

1. WILDLIFE PROTECTION DURING CONSTRUCTION

COMMITTEE RECOMMENDATION

That Council approve that the Wildlife Protection During Construction Protocol attached as Annex 1 be used by the Planning and Development Approvals Department during the review of development applications in Ottawa-Carleton.

DOCUMENTATION

1. Planning & Development Approvals Commissioner's report dated 08 June 2000 is immediately attached (*Item deferred from Planning and Environment Committee meeting of 27 June 2000*).
2. An Extract of Draft Minute, 11 July 2000, immediately follows the report and includes a record of the vote.

REGION OF OTTAWA-CARLETON
 RÉGION D'OTTAWA-CARLETON

REPORT
 RAPPORT

Our File/N/Réf.
 Your File/V/Réf.

DATE 8 June 2000

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Commissioner, Planning and Development Approvals

SUBJECT/OBJET **WILDLIFE PROTECTION DURING CONSTRUCTION**

DEPARTMENTAL RECOMMENDATION

That Planning and Environment Committee recommend to Council that the Wildlife Protection During Construction Protocol attached as Annex 1 be used by the Planning and Development Approvals Department during the review of development applications in Ottawa-Carleton.

BACKGROUND

On March 28, 2000 Planning and Environment Committee passed the following resolution:

WHEREAS larger-scale development in suburban and other outlying communities often displaces wildlife; and

WHEREAS it is consistent with the Regional Official Plan's "design with nature" provisions to consider such impacts as part of the development process; and

WHEREAS it is inevitable that construction will occur on lands designated and approved for development, thus requiring some planning for how such construction can be made as least-disruptive as possible;

BE IT RESOLVED THAT regional planning staff be directed to consult with stakeholders such as the Ottawa-Carleton Homebuilders Association and the Ottawa-Carleton Wildlife Centre on a protocol to be included in the development/subdivision approval process to minimize needless injury and death of wildlife; and

FURTHER THAT staff report back within 90 days on a proposed policy

This report responds to this resolution with a brief description of the issue and a proposed protocol.

DISCUSSION

Wildlife issues occur at three levels of the urban development process:

1. Determining where development should occur (habitat protection)
2. The actual construction process (mitigation measures)
3. Wildlife issues after development has occurred (ongoing management)

This report addresses the second level - impacts during construction. Habitat protection is also important and the current Official Plan contains environmental policies and designations which were developed in part to address wildlife habitat issues. These policies are assessed through monitoring, periodic reviews of the Official Plan, and the Official Plan amendment process. Issues related to conflict resolution and dealing with injured or “trapped” wildlife in established urban areas is primarily an ongoing management as opposed to development review issue

Impacts and Mitigation

Impacts during construction fall into three categories:

- disturbance of wildlife at critical life cycle stages such as breeding season.
- direct physical disturbance of wildlife as a result of construction activities such as tree removal or grading.
- isolation of wildlife from larger or adjacent habitat areas.

In terms of the development review process, there are several potential opportunities to address wildlife and construction conflict. The best opportunities are created when existing policies trigger environmental studies, such as sub-watershed plans or environmental impact statements, which involve more detailed ecological analysis and mitigation recommendations. It is useful to consider three general scenarios.

Scenario One - Development area requiring a subwatershed plan

If development in an urban area is subject to a sub-watershed plan, then construction impacts on wildlife can be addressed early in the process and included in the mitigation measures being outlined in the plan. Section 5.3 in the Regional Official Plan outlines the process and considerations involved in watershed planning. At the sub-watershed level, a plan should address the “form and function of natural systems” and “the sub-watershed objectives and recommendations/implementation to address areas for development and preservation”. The Guidelines for Watershed, Subwatershed & Stormwater Site

Management Planning in the Region of Ottawa-Carleton provide further guidance and indicate that wildlife communities are to be examined as part of the process and management strategies identified.

This process provides opportunities to address wildlife concerns during construction including mitigation suggestions such as timing of construction in certain portions of the development area. This approach can be implemented through the Terms of Reference for sub-watershed studies.

Scenario Two - Site Specific Development requiring an Environmental Impact Statement

In this case, the proposal is subject to an analysis of natural environment features and potential impacts and mitigation. This provides an opportunity for addressing potential impacts on wildlife both in terms of the design of the development and conflicts at the construction stage. Section 5.4.4 of the Regional Official Plan outlines the general requirements including mitigation and compensation measures to alleviate or eliminate any potential impacts. Draft guidelines for Environmental Impact Statements are currently being field tested and reviewed and additional provisions explicitly addressing wildlife/construction impacts can be added.

Scenario Three - Development of individual sites with development designations already in place

This is the scenario which is most difficult to deal with in that the available tools are more limited and the principle of urban development is already established. There are opportunities which will allow the issue to be addressed more directly without policy changes.

A number of potential mitigation measures could be considered:

- Staging of construction to allow wildlife to adjust and move to safe natural habitat. This involves ensuring that construction activities do not isolate active habitat, such as a woodland area, without any means for wildlife to travel to adjacent habitat areas.
- Limits on the timing of construction. This mitigation measure is generally applied to construction in areas with breeding birds and fish habitat. It may be possible to either pre-stress potential breeding areas which are within approved development envelopes (thereby eliminating the potential for breeding conflicts) or avoiding construction activity during breeding season (which generally involves spring).
- Education of future homeowners - If a development is likely to experience ongoing wildlife conflicts as a result of parkland areas, linear corridors, or other preservation of urban habitat areas within the general community, it may be beneficial to provide new homeowners with some education material on urban wildlife and conflict resolution. It would also be useful to provide material to builders on measures which could be built into new houses to avoid problems.

A protocol to apply these measures would involve:

- An initial screening tool to assist in identifying where significant wildlife conflicts could potentially occur.
- Some standard approaches for situations where these conflicts are likely to occur which can be incorporated into the preliminary and final tree saving/planting conditions.

A proposed protocol is attached as Annex 1.

CONSULTATION

The options and resulting protocol have been discussed with specific stakeholders including the Ottawa-Carleton Wildlife Centre, the Ottawa-Carleton Homebuilders, interested individuals from the Urban Ecosystem Stewardship Council and the Ottawa Field Naturalists Conservation Committee, as well as other individuals who expressed interest at the time the motion was tabled.

FINANCIAL IMPACT

There is no financial impact associated with this report.

CONCLUSION

Protection of wildlife during construction involves avoiding disturbance of significant areas during critical times during the year, as well as reasonable staging of construction to avoid isolating wildlife from adjacent habitat areas as construction proceeds. The attached protocol is designed as a simple tool or guideline to use during the existing development review process to minimise needless harm to wildlife during the construction process.

*Approved by
N. Tunnacliffe, MCIP, RPP*

Attach: Annex 1 - Protocol - Wildlife Protection During Construction

ANNEX 1

PROTOCOL - Wildlife Protection During Construction

If a sub-watershed plan is being prepared for an area, potential conflicts between wildlife and construction activities and recommended mitigation approaches should be addressed at a general level with recommendations for more specific measures during the development approval process.

If the proposed development is subject to an Environmental Impact Statement or a Wetland Impact Statement as per Section 5.4 and 5.5 of the Regional Official Plan, recommendations related to mitigating conflict between wildlife and any construction activity should be included within the assessment.

If the above two scenarios are not applicable, the issue will be dealt with through the existing conditions and preliminary tree saving process based on the following screening process.

Is the site adjacent to a Natural Environment A or B Area, Significant Wetland, or an Environmental Feature (Schedule K)?

If yes, then the preliminary tree saving plan should include recommendations on the staging of construction to ensure that potential habitat areas (Natural Vegetation areas) are not isolated from the adjacent environmental area prior to the final stages of construction, and that the timing of construction avoids disturbance of habitat areas during breeding season (generally mid May to end of June)

Is there a natural connection (stream corridor, wooded corridor) between the site and adjacent environmental designation?

If yes, then the preliminary tree saving plan should include measures to ensure that the connection is not severed prior to the final stages of development. During construction these areas should be protected from construction impacts by avoiding temporary stockpiling, snowfencing important areas, and other recommended mitigation measures required.

Is there an isolated habitat on the site which could lead to wildlife risks during construction. An isolated habitat is considered to be:

- a woodland >4ha. in size
- a wetland or area of open water >1ha. in size

If yes, then the preliminary tree saving plan should provide recommendations to reduce risk and disturbance. These recommendations could involve a combination of avoiding construction impacts during breeding season or other critical times and providing some “escape route” if the area is to be disturbed.

The following general steps will also be taken:

- a group including the relevant stakeholders will monitor and review the effectiveness of the protocol by summer 2001.
- in consultation with stakeholders, the Region will prepare of a brief general guideline for urban wildlife issues which will:
 - ⇒ outline for contractors when wildlife contact can be anticipated and appropriate procedures and measures to prevent harm to wildlife during construction,
 - ⇒ outline for builders the types of measures that should be considered in home construction to avoid potential wildlife conflicts.
 - ⇒ provide information for future residents that describes potential ongoing urban wildlife conflicts and appropriate responses.

Extract of Draft Minute
Planning and Environment Committee
11 July 2000

WILDLIFE PROTECTION DURING CONSTRUCTION

- *Deferred from Planning and Environment Committee meeting of 27 June 2000*
- Planning & Development Approvals Commissioner's report dated 08 June 2000

Leslie Paterson, A/Director, Development Approvals Division, Planning and Development Approvals Department, provided Committee with a brief overview of the staff report.

Councillor Munter stated he felt such a protocol would be a positive thing in that there is nothing currently on record to address the problem and it would at least provide guidelines to try to reduce the amount of conflict between development and wildlife.

Chair Hunter asked what was defined as a "construction period". Ms. Paterson replied this only applies to the period in which construction is taking place on the site, right from grading and clearing to actually building the houses. The Chair commented this could take years (i.e. from the time the site is cleared to the time construction is completed). Ms. Paterson acknowledged this, but noted the Region would have no control over this.

The Committee then heard from the following public delegation.

Lois K. Smith offered a couple of suggestions with respect to this issue. She noted that garbage attracts wildlife and, if contractors were diligent about cleaning up food and other garbage daily, wildlife would not be attracted to construction sites. As well, she pointed out that aluminum rings, cans, bottles and other such trash pose a danger to wildlife, as they often get trapped in these things and starve to death. Miss Smith also felt that pipe openings should be covered by means of screening to keep wildlife out.

Committee Chair Hunter asked staff if contractors were governed by a by-law with respect to garbage clean-up. Ms. Paterson stated she was not sure if there was a by-law, but pointed out that one of the key guidelines that staff want to prepare would be for contractors. She noted there had been a number of suggestions along this line, from other people and she felt that often, providing education/information was sufficient.

Councillor van den Ham stated he agreed with the overall spirit of what the report was trying to accomplish; however, he said he also saw the potential that contractors would be dictated to, as to how to do their work. The Councillor noted the report stated the construction industry was

Extract of Draft Minute
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part of the consultation group, but it did not say if they agreed with it. He asked for staff comment.

Ms. Paterson advised the Ottawa-Carleton Homebuilders' Association supports the protocol and in fact, some of their suggestions were incorporated into the policy. She said staff had never intended to take a regulatory approach to this, but rather they view it as an opportunity to educate all those involved in construction.

Councillor van den Ham said he took some comfort in hearing this but he noted many times previously he had been advised that something was "not a big deal", only to find out when it was actually implemented, that it was quite onerous on the parties involved. Ms. Paterson advised staff intend to report back to Committee next year to advise how effective the protocol has been.

Councillor Munter pointed out that so far this year, in Kanata alone, there have been incidences in urban neighbourhoods in construction areas involving not only deer but also a bear and a coyote. He said the reality is that on the periphery of the urban area, as wildlife is displaced, there is an impact which has the potential to be dangerous for both people and animals.

The Councillor then referred to the section in the report, entitled "Education of future homeowners". He said although this is not actually included in the construction protocol, he felt it to be an incredibly important component. Councillor Munter expressed the hope the homebuilders (in new subdivisions where they can predict this will be a problem) would provide homebuyers with pamphlets from organizations such as the Ottawa-Carleton Wildlife Centre, containing information such as the resource number to call and information on how to minimize problems and resolve conflicts.

The Committee then approved the staff recommendation.

That Planning and Environment Committee recommend to Council that the Wildlife Protection During Construction Protocol attached as Annex 1 be used by the Planning and Development Approvals Department during the review of development applications in Ottawa-Carleton.

CARRIED