

## WILDLIFE STRATEGY REVIEW

### PROTOCOL FOR THE PROTECTION OF WILDLIFE DURING CONSTRUCTION

After more than two decades, Ottawa still doesn't have a responsible Wildlife Construction Protocol.

The Ottawa-Carleton Wildlife Centre first presented the growing need for a Protocol to the Regional Municipality of Ottawa-Carleton (RMOC) in 2000. It was prompted by the orphaned and injured wild animals brought to the Centre by caring construction workers, some telling horrific stories of what had happened to these animals.

But not only were animals suffering, residents were negatively impacted as well. The Centre's telephone hotline, which received more than 8,000 calls a year, heard from a large percentage of these callers that they hadn't previously experienced a conflict with wildlife until a new development in the neighbourhood had eliminated habitat and displaced wildlife.

The development of a Protocol was approved by RMOC but given amalgamation and a lack of support by staff in the new City, nothing was ever implemented.

Not so fast forward, a decade later, in 2010, community organizations that were part of the Wildlife Strategy Working Group stressed the need for a Wildlife Construction Protocol as a high priority.

**Wildlife Strategy Recommendation:** The Wildlife Construction Protocol was one of only a few recommendations that came out of the controversial Wildlife Strategy in 2013, stating that "Protocols to be required in conditions of plans of subdivisions and site plans".

In 2015, a detailed Protocol for the Protection of Wildlife during Construction was undertaken by the Planning Department with significant work done by the Project Lead, Amy MacPherson, and extensive input from community organizations like the Ottawa-Carleton Wildlife Centre, Greenspace Alliance of Canada's Capital and others.

**Sidelined by Developers' Influence:** Just several days after a surprising extension was granted to the established deadline for comments, the Greater Ottawa Homebuilders Association (GOHBA) launched a concerted attack in the media, opposing the draft Protocol and misrepresenting its key elements. It was later found that the development industry, in a last minute meeting with senior City staff, managed to have the Protocol downgraded – actually gutted – to a guideline only in which the word 'requirement' was eliminated.

**Downgraded Protocol:** The removal of the requirement for developers to submit a Wildlife Mitigation Plan and a Construction Site Management Plan eliminated the most effective, perhaps only, means to reduce direct harm to wildlife during construction.

Removing the requirement for developers/contractors to submit plans for mitigation measures puts the onus squarely on planning staff to ensure that Protocol recommendations are part of the Conditions of Approval, particularly in the development of large natural areas where a variety of wildlife species will be impacted.

Even if the Protocol's guidelines are considered a priority, is there the staff resource required to support it? It has long been identified that staff need to be more involved in carrying out field work to ensure the accuracy of existing conditions reports and in supporting the proposed site alteration by-law.

**Lack of Fairness and Transparency:** If, as the City reported at the time, the majority of the 106 submissions received were in support of the draft Protocol, why was it so significantly altered with respect to its implementation?

Stakeholders were assured by the Planning Department that all submissions, both in support and opposed, along with staff comment would form part of the report going to Committee. However, the report tabled at Planning Committee on September 22, 2015, did not include any submissions and provided only a page and a half of the thinnest of comments with a statement *"as a result of the feedback received, the draft Protocol was revised"*.

People need to be reassured that public engagement and transparency has substantially changed in this new of term of Council if trust is to be rebuilt in this City.

**Demand for Change:** The destruction of forests and natural areas without any consideration of the deadly impact on wildlife or the loss of critical environmental services these areas provide is no longer acceptable.

This was shown most recently by the public outcry over the destruction of the Tewin property and its cruel impact on wildlife during the middle of winter.

#### **Recommendations:**

##### **Process:**

- 1) Policy that is in the public interest must be controlled by the City, not developers, as happened in 2015 with respect to the Protocol for the Protection of Wildlife during Construction.
- 2) Consultations should be carried out as part of an open forum with all stakeholders, not private one-on-one meetings as a 'concierge' service for certain interests.
- 3) The City of Edmonton's team approach and open dialogue in developing 'Wildlife Passage Guidelines' received buy-in from developers, as one said *"the initiative encourages all of us to work together in developing a new level of local expertise"*.

##### **Content:**

- 4) The Protocol must reflect its original intent, with rules and required conditions such as a Wildlife Mitigation Plan and Construction Site Management Plan.
- 5) The public will not accept that living creatures that feel pain and suffering, are not given the same degree of protection as trees, required under the City of Ottawa's Tree Conservation Report (TCR) for all Plans of Subdivision and Site Plan Control Applications. Like the TCR, the Protocol for the Protection of Wildlife during Construction should be anchored in the Official Plan.

6) Wildlife-sensitive planning must be part of the Wildlife Construction Protocol as *“you cannot protect what you don’t know”*. Existing Conditions reporting needs to include winter tracking given that the majority of mammals are nocturnal. Winter tracking is essential to determine seasonal concentrations of animals, animal movement corridors and overwintering habitat, as outlined in the Provincial Significant Wildlife Habitat Protection Guidelines.

7) Sensitive Timing Windows are a key element. The initial clearing of a site should not take place in winter as hibernating animals will be crushed by heavy equipment in underground dens or killed when trees are felled while others, losing their nests, dens and food caches, will freeze or starve to death.

Large development projects are years in the planning, so it’s inconceivable that the initial phase of preparing a site, such as clear-cutting trees, cannot be scheduled for late summer or early fall. Once this initial work is done and animals are given a chance to escape, the other phases of construction can go ahead in winter or whatever season suits the developer.

8) Education for New Homeowners and Their Neighbours. The loss of habitat drastically increases the potential for wildlife conflicts in new development. Owner/Neighbour education materials will provide residents with information about wild species they can expect to see and tips to avoid conflicts while telling them about the benefits of the adjacent natural habitat and wildlife.

This will aid homeowners, improve outcomes for animals and reduce costs to the City and Humane Society for purely reactionary and negative responses that please no one.

9) Opportunity for Developers. Partnering with the City and wildlife organizations in providing helpful information for homeowners would be a positive public relations opportunity for developers in promoting a new development as ‘close to nature’.

Recently, when the OCWC worked with a developer and his contractor with respect to wildlife on a site, the Company said *“it became apparent that we could give nature a chance by simply changing the order of operations on site and that it felt good to do the right thing”*.

10) Establish a ‘wildlife-friendly certification program’ for developers or a development that adopts wildlife and biodiversity ‘best practices’. Similar to Audubon International’s certification for wildlife-friendly golf courses, it would encourage and recognize developers as part of a positive community project.