

Municipality Of Chatham-Kent
Community Development
Planning Services

To: Mayor and Members of Council

From: Gabriel Clarke, MES, BA
Manager, Growth & Sustainability, Planning Services

Date: September 8, 2021

Subject: Natural Heritage Advisory Committee (NHAC) Terms of Reference

Recommendation:

It is recommended that:

1. The Terms of Reference for the creation of a Natural Heritage Advisory Committee of Council (NHAC) attached as Appendix A to this Report be approved.

Background

On April 26, 2021, Council approved a Motion regarding woodlots in Chatham-Kent. The Motion introduced a temporary woodlot removal Bylaw for 120 days and directed Administration to:

- a) Consider an incentive program with the goal of preserving woodlots in the community.
- b) Launch a full public consultation process.
- c) Conduct an analysis of best practices for incentive programs and woodlot preservation across Ontario.
- d) Revise and update, for Council's consideration, the current natural heritage policy.
- e) Revise and update, for Council's consideration, the by-law from February 11, 2013.
- f) Present to Council all summaries, findings, analysis, comments, feedback, updated policies and bylaws in a report with recommendations, within 90 days of this motion being approved.

On June 14, 2021, Council received an [Information Report](#) that outlined the public engagement process that would be undertaken to support Council's motion. This included a dedicated project page on www.letstalkchatham-kent.ca, a custom online

engagement platform, a virtual town hall style zoom session and a multifaceted community awareness campaign using a variety of local media. The online engagement platform was live between June 14, 2021 and July 9, 2021.

On August 23, 2021 Council received a [Report](#) summarizing the results of the engagement process which included over 1500 survey submissions, 3500+ comments, and over 150 letters and other forms of written correspondence received from residents, community groups and interested parties. At this meeting, Council:

- a) Approved an extension to the expiration date of the temporary woodlot removal Bylaw to December 14, 2021.
- b) Directed Administration to prepare a Terms of Reference for the creation of a Natural Heritage Advisory Committee of Council (NHAC).

The purpose of this report is to provide Council with the proposed Terms of Reference for the creation of the NHAC.

Comments

A Natural Heritage Advisory Committee of Council (NHAC) for Chatham-Kent

As was discussed in the August 23, 2021 Report to Council, the community engagement process undertaken to support Council's woodlot Motion revealed the benefit of formally establishing a Natural Heritage Advisory Committee of Council (NHAC). The NHAC would provide a formal structure to enable a continued dialogue on options to manage woodlots and other matters related to the preservation, enhancement and restoration of Chatham-Kent's natural heritage.

Mandate of the NHAC

As outlined in the proposed Terms of Reference, there are four broad areas that are proposed to be included in the NHAC's advisory mandate. These include:

1. Council's woodlot Motion
2. Update to the 2014 Natural Heritage Implementation Strategy
3. Urban and municipal trees and natural areas
4. Natural heritage systems planning for the Official Plan update

Council's Woodlot Motion

The recent public engagement process undertaken in response to Council's woodlot Motion produced a significant body of information on the issue and also generated calls for additional community engagement before a final decision is made. It is proposed that the NHAC would be responsible for reviewing the input received to date, identifying any information and/or engagement gaps, evaluating options and developing recommendations for Council's consideration.

Update to the 2014 Natural Heritage Implementation Strategy

Direction D of Council's woodlot Motion calls for an update to Chatham-Kent's natural heritage policy, which currently takes the form of the 2014 Natural Heritage Implementation Strategy (NHIS). It is proposed that the NHAC would be responsible for providing advice to Administration and Council on the update to the NHIS.

Urban and Municipal Trees and Natural Areas

As was discussed in the August 23, 2021 Report to Council, a number of comments were received relating to the exclusion of trees located on private urban properties, trees located on municipal properties and other types of natural areas (i.e. wetlands, tall grass prairies etc.) from the community engagement process which was specifically scoped to the contents of Council's woodlot motion. It is proposed that the NHAC would be responsible for providing advice to Administration and Council related to the conservation, enhancement and restoration of these key components of Chatham-Kent's natural heritage.

Natural Heritage Systems Planning for Chatham-Kent's Official Plan Update

The Ontario Provincial Policy Statement (PPS) and Ontario Planning Act provide direction to Municipalities related to the integration of natural heritage systems in Official Plans. In simple terms, Municipalities are required to identify (map) the various components of their natural heritage systems and to develop appropriate planning policies that support their connectivity, conservation, restoration and enhancement for the long term. As an initial step to prepare for the next update to Chatham-Kent's Official Plan, the Municipality has partnered with the Lower Thames Valley Conservation Authority to complete the natural heritage mapping exercise. This project which will map Chatham-Kent's natural heritage system in addition to identifying changes in Chatham-Kent's natural cover over time. It is proposed that the NHAC would serve as the advisory body for the work related to Chatham-Kent's natural heritage systems planning, which would include reviewing the results of the mapping exercise and developing natural heritage system policy recommendations for inclusion in Chatham-Kent's Official Plan update.

Proposed Composition of the NHAC

It is proposed that the NHAC be established as a Council Committee of the Whole for the remainder of Council's 2018-2022 term. This would allow for an expeditious establishment of the NHAC and enable all Council members to participate on the NHAC. The composition of the NHAC could then be revisited and potentially restructured as an Advisory Committee of Council subsequent to the 2022 Municipal election. During this initial phase, public involvement could be provided at the direction of the NHAC.

Alternative Composition of the NHAC

An alternate composition for the NHAC might include a combination of members Council and members of the public. This alternative composition would involve a process to select which members of Council would participate and a recruitment

process to enlist members of the public for the NHAC. This process would take a number of months to complete and take up much of the time that the temporary bylaw extension currently provides. In light of these circumstances, Administration recommends establishing the NHAC as a Council Committee of the Whole for the remainder of Council's existing term which would enable its prompt formation and allow for the NHAC to make some progress before the temporary bylaw is set to expire on December 14, 2021.

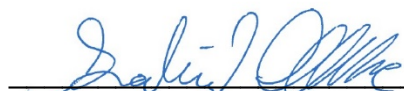
Consultation

The Municipal Clerk was consulted during the development of the draft NHAC Terms of Reference.

Financial Implications

There are no financial implications resulting from this Report.

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Attachment: Appendix A: Draft Terms of Reference for the Natural Heritage Advisory Committee

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Natural Heritage Advisory Committee (NHAC)

Draft Terms of Reference

1. Purpose:

The purpose of the Chatham-Kent's Natural Heritage Advisory Committee (NHAC) is to further facilitate the exchange of ideas between Council and the public with respect to protecting natural heritage features and areas and maintaining, restoring, and improving the biodiversity, connectivity and ecological functions of Chatham-Kent's Natural Heritage System.

2. Mandate:

The mandate of the NHAC is to provide input and perspectives on strategic natural heritage matters relating to Municipally-led initiatives.

Specifically, NHAC will provide input on the following:

- Council's woodlot preservation Motion
- The Municipality's Natural Heritage Implementation Strategy (NHIS)
- Urban and Municipal trees and natural areas
- The development of the natural heritage system required by the Province as part of the update to the Official Plan.

3. Composition of the Committee

The NHAC shall consist of all current members of Council.

Since members of Council will comprise the full membership of this committee, the Municipal Act requires this committee to follow open/closed rules for its meeting.

4. Role of Committee Members

The committee will make recommendations to Council and staff on matters related to the following:

1. Council's Woodlot Preservation Motion:
This will include reviewing existing research and community input, identifying any additional research and/or community engagement needs, evaluating options, reviewing the existing temporary clear-cutting bylaw, and developing recommendations on possible policy and program development related to woodlots located on private property.
2. Update to Chatham-Kent's Natural Heritage Implementation Strategy (NHIS):
This will include reviewing progress made on the existing 2014 NHIS, advising on the development of a framework for updating the NHIS, identifying research and community engagement needs, and advising on items to include in the updated NHIS.

3. Urban and Municipal Trees and Natural Areas:

This will include reviewing existing programs and service levels, identifying any data gathering, research and/or community engagement needs, evaluating options, advising on goals, reviewing resource requirements and advising on opportunities, policies and actions related to private urban and municipal trees and natural areas.

4. Natural Heritage System Planning for the Official Plan update:

This will include reviewing provincial requirements against the Municipality's existing natural heritage systems planning regime, advising on existing gaps, commenting on tasks (i.e. natural heritage mapping), and advising on opportunities, policies and actions related to Natural Heritage Systems planning required for the Official Plan update.

5. Governance of Order and Meeting Procedure

The NHAC shall exist as a Council Committee of the Whole until the Municipal election of 2022. Subsequent to the 2022 Municipal Election, Council shall consider an alternative composition for the NHAC as an Advisory Committee of Council, at which time the NHAC's composition and Terms of Reference would be reviewed and revised as required.

NHAC meeting protocol will follow the Municipal Council Procedural By-law.

The Committee will elect a Chair and Vice-Chair.

The NHAC meetings will be held as required.

These Terms of Reference are established by Council and can only be altered by Council approval.

6. Staff Support

The following administration will provide support at each meeting:

- The Clerk's Office to serve as Committee Clerk
- Community Development Department staff

Other administrative support, as required, including the Conservation Authorities.

7. Reports to Council:

Minutes, after committee approval, will be forwarded to Council. Reports to Council will be submitted on an as needed basis. Any advice and/or recommendations made by the NHAC will be forwarded to Council for final approval.