

The Corporation of the City of London

Environmental Management Guidelines (2021) Biennial Update: Terms of Reference and Scope (2024)

1.0 Introduction

The City of London's Environmental Management Guidelines (EMGs) provide guidance for implementing the natural heritage policies of the London Plan (i.e., the City's current Official Plan).

These EMGs include the standards, procedures and criteria to be applied in the evaluation and delineation of the components of the City's Natural Heritage System (NHS), as well as implementation guidance related to ecological replacement and compensation, and environmental monitoring requirements. This information is to be used for preparing environmental reports and studies (i.e., Subject Land Status Reports and / or Environmental Impact Studies) that may be required to evaluate planning applications or municipal infrastructure projects, and / or to inform Conservation Master Plans, Secondary Plans, or Area Plans. Use of the EMGs supports a consistent approach to the: identification, evaluation and delineation of natural heritage features; assessment of the potential impacts of development and site alteration on the City's NHS; and identification of protection, mitigation, and replacement or compensation measures that may be needed to protect and enhance the NHS and its functions.

The City of London's EMGs were comprehensively reviewed starting in 2019, with updated EMGs being finalized and approved by Council in 2021. At that time, the City committed to scoped biennial reviews of this important document. The release of this Terms of Reference launches the first such biennial review.

The London Plan policy 1424_ states "*These guidelines shall be updated as required to reflect changes to provincial policy and technical documents and to reflect improvements in scientific knowledge regarding natural features and ecological functions.*" The **goal** of this process is to complete scoped updates of the 2021 EMGs over 2024 that will further improve the clarity and utility of this document in supporting ongoing planning and development in London.

The **objectives** of this process are to identify and implement updates of the EMGs focused on:

- ensuring that the document remains aligned with applicable changes in municipal and provincial policy and legislation, and
- priority topics and components of the EMGs in need of clarification and / or refinements to facilitate implementation in accordance with the established policies.

The intent in 2024, and in the future, is that scoped biennial updates will ensure that a more comprehensive EMG review will not be required, unless there are substantive changes to the municipal and / or provincial policy framework.

Notably, the EMGs are a planning tool to implement existing policies and do not replace or supersede these policies. Revisions of approved London Plan policies will not be considered as part of this update.

2.0 Background and Rationale for the Update

The London Plan includes explicit support for the development of Council-approved guideline documents that provide direction for the implementation of Official Plan policies. The London Plan also includes policies that specifically direct application of the guidelines to significant woodlands, environmentally significant areas (ESAs), ecological buffers and Environmental Impact Studies.

The EMGs were originally a suite of five stand-alone guidelines which were consolidated into a single document in 2007. The 2007 EMGs focused on: plant selection for natural heritage areas; identification, evaluation and delineation of ESAs, ecological buffer width determination, evaluation of significant woodlands. These guidelines were based on, and aligned with, the provincial policy and technical documents, and the relevant scientific and technical knowledge available at the time.

In 2019, a process was initiated to update the 2007 EMGs to reflect changes to provincial policy and technical documents, and to reflect improvements in scientific knowledge regarding natural features and ecological functions. This process included a comprehensive review and consideration of the relevant policies and science. It also involved three rounds of engagement with various external resource groups, partners including the local Conservation Authorities, the Ecological Community Advisory Committee (ECAC)¹, and First Nations communities within and close to London over a two-year period.

The goal of this update was to improve the usability and effectiveness of the City's EMGs as an implementation tool for stakeholders and First Nation communities. The objectives were to ensure the EMGs could be used to: identify, assess and / or confirm the City's NHS components; assess the impacts of development on the NHS; and recommend protective and mitigative measures as required by the Provincial Policy Statement and the City's Official Plan. The outcome of this process was a comprehensively reviewed and updated EMG document which was finalized and approved by Council in December 2021.

Although this process entailed a comprehensive update of the 2007 EMGs, the City recognized that it was both desirable and appropriate to provide a transparent process for regular refinements and updates to this document (e.g., in response to new information, opportunities to provide additional clarification, etc.) going forward. To this end, the City committed to continuing to accept comments, engaging with its partners and stakeholders, and considering comments received through more scoped reviews to be undertaken on a biennial basis.

This 2024 update process represents the first such biennial review of the 2021 EMGs.

3.0 Scope of Work and Update Process

Various components of the 2021 EMGs that could be considered as part of the 2024 update process have been identified by City Staff based on their experience and feedback received over 2022 and 2023. However, it was recognized at the outset of this process that it would not be feasible or appropriate to tackle too many updates within any given biennial review. Therefore, it will be necessary to focus on topics and components of the 2021 EMGs considered most urgent and / or appropriate to update at this time.

¹ Formerly known as the Environmental and Ecological Planning Advisory Committee (EEPAC)

The topics identified for review as part of the 2024 update process are to be based on:

- City Staff experience and comments received related to the EMGs over 2022 and 2023
- input gathered through engagement with key partners and stakeholders over 2024, and
- applicable changes to the provincial planning policy framework during this period.

The process for this update (outlined in more detail below) is as follows:

- Task 1. Terms of Reference and Engagement
- Task 2. Background Review and Engagement
- Task 3. Draft Updates and Engagement
- Task 4. Updated Environmental Management Guidelines (2021) to Council

3.1 Confirmation of Scoped Topics for Review

The first step in the update process will be to confirm the priority topics and components of the EMGs to be reviewed. To resolve these items within the calendar year timeframe and considering the biennial frequency of the EMG updates, components and sections of the 2021 EMGs considered most urgent and / or appropriate to update at this time will need to be selected.

City Staff have identified the topics listed below as priorities for the 2024 review based on their experience and feedback to date on implementation of the 2021 EMGs. Other topics or refinements to these topics suggested as part of the Task 1 engagement will be considered, as described in Section 3.2 below.

Although City Staff have noted ongoing comments and concerns related to ecological buffers and ecological replacement / compensation, neither are being put forward as a priority topic for 2024. The main reason is that several technical aspects of significant woodland evaluation and delineation have also been raised repeatedly, and these are considered priority topics to be addressed before exploring refinements to ecological buffer and/or ecological replacement and compensation implementation guidance. In addition, exploring refinements to the significant woodland evaluation and delineation guidance is also expected to be challenging, and to require a substantial amount of time to consider adequately, and City staff do not wish to dilute this process by introducing other substantive topics.

Topics and / or components of the 2021 EMGs identified through this process as potentially benefitting from review but ultimately not considered priorities for the 2024 update process can be carried forward. For example, it is anticipated that implementation guidance related to ecological buffers, and potentially ecological replacement and compensation, could be priorities during the next biennial review.

Priority topics for the 2024 update process (as identified by City staff)

1. *Evaluation of significant woodlands and woodlands (focus on definitions).* City staff have heard various and repeated concerns about how the definitions of woodlands and patches were revised in the 2021 EMGs, and have seen how this can create challenges in applying the evaluation criteria for significant woodlands.

It is therefore suggested that the 2024 review consider these definitions along with the related implementation guidance in Section 3.1 (i.e., pages 3-1 to 3-15) to determine how they might be refined to facilitate implementation while remaining aligned with the related London Plan

policies. Changes in other sections (such as Section 8, Glossary of Terms) may also need to be considered to ensure consistency in the updates across the EMGs.

2. *Boundary delineation of significant woodlands and woodlands.* Similarly, City staff have heard various and repeated concerns about how the implementation guidance in the 2021 EMGs related to delineation of woodland patches creates implementation challenges, and have noted some of these challenges in reviewing woodland boundary determinations.

It is therefore suggested that the 2024 review consider the guidance related to boundary delineation of woodlands and woodland patches in Sections 4.1, 4.3, 4.7 and 4.8 (i.e., pages 4-1 to 4-13). The implications of these refinements are expected to be considered in conjunction with those related to topic 1 above. Changes in other sections (such as Section 8, Glossary of Terms) may also need to be considered to ensure consistency in the updates across the EMGs.

3. *Updates to align with recent provincial changes:* Since the EMGs were approved in December 2021 there have been several changes to the provincial planning framework which relate directly to natural heritage. These include: changes to the Conservation Authorities Act to refine the scope of their authority to focus on natural hazards (and limit their ability to comment on other aspects of natural heritage) and changes to the Ontario Wetland Evaluation System (e.g., to remove wetland complexing).

It is therefore suggested that the 2024 review consider the EMGs in their entirety to ensure they are in alignment with the current provincial natural heritage planning framework.

4. *Housekeeping items:* Since the EMGs were approved in December 2021 City staff and others have identified several errors that were overlooked. For example, references to sources that were carried forward from the 2007 guidelines but are no longer applicable or relevant, as well as typos and formatting edits errors.

It is suggested that the 2024 review make all identified housekeeping corrections identified.

3.2 Engagement

Engagement with the public, resource groups (stakeholder and community groups) and First Nations will be completed throughout the update process. Consultation will be led by Staff with assistance from an external facilitator.

Resource Groups

The following external resource groups will be included as part of the initial outreach for this process and engaged throughout this process if they express interest in it:

- Ecological Community Advisory Committee (ECAC)
- Upper Thames River Conservation Authority (UTRCA)
- Lower Thames Valley Conservation Authority (LTVCA)
- Kettle Creek Conservation Authority (KCCA)
- The Urban League of London (ULL)
- The London Development Institute (LDI)
- London Home Builders Association (LHBA)
- Nature London

First Nations Consultation

Building on the relationships developed during the 2021 EMGs update, First Nation communities will be invited to engage in all stages of this biennial update. Community engagement requirements will be included in the revised EMGs at the direction and desire of the communities.

To foster consistent inclusion of First Nation communities related to environmental planning and approval initiatives, the City of London is planning outreach to the following First Nations to explore interest in developing engagement standards for this and future EMG updates:

- Chippewas of the Thames First Nation
- Munsee-Delaware Nation
- Oneida Nation of the Thames
- Other First Nations, if applicable

Engagement Process

Engagement with interested parties will occur as part of each task in the 2024 update process.

All meetings are proposed to be two-hour sessions held in-person at London City Hall, with the option for virtual participation if needed. Meetings are to be led by City Staff and supported by an external facilitator who will document and summarize feedback in meeting notes to be circulated to those engaged, and to be shared with Council at the end of the process.

Although one meeting with each interested party is proposed as part of each task, depending on the level of interest, more than one meeting during each task may be required to allow for meaningful participation of all interested parties. The target number per meeting will be seven (7) to 15 participants.

Task 1. Terms of Reference and Engagement

Staff will circulate this Terms of Reference to ECAC and be available at the public meeting to answer any questions. During this stage, all resource groups previously involved in the 2021 EMGs update will be notified of, and invited to, participate in this biennial update by email.

Section 3.1 of this Terms of Reference lists priority topics for the 2024 update process as identified by City staff. Interested resource groups will be invited to a meeting to discuss these topics. Depending on the level of interest, more than one meeting may be required to allow for meaningful participation of all interested parties.

City Staff will take all suggestions into consideration and finalize the list of priority topics that can be expected to be addressed within the update timeline. Topics linked with key implementation concerns and refinements that will support or increase alignment with in-effect policies documents will be prioritized.

Once the priority topics for 2024 are finalized, only changes falling within the scope of those priority topics will be considered as part of the review. The final priority topics for the 2024 review of the EMGs will be circulated those engaged including those on the ECAC meeting agenda. Topics not selected for 2024 can be revisited during the next review.

Task 2. Background Review and Engagement

City Staff will (a) consider the final priority topics and how the EMGs may be refined to address them, and (b) review and consider other documents, policies and/or legislation with which the updated EMGs need to be aligned.

Representatives from resource groups, and others, who have expressed an interest in being involved in the 2024 update process for the EMGs will be invited to participate in a meeting to discuss key issues and potential updates related to the confirmed priority topics. Those engaged are encouraged to provide suggested changes (and rationale) in advance of meeting to foster constructive debate and dialogue.

Task 3. Draft Updates and Engagement

City Staff will develop a draft of how the EMGs may be updated to address the confirmed priority topics and/or issues, noting the rationale for the suggested changes. This work may include targeted research to inform the updates (e.g., precedents from elsewhere, best practices).

Representatives from resource groups, and others, involved in Task 2 of the 2024 update process for the EMGs will be invited to participate in a follow-up meeting to discuss the draft updates. This draft will be circulated in advance of proposed meetings to ensure sufficient time for review. Those engaged are encouraged to provide suggested comments (and rationale) in advance of meeting to encourage constructive debate and dialogue.

Task 4. Updated Environmental Management Guidelines (2021) to Council

City Staff will revise the draft updates to the EMGs based on the approach outlined in Section 4.0 of the Terms of Reference and share the revised version. All resource group and First Nations feedback provided over the course of the update process will be considered. However, all suggestions may not be incorporated in the final draft recommended to Council. Responses to comments on the revised draft will be provided as feasible.

4.0 Approach for updating the Environmental Management Guidelines (2021)

Given that a comprehensive review was completed in 2021, the general approach will be to minimize the revisions required while still ensuring that the EMGs:

- remain aligned with current City policies and applicable changes in the provincial (and - if needed – federal) policy framework, and
- address priority topics for clarification and / or updates identified through this process to facilitate implementation.

Specific updates will be drafted and recommended based on:

- The continued need to ensure alignment with the relevant London Plan policies;
- Review and consideration of applicable provincial and federal policies / legislation / guidance documents with which the EMGs need to be aligned (e.g., recent changes to the Ontario Wetland Evaluation System, Conservation Authorities Act, Bill 23, etc.);
- Consideration for comments received related to the EMGs over 2022 and 2023, and gathered through this process over 2024; and
- Targeted research to inform updates to the 2021 EMGs (e.g., precedents from elsewhere, best practices), if needed, related to selected priority topics.

Draft and final recommended updates to the 2021 EMGs will be circulated as “redline” edits (or tracked changes) to the current version to facilitate review and comment.

The final recommended updates for consideration by Council will be circulated in advance of the Planning and Environment Committee (PEC) cycle to allow sufficient time for review. Staff are targeting having a version with recommended updates to Council before the end of 2024.

5.0 Timeline

Task 1. Terms of Reference and Engagement

January 2024 – Circulate Terms of Reference outlining the process, proposed scope and approach to interested groups. Circulate at ECAC.

February 2024 – **One meeting** with resource groups and partners to discuss potential revisions to the scoped list of topics for the 2024 review.

March 2024 – Staff to circulate the Terms of Reference, revised as needed, with the confirmed topics for the 2024 update.

Task 2. Background Review and Engagement

March 2024 – Review and consideration of other documents / policies / legislation with which the updated EMGs need to be aligned.

April 2024 – **Up to two meetings** with resource groups and partners to discuss key issues and potential updates related to the confirmed priority topics for the 2024 updates.

Task 3. Draft Updates and Engagement

May 2024 – Targeted research to inform updates to the 2021 EMGs (e.g., precedents from elsewhere, best practices), if needed.

June 2024 – Draft of proposed EMG updates circulated for comment.

July 2024 – City Staff to receive and address comments.

August 2024 – **Up to two meetings** with resource groups and partners to discuss comments.

Task 4. Updated Environmental Management Guidelines (2021) to Council

September/October 2024 – City staff to develop version of EMGs with recommended updates. EMGs with recommended updates to be circulated in advance of PEC reporting cycle.

December 2024 – PEC report recommending updates to Council.