with many of Oshawa's founding families and their commercial endeavours, including the Wilsons, the Farewells, the Conants, the Woons, the Beatons, and the Giffords;
- The proximity of the Second Marsh to several identified archaeological sites, including site #AIGq-46, which is listed in the Ontario Ministry of Tourism, Culture and Sport's provincial archeological registry;
- The value of the Second Marsh to the many volunteers and citizens of Oshawa who have worked over several decades to support, restore, and maintain the health of this natural resource for the benefit, enjoyment, and recreation of their fellow residents and visitors, including the Friends of Second Marsh;
- The many distinct layers of history, including that of First Nations peoples, associated with the Second Marsh and the Scugog Carrying Place, and extending through Oshawa's early settlement and industry, up to its current role as a focus for environmental education;
- The naturally occurring barrier beach and view of the harbour, Gifford Hill, Lakeview Park, and Bonnie Brae Point;
- The extent of the natural vegetation (as of 2020, 588 species of plants have been identified at the Second Marsh - 8 provincially significant and 136 regionally extirpated, rare and uncommon);
- The high diversity of wildlife, including 288 species of birds identified at the Second Marsh as of 2020 (the wetland is located on the Atlantic flyway, and therefore is an important staging and nesting area for waterfowl), along with 32 mammal species and numerous fish species;
- The numerous and varied trails and habitats, including meadow, pond, swamp, woodland, marsh and beach;
- The interest in the Second Marsh from an academic and research perspective given its highly unique features;
- The west-side berm and fish-gate structure that separate Farewell Creek and the harbour from the Second Marsh, protecting it from sediment, contamination, and invasive species, as well as a pump house which is utilized to manage water levels as part of the ongoing management of the wetland to mimic natural processes;
- The links to other natural coastal features, including Darlington Provincial Park and McLaughlin Bay Wildlife Reserve; and,
- The network of trails, boardwalks and viewing platforms within the Second Marsh.