

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 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 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) and the City's Environmental and Ecological Planning and Advisory Committee (EEPAC).

Through detailed examination of nine case studies, we found that the policies and practices related to EIS implementation have been effective at ensuring the overall area of natural heritage features identified for protection 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. However, 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 below.

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.

Specific recommendations related to the gaps and opportunities identified through this study are provided below.

Based on the findings of this study, it is recommended that the City of London implement the following 12 recommendations related to its policies and by-laws, Environmental Management Guidelines, EIS process and ecological monitoring.

POLICIES, BY-LAWS AND ENVIRONMENTAL MANAGEMENT GUIDELINES

- 1. Update the adjacent lands triggers for environmental studies as per the current Natural Heritage Reference Manual (OMNR 2010) in the 2007 Environmental Management Guidelines (EMG) and/or the City's Official Plan.**
- 2. Add a requirement in Section 1.0 of the 2007 EMG for a policy compliance section or table that:**
 - a. identifies the applicable policies and legislation from the Provincial Policy Statement, City's Official Plan, UTRCA regulations, Species-at-Risk legislation, and any others**
 - b. specifies which policies and/or legislative clauses are applicable to the given site / study area (e.g., presence or absence of significant wetlands)**
 - c. describes, in brief, how the applicable policies have been addressed through the EIS (e.g., through feature protection and/or mitigation to anticipated impacts);**
- 3. Develop more specific guidance in Section 1.0 of the 2007 EMG regarding the level of natural heritage data collection required for Community Plans, Area Plans and Secondary Plans (e.g., vegetation communities mapped and identified to Community Series level, verification of the type and extent of fish habitat in watercourses, etc.).**
- 4. Make minor updates and expansions in Section 2.0 of the 2007 EMG with respect to:**
 - a. clarifying the inventory protocol**
 - b. adding guidance with respect to the need to address Species at Risk, and**
 - c. updating references to applicable guidance documents as appropriate, and adding text that cites the most current document but indicates that any superceding documents will apply.**
- 5. Specifically mention the possibility of including buffers as part of the natural heritage area acquisition process in Section 15.3.4 of the Official Plan.**
- 6. Consider developing and implementing an Encroachment By-law (as in the City of Mississauga) to regulate unauthorized land uses, such as encroachments, into public natural areas, and also be used as a tool for outreach and education.**

ENVIRONMENTAL IMPACT STUDY PROCESS AND IMPLEMENTATION

- 7. Through the implementation of natural heritage policies:**
 - a. Continue to require fencing (without gates) as well as public trails between back lots and protected natural areas to limit encroachments, and**
 - b. Keep the boundaries of ecological buffers outside the rear lot line.**
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- 8. Improve and expand engagement and stewardship related to foster broad support for natural heritage protection and management as resources permit. Specific examples related to reducing encroachments into protected natural areas include:**
 - a. Distribution, and redistribution of clear, colourful pamphlets outlining “how to care for the natural area in your neighborhood” every year**
 - b. Advertisements in local community guides and/or newspapers to raise awareness about local natural area stewardship (e.g., “why your yard waste isn’t good for your neighborhood woodland or ravine”)**
 - c. Installation of signs at the trail heads of community natural areas clearly identifying uses that are not permitted**
 - d. Holding stewardship events in City-owned natural areas to undertake activities such as garbage removal, removal of invasive species that can be pulled or cut by hand, enhancement plantings with site-appropriate native plants, boardwalk construction, etc.**
 - e. Considering providing designated yard waste drop off locations in each neighbourhood and/or increasing the frequency of yard waste pick-up, and**
 - f. Considering allowing residents who move in prior to 75% completion of a development to landscape their lots (if they desire) as long as they select materials from an approved list of site-appropriate native species.**

- 9. Ensure EIS recommendations are carried forward to the Subdivision Agreement, as appropriate, by (a) requiring EIS to include a concise summary of all recommendations in conclusion, and (b) ensuring that a City Planner with natural heritage / ecological expertise is involved in the development and finalization of the Subdivision Agreement.**

- 10. Allocate staffing resources to ensure that the items in the Subdivision Agreement, and the supporting detailed designs, are actually being implemented as approved. This type of post-construction monitoring is fairly straight forward and would include items like installation and maintenance of proper silt fencing, as well as tree or vegetation protection.**

CITY-WIDE ECOLOGICAL MONITORING

- 11. Seek opportunities to work with the Upper Thames River Conservation Authority, and others, to specifically evaluate the ability of public trails between back lots and protected natural areas to limit encroachments.**

 - 12. Consider undertaking a carefully designed and well-replicated study (potentially with funding from a development–sponsored long-term monitoring fund as well as with support from other non-governmental organizations, and in collaboration with the**
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UTRCA) over an extended period (e.g., ideally more than a decade) on a City-wide scale that measures the current status of key indicators of natural heritage in the City, and compares it with the status of that those same indicators in, say, a decade, and can be replicated in the future.