

DECISION/DIRECTION NOTE

Title: June 3, 2024 Decision Note - Text and Map Amendment - Wetlands - Adoption.docx

Date Prepared: June 3, 2024

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton

Ward: N/A

Decision/Direction Required:

That Council adopt Envision St. John's Development Regulations Amendment No. 36, 2024, which makes changes to section 4.10 and Appendix C, Map 4 of the Development Regulations.

Discussion – Background and Current Status:

Council adopted the 2019 Wetlands Delineation Study prepared for the City by C-Core in May 2020. The wetlands included in the study are commonly called Phase 1 wetlands. At the same time, Council resolved to conduct a Phase 2 field assessment based on the new Wetlands Ecosystem Services Protocol – Atlantic Canada (WESP-AC) for Newfoundland and Labrador and provide detailed maps and functional assessment of wetlands that may face pressure from land development over the next 10 to 20 years.

The Wetland Study Phase 2A was completed and referred to Council at its regular meeting on November 28, 2023. Council adopted the Wetland Study Phase 2A. Council also resolved to protect Lundrigan's Marsh off Logy Bay Road (which has been protected for decades) plus all wetlands examined in the Wetland Study Phase 2A, and in any future studies, that have a WESP-AC score of 6 or higher.

As a result of the 2023 Council resolution, staff propose changes to section 4.10 "Waterways, Wetlands, Ponds or Lakes" and Appendix C, Map 4 "Waterways and Wetlands" of the Envision St. John's Development Regulations.

Map 4 in Appendix C of the Envision St. John's Development Regulations is proposed to be replaced with the attached Map 4. The proposed new map includes five (5) new layers:

WETLANDS – PROTECTED	Phase 2A wetlands that scored a WESP-AC score of 6 or more, plus Lundrigan's Marsh.
WETLANDS - BUFFER	The Buffer is 15 metres or 50 metres and is applied to "Wetlands – Protected" and "Wetlands – Further Study Required".

ST. JOHN'S

WETLANDS – UNPROTECTED	Phase 2A boundaries that have been mapped and examined and have scored a WESP-AC score less than 6.
WETLANDS – FUTHER STUDY REQUIRED	These wetlands have not been examined in detail yet. They require field assessment and a WESP-AC score.
GALWAY PNA	This is the Galway Protected Natural Area (PNA) which includes a 15 metre Buffer.

Public Consulutation

Public consultation was carried out in accordance in line with the Envision St. John’s Development Regulations by way of notices published in *The Telegram* on May 11, May 18, and May 25, 2024 with a deadline for comments on May 28. A notice was also published on the City’s website and a project page was created on the City’s Engage website.

The City received sixteen (16) written submissions, which all oppose the proposed amendment. Twenty-five (25) submissions were made on the Engage page, a mix of comments and questions. All submissions are attached for Council’s review. Concerns are in italics below, followed by staff commentary.

Concern: All wetlands should be protected.

The majority of the opposition is related to Council’s decision to only protect wetlands that receive a WESP-AC score of 6 or higher. Many submissions referred to the ecological importance and environmental significance of wetlands, which is heightened in this climate crisis. Those who are opposed provided reasons why wetlands should be protected, which include but are not limited to: wetlands slow wildfires, provide habitat for a variety of wildlife, create natural stormwater drainage, support biodiversity, and are important in our changing climate.

The City received a submission from the NL Eastern Habitat Joint Venture, Wildlife Division, NL Department of Fisheries, Forestry and Agriculture, outlining their concerns on how the City uses the WESP-AC/NL protocol. This submission is attached for Council’s review.

Concern: All wetlands will now be unprotected.

There was some confusion about the changes being proposed. Some people thought the City was removing all protection from all wetlands as a default, but that is not true. The default for wetlands that have not been field assessed is to class them as “Further Study Required”. These wetlands will be protected until they are assessed and assigned a WESP score. If the wetland obtains a WESP-AC score of 6 or higher, they will shift from “Further Study Required” to “Protected”. If they score less than 6, they will shift to “Unprotected”. But until such study is done, a property owner would not be allowed to intrude on a wetland with a development proposal.

Concern: Future consultation will not occur.

Concerns were raised that future consultation will not occur. Every time a wetland study is completed, an amendment to the Envision St. John's Development Regulations, Appendic C, Map 4 will be required. This will trigger a public consultation process.

Development Regulations Amendment No. 36, 2024 is prepared for Council's adoption. Should Council decide to adopt the attached amendment, it will be forwarded to the NL Department of Municipal and Provincial Affairs for registration.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owners with land in or near a wetland; developers; environmental groups.
3. Is this a New Plan or Strategy: No
4. Alignment with Strategic Directions:
 - A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.
 - An Effective City: Ensure accountability and good governance through transparent and open decision making.
5. Alignment with Adopted Plans: Envision St. John's Municipal Plan environmental policies.
6. Accessibility and Inclusion: Not applicable.
4. Legal or Policy Implications: A text and map amendment to the Envision St. John's Development Regulations is required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: This amendment was publicly advertised as per the Envision St. John's Development Regulations. All submissions received are attached. A project page was created on the Engage St. John's website and the associated report is attached.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.

10. Other Implications: Not applicable.

Recommendation:

That Council adopt Envision St. John's Development Regulations Amendment Number 36, 2024, that will amend section 4.10 and Appendix C, Map 4 in response to Council's November 28, 2023 resolution regarding the Wetland Study Phase 2A.

Prepared by: Lindsay Church, MCIP, Planner III – Urban Design and Heritage

Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

Document Title:	Text and Map Amendment - Wetlands - Adoption.docx
Attachments:	- Development Regulations Amend No. 36, 2024 - Wetlands - TEXT and MAP (LJR).pdf
Final Approval Date:	Jun 6, 2024

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Jun 5, 2024 - 11:51 AM

No Signature - Task assigned to Jason Sinyard was completed by workflow administrator Karen Chafe

Jason Sinyard - Jun 6, 2024 - 2:59 PM

Report Approval Details

Document Title:	Text and Map Amendment - Wetlands - Adoption.docx
Attachments:	- Development Regulations Amend No. 36, 2024 - Wetlands - TEXT and MAP (LJR).pdf
Final Approval Date:	Jun 7, 2024

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Jun 6, 2024 - 3:27 PM

No Signature - Task assigned to Jason Sinyard was completed by workflow administrator Christine Carter

Jason Sinyard - Jun 7, 2024 - 8:56 AM