

## DOCUMENT 4: Staff responses to comments received on the draft EIS Guidelines (2nd Ed.) circulated for review in February 2012

| Source                                    | Comment  | Staff Response   | Revised Reference (April 2012) |
|---|--|--|--------------------------------|
| H. Bickerton                              | “This is just a note to double check about frog surveys. Although EIS guidelines say April 15, I’m planning to go out this week since it’s been such a warm spring. Peepers (and more) have already been busy for a while. I think by April 15 it may be too late for Chorus Frogs this year. If you can confirm that this will fulfill guidelines I’d appreciate it.”               | Text has been revised to clarify that the timing windows are intended as guidance only, and that surveys should be timed to take advantage of optimal conditions when they occur.  | Appendix 7                     |
| Conservation Authorities                  | Supportive of revised draft; no changes requested.   | N/A  | N/A                            |
| Environmental Advisory Committee          | No written comments received during review period; however, verbal request made to include consideration of long-term air quality impacts of large-scale developments in EIS process.<br><br>Excerpt from Halton Region Official Plan subsequently provided, regarding air quality impact assessment requirements for developments.  | The City addresses long-term impacts at a strategic level in Section 2 of its Official Plan. There is no requirement in the Official Plan for site-specific consideration of long-term air quality impacts. The changes suggested by the EAC would require changes to the policies of the Official Plan, and therefore cannot be addressed in the EIS Guidelines at this time. | N/A                            |
| Greater Ottawa Home Builders’ Association | “On behalf of GOHBA we would like to make the process simple should it be agreed upon that no update to the EIS be required. Once an EIS is approved and if there are no changes we need to be assured that the approval is not revisited. Also, with the additional step and in order to ensure that no further delays are incurred please increase your staff levels accordingly.” | Noted. The environmental planner, in consultation with the file lead planner, will determine whether any changes to the plan or the environmental context have occurred; if not, then no review or update to the EIS will be required.<br><br>Resourcing issue noted in the staff report; additional environmental planner position will be requested in 2013 budget.          | Section 2.5                    |
| Greenspace Alliance                       | See attached letter dated March 31, 2012   | Staff appreciate the Greenspace Alliance’s well-organised and thoughtful comments, as well as their support for several of the proposed revisions to the EIS Guidelines.<br><br>The “larger picture” concerns raised, while acknowledged as being beyond the scope of the EIS Guidelines, are noted.   | N/A                            |

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|        |         | <p>Regarding the points made under the heading "Room for improvement"</p> <ol style="list-style-type: none"> <li>1. Professional contributors are required to sign off on Detailed EIS reports, but this requirement is not extended to the Scoped EIS Form (with the exception of the author, if different from the applicant). The technical review of the EIS (whether Detailed or Scoped) is conducted by qualified City and Conservation Authority staff (plus staff from the Ministry of Natural Resources, where appropriate). The Ottawa Forests and Greenspace Advisory Committee is also able to review the EIS and provide comments. For projects subject to public consultation, the EIS is also posted on the City's website along with other supporting studies, allowing members of the public to review and submit comments as well. A peer review in addition to this normal review process is not typically necessary.</li> <li>2. The requirement to update an EIS would only apply in cases where "final approval" has not yet been granted, i.e., to draft-approved subdivisions that have not yet been registered, or where subsequent Planning Act approvals such as zoning by-law amendments or site plan approvals are required to implement the approved plan of subdivision. The proposed new text in Section 2.5 has been revised to clarify this process and to allow for the submission of an addendum where changes to an EIS are required.</li> <li>3. A more specific reference to Appendix 2, Part C, has been added to the text.</li> </ol> | <p>N/A</p> <p>Section 2.5</p> <p>Section 2.1</p> |

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|        |         | <p>4. The adjacency distances cited in Appendix 2, Part A of the EIS Guidelines are in accordance with the policies of Ottawa's Official Plan, as approved by the Province. The 100 m distance cited in Appendix 2, Part B is not used as an EIS trigger, but rather as a factor in the determination of when a Scoped EIS will suffice instead of a Detailed EIS.</p> <p>The instructions relating to the description of the natural environment in the Scoped EIS Form (Appendix 1) have been revised to clarify that all natural features on or adjacent to the subject property need to be identified.</p> <p>5. In cases where specific qualifications are required, staff will not accept an EIS completed by unqualified personnel. For a Scoped EIS, however, staff do not typically need detailed technical information (such as fish or plant species lists) in order to assist applicants in avoiding or reducing potential negative impacts.</p> <p>6. Similarly to the response to 5 above, the use of Ecological Land Classification is not typically necessary for the assessment of impacts in a Scoped EIS.</p> <p>7. Please see responses to the Ottawa-Carleton Wildlife Centre / Ontario Wildlife Coalition, below.</p> <p>Regarding the points made under the heading "Minor corrections and miscellaneous comments," staff have corrected the errors noted in Section 3.2.6 and Appendix 6. The suggested changes to Section 3.2.4 and Appendix 1 were not supported.</p> | <p>N/A</p> <p>Appendix 1<br/>(instructions, Section 2)</p> <p>N/A</p> <p>N/A</p> <p>See below.</p> <p>Section 3.2.6 and<br/>Appendix 6</p> |

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|                                       |   | With respect to the availability of background reports on the City's web site, staff have experienced technical issues in posting these documents in an accessible format. The documents are available from staff upon request.  |                                |
| Ontario Ministry of Natural Resources | <p>Thank you for allowing the MNR both the time and the opportunity to review and comment on the City of Ottawa's EIS Guidelines, 2nd Edition (Feb. 2012).</p> <p>The MNR is pleased to see a number of changes which further incorporate references to the MNR, the Endangered Species Act in particular, and underline the working relationship both the City and MNR Kemptville have with regards to natural features and values on the landscape.</p> <p>The MNR is supportive of the added Section 2.5 Step 5: Post-Approval Revisions and Updates, particularly as changes to species listed on the Species at Risk in Ontario list will need to be appropriately accounted for throughout the phased life of a development project. The MNR is pleased to see increased references to the Fish and Wildlife Conservation Act, as well as the continued reference of and direction to the Natural Heritage Information Centre.</p> <p><u>Comments for your consideration:</u><br/> <b>Section 1.2</b> - As the City likely recognizes, we would like to note that while the MNR is generally in agreement with the 30m adjacency distance adopted for urban areas, there will likely be some circumstances in which a greater than 30m adjacency consideration is required, particularly in</p> | <p>Staff note that the adjacency distance is only reduced for some features within the urban boundary, not for all features. Appendix 2, Part A provides the specific adjacency distances for each feature in accordance with the relevant Official Plan policies. The adjacency distance used for significant habitat for endangered and threatened species is 120 m in both urban and rural areas.</p> | N/A                            |

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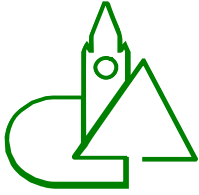
| Source   | Comment   | Staff Response  | Revised Reference (April 2012)             |
|--|---|---|--|
|  | <p>relation to Species at Risk and their habitat.</p> <p><b>Section 1.4 (bullet #3)</b> - The MNR would like to clarify that while a BHA is required to conduct the necessary assessment it, is not the BHA who determines the requirements for an ESA permit, but rather MNR determines this requirement based on the submitted BHA information.</p> <p><b>Section 3.2.6</b> - The MNR would like to see a change in Paragraph 2, as the ESA refers not only to harm, but other impacts. The MNR suggests the following change be made:</p> <p><i>“...In cases where <del>harm</del> <u>impact</u> to the species or its habitat cannot be avoided....”</i></p> <p>MNR is particularly supportive of the clearly indicated direction that certain maps and printed information may need to be redacted or not included for public circulation for the protection of the species. In addition, we are very supportive of the ongoing efforts to encourage the reporting of all species at risk information to NHIC.</p> <p>The MNR makes significant efforts to work closely with partners, like the City of Ottawa, in order to address development projects of all scales and types and we continue to look forward to working together to establish concurrent approval processes where possible and achieve streamlined and efficient information sharing and service delivery.</p> | <p>Agreed. Wording has been revised accordingly.</p><br><p>Agreed. Wording has been revised accordingly.</p>  | <p>Section 1.4</p><br><p>Section 3.2.6</p> |
| Ottawa-Carleton Wildlife Centre / Ontario Wildlife Coalition | See attached letter dated March 27, 2012  | Recommendations 1 and 2: Staff do not agree that the EIS Guidelines ignore mammals, which are dealt with under “Wildlife,” however, in order to address any perceived gap, Appendix 7 has been revised to explicitly describe the industry- | Appendix 7 (Mammals)                       |

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|        |         | <p>standard approach to determining which mammals are likely to occur at a site, and a direct web link to the relevant appendix in the Significant Wildlife Habitat Technical Guide (MNR, 2000) has been added. The reference to winter tracking studies has been slightly modified by removing the reference to “late” winter and inserting a reference to “fresh” snow. Staff do not support the suggested requirement for winter site visits to conduct tracking surveys as a standard practice.</p> <p>Also, while removal of the breeding bird species list (Appendix 7.1) was not recommended as part of this submission (which instead suggested adding similar information on mammals) staff have determined that the inclusion of species lists within the EIS Guidelines is unnecessary and would necessitate frequent revisions to ensure the information remains current. The list has therefore been removed. Species lists for various taxonomic groups are noted in the revised guidelines as being available from staff upon request. Staff will also seek to have this information posted on the City’s web site.</p> <p>Recommendation 3: The EIS Guidelines already include references to local scientists, naturalists, etc. as sources of information. The establishment of a new advisory committee or community group is outside the scope of these guidelines.</p> <p>Recommendation 4: The use of wire wrapping to protect riparian trees from beavers is not supported by staff as a standard mitigation measure due to the associated ongoing maintenance requirements. Protective measures may be appropriate in specific circumstances, and can be recommended on a case-by-case basis.</p> | <p>Appendix 7</p> <p>N/A</p> <p>N/A</p> |

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|  |   | <p>Recommendation 5: Some revisions to the EIS Guidelines were prompted by the Wildlife Strategy development work, but the strategy and its implementation are outside the guidelines' scope.</p>  | N/A  |
| Ottawa Forests and Greenspace Advisory Committee | See attached letter dated February 22, 2012 | <p>Staff appreciate OFGAC's support for several of the proposed revisions to the EIS Guidelines.</p> <p>Several comments and suggestions were submitted relating to the Scoped EIS Form (Appendix 1). Many of the edits suggested would have elevated the Scoped EIS requirements to a level of effort more appropriate to a Detailed EIS, and were therefore not supported by staff. Staff did edit the instructions attached to the form to clarify the requirements in Section 2 (Description of the Site and the Natural Environment) and to inform applicants about the potential availability of information on fish and fish habitat.</p> <p>OFGAC expressed several concerns regarding EIS triggers and the Scoped EIS process. The City of Ottawa's Official Plan establishes the conditions under which an EIS is required, by defining the significant natural features that comprise the City's natural heritage system, identifying which of these features trigger an EIS, and specifying the distances at which the EIS requirement applies. It also allows the EIS to be scoped based on the type of project proposed, and permits the completion of a Scoped EIS by the applicant. The EIS Guidelines provide guidance and clarification regarding these policies, but cannot change them. Therefore, these concerns would be more appropriately addressed to the Official Plan Review process.</p> | <p>N/A</p> <p>Appendix 1<br/>(Instructions, Sections 2 and 2.3)</p> <p>N/A</p> |



Greenspace Alliance of Canada's Capital  
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31 March 2012

Amy MacPherson  
Planner II  
Natural Systems  
Infrastructure Services and Community Sustainability  
City of Ottawa

Dear Amy,

Here are our comments on the draft second edition of the Environmental Impact Statement Guidelines.

We are supportive of many of the proposed changes, including:

- + the requirement that the EIS be revised when development takes place in phases or when the project has not proceeded promptly after draft approval (section 2.5, Step 5). We see this as being in the spirit of the 2006 amendment to the *Planning Act*, section 3(5), which requires that planning decisions be consistent with the PPS that is in effect on the date of the decision and conform with provincial plans that are in effect on that date;
- + a requirement to report historic land uses (section 3.1);
- + more emphasis on adjacent lands (*passim*);
- + new text, references and better guidance on habitat for species at risk (section 3.2.6);
- + more focus on the definition of "no negative impact" (section 3.4.1); and
- + the general format and content of Appendix 1.

There is, however, still much room for improvement. In addition, these Guidelines give clear evidence of how Ottawa needs to go beyond the policy in section 4.7.8 of the Official Plan. We deal with the latter first. Then we comment on areas where the Guidelines should be strengthened. Attachments provide some minor corrections and miscellaneous comments, and a list of passages where the language is dependent on finalization of amendments made in OPA 76.



### The larger picture

In the Official Plan the requirement for an EIS is focused exclusively on impact on environmentally designated lands or other natural heritage system features. But assessment of environmental impact can and should go well beyond that. Other jurisdictions do not approach impact assessment from a natural heritage perspective but rather look at the nature of the proposed development. Attachment 1 provides some examples.

As well, broad City practices stand in the way of genuine environmental protection, including ongoing urban sprawl and continuing road building. Only the LRT project and the general policy of intensification (in so far as it is being adhered to) are a major push in the other direction. Assessments through an EIS must be seen in that context.

Finally, even narrowing one's focus on land use concerns, these Guidelines make it glaringly obvious that the City is in dire need of:

- a) a tree preservation by-law for rural areas; and
- b) a soil alteration by-law.

For example, in section 1.5 it is noted that a Tree Conservation Report is required for subdivisions and site plans, whether in the rural or urban area but in the absence of a *Planning Act* instrument there is no protection for trees in the rural part of Ottawa. In Appendix 10, the advice to protect trees and woodlands is to "Ensure that all protective measures identified in the approved Tree Conservation Report (included as part of the EIS) are in place prior to any vegetation removal or site alteration activities" but this is an empty assurance since a rural landowner can do anything he/she wants prior to initiating a development process.

### Room for improvement

1.

The major weakness in this draft is that there is no process of validation of an EIS report submitted by a consultant for the proponent. In Appendix 1, section 6, the submitter is asked only to provide the names of contributors to the report and their qualifications. This should be strengthened by requiring that professionals sign off on the information and conclusions they provided so they can be held accountable. Further, the qualifications of City staff that review the report should become part of the record. Finally, while staff has the option of having the report peer-reviewed, there may be none. The City's Advisory Committees perform some of that role but their resources and abilities can be quite restrictive. We attach a description of the EIS review process in Waterloo, written for the purpose of informing the City's first try at establishing an EIS process in 2005. We believe it has great merit.

2.

Section 2.5 (Step 5) states: "...changes may be made to the development plans, or to the legislation and policies that apply. When such changes occur, it is appropriate to revisit the EIS prior to allowing the project to proceed further." What tool is available to disallow proceeding,

once a plan of subdivision has received final approval?

If changes are in order, we are not convinced that making them to the original EIS report is more efficient than requiring an Addendum. The latter is the standard process for provincial or federal environmental assessment reports. The argument that the original document might get lost or overlooked is rather weak in this age of digital storage and retrieval.

3.

The new language in section 2.1 about staff's ability to wave or defer the requirement for an EIS is very loose, introduces a lot of discretion and gives the appearance it is all based on "conversations" with staff. In contrast, Appendix 2, Part C is much more specific. We suggest that more specific language be used in section 2.1, stating the criteria according to which a wave or deferment of the requirement may be granted.

4.

In some instances the draft Guidelines deviate from the definition of adjacency suggested in MNR's Natural Heritage Reference Manual (2010), including:

- 30 m around Urban Natural Features (section 1.2 and Appendix 2, Part A, 1(b));
- 100 m away from a natural feature (Appendix 2, Part B)

The Reference Manual recommends 120 m in all cases except areas significant for earth science where a 50 m width is recommended (Table 4-2, page 42). If a municipality seeks to require less, it needs to be confident that there will be no negative impacts and it notes that sometimes a larger width is required (page 43). We find no rationale in the Guidelines for the lesser distance and no signal that a larger distance may be required.

As a general rule, we would suggest that an EIS needs to provide a brief description of lands within a width of 1 km around a proposed development site and provide a detailed description of adjacent lands within 120 m.

Further, the general instructions for describing the site and the natural environment state: "At a minimum, the description of the site and the surrounding area must identify, locate and describe the feature(s) that triggered the requirement for the EIS" (page 56). Such a minimum requirement is not acceptable as there may be other natural heritage features on the site or adjacent lands in addition to the feature(s) that triggered the requirement.

5.

Section 1.4 states that "City staff and the applicant will determine the preliminary qualifications required for completion of the EIS during pre-consultation ... These qualifications will be relevant to the scope of work." We wonder, however, who has the last word on what level of expertise is required. What leverage does City staff have?

For example, section 2.3 of Appendix 1 asks to list the kinds of fish present "(if known)". Unless the applicant or contributor to this part of the EIS is a fish biologist, a simple "not to my knowledge" would be acceptable. It is not. Similarly for vegetation cover (section 2.4 of

Appendix 1), the most common species are to be listed "where known." Such an easy way out should not be acceptable.

6.

Section 3.2.4 states that vegetation cover identification "should be consistent with the MNR's Ecological Land Classification (ELC) for Southern Ontario; this approach will be required for all Detailed EIS reports." We suggest that vegetation cover descriptions use the ELC for all but the very simplest EISs.

7.

Finally, we have received a copy of the comments provided by the Ottawa-Carleton Wildlife Centre and the Ontario Wildlife Coalition. We support their recommendations, in particular:

- the Guidelines need to pay more attention to mammals. Similar to the useful list of breeding birds in Appendix 7.1, Appendix G-4 of MNR's Significant Wildlife Habitat Technical Guide should be made readily available;
- ideally, sites should be field-investigated in all seasons but for the sake of mammals one of the seasons should be early winter after fresh snowfall;
- as suggested in the Significant Wildlife Habitat Technical Guide, a community-based Conservation Advisory Committee should be established to assist staff in their advice to applicants. There is much local expertise available and the OCWC/OWC submission cites some instances where staff's understanding is revealed to be less than adequate.

Naturally, we also endorse the call for adoption and implementation of a Wildlife Strategy for Ottawa. This would be highly supportive of the objectives of the EIS process.

Thank you for the opportunity to provide comments.

Erwin Dreessen  
Greenspace Alliance of Canada's Capital

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Attachment 1

Beyond section 4.7.8: The project approach

While in many instances projects like those listed below would require environmental assessments under federal or provincial legislation, the lesson to be drawn for Ottawa is that environmental impact is about more than impact on our precious natural areas. It would behoove the City to adopt a broader perspective. Using the type of project as a trigger could help in that regard. Examples of other jurisdictions follow.

Environmental Assessment Office, B.C., User Guide

[http://www.eao.gov.bc.ca/pdf/EAO\\_User\\_Guide%20Final-april2010CI.pdf](http://www.eao.gov.bc.ca/pdf/EAO_User_Guide%20Final-april2010CI.pdf)

"Large industrial, mining, energy, water management, waste disposal, food processing, transportation and resort developments typically require an environmental assessment in British Columbia."

Actions likely to require the preparation of an EIS include:

- a project or action that involves the physical alteration of 10 acres;
- parking for 1,000 vehicles;
- any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height;
- any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25 percent of any threshold established in this section.

Stampe, J., W. (2009) "Lessons Learned from Environmental Impact Assessments: A Look at Two Widely Different Approaches – The USA and Thailand", *The Journal of Transdisciplinary Environmental Studies*, vol. 8, no. 1

Stampe writes that "In Thailand all projects which are of a type or size specified on a list drawn up by the Ministry of Natural Resources and Environment are required to go through the EIA process" and that "this method of using a list for specification is part of the European Union's (EU) directive on EIA's. This directive is mandatory for all EU countries; however, countries are allowed to go further than the directive requires. The directive has two annexes that determine which projects have to have an EIA."

Department for Communities and Local Government, UK, "Environmental Impact Assessment: Guide to Procedures," (2000)

"The following types of development require environmental impact assessment in every case:

- Integrated chemical installations, that is to say, installations for the manufacture on an industrial scale of substances using chemical conversion processes;
  - Construction of lines for long-distance railway traffic and of airports ... with a basic runway length of 2100 metres or more;
  - Construction of motorways and express roads;
  - Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres;
  - Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 millimetres and a length of more than 40 kilometres;
- and others."

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## Attachment 2

Minor corrections and miscellaneous comments

On page 66 of the Guidelines and elsewhere there is reference to the 1997 NESS reports, as well as to the 2005/2006 UNA reports. None of these reports are available on the City's web site. They should be.

In section 3.2.4, 3rd line of the new paragraph, rather than an EIS "involving significant wetlands" we would suggest "with potential impact on significant wetlands."

In section 3.2.6, in the new paragraph, 2nd line, replace "They have" with "It has".

In Appendix 1, section 5, the NOTE ("*residual negative impacts to significant natural features or ecological functions may mean that the project cannot be approved as proposed.*") surely guarantees that no consultant worth his pay will identify residual negative impacts. A subtler way of making a consultant make note of residual impacts should be found.

On page 70 there is still a reference to "Annex 14" and there are implicit references to it as well - see Attachment 3.

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## Attachment 3

Dependency on OPA 76 amendments

Many of the words used in these draft Guidelines are taken from OPA 76 amendments that have been decided in principle -- OMB Decision of 21 July 2012, re the Flewellyn and Environmental Issues hearing -- but are not yet law even if they are uncontested. This is a handicap that presumably time will resolve.

Some of the OPA 76 changes involved are not contested, others are. Not contested are:

- the definition of site alteration (section 1.2)
- "Significant woodlands..." (page 68): This OPA 76 change is not contested but it is incorrect that such woodlands are "designated" in the OP -- that was the plan (with Annex 14), but the OMB Decision squashed references to "Annex 14."
- similarly on page 87, for each element of the (uncontested) definition of Significant Woodlands the text says "...has been identified." Again, that was the plan, but we now have to see what comes out of changes to Schedules A and B instead.
- "Significant Wildlife Habitat" - again this wording is an uncontested amendment of OPA 76 (Appendix 9, page 89)

Possibly still contested is:

- "Forest remnants and natural corridors..." (Appendix 2, bottom of page 60; and page 69).

While we await final wording on this amendment, this particular clause is not among those an Appellant is seeking clarification on from the Board.

**Environmental Impact Statement (EIS) Guidelines 2<sup>nd</sup> Edition  
Comments from Ottawa-Carleton Wildlife Centre (OCWC) and the**

**Ontario Wildlife Coalition (OWC)**

*“You Can’t Protect What You Don’t Know”*

**Concern re Consultation:** The EIS 1<sup>st</sup> Edition was provided to members of the Wildlife Strategy Working Group in June of 2010. After reviewing the report, the OCWC relayed its verbal concern about the significant lack of information on Mammals. The WSWG Project Manager reassured us that the report was a preliminary one with a review to be undertaken the following year and that there would also be an opportunity to further address the concerns expressed by the OCWC within the Wildlife Strategy deliberations.

Given the on-going delay of the Wildlife Strategy, this has not happened. And, in spite of terms of reference having been approved by the Working Group more than a year ago, a staff report has not yet been circulated so it is unclear as to the direction of that report.

More concerning is that there has been no attempt to provide members of the Working Group with a copy of the revisions in the EIS 2<sup>nd</sup> Edition. It was only due to recently receiving it from another environmental group that we were aware that it was available for review.

We are deeply concerned about the consultation process and the lack of follow up on the concerns raised almost two years ago with respect to the EIS. And, these issues remain unaddressed in the current EIS 2<sup>nd</sup> Edition.

**Mammals Have Been Ignored:** We fail to understand how ignoring an entire class of animals, mammals, in the EIS document can possibly lead to understanding or evaluating ecosystems within the planning process. How can the City determine the “*quality and diversity of an identifiable geographic area or natural heritage system*” in assessing whether it is ‘significant’, as required by the Provincial Policy Statement, if the presence and contribution of many species is unknown? While there are several brief, general references to wildlife that might include mammals in the EIS, there is little that would be helpful to an evaluator.

But, it is the message being conveyed by the lack of weight or importance given to mammals that is most concerning. In Appendix 7 for example, there is one paragraph consisting of four lines under Mammal Surveys, stating “*Incidental mammal observations (i.e. sightings, tracks, scats, dens and other signs) should be made during each field trip. Because species have very different habits, there is no standard protocol for field observations. Tracking is usually best during late winter (in snow) or early spring (in soft ground) and may coincide with other fauna surveys*”. Compare this to seven pages of detailed information on Bird Species in the same Appendix.

**Correcting the Basis for the Bias:** We are not suggesting that there should be less information on birds, but there needs to be the same kind of information for mammals. Information on birds comes primarily from naturalist groups and is a very valuable contribution. The Ministry of Natural Resources (MNR) is the primary source of reference materials used in the EIS (Natural Heritage Reference Manual, Significant Wildlife Habitat EcoRegion Criteria Schedules), even

though its focus is primarily managing game species, not studying each species for their ecological contribution and not studying habitat and ecological needs of a broader range of mammalian species.

The Significant Wildlife Habitat Technical Guide and its Appendices does provide helpful information on some species of mammals under Specialized Habitat (marten, mink, fisher, otter) or under Species of Conservation Concern (southern flying squirrel).

It is concerning though that the Addendum to the above Guide, Significant Wildlife Habitat EcoRegion Schedule 6E, which covers this region and is the document that evaluators would be most likely to turn to, has little helpful information on mammals, focusing primarily again on game species such as White-tailed Deer, Black Bear, along with Wild Turkey and Ruffed Grouse.

**You Can't Protect What you Don't Know:** On the morning of March 24, 2012 the OCWC came across a River Otter (photo attached) that had been killed on the road close to the busy intersection of Eagleson and Robertson roads, immediately adjacent to a conservation area. A year or so ago, Nick Stow indicated that the elusive Pine Marten had been discovered in the South March Highlands – the bad news was that it was found dead on the road. Unless the City is content to use 'Road Kill' as the only measure for determining what wild mammals live in our natural areas, we must do a better job in identifying these animals so that we can protect them and, most important, their habitat.

#### **Recommendation #1:**

We strongly urge that the EIS 2<sup>nd</sup> Edition Guidelines include as Appendix 7.3 the *'Habitat descriptions for native Ontario mammals* (Appendix G-4 in the Significant Wildlife Habitat Technical Guide). This three and a half page list would provide helpful Mammal information to evaluators. It would also let evaluators know that Mammals matter.

**Field Investigations:** In the EIS document 2.2 Step 2: Information Gathering and Report Preparation it states *"Site visit(s) will occur during the growing season rather than in winter, when snow cover and normal seasonal dormancy severely limit potential observations. Multiple site visits may be required to provide an adequate understanding of the existing conditions at the site; in these cases, winter site visits may be acceptable for the purpose of investigating seasonal wildlife habitat (e.g. deer yards) or locating heronries and raptor nests, which are more easily seen when the trees are bare of leaves."* This demonstrates a profound lack of understanding and/or interest in mammals as winter is the only likely time that you will be able to determine their presence based on tracks.

#### **Recommendation #2:**

The ideal for any environmental assessment is to conduct an investigation in each of the four seasons. Should this not be feasible, one of the seasons **must** be winter if there is any realistic expectation of recording information on mammals, as



required in the Description of the Site and the Natural Environment. The winter investigation should be carried out after a recent snowfall, in early rather than late winter months, before deep snow and frequent use make it more difficult to distinguish individual tracks.

**Knowledge and Expertise:** It is recognized that there is a lack of knowledge with respect to certain species of wildlife. Even for something as well known as the grey squirrel, we found last year that some on City staff believed that a drey (a leaf nest using interwoven branches as the form) could be constructed by a squirrel from loose already-fallen leaves. If staff are to provide guidance and to evaluate the recommendations of environmental consultants, then expertise, particularly with respect to mammals, will need to be sought.

**Recommendation #3:** University biology departments be approached (Michael Runtz at Carleton University is an example) to advise on mammals. Also, as frequently suggested within the Significant Wildlife Habitat Technical Guide, consideration should be given to setting up a community-based Conservation Advisory Committee. Like the Christmas Bird Count, a Tracking Day for Mammals might be undertaken.

**Mitigation Measures:** A number of years ago, there was a City policy that required developers to protect vulnerable trees within a certain distance of a riparian buffer, where beaver activity might occur from time to time.

**Recommendation #4:** Ensure that existing valuable trees within a specific distance of a riparian area be wire-wrapped as part of the development process. Such prevention measures should also be incorporated into the design and selection of landscaping materials around storm water ponds and should be part of the education package to residents with respect to private property.

**Public Education:** As identified in the EIS, successful mitigation measures involving natural areas require educating builders and residents on a broad range of responsible stewardship practices. But, it is not enough to encourage people to re-establish native vegetation or to give them the tools to resolve wildlife conflicts humanely, there is a need to make them much more 'literate' about the natural environment.

Protecting biodiversity requires a new and more informed mindset about ecological processes and the contribution of species such as beavers and coyotes and, in fact, the inter-connectedness of all species. The past practice of managing individual species continues to do harm as we learn just how little we understand forest and wetland ecology.

Without the benefit of an on-going Wildlife Strategy, mitigation measures, introduced as part of the EIS process, will have little chance of long-term success.

**Recommendation #5:** Implement the Wildlife Strategy. If the objective of the EIS is to contribute positively to the ecosystem, then there needs to be a Wildlife

Strategy to support it. In fact, the goals of the EIS and the Wildlife Strategy must be compatible and fully integrated.

Submitted By:

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March 27, 2012

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[http://publicdocs.mnr.gov.on.ca/View.asp?Document\\_ID=15513&Attachment\\_ID=32528](http://publicdocs.mnr.gov.on.ca/View.asp?Document_ID=15513&Attachment_ID=32528)

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*Ottawa Forests and Greenspace Advisory Committee*

*Comité consultatif sur les forêts et les espaces verts d'Ottawa*

February 22, 2012

Dear Amy,

Please find below comments from OFGAC on the EIS Guidelines for the one-year review. We hope they will be helpful. If there is anything you would like to discuss about them please contact our Vice-chair, Bettina Henkelman, who led this working group, and is the primary author of this report.

**COMMENTS:**

They have removed looking to the PPS for direction where inconsistencies arise between the EIS guidelines and the OP. I find the OP somewhat weak in its application of the PPS. Regardless, I am glad they are removing the reference to the PPS, as the PPS sets minimum standards, and we should strive for higher standards in the Nation's Capital.

Remove the reference to EIS not already started. It is a loophole that WILL be taken advantage of. This will lead to the City conflicting with developers, OR just caving to their demands to avoid conflict, allowing yet more damage and removal to come to Ottawa's natural heritage due to insufficient study.

I disagree with the reasoning behind the 30m trigger for some urban natural heritage features. It depends on the development. The type of development should be an associate trigger, such as a single lot severance into two should not trigger and EIS, whereas a development application or road widening should. This is better acknowledged in the Section on Scoped EISs.

On that note, there still need to be better guidelines as to what triggers a 'scoped' EIS, and how to scope the EIS - it needs to be transparent and repeatable. page 12 - complete arbitrary decision system. This MUST be defined. Appendix 2 - what determines if a site alteration is minor? Who follows up to see that the work was done according to the proposal? How is a minor variance or zoning bylaw amendment LOW RISK when the Airport Convention Centre was approved through a minor variance? Plus staff knowledge of the site must be DOCUMENTED in an EIS (once again, for understanding of decisions and transparency), but Staff should in no way be responsible to understand site conditions for an application which is precipitated by a private interest. This is essentially getting taxpayers to pay for an EIS.

Appendix 2 - why is 100m distance given when it is clearly 120m for some natural features? The OP needs to over-ride this. The purpose of an EIS is to determine the impacts in a documented and defensible format, thus undermining this process by allowing a scoped EIS, which would not need to be carried out by experts, and is likely to miss critical issues and potential impacts. There is no onus of an applicant to do the Scoped EIS properly as there is no follow up and no charges or fines or requirement to fix damage if it is caused. As well, they can't be help accountable for missing information as they are obviously not experts.

Another issue is about SAR. As the City has mapping for general habitat for SAR in Ottawa, all development applications should be evaluated internally to ensure that SAR are not impacted as some habitats will otherwise not trigger an EIS. Otherwise, the City will not be abiding by the OP and PPS.

What is the thought behind the consultants essentially being pre-approved by the City staff? First of all, consultant staff often changes, thus you can't be assured that a consulting company will continue to have the required knowledge and expertise. It should be rather demonstrated on an individual basis. As well, they should be able to demonstrate certifications for their area of study (if there is a certification) and if there is no certification, demonstrated experience and/or education in that field of expertise.

Pre-clearing of sites - is this dealt with? Impacts must deal with this and also mitigations must be for any damages as a result of pre-clearing, with the worst case scenario for impacts being assumed.

I support the rewording of Section 2.5

Section 3 - maps in the Characterization of Ottawa's Watersheds are grainy. This information should be added to E-map and higher resolution would be useful.

Section 3.2 - should ask for lands adjacent within 1 km, and impacts can then be better understood. There should be a brief description for anything within 1 km, with a detailed description (except when site access is an issue) for all lands within 120m.

Section 3.2.4 Page 27 - Woodland definition is still weak, however addition about wetlands is good

Section 3.2.4 Page 28 - GREAT. Please also include a requirement for a GPS position for any rare species or unusual features, plus a description of numbers/coverage

Section 3.2.5 Page 29 - Great addition

Section 3.2.6 page 30 and 31 - excellent

Section 3.3 page 32, is scale of maps and extent of adjacent lands also indicated? If not, it should be (e.g. 1:1000 minimum)

Section 3.4.2 page 36 - excellent addition

Noted conflict - page 48 " At minimum, the EIS must demonstrate that the proposed development or site alteration will have no negative impacts on the values or ecological functions for which the triggering environmentally significant lands or natural heritage features have been identified"

Section 2.3 of SCOPED ENVIRONMENTAL IMPACT STATEMENT (EIS) FORM page 51 - questioning "are fish known to be here?" - do you think that you will get an honest answer? and even if they honestly say "to my knowledge, no", it should be carried out by someone qualified. Likewise for plant/wildlife/SAR identification. It is ridiculous to assume that the general public can correctly identify any of them, or even knows where to start looking. The scoped EIS form allows for the use of experts at the discretion of the applicant, which is completely irresponsible, unless the applicant happens to be an expert. That is like letting a biologist (perhaps with a bit of home renovation experience) determine if a building is engineered correctly. It allows damage to occur to our natural environment due to lack of knowledge. The point of natural heritage laws and acts is to protect important natural heritage features because it is valuable and a resource for all people. Not for it to be negligently damaged due to lack of due diligence.

Section 2. page 56 - DESCRIPTION OF THE SITE AND THE NATURAL ENVIRONMENT - the minimum for describing the natural heritage features should be everything within 120m, not just the trigger. Why set the bar so low and only ask for the trigger? e.g. - a significant wildlife habitat is within 120m but the trigger is a separate issue, then impacts to the wildlife may occur as they may not be noted in the EIS.

Section 2.1 page 57 - aerial maps are free and readily available - they should be a requirement, not just strongly encouraged. This creates additional work for City Staff who may have to look it up themselves.

Section 2.3 page 57 - fish habitat should also have descriptions of fish within that drainage system - there is enough free and readily available information for the City that this should be a requirement

Section 2.4 - vegetation cover needs to be categorized according to ELC, which although not perfect provides a systematic method of categorizing the land cover.

Section 2.5 - Wildlife - needs to include all wildlife likely to be present, based on habitat and species ranges, in particular rarer or uncommon species.

Pg 69 - " Forest remnants and natural corridors such as floodplains" - Good addition - strengthens the value of linking habitat otherwise ignored

Pg 74 - " Faunal Inventories" - good addition with reference to habitat features

Appendix 7.1 - very helpful!

Sincerely,

Heather Hamilton, Chair