



Office of the Auditor General

Follow-up to the 2015 Audit of Species at Risk

**Tabled at Audit Committee
October 22, 2019**

Table of Contents

Executive summary 1
 Conclusion 3
 Acknowledgement..... 3
Detailed report – Assessment of implementation status 4

Executive summary

The Follow-up to the 2015 Audit of Species at Risk was originally included in the Auditor General's 2017 Audit Work Plan. The 2016 corporate reorganization consolidated some departments and realigned functions between departments. Of note to this follow-up, the former Public Works Department (PWD) consolidated with the former Environmental Services Department and formed the Public Works and Environmental Services Department (PWES). The Facility Operations Services (buildings) was realigned to the Recreation, Cultural and Facility Services Department (RCFS). Additionally, the former Land Use and Natural Systems (LUNS) Unit, subsequently the Resiliency and Natural Systems Planning (RNSP) Unit where species at risk (SAR) expertise resides is now within the Natural Systems and Rural Affairs Branch, which reports to the Economic Development Services Division within the Planning, Infrastructure and Economic Development Department (PIED).

The key findings of the original 2015 audit included:

City protocols and guidelines

- The City had different protocols and guidelines concerning the protection of species at risk. These protocols and guidelines complied with Ontario's Endangered Species Act (ESA) and Canada's Species at Risk Act (SARA) however they did not provide a complete list of species at risk. Instead they referred to various external sources for species identification, one of which was published by a volunteer organization and found to be incomplete and out of date.
- Protocols or "best management practices" for City maintenance activities within both sensitive and non-sensitive areas were not in place.

Protection of Species at Risk in major projects

- For major infrastructure projects, the City must perform an Environmental Assessment (EA) or streamlined EA to demonstrate that the project will not impact the environmental characteristics (including species at risk and their habitats) or that mitigation measures will be implemented to minimize such impacts.
- Between the completion of the EA and the commencement of the project, there may be changes to the environment (e.g. a protected bird may choose to nest) or to the legislation (e.g. a new species is added to the at risk list), which would make the EA's conclusions outdated.

- The City did not have a protocol to identify and assess the implications of potential changes in the environment or legislation prior to the commencement of a major infrastructure project.

Protection of Species at Risk in drainage maintenance activities

- Drainage maintenance is conducted by the Environmental Services Department. Between 2010 and 2015, the City had an Agreement with the Ontario Ministry of Natural Resources and Forestry (MNR) whereby the maintenance activities associated with fourteen drains located in sensitive areas were exempted from specific clauses contained in the ESA.
- In 2015, the MNR's new exemption process resulted in the City registering over 700 drains and updating its list of species at risk that might be found around these drains. However, in order to maintain its exemption from the ESA clauses, the City was to update its related mitigation plan in order to reflect the increased number of drains and number of species at risk. This updated mitigation plan had not yet been developed.

Access to Species at Risk training

- Training related to species at risk was provided on an ad hoc basis. The City did not have a mandatory protection of species training program for regular or temporary new employees who may encounter species at risk.

Roles and responsibilities

- While the Land Use and Natural Systems (LUNS) Unit was responsible for the City's policies and lists of species at risk, each City department was responsible for their own policy implementation and compliance. Departments generally relied on their employees and contractors to apply required mitigation measures.

List of Species at Risk in Ottawa

- The City's main tool for identifying species at risk is its list of species that are considered as being at risk in Ottawa. However, this list was not available to all City staff working with SAR.
- In addition to the City's SAR list, there were several additional lists available to City staff which did not provide similar information.

- There was no documented process that the LUNS Unit followed to maintain and distribute the internal Ottawa SAR list. Further, there was only one person responsible for updating this list and for communicating changes to City staff and external resources.

Table 1: Summary of status of completion of recommendations

Recommendations	Total	Complete	Partially complete	Not started	No longer applicable
Number	8	7	1	0	0
Percentage	100%	87.5%	12.5%	0%	0%

Conclusion

Management has made good progress in implementing most of the audit's recommendations; only one of eight recommendations remains partially complete.

The audit recommended that the City adopt best management practices (BMPs) for maintenance activities in both sensitive and non-sensitive areas in order to protect the species at risk and their habitats. While BMPs were developed, the OAG was unable to confirm the adoption of these practices as there were no projects completed using the BMPs available for our review. This recommendation will be considered complete when projects are carried out in compliance with these practices.

Acknowledgement

We wish to express our appreciation for the cooperation and assistance afforded to the audit team by management.

Detailed report – Assessment of implementation status

The following information outlines management's assessment of the implementation status of each recommendation as of May 2019 and the Office of the Auditor General's (OAG) assessment as of September 2019.

Recommendation #1

Table 2: Status

Management update	OAG assessment
Complete	Complete

Audit recommendation:

That the City only refer to legislative bodies for the identification of species at risk in its area in compliance with the ESA, 2007, and the SARA.

Original management response:

Management agrees with this recommendation.

Departments will ensure that City documents refer to the appropriate legislative bodies (ESA 2007 and SARA) for the identification of SAR. This applies to documents that reside in Planning and Growth Management, Public Works, Infrastructure Services, and Environmental Services.

Stakeholders will be directed to MNRF as the final authority for the identification of SAR at any given time.

Existing documents and web page references will be updated by Q2 2016.

Management update:

Implementation of this recommendation is complete. A webpage was created on OZONE in 2018, which contains information on SAR in a central source. This webpage is updated annually and if a major update was to occur, would be updated immediately.

OAG assessment:

The OAG reviewed the most recent information on Species at Risk (SAR) published on OZONE (City of Ottawa Intranet). This information includes a wide variety of background information on SAR legislation, a reference list of SAR in the Ottawa area, and contact information for local SAR contacts. The OAG identified numerous references to MNRF, ESA 2007 and SARA.

Recommendation #2

Table 3: Status

Management update	OAG assessment
Complete	Complete

Audit recommendation:

That the City develop an approach to review the environmental context and the appropriate regulations of major infrastructure projects before they are realized to ensure compliance with the requirements regarding protection of species at risk and their habitats.

Original management response:

Management agrees with this recommendation.

The City will develop an approach to review the environmental context and appropriate regulations for major infrastructure projects prior to commencement of the project in order to ensure compliance with current requirements regarding protection of species at risk and their habitats. This approach will be developed by Q3 2016.

Management update:

Implementation of this recommendation is complete. Please see section 3.6.2 of the IS project charter “Additional Considerations – Species at Risk”. Each section of the project charter must be completed. If a section does not have applicable information, N/A is added to the charter. No section is removed from the charter template.

OAG assessment:

The City has updated the Infrastructure Project Charter to include a section identifying what actions have been completed regarding species at risk within the project area. City staff have been informed that they are responsible for ensuring any changes to SAR must be taken into account as the project progresses from planning through completion.

Recommendation #3

Table 4: Status

Management update	OAG assessment
Complete	Partially complete

Audit recommendation:

That the City adopt BMPs for maintenance activities in both sensitive and non-sensitive areas in order to protect the species at risk and their habitats.

Original management response:

Management agrees with this recommendation.

Public Works will develop appropriate BMPs for roads maintenance, parks, buildings and forestry activities covering both sensitive and non-sensitive areas by Q2 2016.

Management update:

Implementation of this recommendation is complete. The SAR BMPs have been completed for both Recreation, Cultural and Facility Services and Public Works and Environmental Services. Training was set up and made available within the respective departments.

OAG assessment:

As previously noted, Facility Operations Services was realigned from PWES to RCFS as part of the 2016 corporate reorganization. The Public Works and Environmental Services BMP was approved in Q1 2019 while the Recreation, Cultural and Facility Services BMP was developed but not yet approved at the end of May 2019. The OAG was unable to confirm the adoption of the BMPs within both departments as they had not yet been applied to projects.

Recommendation #4

Table 5: Status

Management update	OAG assessment
Complete	Complete

Audit recommendation:

That the City develop its own mitigation plan with respect to the species at risk that might be found around the drains located all across the Ottawa area.

Original management response:

Management agrees with this recommendation and it has already been implemented.

When preparing to do drainage work Environmental Services (Municipal Drain Unit) reviews the Ministry of Natural Resources and Forestry (MNRF) website immediately prior to planned works to determine the most up to date species at risk (SAR) in the general area of the municipal drain.

As noted in the Audit, on June 30, 2015, the Agreement, based on Regulation 242/08, with the MNRF ended. Under new procedures, Environmental Services has registered over 700 drains using the single registration process; as part of the registration process the City increased the number of species at risk that might be found around City drains from three to fourteen. In the now expired Agreement, the Ministry provided a mitigation plan, however, moving forward, under the new process, the Municipal Drainage Unit will be following approved mitigation plans agreed to by MNRF, Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Drainage Superintendents Association of Ontario (DSAO). Immediately prior to beginning each project ESD will refer to the MNRF SAR registry to determine which species are at risk.

Management update:

Implementation of this recommendation is complete further to the original management response.

OAG assessment:

The City has developed a “Notice of Drainage Works under the Endangered Species Act Mitigation Plan” for species at risk that may be found near the drains in Ottawa.

The OAG was informed that a copy of the mitigation plan has been printed out and has been placed in each of the Municipal Drainage Unit’s vehicles.

Recommendation #5

Table 6: Status

Management update	OAG assessment
Complete	Complete

Audit recommendation:

That the City provide all new staff members who may encounter species at risk with a short training session that provides basic information on the species at risk in Ottawa, what to do when a species is encountered and the available City resources for additional information.

Original management response:

Management agrees with this recommendation.

The responsibility for providing training and ensuring that all new staff are trained will be considered within the organizational review to be completed as part of Recommendation 6. This review will be completed by Q3 2016.

Management update:

Implementation of this recommendation is complete. Basic training for SAR has been developed and made available to all City staff (networked and non-networked). The training is available on OZONE in both official languages. The training provides basic information on species at risk and the relevant legislation, introduces staff to the species most likely to be encountered in Ottawa, provides guidance on what to do if a SAR is encountered, and identifies additional resources and key contacts for more information.

OAG assessment:

The City has developed an e-learning course related to species at risk that is available to networked and non-networked staff. Since its launch in March 2019, 280 employees have completed the training (as at May 31, 2019). However, there is no mechanism to ensure that employees who could encounter SAR are completing the provided training.

Recommendation #6

Table 7: Status

Management update	OAG assessment
Complete	Complete

Audit recommendation:

That the City review its organizational structure in order to be able to provide a complete internal service for protection of species at risk in compliance with legislation by providing services in policy development, policy implementation and policy application control.

Original management response:

Management agrees with this recommendation.

The City will undertake a review of the resources currently involved in policy development, implementation and compliance as it relates to SAR to determine whether the risk of non-compliance currently exists and whether a centralized service delivery model would be beneficial. This review will be completed by Q3 2016.

Management update:

Implementation of this recommendation is complete. A review of resources was completed to determine if a risk of non-compliance existed. Based on this review, it was determined that a centralized service, the Resiliency and Natural Systems Planning group, would provide assistance to planning and operational units to ensure that risks are adequately mitigated.

OAG assessment:

The former Resiliency and Natural Systems Planning (RNSP) Unit (now the Natural Systems and Rural Affairs Branch) has been identified as the centralized experts within the City for species at risk.

Recommendation #7

Table 8: Status

Management update	OAG assessment
Complete	Complete

Audit recommendation:

That the City improve communication between the different services and units having to comply with the regulations related to species at risk to ensure all of them have access to the most relevant and up-to-date list of species at risk in Ottawa.

Original management response:

Management agrees with this recommendation.

The City will include a review of internal communication as part of the study referred to in Recommendation 6. This review will be completed by Q3 2016.

Management update:

Implementation of this recommendation is complete. In Q3 2016, key contacts were identified in appropriate units and awareness of SAR requirements was provided through meetings and discussions. A distribution list was established to ensure that SAR-related information is sent to key contacts in a timely manner.

OAG assessment:

A process is in place to maintain the City’s list of species at risk and provide updated versions to a distribution list of City staff. The list is made available to all staff through the City’s internal network.

Recommendation #8

Table 9: Status

Management update	OAG assessment
Complete	Complete

Audit recommendation:

That the City develop a process for updating the Ottawa SAR List.

Original management response:

Management agrees with this recommendation.

As part of the review referenced in Recommendation 6, Management will look at all processes required to ensure that staff have access to the most up to date information related to species at risk. This review will be completed by Q3 2016.

Management update:

Implementation of this recommendation is complete. A process for updating the Ottawa SAR list has been established, documented and shared with the stakeholder group.

OAG assessment:

A process for updating the City’s SAR list has been documented and implemented.

Table 10: Status legend

Status	Definition
Not started	No significant progress has been made. Generating informal plans is regarded as insignificant progress.
Partially complete	The City has begun implementation; however, it is not yet complete.
Complete	Action is complete, and/or structures and processes are operating as intended and implemented fully in all intended areas of the City.
No longer applicable	The recommendation is obsolete due to time lapses, new policies, etc.