

**7. PROTOCOL FOR WILDLIFE PROTECTION DURING CONSTRUCTION –  
UPDATED**

**PROTOCOLE DE PROTECTION DE LA FAUNE PENDANT LES CHANTIERS  
DE CONSTRUCTION – MIS A JOUR**

**COMMITTEE RECOMMENDATION**

**That Council approve the Protocol for Wildlife Protection during  
Construction, attached as Document 1.**

**RECOMMANDATIONS DU COMITÉ**

**Que le Conseil approuve le Protocole de protection de la faune pendant les  
chantiers de construction qui figure au document 1 ci-joint.**

**DOCUMENTATION / DOCUMENTATION**

1. John L. Moser, Acting Deputy City Manager, report dated 9 September 2015 /  
Rapport du Directeur municipale adjointe par intérim daté du 9  
septembre 2015 (ACS2015- PAI-PGM-0138).
2. Extract of Draft Minutes, Agriculture and Rural Affairs Committee,  
1 October 2015. / Extrait de l'ébauche du procès-verbal du comité de  
l'agriculture et des affaires rurales, le 1<sup>re</sup> octobre 2015.

**AGRICULTURE AND RURAL  
AFFAIRS COMMITTEE  
REPORT 8  
14 OCTOBER 2015**

**59**

**COMITÉ DE L'AGRICULTURE ET  
DES AFFAIRES RURALES  
RAPPORT 8  
LE 14 OCTOBRE 2015**

**Report to  
Rapport au:**

**Planning Committee / Comité de l'urbanisme  
September 22, 2015 / 22 septembre 2015  
and / et**

**Agriculture and Rural Affairs Committee / Comité de l'agriculture et des affaires  
rurales**

**October 1, 2015 / 1 octobre 2015**

**and Council / et au Conseil  
October 14, 2015 / 14 octobre 2015**

**Submitted on September 9, 2015  
Soumis le 9 septembre 2015**

**Submitted by  
Soumis par:**

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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2015-PAI-PGM-0138**

**SUBJECT: Protocol for Wildlife Protection during Construction – Updated**

**OBJET: Protocole de protection de la faune pendant les chantiers de  
construction – mis à jour**

## **REPORT RECOMMENDATION**

**That Planning Committee and Agriculture and Rural Affairs Committee recommend Council approve the Protocol for Wildlife Protection during Construction, attached as Document 1.**

## **RECOMMANDATION DU RAPPORT**

**Que le Comité de l'urbanisme et le Comité d'agriculture et des affaires rurales recommande au Conseil d'approuver le Protocole de protection de la faune pendant les chantiers de construction qui figure au document 1 ci-joint.**

## **BACKGROUND**

The Wildlife Strategy, approved by Council on July 17, 2013, recommended that the existing Protocol for Wildlife Protection during Construction (developed by the former Region of Ottawa-Carleton in 2000) be updated and expanded to include additional guidance on wildlife issues. The updated protocol was to be incorporated into the development review process.

## **DISCUSSION**

In response to Council's direction, staff have developed an updated and expanded protocol that promotes the use of best practices in avoiding or reducing impacts to wildlife during construction. The revised protocol complements and supports the City's existing Environmental Impact Statement Guidelines and Tree Conservation Report Guidelines. It can also be used as a resource document by City staff, other agencies, and private landowners who are planning projects or activities that could impact wildlife. The protocol identifies sensitive timing windows for site clearing in different types of habitat, and best practices for each stage of construction, as well as guidance on avoiding or reducing post-construction issues between residents and wildlife, and a list of additional resources.

Staff compiled the best practices recommended in the revised protocol from a variety of sources, including:

- Locally prepared Environmental Impact Statements and Environmental Assessment reports;
- Existing City of Ottawa guidelines and standards, e.g., Environmental Impact Statement Guidelines, special provisions D-032A and D-032B for protection of species at risk and wildlife on City contracts;
- Available guidance documents from other jurisdictions, including Ontario's Natural Heritage Reference Manual; and
- Consultation with wildlife experts, e.g., Canadian Wildlife Service, Ottawa-Carleton Wildlife Centre, Rideau Valley Wildlife Sanctuary.

The revised protocol does not introduce any new requirements for project proponents, but does identify cases where existing provincial and/or federal government requirements for the protection of wildlife may apply. The current practice of developing site-specific conditions of approval based on recommendations in the Environmental Impact Statement and/or Tree Conservation Report for a project will continue as it does now, with the revised protocol serving as a common reference for staff and the industry during the development of those recommendations and conditions.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

### **RURAL IMPLICATIONS**

The protocol applies city-wide and would be used as a reference during the review of rural development applications. It can also provide useful information to City staff, other agencies and residents for other projects and activities in the rural area that could affect wildlife.

### **CONSULTATION**

Staff consulted with several key stakeholders over the summer of 2014 and into 2015 to obtain feedback on how the former Region of Ottawa-Carleton's protocol could be

improved. A draft version of the updated protocol was developed and posted for public review and comment in mid-January 2015. The draft was also circulated to stakeholders. Staff received 106 submissions from the public, along with comments from the following stakeholders:

- Canadian Wildlife Service (Environment Canada)
- Fatal Light Awareness Program (FLAP) Ottawa
- Greater Ottawa Home Builders' Association
- Greenspace Alliance of Canada's Capital
- Ontario Ministry of Natural Resources and Forestry
- Ottawa-Carleton Wildlife Centre
- Rideau Valley Wildlife Sanctuary
- Representatives from the construction and environmental consulting industries.

A summary of all comments received during consultation, along with staff responses where appropriate, is provided in Document 2. Public feedback was generally quite supportive, although some concerns and opportunities for further improvement were identified. All feedback was considered, with follow-up discussions held between staff and stakeholders to respond to their comments and concerns. A revised draft was developed and circulated to stakeholders for their review in June 2015.

One further revision to the draft was made after the stakeholder consultation in June, with the addition of a new bullet point to Section 2.8, Owner Awareness, regarding information about pets and wildlife to be provided to new homeowners. This revision was required to ensure consistency between recommendations in the Council-approved Environmental Impact Statement Guidelines (2012) and the updated protocol.

### **COMMENTS BY THE WARD COUNCILLORS**

This is a city-wide report – not applicable.

## **LEGAL IMPLICATIONS**

There are no legal impediments to approving the protocol as provided in the report.

As stated in the proposed Wildlife Protocol, compliance with the protocol does not negate the necessity of also being specifically in compliance with all relevant legislation with respect to wildlife.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

The revised protocol will be made available on the City's web site as an accessible PDF. The draft protocol was provided to the public as an accessible PDF, and all web content for this project was developed in accordance with the applicable standards.

## **ENVIRONMENTAL IMPLICATIONS**

The revised Protocol for Wildlife Protection during Construction promotes the use of best practices to avoid or reduce impacts on wildlife, and may help proponents to remain compliant with federal and provincial legislation. Some of the best practices included can also reduce construction impacts on the natural environment, e.g., by protecting soil and water quality, or natural features identified for retention.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priority:

ES1 – Support an environmentally sustainable Ottawa.

## **SUPPORTING DOCUMENTATION**

Document 1 Protocol for Wildlife Protection during Construction, July 2015 (attached separately)

Document 2 Consultation Details

**DISPOSITION**

Planning and Growth Management Department to:

1. Post the approved Protocol for Wildlife Protection during Construction (as an accessible PDF) on the City's web site;
2. Revise the City's Environmental Impact Statement Guidelines and Tree Conservation Report Guidelines to insert references to the protocol; and,
3. Notify the project's stakeholders, and City departments involved in construction or site clearing activities (e.g., Design and Construction, Forestry Services) of the protocol's approval.

## **Document 2 – Results of Consultation, 2014-2015**

### **Part 1 – Summary of stakeholder feedback received on the existing protocol**

During summer, 2014, City staff consulted with key stakeholders to obtain their feedback on what changes were needed to improve the existing Protocol for Wildlife Protection during Construction, approved by the former Region in 2000.

Comments were received from the Canadian Wildlife Service (Environment Canada), the Ottawa-Carleton Wildlife Centre and the Rideau Valley Wildlife Sanctuary. These comments included:

- Wildlife Construction Protocol should be enforceable, not simply a guideline.
- City needs better information about wildlife and habitat (not just trees) on sites proposed for development, to inform planning and decision-making.
- City staff should conduct field work to ensure the accuracy of existing conditions reporting.
- City needs to adopt a site alteration by-law.
- Protocol should also apply to City tree removal for non-development purposes.

These agencies also provided suggestions regarding practical and effective measures to reduce harm to wildlife during construction, and to help prevent future conflicts between residents and wildlife.

### **Part 2 – Public consultation on the draft Protocol for the Protection of Wildlife during Construction**

In January 2015, a draft version of the updated protocol was circulated to the project stakeholders and posted on-line for public review and comment. At the request of some stakeholders, the deadline for comments was extended from February 9 to March 6, in order to allow more time for review. As a result of the consultation, staff received 106 submissions from members of the public, mostly in support of the draft protocol.

Comments and suggestions for improvement were received from several members of the public and from the following stakeholders:



- Canadian Wildlife Service (Environment Canada)
- FLAP Ottawa
- Greater Ottawa Home Builders' Association
- Greenspace Alliance of Canada's Capital
- Ontario Ministry of Natural Resources and Forestry
- Ottawa-Carleton Wildlife Centre
- Rideau Valley Wildlife Sanctuary
- Representatives from the construction and environmental consulting industries

Staff considered all feedback received and followed up with individual stakeholders to discuss their comments. As a result of the feedback received, the draft protocol was revised. While the recommended mitigation measures were essentially unchanged, all references to a new standard condition of approval were removed. The document was re-framed as a best practices reference.

### **Part 3 – Stakeholder consultation on revised draft**

The revised draft protocol was re-circulated to the project stakeholders in June 2015. Verbal feedback received from staff at the Ministry of Natural Resources and Forestry prompted a minor revision to Table 1. Written comments were received from the Ottawa-Carleton Wildlife Centre and the Greenspace Alliance of Canada's Capital, indicating their disappointment that the proposed standard condition of approval had been removed.

Following this final round of stakeholder consultation, staff made one further revision to Section 2.8 (Owner Awareness) to ensure consistency with the existing Environmental Impact Statement Guidelines. The document was then finalised for presentation to Committees and Council.