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TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE ON AUGUST 26, 2014
FROM:	J. M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	ENVIRONMENTAL IMPACT STUDY, PERFORMANCE EVALUATION FOR THE CITY OF LONDON

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the Environmental Impact Study (EIS) Performance Evaluation attached as Appendix 'A', **BE RECEIVED** as a background document for the review and update of the Environmental Management Guidelines.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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October 18, 2010 – Best Practices for Environmental Impact Studies, attached as Appendix 'B'

PURPOSE

The purpose of this report is to share the results of the Environmental Impact Study (EIS) Performance Evaluation with staff, stakeholders and the public and provide direction for next steps in updating the Environmental Management Guidelines (EMG).

Goal

The goal of the study was to evaluate the implementation and effectiveness of the EIS process in achieving the objectives of the Provincial Policy Statement (PPS) to “demonstrate no negative impacts on the natural heritage features or their ecological functions.” The PPS in policy 4.15 encourages municipalities to; “*monitor the implementation of the policies in their official plans.*”

Official Plan (OP) section 19.3.4 specifies that Council shall monitor the continued relevance of the policies and objectives of the OP, including the implementation of the City's Natural Heritage System and other environmental objectives and policies to identify the need for OP amendment or review and to ensure that the Plan remains responsive to development pressures and changing conditions.

Objective

The objective of the study was to undertake a review of nine (9) EISs completed for proposed subdivision development applications and field data collection to observe, measure, document and compare the pre- to post-development conditions. The results of the comparison provided evidence to support changes and revisions, where necessary, to OP policies, the Subdivision Approval process and/or Environmental Management Guidelines (EMG) for implementation.

Executive Summary

Beacon Environmental was retained by the City of London in August 2012 to develop a program for and to undertake a performance evaluation of nine sites (subdivisions) identified by the City where natural heritage features deemed to be significant have been identified for protection through the planning process. This study involved undertaking various types of evaluations through a combination of background document review, desktop mapping analyses, and field

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assessments to address the various evaluation questions being posed. This study also involved consultations with City staff throughout the process and benefitted from input provided by Dave Hayman of BioLogic (a consulting firm that has been undertaking EIS as well as biological monitoring in the City for many years) on behalf of the London Development Institute (LDI) and the Environmental and Ecological Planning and Advisory Committee (EEPAC).

Through detailed examination of nine case studies, Beacon found that:

- The policies and practices related to EIS implementation have been effective at ensuring that natural heritage features are protected through the planning process in the City of London.
- They have also been effective at ensuring that proponents follow established protocols and policies in the execution of their EIS.
- There is some evidence that there are encroachments along the edges of natural areas that may be negatively impacting the ecological functions of these areas. Recommendations to help manage encroachments are provided in the study.
- That some City processes and procedures related to development should be updated and/or fine-tuned to improve EIS implementation.

In addition, there is also evidence suggesting some shifts in the types of ecological communities, in particular the wetland features, possibly as a result of the changes in land uses in the immediate area and/or the broader catchment area. Some shifts are to be expected, and are unavoidable in a context of urbanization, and some shifts may simply be a result of natural successional processes. Assessing if, and to what extent, these shifts are in fact having an overall negative impact on the City’s natural areas would require a broader and more comprehensive study at a larger scale (e.g., watershed) rather than a site-specific scale.

At the site-specific scale, the findings of this study indicate that the City’s former and ongoing practice of requiring fencing between the backs of lots and public natural areas has been quite successful in minimizing encroachments, and that putting public trails between the backs of lots and public natural areas may also contribute to limiting some types of encroachments (e.g., mowing). The establishment of buffers also appears to have been effective in reducing encroachment impacts within the feature itself by effectively “absorbing” these impacts within the buffer. As discussed in the report, for encroachment mitigation, buffers of up to 10 m between the feature edge and the rear lot line seem to be adequate. However, some other gaps and opportunities for improvement have been identified.

BACKGROUND

The October 2010 staff report attached in Appendix “B” directed staff to *“hire a consultant to undertake performance monitoring of a number of completed plans of subdivision that were the subject of an Environmental Impact Study process, to evaluate the effectiveness of the EIS recommendations and draft plan conditions at protecting the natural environment features and functions through the pre-, during, and post-development processes”*.

Timeline for EIS Performance Evaluation

- July 9, 2012 – Invitation to bid
- August 3, 2012 – Beacon Environmental, Guelph ON retained by City
- September 20, 2012 – EIS Performance Evaluation, Goals and Objectives to EEPAC and LDI
- October 11, 2012 – Met w Beacon, LDI and E&PP to discuss Goals and Objectives
- October 22 & 23, 2012 – Site visit to the 9 subdivisions with staff, Beacon and LDI
- December 20, 2012 – Beacon’s Draft Evaluation Monitoring Program to EEPAC and LDI
- February 8, 2013 - Received comments on Draft Evaluation Monitoring Program from LDI
- March 20, 2014 – Presentation of Draft EIS Evaluation Study to EEPAC
- May 15, 2014 – Received comments on the EIS Evaluation Study from EEPAC
- July 4, 2014 – Final EIS Evaluation document sent to LDI
- July 17, 2014 – Response to EEPAC’s comments provided to EEPAC
- Fall 2014 – Update EMG

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RECOMMENDATIONS FROM STUDY

The Beacon Report examined nine EISs and carried out visits to all 9 subdivisions and provided the following recommendations:

What is working well?

- EMG Sections 1.0, 2.0, and 5.0 are comprehensive and provide a good process
- OP Chapter 15 provides sound policy direction for Natural Heritage
- EIS policies and practices are generally effective in protecting Natural Heritage Features
- Fencing rear yards without gates limits encroachments
- Trails between backyards and Natural Heritage Features limits mowing encroachments
- Buffers are effective in absorbing encroachments outside of Natural Heritage Features

What can be improved upon?

- Carry forward of EIS recommendations in Subdivision Agreements for implementation
- Ecological monitoring and enforcement to achieve benefits
- Managing encroachments better
- Ecological buffers do not work in rear yards – keep on public land
- Stewardship brochures, programs, and education are valuable – resend to future owners
- Scope and detail of Natural Heritage studies in Community Plans should be improved

Efficiencies to improve the process?

- Minimum Buffer approach clearly identified in EMG to provide way to speed up process
- Transition from Developer to City ownership needs improvement / timing of assumption

NEXT STEPS

Use the EIS Performance Evaluation findings and recommendations to improve the EMG. Follow through on recommendations, looking at all EMG sections for review and update to improve the EIS process, and the EIS implementation process and then incorporate the results of the evaluation.

1. Recommendations that have already been implemented:
 - The current OP policies identified for improvement have been updated through the London Plan process.
 - EEPAC recently developed an improved Living Next to Natural Areas brochure
 - The City’s Adopt an Environmentally Significant Area (ESA) program provides opportunities for stewardship, education and engagement
2. Recommendations requiring further review and implementation by staff:
 - Improve timing and effectiveness of monitoring and assumption processes
 - Ensure implementation of EIS
 - Update and improve the EMG beginning in Fall of 2014

Through the update to the EMG, previous issues identified by EEPAC and Council will be examined. They are:

- ESA Boundary delineation review to address plantations;
- Ecological Buffers review, and;
- Update to the EMG to meet the latest PPS.

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RECOMMENDED BY:	
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Appendix A – Environmental Impact Study (EIS) Performance Evaluation for the City of London,
by Beacon Environmental Ltd., June 2014
(78+ Page Electronic PDF)

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Appendix B – October 18, 2010 Staff Report on Best Practices for Environmental Impact Studies