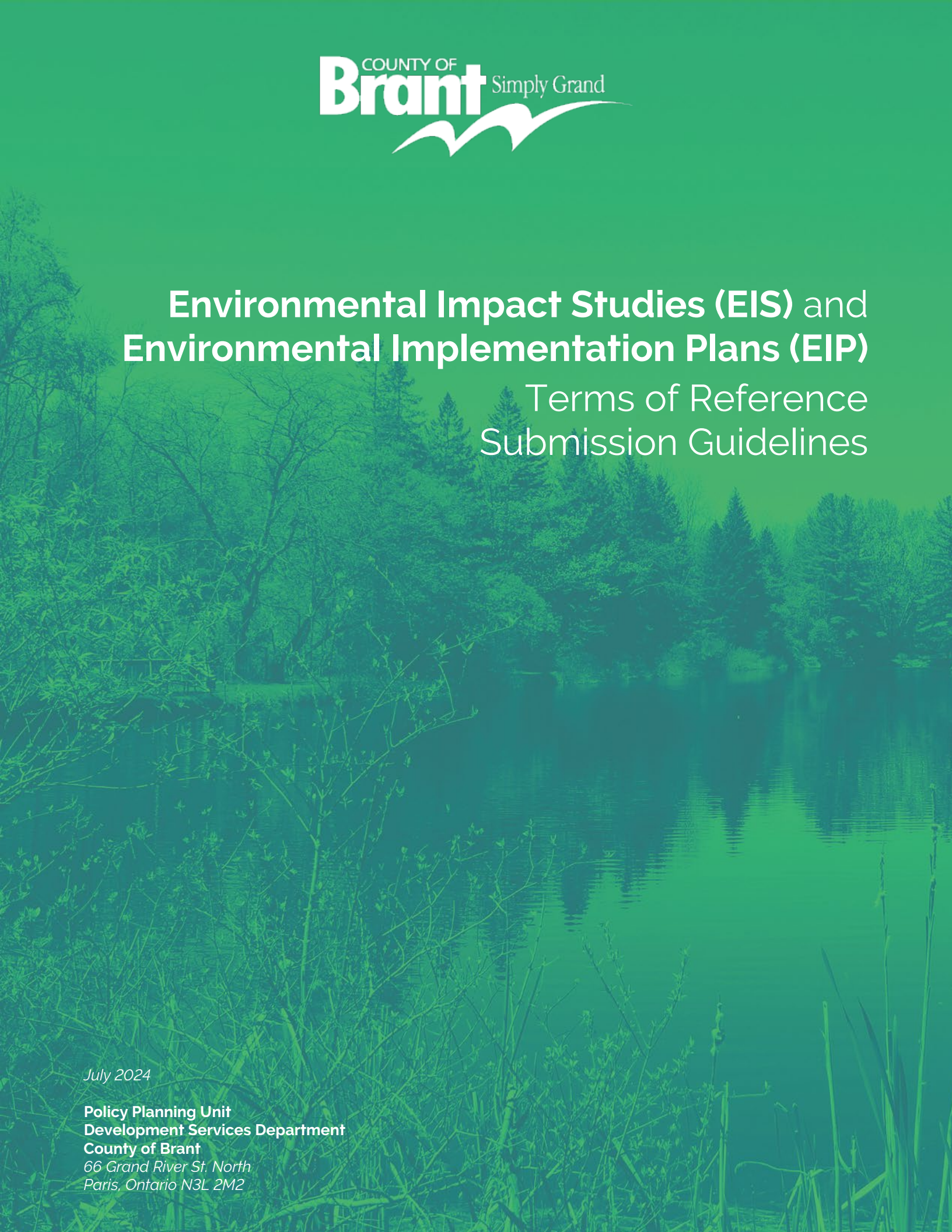
COUNTY OF Brant Simply Grand

Environmental Impact Studies (EIS) and **Environmental Implementation Plans (EIP)**

Terms of Reference
Submission Guidelines



July 2024

Policy Planning Unit
Development Services Department
County of Brant
66 Grand River St. North
Paris, Ontario N3L 2M2

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Appendixes

Abbreviations

A list of common abbreviations used in this guideline:

ANSI	Area of Natural and Scientific Interest
ASGP	A Simply Grand Plan (New Official Plan 2024)
County	County of Brant
CA	Conservation Authority
DFO	Department of Fisheries and Oceans
EIS	Environmental Impact Study
EIP	Environmental Implementation Plan
ELC	Ecological Land Classification
ESA	*Endangered Species Act*
GRCA	Grand River Conservation Authority
LPRCA	Long Point Region Conservation Authority
MECP	Ministry of the Environment, Conservation, and Parks
MCFN	Mississaugas of the Credit First Nation
MNRF	Ministry of Natural Resources and Forestry
NHIC	Natural Heritage Information Centre
NHS	Natural Heritage System
PPS	Provincial Policy Statement
SAR	Species at Risk
SARA	*Species at Risk Act*
SNWSO	Six Nations Wildlife and Stewardship Office
SWH	Significant Wildlife Habitat
VPZ	Vegetation Protection Zone
WRS	Water Resource Systems

Use of Current Studies, Guidelines, Policy, and Legislation

Reference is made to studies, guidelines, policies, and legislation throughout this document. An EIS and EIP shall be based on the most current version of documents referenced. Proponents are responsible for knowing the most of up-to-date legislation and adjusting the EIS and EIP accordingly.

Definitions

Definitions play a key role in interpreting planning policies in the *PPS*, Official Plan and Zoning By-Law. In many cases County policies, such as ASGP have gone beyond the minimum requirements in provincial planning documents, to provide additional direction on matters important to the County and as part of the County's actions to mitigate impacts of a changing climate through preservation and enhancement of natural areas. Accordingly, it is important to reference the most up to date definitions whereby the definition that provides the most protection for the natural environment shall be used.

Section 1: Introduction

The County of Brant recognizes that natural heritage systems and water resource systems contribute to quality of life by providing environmental, social, cultural, and economic values. Healthy watersheds provide numerous benefits including, but not limited to:

- Clean drinking water necessary to sustain life for humans, plants, and animals.
- Providing cultural provisions to Indigenous Nations, including land-based teachings that are central in the oral transferring of knowledge and values among generations.
- Sustaining sustenance for Indigenous Nations through medicinal and crafting purposes that are intertwined with Indigenous belief frameworks.
- Enhancing the aesthetics and open space character of the County.
- Promoting healthy, active communities with trails, parks, recreational opportunities, and open spaces.
- Maintaining biodiversity by supporting fish and wildlife habitat.
- Supplying water to support agriculture, industry, and other resource uses.
- Income opportunities such as tourism and harvesting through good forestry practices.
- Providing essential climate mitigation services, including water storage and filtration, carbon storage, cleaner air and habitats, support for pollinators, and moderating the urban heat island effect.

1.1 – County of Brant's Strategic Plan

One of the County's strategic priorities is for Sustainable and Managed Growth. The objective is to develop a robust policy framework that manages growth responsibly, sustainably, and in a manner that protects and enhances the unique attributes of each community and the natural environment.

An Environmental Impact Study (EIS) and Environmental Implementation Plan (EIP) are key tools that are used to manage growth in a manner that protects the natural environment.

1.2 - Purpose of Guidelines

Studies in the form of an EIS and/or EIP may be required if infrastructure, development, intensification, site alteration, and/or vegetation removal is proposed within or adjacent to natural areas such as woodlands, wetlands, and streams. The purpose of this guideline is to provide direction on when studies may be required, the waiving and scoping of studies, and submission standards that are intended to streamline the process for developing a Terms of Reference.

An EIS is a detailed ecological and hydrological study that is used to assess conformity with environmental polices and legislation and determine what if any part of a property may be suitable for development or site alteration. Contents of an EIS typically include a review of policy and legislation; an inventory and evaluation of natural heritage and hydrologic features, areas, systems, and functions; identification of constraints to development; recommendations on preservation, mitigation, enhancement, and environmental offsetting; and how recommendations will be implemented through the approval process.

The purpose of an EIP is to demonstrate how recommendations in an EIS will be implemented and/or how a site will be developed in a manner that preserves, enhances, and mitigates impacts to natural areas. An EIP is intended to combine several plans into one, such as a site plan for development, a tree inventory and preservation plan, restoration planting plan, grading plan, and sediment and erosion control plan.

Proponents are encouraged by the Six Nations Wildlife and Stewardship Office (SNWSO) to go beyond what is legislatively required of them, in all aspects of conservation. As part of completing an EIS and/or EIP proponents must have meaningful and ongoing dialogue with SNWSO. Proponents will be required to show proof of engagement and outline how traditional knowledge of SNWSO has been incorporated into a proposal. It is expected that development projects will be revised to the satisfaction of SNWSO.

Conservation Authorities may have additional requirements not reflected in this document.

The information contained in an EIS or EIP may be reviewed by government staff, elected officials, Indigenous Communities including SNWSO and MCFN, and the public to help determine whether an application should be approved, modified, or refused.

Completion of an EIS or EIP does not constitute or guarantee any type of approval.

1.3 - Early Consultation

An EIS and EIP should not be completed in advance of developing a detailed concept plan, as studies should be used to identify environmental constraints to inform project development. While it is common for proponents to plan a project prior to consulting with government agencies, in such cases plans may not adequately address environmental constraints and are to be considered preliminary and subject to change.

To avoid unnecessary costs associated with redesigning a project or proposing development on lands not suitable for development, early consultation is recommended with the County, Indigenous Communities, and other agencies such as the CA, MECP, and DFO. Early consultation may assist in identifying constraints to development, receiving preliminary feedback on designing a site, and help determine studies and approvals required.

Section 2: Indigenous Communities

2.1 - Recognition of Canadian Heritage Rivers

In Canada, 41 rivers are recognized nationally and designated as Canadian Heritage Rivers due to their outstanding natural, cultural, and recreational heritage. The Grand River and its major tributaries have been recognized as being an important part of Canada's rich heritage and shaping who we are as a nation.

The County supports the national designation of Canadian Heritage Rivers and will act as a river steward by working with Indigenous Communities and GRCA to celebrate, conserve, and protect the unique heritage, recreational, and environmental aspects of the Grand River watershed.

2.2 – Meaningful Engagement

The County values the traditional knowledge of Indigenous Communities related to the protection of air, land, water, and resources. A partnership approach, which has been formalized as part of the Grand River Notification Agreement, has been formed with Six Nations and the MCFN, as communities that may be impacted by decisions made on land use planning.

Preventing pollution of watercourses is essential to providing clean drinking water. Protection of terrestrial and aquatic ecosystems is necessary to support substance species that communities rely on for food. It is imperative that watersheds are protected from the cumulative effects of development to sustain healthy species, rivers, and ecosystems.

The PPS recognizes that Indigenous Communities have a unique relationship with the land and its resources, the role Indigenous Communities have in land use planning and the importance of engagement. Planning authorities must engage with Indigenous Communities and coordinate on land use planning matters.

Many Provincial documents such as the Ontario Wetland Evaluation System and Natural Heritage Reference Manual refer to Indigenous Communities as an important source of information. Natural areas may be considered significant because of the environmental, social, cultural, historical and/or economic values they provide to First Nations. Accordingly, it is essential that applicants consult with SNWSO and MCFN when evaluating natural features for significance.

In May 2023, Council adopted a new Official Plan, known as A Simply Grand Plan (ASGP), which contains strong policy direction on Indigenous Engagement and Reconciliation. Applicants must directly engage with SNWSO and MCFN, where interested, to discuss the proposal and obtain feedback to determine how best to incorporate traditional knowledge and perspectives. Simply reading comments and/or attending pre-consultation meetings does not constitute meaningful engagement.

Applicants must meet with interested communities, at their own expense, and demonstrate how a proposal has been designed to incorporate feedback. The EIS and Planning Justification Report must outline how the applicant has consulted with these communities, how their perspectives have been considered as part of evaluating significance, and how feedback has been or will be addressed as part of the planning process.

Section 3: Watershed and Subwatershed Planning

3.1 - What is Watershed and Subwatershed Planning?

The County Official Plan provides direction on watershed and subwatershed planning. Watershed planning must be undertaken to support a comprehensive, integrated, and long-term approach to the protection, enhancement, and restoration of the quality and quantity of water in a watershed.

Where a watershed plan has not been completed in advance of development, a subwatershed plan or equivalent study, may be considered as an alternative option if it incorporates applicable best practices and direction from federal, provincial, and municipal policies, plans, and guidelines. Planning for large-scale development in designated greenfield areas and/or proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan must be informed by a subwatershed plan or equivalent.

Watershed Planning

Watershed planning provides a framework for establishing goals, objectives, and direction for protection of water resources; management of human activities, land, water, aquatic life, and resources in a watershed; and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts.

Watershed planning typically includes: watershed characterization, a water budget, and conservation plan; nutrient loading assessment; consideration of climate change and severe weather events; land and water use management objectives and strategies; scenario modelling to evaluate impacts of forecasted growth and servicing options, and mitigation measures; an environmental monitoring plan; requirements for best management practices; programs and performance measures; criteria for evaluating the protection of quality and quantity of water; identification and protection of hydrologic features, areas, and functions and the inter-relationships between or among them; and targets for the protection and restoration of riparian areas.

Subwatershed Planning

A subwatershed plan is a plan that reflects and refines the goals, objectives, targets, and assessments of watershed planning for smaller drainage areas and is tailored to subwatershed needs.

A subwatershed plan should:

- Consider existing development and evaluate impacts of potential or proposed land uses.
- Identify hydrologic features, areas, linkages, and functions.
- Identify natural features, areas, and related hydrologic functions.
- Provide for protecting, improving, or restoring the quality and quantity of water.

A subwatershed plan is:

- Based on pre-development monitoring and evaluation.
- Integrated with natural heritage protection.
- Identifies specific criteria, objectives, actions, thresholds, targets, and best management practices for development, water and wastewater servicing, stormwater management, managing and minimizing impacts related to severe weather events, and to support ecological needs.

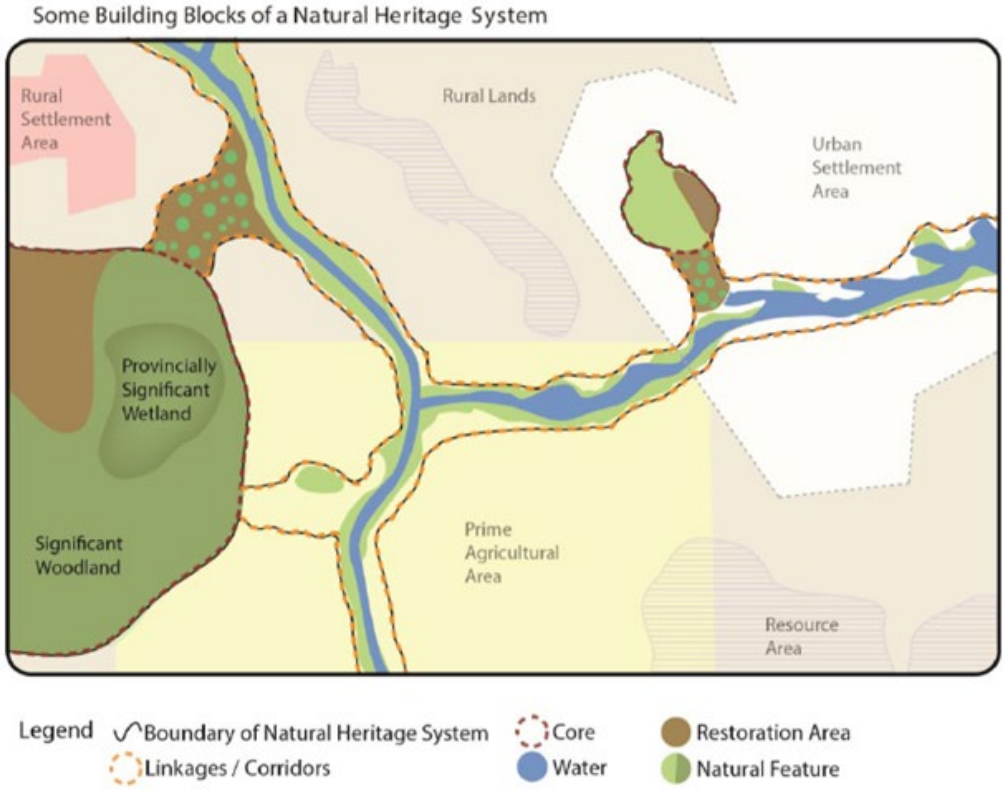
3.2 – A Natural Heritage and Water Resource Systems Approach

A NHS and WRS approach, as illustrated in the diagram below must be used whereby natural heritage and hydrologic features, VPZs, and linkages are planned as a connected system. A systems approach avoids isolating individual features, identifies potential restoration and enhancement areas, and maximizes ecological and hydrological linkages and functions.

A NHS is a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to

be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has recommended an approach for identifying NHS, but municipal approaches that achieve or exceed the same objectives may also be used.

A WRS is a system consisting of ground water features and areas and surface water features (including shoreline areas), and hydrologic functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. A WRS shall be comprised of key hydrologic features and key hydrologic areas.



Source: Growth Plan Regional NHS Mapping - Technical Report (MNRF, 2018)

An EIS and/or EIP shall demonstrate how infrastructure and development have been designed to preserve, maintain, and enhance NHS and WRS, by incorporating the following standards:

- Permanently protect NHS and WRS through public ownership, where requested by the County as a condition of development approval. Public ownership of natural areas promotes healthy and active communities by providing planned access to natural settings for recreation, parks, trails, linkages, and shorelines.
- Achieve a net gain in natural heritage and hydrologic features, areas, systems, and functions, and ensure that linkages connect features to one another.
- Build resiliency to climate change by managing vegetation and soils of wetlands, forests, riparian and other natural areas to maximize carbon storage and sequestration.
- Maintain NHS as natural self-sustaining vegetation. Enhance systems by naturalizing VPZs adjacent to natural areas with natural self-sustaining vegetation.
- Avoid fragmentation and maintain connectivity of NHS and WRS by designing projects around systems.
- Maintain streams in a natural condition. Connectivity should be maintained by avoiding new watercourse crossings. Previously altered streams should be returned to natural conditions and any barriers to fish passage removed. Where an alteration is assessed as being appropriate and consistent with County and CA policies, stream alterations shall follow natural channel design including the use of open span culverts

that do not impede the passage of wildlife or fish. Culverts shall be designed to allow for the bank full flow of water to pass unimpeded. The design shall ensure that velocity and movement of water remains the same within the culverts as it is outside the culvert. Burial or complete encasement of surface water features is not considered best practices and will not be supported.

- Roads should avoid areas where there are high concentrations of wildlife. Projects shall be designed to reduce loss of wildlife from roadkill, and risks to human safety from road collisions with wildlife. Where new roads are assessed as being appropriate and consistent with policies, new structures shall be designed to facilitate wildlife passage of small and large species and ensure all other potentially impacted features are accounted for and not impacted. Road crossings shall be designed to ensure passage of wildlife is possible via aquatic and terrestrial pathways. Examples of corridor crossing structures include wildlife overpasses, wildlife tunnels, and open span culverts that allow for bank full flows to pass unimpeded.
- Minimize impacts to natural areas and to protect human safety from risks associated with hazardous plants, noxious weeds, and invasive species.
- Lessen intrusion and impacts to natural areas through mitigation measures such as permanent fencing, sediment and erosion control measures, tree protection fencing, and education.

3.3 – Habitat Stewardship Objectives

Environment Canada's "How Much Habitat is Enough?" provides science-based information and general guidelines to assist restoration practitioners, planners, and others involved in natural heritage conservation and preservation. The goal is to ensure there is adequate wetland, riparian, and forest habitat to sustain minimum viable wildlife populations and help maintain selected ecosystem functions and attributes.

The County recognizes and supports the viewpoint of Indigenous communities that the title "How Much Habitat is Enough?" goes against Indigenous culture, as preservation and conversely removal of habitat, should not be based on benchmarks. Indigenous cultures view natural stewardship as a responsibility to all. Natural areas shall be preserved due to the many benefits they provide, and removal shall not be justified based on percentage of natural areas remaining in a municipality.

As per the Hierarchy of Conservation, avoidance of natural areas shall be the preferred approach to conservation. To enhance the existing NHS and WRS in the County, the following targets will be used in watershed and subwatershed planning, community master plans, plans of subdivision, site-specific development proposals, and similar plans as a minimum baseline to achieve a net gain in natural and hydrologic features and functions:

- Ensure a net gain in wetland habitat with a focus on maintaining, restoring, and achieving a net gain in hydrological and ecological features and functions at the site, subwatershed and watershed scale.
- At a minimum, the greater of 10% of each major watershed and 6% of each subwatershed of 40% of the historic watershed wetland coverage, should be restored by capturing a full range of wetland types.
- Greater wetland coverage should be achieved by rehabilitating wetlands in headwater areas for groundwater recharge and floodplains.
- Critical function zones shall be established around wetlands based species habitat requirements and sensitivity of the wetland.
- Both sides of streams shall have a minimum of 30 m wide VPZ. At least 75% of the stream length must consist of naturally self-sustaining vegetation.
- Urbanizing watersheds should maintain less than 10% impervious land cover or where already degraded; a second threshold should be 25%.
- Ensure a net gain in forest canopy coverage. A 30% forest cover at the watershed scale is the minimum forest cover threshold that may be considered but is a high-risk approach that may only support less than one half of potential species richness. A 50% forest cover should be achieved as it equates to a low-risk approach that is likely to support most species and healthy aquatic systems.
- Enhancement linkages shall be designed to facilitate species movement that are a minimum width of 50 to 100 m.
- Grassland habitats shall be restored and expanded, and new habitats created.
- Invasive species management shall be undertaken to improve the success of native plants. Where new plantings are added they must consist of a diversity of native wildflowers, tall grasses, shrubs, and trees.

3.4 - Applying a Climate Change Lens

A climate change lens shall be applied to protect and enhance natural areas including those that may not be considered significant. Natural areas are well known for the benefit they provide in moderating the impacts of a changing climate, improving resilience, and reducing greenhouse gas emissions. They provide essential ecosystem services, including water storage and filtration, cleaner air and habitats, and support pollinators, and carbon storage. Municipal policy has an important role in providing leadership and innovation in developing a culture of conservation and addressing climate change.

Section 16(14) of the Act requires an Official Plan to contain policies that identify goals, objectives, and actions to mitigate greenhouse gas emissions and to provide for adaptation to a changing climate, including through increasing resiliency. Since vegetation is well known for its mitigating effects on greenhouse gas emissions and a changing climate, ASGP 2023 has gone above and beyond the requirements of the PPS to protect natural areas such as all wetlands regardless of significance, not permitting development within significant woodlands, specifying minimum VPZs, and including policies on environmental offsetting. Woodlands as small as 0.2 ha may be considered significant for reasons such as being located within 20 m of a key feature, providing a linkage function, or having high cultural or social values.

Part 5 of ASGP, How We Green, includes detailed direction in Section 4.3 under Greenspaces and Green Infrastructure. For example, proposals are to be supported by a climate change mitigation plan, landscape plan, EIP or similar plan that demonstrates:

- The site has been designed to maximize retention of existing and the planting of new trees and vegetation, wetlands, riparian and/or other wildlife habitats through greenspaces and green infrastructure to mitigate impacts of a changing climate.
- Naturalized lawns are encouraged. Large manicured grassed areas will generally not be supported.
- The site has been designed to achieve a minimum tree canopy coverage of 30% at maturity, where feasible. Where not feasible, cash-in-lieu may be required to support County planting programs to increase the tree canopy coverage.
- Greenspaces and green infrastructure have been incorporated into the design to assist in achieving the minimum targets in conserving and restoring natural systems and biodiversity based on Guidelines from Environment Canada's How Much Habitat is Enough.
- Where stormwater management facilities are required, that naturalized ponds be used to support clean water and biodiversity. Naturalized systems shall be designed to: establish ecosystems and maximize a diversity of habitats, have lower concentrations of nitrogen and phosphorus, a lower biomass of blue-green algae, have lower construction and maintenance costs, deter geese, and improve aesthetics.
- Where sustainable development, tree preservation, environmental implementation or similar guidelines exist, that the project has been prepared in accordance with such guidelines including applicable terms of reference.
- New trees and vegetation consist of non-invasive native species. A mixture of non-invasive native trees, plants, ground covers, savannahs and tallgrass prairies, and seed mixes may be used to achieve the policies of this Plan.
- Where treed areas, forests, wetlands, riparian areas, and other wildlife habitats have become degraded, how they will be restored and enhanced.
- Re-naturalization of areas already developed, particularly adjacent to wetlands and streams, should be restored by replacing hard surfaces with green spaces and green infrastructure, where feasible.
- Greenspaces and green infrastructure have been designed and will be managed to maximize carbon storage and sequestration in vegetation, wetlands, and soils.
- There will be a net gain in ecological and hydrological features, areas, and functions. Where natural areas and features may be considered for removal in accordance with the policies of this Plan, environmental offsetting will be required on lands subject to the project, alternate lands approved by the County and/or as cash-in-lieu.
- The ratio of environmental setting shall be the greater of a two to one replacement ratio based on the quantity of or aerial extent of the feature removed as determined by the County; a ratio as approved through an EIS or similar study; the ratio established by guidelines; or a ratio approved by a County approved By-Law. In implementing best practices to achieve a net environmental gain, environmental offsetting should be based on the quality and quantity of features removed.

- In the case where trees are removed within one year prior to a pre-consultation application or development application, or prior to the final approval of a development application, tools such as street imagery and aerial imagery shall be used to estimate the number, size and aerial extent of trees removed. The estimate will be used to determine offsetting requirements.
- For individual trees that are removed, the larger the diameter at breast height of the tree removed, the greater number of replacement trees should be required. The table below has been provided as a guideline whereby replacement trees would not be required for dead, dying or hazardous trees, and buckthorn or other trees considered a noxious weed.

Size of tree to be destroyed or injured	Number of Replacement Trees
< 10 cm diameter at breast height	None required.
10 to 29 cm diameter at breast height	2
30 to 39 cm diameter at breast height	3
40 to 49 cm diameter at breast height	4
50 to 59 cm diameter at breast height	5
> 60 cm diameter at breast height	6 + 1 replacement tree per every 10 cm of diameter removed

Applicants are advised that the County is in the process of developing a Tree Technical Manual and Community Forest Strategy, which may provide detailed direction on compensation related to individual trees and woodlands.

3.5 - Hierarchy of Conservation

The EIS and/or EIP must demonstrate how the proposed project complies with the hierarchy of conservation:

Preservation of Features, Functions, and Systems

Preservation of features, functions, and linkages through design is the preferred conservation approach, and must always be considered as a first step to protect NHS and WRS. In most cases projects can be designed to preserve natural areas. Where legislation prohibits development and site alteration, designing around features may be the only option.

ASGP represents the County's vision of sustainable growth and development. For the most part, development and site alteration are not permitted in or within 30 m of fish habitat, any wetland regardless of significance, and permanent and intermittent watercourses. In addition, development and site alteration are generally not permitted in or within 10 m of a significant woodland in settlement areas, with a 30 m setback applied outside of settlement areas. An EIS may be required to determine if larger established VPZs such as for site-specific species requirements. ASGP goes beyond the minimum requirements of the PPS, to permanently conserve a County-wide NHS and WRS and as part of the County's actions to mitigate the impacts of a changing climate.

Environmental offsetting may only to be considered for minor removal of features in limited circumstances, such as matters related to protecting health and safety. Greater detail is provided in ASGP under permitted uses. Where a project proposes removal of part of or all of a natural feature, the proponent must expressly provide the rationale and demonstrate that is not feasible to avoid impacts. Justification shall not be based on financial reasons and a conclusion of no negative impacts will not be supported based on environmental offsetting.

Government agencies along with SNWSO and MCFN should be consulted early in the process to determine if offsetting is appropriate based on the site-specific circumstances. Applicants are encouraged to go above and beyond what is legislatively required of them, by undertaking early and ongoing engagement with the County, applicable external agencies, and interested Indigenous communities, on how best to preserve and enhance features, functions, and linkages.

Minimizing and Mitigating Impacts

Direct, indirect, and induced impacts must be assessed, minimized, and mitigated to achieve an overall net gain in features and functions and avoid negative impacts in the short and long term. Examples of minimizing and mitigating impacts include: locating development in an already cleared area as opposed to in a treed

area, reducing footprint and associated grading impacts where a lot is completely covered by trees, establishing strict limits on vegetation clearing and grading, planting a diversity of native species in VPZs, installing sediment and erosion control and tree protection measures, monitoring and relocating wildlife, and using timing windows for construction to lessen impacts on wildlife during sensitive life stages.

ASGP 2023 includes detailed directions under Permitted Uses in the NHS policies on when limited development and site alteration may be considered. For example, where a vacant legally existing lot of record is located entirely in a significant woodland, minor removal of trees may be considered subject to meeting applicable criteria.

Environmental Offsetting

Environmental offsetting is to be used as a last resort and is not intended to promote removal of features. The intention is that offsetting is to provide compensation for minor removal of features, which are eligible for approval through the municipal planning or permit review process. ASGP 2023 provides details on where offsetting may be considered, such as a minor addition to an existing dwelling into a wooded area and includes minimum environmental offsetting provisions.

Offsetting provisions can be found in the NHS and How We Green policies of ASGP. As noted above, the County is in the process of creating more detailed guidelines related to trees.

During pre-consultation or prior to submission of an application, the County may provide input on project alternatives and whether offsetting may be considered feasible. In preparing an EIS and/or EIP, a conclusion of 'no negative impacts' cannot be justified based on the use of offsetting measures or project efficiencies.

Depending on the feature, offsetting may not be permitted and/or additional approvals may be required in accordance with other legislation such as the *Fisheries Act, ESA,* and *Conservation Authorities Act.*

Section 4: Legislation, Policies, Plans and By-Laws

One of the primary purposes of an EIS and/or EIP is demonstrate conformity with applicable federal, provincial, and municipal legislation, plans, policies, and by-laws related to the environment. Policies and legislation are often changing and may be updated during completion of an EIS. Applicants must ensure the EIS and EIP reflects the most recent requirements at the time of submission, while also finding ways of furthering protection and the quality of the natural environment that demonstrates at net gain in ecological and hydrological features, linkages, functions, and systems.

The *Planning Act*, *PPS*, County Official Plan and County Zoning By-Law contain policies and provisions that must be followed if development or site alteration is proposed within and/or adjacent to natural heritage and hydrological features, areas, and systems. As noted throughout this document, meaningful engagement with interested Indigenous communities, is required. Proponents shall work with interested communities as part of the development process to find solutions that incorporates their knowledge on the natural environment.

Legislation and policies may prohibit development and site alteration within and adjacent to certain features. For other features, it must be demonstrated that there will be a net environmental gain on features and functions, that the quality and quantity of water will be protected, and that the connectivity of the system will be maintained. It is recognized that not all features and functions are known, such as the location of SAR and SWH, and that an EIS may be required to determine whether such features exist on and/or adjacent to a proposed project.

Planning authorities are required to prepare for the impacts of a changing climate through land use and development patterns that consider the mitigating effects of vegetation and green infrastructure and maximize vegetation in settlement areas.

For convenience purposes only,

- **Table 1** provides a summary of **key legislation and policies** with respect to the natural environment.
- A high-level summary of development restrictions and when an EIS may be required are also provided under Section 5 in **Table 2 - lands in settlement areas** and in **Table 3 - lands outside of settlement areas**.

4.1 Overview of Key Federal, Provincial and Municipal Legislation and Policies

While an overview of key legislation and policies are provided for assistance, they must be read in their entirety and conformity demonstrated with each applicable provision.

Table 1: Summary of Federal, Provincial and Municipal Legislation and Policies

Federal Legislation

Fisheries Act and SARA

The DFO administers the *Fisheries Act* and aquatic species listed under *SARA*. Where a project is proposed in or near a water that may contain indirect or direct fish habitat and could cause a harmful alteration, the applicant is responsible for self-assessment and submitting information to DFO. The County may require written confirmation that DFO is satisfied.

Migratory Birds Convention Act

The *Migratory Birds Convention Act* contains regulations to protect migratory birds, their eggs, and their nests. Protection is typically achieved by restricting removal of vegetation and trees at certain times of the year and avoiding the area of disturbance around a nest through buffering. Eighteen species are protected all year long. Some species, such as Great Blue Herons may require a no disturbance area and/or mitigation measures beyond 120 metres. `

Provincial Legislation, Plans and Policies

Endangered Species Act (and SARA)

The MECP is responsible for administering the Provincial *ESA*. Applicants should contact MECP to pre-screen their site for potential habitat for endangered, threatened, and special concern species and to determine if authorization is required. Similarly, the Federal *SARA* may be applicable. Proponents may need to provide written correspondence demonstrating that authorities having jurisdiction over the *ESA* and *SARA* are satisfied. Species not classified as endangered or threatened may meet criteria to be classified as SWH or may be of significance to Indigenous communities, whereby municipal and provincial policies on conservation would apply. Proponents are encouraged to go above and beyond requirements of the *ESA* by considering and incorporating cultural practices of Indigenous communities.

Conservation Authorities Act

GRCA and LPRCA administer regulations related to natural hazards such as flooding and erosion, watercourses, waterbodies, and wetlands. A permit may be required when proposing works in areas regulated by GRCA or LPRCA. As part of their permitting process, an EIS and EIP could be required.

Planning Act

Section 2 of the *Planning Act* states that the council of a municipality shall have regard to matters of provincial interest such as:

- The protection of ecological systems, including natural areas, features, and functions.
- The conservation and management of natural resources and the mineral resource base.
- The supply, efficient use and conservation of energy and water.
- The orderly development of safe and healthy communities.
- The appropriate location of growth and development.
- The mitigation of greenhouse gas emissions and adaptation to a changing climate.

Section 2 requires planning decisions to be consistent with provincial policy statements and to conform with provincial plans.

Section 16(14) of the Act requires an Official Plan to contain policies that identify goals, objectives, and actions to mitigate greenhouse gas emissions and to provide for adaptation to a changing climate. As part of the County's actions to address climate change, ASGP 2023 has gone above and beyond the requirements of the PPS to protect natural areas such as all wetlands regardless of significance, not permitting development within significant woodlands, and specifying minimum VPZs.

Planning Act, O. Reg. 253/23: Prescribed Areas for Site Plan Control

Section 41 of the Planning Act contains provisions on Site Plan Control. O. Reg. 254/23 includes the following as prescribed areas for the purposes of Section 41 (1.2):

- Any area that is within 120 metres of,
  - A wetland,
  - An inland lake, or
  - A river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse.

Accordingly, proposed development could be subject to Site Plan Control. The County implemented this regulation through updated Site Plan Control By-Law 140-23.

2024 Provincial Policy Statement

- Chapter 1: Introduction – Vision: Ontario will continue to recognize the unique role of Indigenous communities in land use planning. Meaningful early engagement and constructive, cooperative relationship-building between planning authorities and Indigenous communities will facilitate knowledge-sharing and inform decision-making in land use planning.
- Chapter 1: Introduction – Role of the PPS: Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province. Ontario recognizes the unique role Indigenous communities have in land use planning, and the contribution of Indigenous perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on matters that may affect their Section 35 Aboriginal or treaty rights. Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement to facilitate knowledge-sharing in land use planning processes and inform decision-making.
- Chapter 1: Introduction -How to Read the PPS: Planning authorities and decision-makers may go beyond the minimum standards in the PPS to address matters of importance to a specific community, unless doing so would conflict with any policy of the PPS.
- Section 3.9 contains policies on promoting healthy, active and inclusive communities by planning and providing for a full range of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages and water-based resources.
- Section 2.9 states that planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality.
- Section 4.1 contains policies on natural heritage features, areas, and systems.
- Section 4.2 contains policies on protecting, improving, and restoring the quality and quantity of water.
- Section 6.2: Planning authorities shall undertake early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.

Municipal Legislation, Policies and By-Laws

2024 A Simply Grand Plan – New Official Plan

A new Official Plan, known as A Simply Grand Plan was adopted by Council on May 30, 2023, and approved by the Ministry of Municipal Affairs and Housing on October 18, 2024. ASGP reflects the County's approach to implementing policies in the *Planning Act* and PPS including but not limited to those on healthy complete communities, climate change, NHS, WRS, and Indigenous engagement.

Key policies in ASGP that will come into effect, if approved by the Province include but are not limited to the following (see Tables 2 and 3 in Section 5 for a high-level summary of restrictions):

- **Part 2** contains policies on **Indigenous Engagement and Reconciliation**. For example:
  - Integrate and honour Indigenous values, knowledge and cultures through relationship building and engagement. This includes representation in planning, placemaking and environmental stewardship to recognize traditional knowledge, traditional places, and the significant role of land resources.

- Acknowledge the importance of protecting water resources, green spaces, natural areas and wildlife to the health and vitality of Indigenous culture and heritage.
- The County shall work with the appropriate First Nation to integrate Indigenous Knowledge, including Traditional Ecological Knowledge, into its decision-making.
- Indigenous participation in any development application shall include capacity funding at the expense of the applicant, to be agreed upon at the onset of engagement.
- The County shall undertake early and ongoing engagement before decisions are made. This includes allowing time for meaningful discussions.
- The County shall listen, consider, and make appropriate inclusions within development proposals of feedback and comments received.
- The proponents of any development proposal shall engage with First Nations Communities prior to submission of an application. Proof engagement will be required as part of a complete application.

- **Part 2**, contains policies on **Honouring the Grand River** by:
  - Protecting groundwater and surface water as an essential source for drinking water.
  - Implement a robust NHS requiring permanent protection of forests, wetlands, watercourse, and wildlife to be enhanced and protected with VPZs.
  - Where opportunities arise parks, open space and trail corridors are to be acquired by the County.
  - Ensure public access points for enjoyment of the Grand River and its major tributaries.
  - Enhancing recreational opportunities through nature viewing, fishing, swimming, and water sports.
- Throughout the Plan the importance of incorporating **active transportation connections** is emphasized as part of development using trails and greenways including along NHS.
- **Part 5,** Section 2.10 outlines detailed policies on the **Natural Heritage System**. It is the intent to permanently protect and enhance a comprehensive NHS. The County has gone beyond the minimum requirements of the Province, by preventing new development in the NHS as part of the County's goals, objectives, and actions to mitigate the impacts of a changing climate.
- This section outlines **Permitted Uses** and criteria to be met such as footprint impacts, completion of an EIS, and general policy provisions. Permitted uses include:
  - Lawfully existing buildings, structures, and uses.
  - Conservation, forest management, fisheries management, wildlife management.
  - Non-intensive passive recreational uses such as low impact scientific and educational activities, nature preserves, and nature viewing.
  - Normal farm practices and non-intensive agricultural uses provided they do not result in new buildings or structures and do not result in the removal of key features.
  - Within the earth science ANSI known as Pinehurst Lake Kettles Earth Science ANSI, the full range of agricultural uses, normal farm practices, agriculture-related uses and on-farm diversified uses may be permitted provided the use is outside of key features.
  - Petroleum resource operations, mineral aggregate operations, wayside pits and quarries provided extraction is not undertaken in provincially significant wetlands, life ANSIs, fish habitat, the habitat of threatened and endangered species except as permitted by provincial or federal requirements, and significant woodlands (excluding young plantations). Addition polices to adhered to for operations.
  - Flood or erosion control projects where demonstrated to be necessary in the public interest after all alternatives have been considered, provided that measures are taken to minimize and mitigate impact to the greatest extent possible.
  - Small-scale structures ancillary to water-based recreation activities that by their nature must be located along a watercourse or waterbody including docks, boat houses, boat ramps, boat rentals and associated accessory structures, or similar uses where it is demonstrated that the following will be achieved:
    - Impacts on the NHS have been minimized and mitigated to the greatest extent possible.
    - No new building, structure, expansion, or site alteration will be in a wetland and will generally not be supported in life science ANSIs.
    - At least 75% of the stream length within 15 m of the edge of a watercourse will be maintained as naturally self-sustaining vegetation.
    - Buildings, structures and uses will not be in any other key feature unless there is no other alternative. Where there is an existing building, structure or disturbed area, new buildings, structures, and uses shall be kept in close proximity to existing buildings, structures and disturbed areas.

- New buildings, access, servicing, accessory structures, uses and site alteration on vacant legally existing lot of record where it has been demonstrated that the following will be achieved:
  - The lot has access to and frontage along a public road that is maintained on a year-round basis. New buildings will not be supported on isolated parcels. Many isolated parcels were established for the purpose of being a vacant bush lot.
  - The land use has been approved by the County.
  - Impacts on the NHS have been minimized and mitigated to the greatest extent possible.
  - No building, structure, use, access, servicing or associated site alteration will be: in or with 30 m of a wetland, permanent watercourse, fish habitat or seepages and springs; in or within 15 m of an intermittent stream; in or within 10 m of a life science ANSI; in the habitat of endangered or threatened species unless approved by the designated authority; or in or within 10 m from the top of slope of a major valley or within 6 m for minor valleys.
  - Where sufficient land is available all buildings, structures etc. will be located outside of key features. Disturbed areas and VPZs shall be utilized over key features.
  - Where there is no alternative outside of the NHS, all buildings, structures, uses and site alteration shall be kept in close proximity to one another. In no case shall the cumulative footprint in the NHS exceed 1000 m2.
- Expansions, alterations, replacement, conversions of, and non-habitable accessory structures and uses including associated site alteration where it is demonstrated:
  - Impacts on the NHS have been minimized and mitigated to the greatest extent possible.
  - No building, structure, use, access, servicing or associated site alteration will be: in or with 30 m of a wetland, permanent watercourse, fish habitat or seepages and springs; in or within 15 m of an intermittent stream; in or within 10 m of a life science ANSI; in the habitat of endangered or threatened species unless approved by the designated authority; or in or within 10 m from the top of slope of a major valley or within 6 m for minor valleys. However, where an existing building is already in the minimum setback, expansions may be considered provided the expansion is no closer to than the existing structure.
  - New non-habitable accessory structures and uses will be in an existing building cluster.
  - Where feasible and sufficient land is available an expansion, alteration, replacement, accessory structure or use, conversion and associated site alteration shall be located outside of key features. Disturbed areas and VPZs shall be utilized over key features.
  - Where there is no alternative outside of the NHS, the cumulative footprint of all buildings/structures/grading shall not exceed 450 m2 in the NHS.

- Policies on **Consents** do not generally permit development (defined as lot creation), within the NHS.
- Policies on the **Identification of the Natural Heritage System** lists features included in the designation. Known features are mapped in Schedules. Examples of features in the NHS:
  - Habitat of endangered and threatened species
  - Migratory bird nests protected under the *Migratory Birds Convention Act*
  - All wetlands regardless of significance
  - Fish habitat, permanent watercourses, intermittent watercourses, seepages and springs
  - ANSIs
  - Significant valleylands
  - Significant woodlands
  - Significant wildlife habitat
  - Natural areas having any significant environmental, cultural, economic, or historical value to Indigenous communities.
  - Minimum and established vegetation protection zones
  - Enhancement linkages
  - Lands that have been restored or have the potential to be restored to a natural state, working landscapes that enable ecological functions to continue
- Applicants shall consult with Indigenous Communities prior to submitting a complete application to determine if natural areas have significant environmental, cultural, economic, or historical value. Where important values are identified, the applicant shall collaborate with the County and Indigenous Communities on the protection of these areas.

- The **Glossary** in Part 8 shall be referenced as it contains definitions **key to interpreting** the policies such as on enhancement woodlands, woodlands, and significant. For example, woodlands as small as 0.2 ha may be considered significant if they are in or within 20 m of a key feature; provide a linkage function; or have high cultural or social value, including providing a high value in social services such as air quality or recreation and/or are identified as important in terms of appreciation, educational, cultural or historical value including those identified by Indigenous communities.
- Part 5, Section 2.10.19 contains requirements on remediation of **unauthorized illegal acts** in natural areas.
- Part 5, Sections 2.10.22 to 2.10.34 contain policies on **requirements for EIS and EIP**.
- Policies on **Enhancement Linkages and Corridors** encourage re-naturalization of areas already developed in or near linkages and that projects be designed to maintain and improve connectivity.
- Policies on **Enhancement Woodlands** address matters such as evaluation, incorporating into the design, demonstrating a net gain where woodlands may be considered for removal, and environmental offsetting.
- Policies on **Adjacent Lands Overlay and Vegetation Protection Zones** refers to an adjacent lands overlay outlined in Table 5.2.1 and illustrated in Annex 4, which identifies when an EIS or similar study may be required. Greater distances could be applied depending on the complexity of a project and features present. For example, noise mitigation for species such as Great Blue Heron may extend beyond 120 metres.
- **Minimum VPZs** are mapped in Annex 4 and specified in Table 5.2.1. Examples of minimum setbacks include 30 m for key hydrologic features (e.g., wetlands, permanent and intermittent watercourses). The final established VPZ is to be determined through an EIS. VPZs are to be maintained as self-sustaining vegetation. Re-naturalization is encouraged by replacing hard surfaces with natural vegetation. Exceptions are provided, such as where the land is used for passive agricultural uses (e.g. crops).
- Part 5, Section 2.11 Protection of the **Water Resource System** outlines general policies related to the WRS, Source Water Protection, and Hazard Management.
- Part 5, Section 2.12 contains policies on **Watershed and Subwatershed Planning.**
- Part 5, Section 2.15 contains additional environmental policies on **Minerals, Petroleum and Mineral Aggregate Resources.**
- Part 5, Section 4.0 How We Green contains policies on **Climate Change.** Section 4.3 on **Greenspaces and Green Infrastructure** recognizes the importance of greenspaces and green infrastructure outside of the NHS. Subsection **4.3.3 contains a variety of criteria** that must be addressed as part of a complete application (see above Section on Applying a Climate Change Lens).

2022 County Zoning By-Law

- Section 2.10 includes policies on interpreting zone boundaries. Where the boundary of a Natural Heritage Zone, as interpreted in the field by the County varies from the limit shown on the schedules, the refined limit shall be deemed the zone boundary.
- Section 4.34.4 contains minimum setbacks for buildings and structures from watercourses:
  - No buildings or structures shall be constructed closer than 15 m to a warm-water watercourse.
  - No buildings or structures shall be closer than 30 m for cool or cold-water watercourses, or 15 m from the top of bank without prior written approval from the County and CA.
- Section 14 contains a table, provisions on permitted uses, and descriptions of the Natural Heritage Zone (NH) and the Natural Heritage Vegetation Protection Zone (NH1).

County Good Forestry Practices By-Law 70-21

- The Good Forestry Practices By-Law 70-21 regulates the removal of trees in woodlots and woodlands that are 0.2 ha in size or greater.
- Individual trees adjacent to wetlands and watercourses are regulated. Individual trees are also regulated as part of the County's Site Alteration By-Law.
- The intent of the By-Law is to promote good forestry practices through selective harvesting and prevent clear cutting.
- Exemptions are provided such as in association with a building permit. However, only a cumulative amount of trees may be removed per property and there are restrictions such as clear-cutting trees within or adjacent to wetlands and other features.

County Site Alteration By-Law 82-22

- The County regulates the dumping of fill, the removal of topsoil, clearing and grubbing, and altering the grade of land pursuant to the Site Alteration By-Law 82-22, as may be amended.
- Clearing and grubbing means the removal of all surface objects, brush, roots, and other protruding obstructions, trees and stumps which result in the removal of topsoil or the alteration of the grade of the land.
- Prohibited areas include environmentally sensitive areas as defined in the By-Law.

4.2 - Summary of Development Restrictions and EIS Requirements

In accordance with the Official Plan, large-scale development requires the equivalent of a subwatershed study. With respect to lands containing and/or adjacent to natural heritage and hydrologic features, while there is no one size fits all approach for determining when an EIS and/or EIP are required, the following tables provide guidance including development restrictions based on the *PPS,* and Official Plan.

Table 2 provides a summary of development restrictions and EIS requirements for lands within **settlement areas.**

Table 3 provides a summary of development restrictions and EIS requirements for lands **outside of settlement areas.**

As noted above, municipal, provincial, and federal legislation, policies, plans, and guidelines should be consulted to determine precise requirements.

Table 2: Summary of Development Restrictions and EIS Requirements in Settlement Areas

Land	Development or Site Alteration involves Lands within Natural Heritage or Hydrologic Feature	Development or Site Alteration involves Adjacent Lands
Large-Scale Development	Subwatershed Study or equivalent.	Subwatershed Study or equivalent.
Habitat of Endangered Threatened Species	In accordance with provincial and federal requirements (*ESA, SARA*).	EIS within 120 m; may be greater based on site-specific species requirements.
Provincially Significant Wetlands	Development and site alteration not permitted. Regulated by CAs.	Minimum VPZ of 30 m in ASGP. EIS within 120 m; may be greater if hydrologically connected. Regulated by CAs.
Other Wetlands	Development and site alteration not permitted in ASGP. Regulated by CAs.	Minimum VPZ of 30 m in ASGP. EIS within 120 m; may be greater if hydrologically connected. Regulated by CAs.
Significant Valleylands	Development and site alteration not permitted in ASGP, except limited exceptions (small-scale structure for water-based activity that must be located near water) listed in Permitted Uses. EIS may be required. Regulated by CAs if an erosion hazard.	EIS within 50 m. A minimum setback of 10 m from top of the valley recommended. Development and site alteration generally not permitted in ASGP within the greater of: • Erosion hazard. • Limits determined by a watershed, subwatershed, EIS or similar study.

		• 30 m from the high-water mark. • 6 m emergency access allowance. Regulated by CAs if an erosion hazard.
Life Science ANSIs	Development and site alteration not permitted in ASGP.	Minimum VPZ of 10 m in ASGP. EIS within 120 m. Consultation with MNRF may be required.
Earth Science ANSIs	EIS may be required. In ASGP, the full range of agricultural uses, normal farm practices, agriculture-related uses and on-farm diversified uses may be permitted provided use is outside of all key natural heritage and hydrologic features.	EIS may be required within 50 m.
Significant Woodlands	Development and site alteration not permitted in ASGP, except limited exceptions (e.g. addition) listed in Permitted Uses. EIS may be required. Indigenous communities. Regulated under municipal tree by-law and site alteration by-law.	Minimum VPZ of 10 m in ASGP. EIS within 120 m. Regulated under municipal tree by-law and site alteration by-law with respect to potential for injury or destruction.
All Other Woodlands	EIS to evaluate for SWH and SAR. Must give due consideration for conservation by designing around feature with a climate change lens applied, as part of contributing to healthy and complete communities, and for values of importance to Indigenous communities. Regulated under municipal tree by-law and site alteration by-law.	Evaluated as per County's Tree Protection Guide. Regulated under municipal tree by-law and site alteration by-law with respect to potential for injury or destruction.
Significant Wildlife Habitat	Development and site alteration not permitted in ASGP, except limited exceptions (e.g. addition) listed in Permitted Uses. EIS may be required for Permitted Uses.	EIS within 120 m; may be greater based on site-specific species requirements.
Fish Habitat	In accordance with provincial and federal requirements (e.g. DFO, *SARA*).	EIS within 120 m; may be greater if hydrologically connected. Development and site alteration generally not permitted in ASGP within the greater of: • Erosion hazard. • Limits determined by a watershed, subwatershed, EIS or similar study. • 30 m from the high-water mark. • 6 m emergency access

		allowance • Provincial and federal requirements. May be regulated by CAs.
Permanent & Intermittent Watercourses, Surface Water Features	Development and site alteration not permitted in ASGP, except limited exceptions (e.g. addition) listed in Permitted Uses. EIS may be required. Regulated by CAs.	EIS within 120 m; may be greater if hydrologically connected. Similar VPZ to fish habitat.

Table 3: Summary of Development Restrictions and EIS Requirements Outside of Settlement Areas

	Development or Site Alteration involves Lands within Natural Heritage or Hydrologic Feature	**Development or Site Alteration involves Adjacent Land**	
		Agriculture-related, On-farm diversified, Agricultural uses	**All Other Uses**
Large-Scale Development	Subwatershed Study or equivalent.		
Habitat of Endangered, Threatened Species	In accordance with provincial and federal requirements (*ESA, SARA*).	EIS within 120 m; may be greater based on site-specific species requirements.	See Table 2.
Provincially Significant Wetlands	Development and site alteration not permitted. Regulated by CAs.	Minimum 30 m VPZ. No EIS required. Regulated by CAs.	See Table 2.
Other Wetlands	Development and site alteration not permitted, Regulated by CAs.	Minimum 30 m VPZ. No EIS required. Regulated by CAs.	See Table 2.
Significant Valleylands	Development and site alteration not permitted, except as per ASGP (e.g. water-based recreation). EIS may be required.	See Table 2. No EIS required, if 30 m VPZ provided.	See Table 2.
Life Science ANSIs	Development and site alteration not permitted.	Minimum 10 m VPZ. No EIS required, if 30 m VPZ provided.	See Table 2.
Earth Science ANSIs	See Table 2.	See Table 2.	See Table 2.
Significant Woodlands	Development and site alteration not permitted, except as per ASGP. EIS may be required. Also regulated under municipal tree by-law and site alteration	Minimum 30 m VPZ. No EIS required.	Minimum 30 m VPZ. EIS within 120 m.

	by-law.		
All Other Woodlands	EIS to evaluate for SWH and SAR. Must give due consideration for conservation by designing around feature with a climate change lens applied, as part of contributing to healthy and complete communities, and for values of importance to Indigenous communities. Also regulated under municipal tree by-law and site alteration by-law.	Evaluated as per County's Tree Protection Guide. Regulated under municipal tree by-law and site alteration by-law with respect to potential for injury or destruction.	Evaluated as per County's Tree Protection Guide. Regulated under municipal tree by-law and site alteration by-law with respect to potential for injury or destruction.
Significant Wildlife Habitat	Development and site alteration not permitted, except as per ASGP. EIS required.	EIS within 120 m; may be greater based on site-specific species requirements.	See Table 2.
Fish Habitat	In accordance with provincial and federal requirements (DFO, *SARA*).	Minimum 30 m VPZ. No EIS required.	See Table 2.
Permanent & Intermittent Stream, Seepage Area, Spring	Development and site alteration not permitted, except as ASGP. Regulated by CAs.	Minimum 30 m VPZ. No EIS if 30 m VPZ. Regulated by CAs.	See Table 2

Section 5: When are an EIS and EIP Required?

5.1 - Planning Applications and Municipal Permits

The following *Planning Act* Applications and Municipal Permits may require completion of an EIS and/or EIP:

- Official Plan Amendment
- Zoning By-law Amendment
- Consent
- Minor Variance
- Site Plan Control
- Plan of Subdivision
- Plan of Condominium
- Permit for Site Alteration
- Clear Cutting Permit under the Good Forestry Practices By-Law

5.2 - Definition of Development and Site Alteration

An EIS and/or EIP could be required for *Planning Act* applications that propose development or site alteration. The following are definitions from the *PPS*:

"Development means the creation of a new lot, a change in land use, or the construction of buildings and structure requiring approval under the Planning Act, but does not include:

- Activities that create or maintain infrastructure authorized under and environmental assessment process.
- Works subject to the Drainage Act."

"Site Alteration means activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site."

5.3 - Environmental Assessments

An environmental assessment may need to be prepared under the federal *Canadian Environmental Assessment Act* or the provincial *Environmental Assessment Act*. Where an assessment has been completed, a separate EIS may not be required by the County.

5.4 - Environmental Triggers for an EIS or EIP

Given differing policies and guidelines, there is not a one size fits all approach to when a study is required:

- The Official Plan states that large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan or in designated greenfield areas will be supported by subwatershed plan or equivalent.
- In addition to large-scale development, the *PPS* and/or Official Plan typically require an EIS and/or EIP when development and/or site alteration is proposed within and/or adjacent the following known or candidate natural heritage and hydrologic features:
    - Habitat of endangered and threatened species.
    - Migratory bird nests protected under the *Migratory Birds Convention Act.*
    - All wetlands regardless of significance.
    - Fish habitat, permanent watercourses, intermittent watercourses, seepages and springs.
    - ANSIs.
    - Significant valleylands.
    - Significant woodlands.
    - Significant wildlife habitat.
    - Natural areas having any significant environmental, cultural, economic, or historical value to Indigenous communities.
    - Minimum and established vegetation protection zones.
    - Enhancement linkages.
    - Lands that have been restored or have the potential to be restored to a natural state, working landscapes that enable ecological functions to continue.
- Consultation and inventories must be conducted on plants and animals of importance to interested Indigenous nations (e.g. SNWSO). Plant and wildlife inventories must consider and note species that would be important to Indigenous nations. In the impacted areas, opportunities shall be provided for seed/plant harvesting and rescue prior to impacts, with notification provided to Six Nations and Kayanase prior to harvesting.
- Policies regarding natural heritage features, areas and systems supersede mapping in the Official Plan. The *PPS* and Official Plan recognize that not all features have been identified and that further study may be required. For example, if aerial imagery or a site visit identifies a forested area or wetland not illustrated in Official Plan schedules, the feature will need to be evaluated and protected in accordance with the applicable policies. It is important to note that where features are identified in schedules, mapping of features is not precise. Studies, site visits, and surveys may be required to determine the precise location of features. The Official Plan and Zoning By-Law contain provisions for updating schedules based on up-to-date information.
- The Official Plan states that studies may vary in scope, depending on the size, nature and intent of the development application and the site's land use planning context. Further, applicants are to be advised in writing by the County of supporting studies required as part of a complete application, including the contents of such studies.

For convenience purposes only, **Table 2** and **Table 3** have been provided above under Section 4, to identify when an EIS and/or EIP are required.

5.5 - Determining Adjacent Lands

An EIS and/or EIP may be required if development or site alteration is proposed adjacent to natural heritage or hydrologic features, areas, and systems. There are a variety of approaches that provide direction on

identifying adjacent lands:

- The *PPS* defines adjacent lands as follows: "Those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives."
- The 2010 *Natural Heritage Reverence Manual* (MNRF) recommends an adjacent land width of 120 m, except for earth science ANSIs which is 50 m.
- ASGP generally ranges from 50 to 120 m but recognizes that greater distances could be required based on site specific circumstances.
- Provincial approaches in the 2015 SWH Criteria Schedules provide methodology for determining where wildlife habitat may occur based on ELC communities and defining SWH. Significant habitat of species may consist of lands beyond 120 m. For example, for an osprey, the active nest and a 300 m radius around the nest or woodland stand is considered SWH.

Based on the foregoing, numerical recommendations regarding adjacent lands are inconsistent. The size, nature and potential impact of development and the site's environmental characteristics must be taken into consideration in determining the extent of adjacent lands. For example, large-scale development and associated servicing would likely have a greater impact on natural areas, than creation of a single lot.

A broader study area may be required, which includes all potential and known features that are contiguous with or connected ecologically or hydrologically to one another or where the project could have an impact. If a site is connected to a watercourse or wetland downstream, a broader study area may be necessary to ensure that the downstream water quality and quantity is protected. Woodlands intersected by roads and rivers and/or by small openings are considered part of the same feature.

For SAR and SWH, an evaluation in table format that cross references ELC ecosites confirmed as part of an initial habitat inventory with habitat descriptions of candidate or confirmed species to occur in the area, may be required. Applicable background sources including, but not limited to the following are to be used in the evaluation: SWH Ecoregional Criteria Schedule 6E or 7E (MNRF, 2015); SAR in Ontario list, recovery strategies, management plans and progress reports; DFO Aquatic SAR Mapping; species-specific Committee on the Status of Endangered Wildlife in Canada (COSEWIC) status reports; and those listed in the EIS Terms of Reference Checklist. 5.7 - Who Prepares an EIS or EIP?

A consulting firm specializing in the disciplines of wildlife biology, fisheries biology, forestry, ecology, hydrology and/or hydrogeology will typically be required to prepare an EIS and/or EIP. An EIS for large-scale development may require input by a team of several disciplines.

The principal author of the EIS must have a post-secondary degree in an applicable discipline and at least ten years of applied experience conducting field studies requiring knowledge of wildlife biology, fisheries biology, and community-level landscape ecology.

Qualifications shall relate to the scope of work and features on-site. For example:

- If the boundaries of a wetland require confirmation or a wetland needs to be evaluated, the expert must be certified as a wetland evaluator by MNRF.
- If Ecological Land Classification is required, the expert must have completed training on the Ecological Land Classification System for Southern Ontario.
- If bird studies are required, the assessor should be a qualified biologist specializing in ornithology.
- If a hydrological assessment including water balance is necessary, a hydrogeologist will be required.

Section 6: Terms of Reference and Scoping

6.1 - Complete Application Requirements

Complete Application

An application under the *Planning Act* or *Municipal Act* requiring an EIS and/or EIP, must include all items in the Final Terms of Reference issued and approved by the County, and where applicable the CA, to be

deemed complete. If the study does not contain all required information, the application will be deemed incomplete. The following forms and checklists have been created by the County, which once approved by the County will serve as the Terms of Refence:

- **Appendix 1 – Environmental Impact Study Waiving Assessment Application Form:** This form must be completed by the applicant's environmental consultant unless otherwise approved by the County, where an EIS is proposed to be waived. The County may consider waiving an EIS where it is determined that no useful purpose would be served by completion of an EIS. Waiving will typically only be considered where features are proposed to be preserved with minimum VPZs outlined in ASGP, the VPZs are planted with a diversity of native species, only simple mitigation such as silt control fencing is required, and impacts are anticipated to be minor. There must also be a means of ensuring permanent protection such as through natural heritage zoning.
- **Appendix 2 - Environmental Impact Study Terms of Reference Application Form:** Where an EIS is not eligible to be waived, this Application Form will be used to determine study requirements for submission of a Complete EIS. Scoping an EIS will be based on matters such as site characteristics, scale of development, preservation of features, VPZs, creation of linkages, and enhancement and mitigation proposed in the Application Form.
- **Appendix 3 – Environmental Implementation Plan Terms of Reverence Application Form:** This form contains potential requirements for an EIP.

Prior to submitting an EIS as part of a complete application, the applicant's environmental consultant should contact the County's Environmental Planner to discuss the project and study requirements, including the potential for a site visit. The applicant's consultant will be sent an Application Form and/or checklist to fill out and comment on. A final form and/or checklist will be issued by the County.

Requirements for each project will be based on applicable federal, provincial, and municipal legislation, policies, plans, and guidelines and consultation with interested Indigenous communities (e.g. SNWSO). The nature and extent of studies will depend on the extent and nature of the proposed project including the extent of any environmental features proposed for removal. For example, if natural areas are proposed to be protected, only a limited inventory and assessment may be required.

The forms in the Appendix and the Guidelines in this document are subject to revisions based on:

- Updates to improve the process to provide clearer direction;
- Changes to applicable legislation, policies and plans; and/or
- New and emerging evaluation techniques such as new provincial reference manuals.

Peer Review

The County may seek additional expertise in the form of independent peer review of a Terms of Reference, EIS, EIP, or related studies, the cost of which would be the expense of the applicant.

6.2 – Waiving and Scoping Study Requirements

Study requirements will vary in scope, depending on the size, nature and intent of the proposed project and the site's land use planning context. Prior to submission of an application, applicants are to submit an EIS Waiving Assessment Application Form or EIS Terms of Reference Application Form, for review and approval of the County. Where only an EIP is required, the Terms of Reference shall be determined using the Form in Appendix 3. A summary of various studies is provided below with greater detail in the Appendixes.

Comprehensive EIS

- A watershed study, subwatershed study, or equivalent study in the form of a Comprehensive EIS is typically required for large-scale development such as a settlement area boundary expansion, development in greenfield areas, and development proceeding by way of a secondary plan, block plan, plan of subdivision, vacant land plan of condominium, and/or site plan. A Comprehensive EIS may also be required for mineral aggregate operations and projects proposing removal of potential or known key natural heritage or hydrologic features.
- For a Comprehensive EIS, all items in the Terms of Reference Checklist in Appendix 2 must be completed, unless justification is provided in the Application Form and approved by the County.

- Where the size and potential impacts of a project warrant, the applicant may be required to submit a detailed EIS Terms of Reference Proposal for approval, as opposed to using the checklist.
- An EIP must be submitted as part of the EIS to demonstrate how recommendations in the EIS will be implemented at the detailed design stage. For Plans of Subdivision, the County may consider a preliminary EIP (e.g., illustrate and describe restoration areas as opposed to providing a detailed planting plan); the detailed EIP would be required as a condition.

Scoped EIS

- Where a Comprehensive EIS or similar study has been prepared, a Scoped EIS may be required to undertake more detailed studies at the site level.
- A Scoped EIS, as opposed to a Comprehensive EIS, may be considered for projects at a smaller geographic scale and/or where impacts are anticipated to be minimal. For example, projects may typically be scoped where features are proposed to be preserved with VPZs. In such cases, it may not be necessary to undertake detailed species inventories or evaluate features for significance.
- The EIS Terms of Reference Application Form in Appendix 2 must be used to justify and determine study requirements.
- An EIP must be submitted as part of the EIS to demonstrate how recommendations in the EIS will be implemented at the detailed design stage. or Plans of Subdivision, the County may consider a preliminary EIP (e.g., illustrate and describe restoration areas as opposed to providing a detailed planting plan); the detailed EIP would be required as a condition.

Environment Implementation Plan

- An EIP must be completed as part of an EIS to demonstrate how recommendations in the EIS will be implemented at the detailed design stage (e.g. planting plan, silt control fencing).
- The County has created an EIS Waiving Assessment Application Form, which must be approved where an EIP or similar plan is to be used in lieu of an EIS.
- Where an EIP is required, all items in the EIP Terms of Reference Checklist outlined in Appendix 3 and as approved by the County, must be included for the EIP to be deemed complete.

Waiving an EIS and use of an EIP

Decisions made on scoping or waiving the requirement for studies will be made on a case-by-case basis and cannot automatically be extended to other projects. If the requirement for an EIS is waived, the Planning Justification Report or EIP should include a review of applicable policies and justification in the form of a statement that negative impacts are not anticipated based on the nature of the project.

An applicant's environmental consultant may apply for an EIS to be waived using the EIS Waiving Assessment Application Form in Appendix 1. Early and on-going dialogue is encouraged with County Environmental Planning staff to discuss whether a project could be eligible for waiving. Once the EIS Waiving Assessment Application Form is submitted, it will be reviewed by the County. Submission of the Form does not guarantee that an EIS will be waived.

County staff may consider waiving an EIS where it is determined that no useful purpose would be served by completion of an EIS. Exempting an EIS may depend on matters including but not limited to:

- The size, nature, and intent of the proposed project and the site's land use planning context.
- The presence of potential and known natural heritage and hydrologic features, areas, and systems.
- Natural heritage and hydrologic features proposed for preservation versus removal.
- Vegetation protection zones (VPZs) and linkages proposed to be maintained as self-sustaining vegetation and/or enhanced with a diversity of native wildflowers, shrubs, and trees.
- Proposed mitigation measures such as sediment and erosion control.
- How the proposed preservation measures will be implemented and sustained in the long run such as through natural heritage zoning.
- The overall anticipated impacts of a proposed project on the natural environment.

Where an EIS is waived, mitigation and enhancement measures may be required as part of an EIP, Landscape Plan, or similar plan. The lands may also be required to be zoned natural heritage to ensure their

long-term protection.

6.3 - Purpose of an Environmental Impact Study

The main purpose of an EIS is to:

- Demonstrate that a project conforms with applicable legislation, policies, and guidelines.
- Determine if the lands are the appropriate place for development and if so, what development constraints should be.
- That the project can be managed in a sustainable manner that supports a comprehensive, integrated, and long-term approach to the preservation, conservation, and enhancement of the natural environment.

To achieve the main objectives of an EIS, key components of a study as described in greater detail in the Terms of Reference Checklists may include, but may not be limited to:

- The purpose and description of the project.
- Ensure recommendations of Watershed, Subwatershed, and other landscape level studies are achieved.
- Outline how objectives in this Guideline will be achieved.
- Demonstrate conformity with applicable legislation, regulations, policies, and guidelines.
- Conduct meaningful engagement with interested Indigenous nations (e.g. SNWSO) to reach a consensus on incorporating traditional values and knowledge. Inventories shall be completed on plants and animals of significance to communities. In impacted areas, opportunities shall be provided for seed/plant harvesting and rescue prior to impacts, with notification provided to Six Nations and Kayanase prior to harvesting. For wetlands and woodlands, their input is necessary to determine significance. The EIS must discuss how the proposed project incorporates feedback received.
- A biophysical inventory and assessment of the significance of natural heritage and hydrologic features, areas, systems, and functions.
- Identify social functions of natural areas such as recreation, physical and mental well-being, education, research, and contributing to the aesthetic character of an area.
- Apply a climate change lens by preserving vegetation for its mitigating impacts on climate change and incorporation as green infrastructure.
- Research on species habitat requirements from scientific literature, and provincial or federal technical studies.
- Identify environmental constraints to development including natural heritage and hydrologic features, areas, and systems that shall include linkages and VPZs, A systems approach is to be applied to ensure that connectivity is maintained and improved at local, regional, and provincial scales.
- Demonstrate using best practices, how the land use concept and engineering techniques (e.g. grading, low impact development, servicing) have been designed in a sustainable manner that preserves and enhances the natural environmental to the maximum extent possible.
- Assess direct, indirect, and induced impacts on features, areas, systems, and functions that are reasonably expected to occur, and how and when impacts will be addressed through the planning process. Include recommendations on opportunities for ecological restoration, enhancement, environmental offsetting, and monitoring.
- The EIS and associated Planning Justification Report must demonstrate how the findings of the EIS will be implemented through the planning tools such as zoning, official plan designations, and conditions of approval. As part of the recommendations, the applicant must address updates that may be necessary because of delays in the process and/or new legislation.
- An EIP is to be submitted to demonstrate how recommendations in the EIS will be implemented at the detailed design stage. A preliminary EIP may be submitted with a detailed plan required as a condition.
- A summary of key findings and a conclusion as to whether the property is suitable for development.

6.4 - Purpose of an Environmental Implementation Plan

An EIP is a detailed ecological management and implementation plan, intended to combine several plans in one, such as a vegetation inventory and preservation plan, site plan for development, monitoring plan, restoration planting plan and other mitigation measures such as sediment and erosion control. It is to provide in the form of a short report and/or accompanying plans information, including but not limited to:

- Purpose and description of the project.
- Where an EIS or similar study has been completed, discuss, and illustrate how recommendations will be implemented.
- Where an EIP is completed in lieu of an EIS, an applicant may need to demonstrate:
    - There is no reasonable alternative to removal of features or developing in the VPZ.
    - Impacts have been minimized and mitigated to the maximum extent possible.
    - SAR will not be impacted.
    - The project conforms to the Official Plan, Zoning By-Law, Municipal By-Laws, and *PPS* regarding climate change and green infrastructure and protecting, maintaining, restoring, and improving natural heritage and hydrologic features, systems, and functions.
- Meaningful engagement that has occurred with interested Indigenous nations to reach a consensus on incorporating traditional values and knowledge.
- An inventory of vegetation including location, size, species, general age, health, whether the species is or contains habitat of SAR, and if the species is of value to Indigenous nations.
- An assessment of direct wildlife habitat observations, wildlife trees, and other features that could provide habitat. Determine whether there is any habitat of threatened, endangered, special concern or species of importance to Indigenous nations.
- Recommendations regarding compliance with the *Migratory Birds Convention Act*.
- Identification of natural heritage and hydrologic features, linkages, VPZs and systems.
- Clearly identify trees and vegetation proposed to be removed and retained.
- A Site Plan of existing/proposed buildings, structures, wells, septic systems, fencing, access, parking, outdoor storage areas, existing and proposed grades, drainage, services/utilities. Clearly identify limits of grading and construction.
- Protection measures for natural areas to be retained, such as tree protection signage and fencing, following good forestry practices, avoiding storing or dumping materials over root zones, restricting operation of equipment over root zones, and having a spill response plan.
- Mitigation, restoration and/or environmental offsetting measures in the form of planting a diversity of native wildflowers, shrubs, and trees.
- Where an EIS has not been completed, recommendations on how to ensure implementation through the planning process, such as posting securities and/or entering into an agreement.

Section 7: The EIS and EIP Process

Early consultation helps to improve communication, identify issues and constraints at an early stage, avoid unnecessary project costs and expensive delays, and make efficient use of time and resources. On-going dialogue is expected throughout the process.

Depending on the proposal, early consultation should be initiated with SNWSO, the CA, Province (e.g. MECP, MNRF), DFO, and other agencies. For example, if field surveys involving SAR are required, permits may need to be obtained for surveying under the *ESA* or the *Fish and Wildlife Conservation Act*. It is the applicant's responsibility to ensure that the project complies with all applicable law.

As noted throughout this document, meaningful engagement must occur with SNWSO, prior to submission of an EIS and for an application to be deemed complete. Capacity funding shall be determined and agreed upon with SNWSO and any other interested communities.

The following summarizes the EIS and EIP process:

- ✓ Step 1: Early Engagement
- ✓ Step 2: Terms of Reference Submission Standards
- ✓ Step 3: Submission of Draft EIS and/or EIP
- ✓ Step 4: Submission of Complete EIS and/or EIP
- ✓ Step 5: Post Approval Study Addendum

Step 1: Early Engagement

To avoid unnecessary costs on lands not suitable for development, early pre-screening of a project is

recommended. Applicants are encouraged to discuss their proposal early in the process and prior to developing a concept plan with County staff, SNWSO, and where applicable the CA. County staff can meet with applicants on-site to discuss your project, advise on constraints to development, provide preliminary feedback on design, and determine what approvals may be required.

For large-scale development and sites containing and/or adjacent to natural heritage and hydrologic features, areas and systems environmental studies should be completed in advance of developing a concept plan, as the assessment should be used as a tool to identify environmental constraints and inform the layout of a development. Where an EIS has not been completed, concept plans shall be considered preliminary and subject to change.

The County's Official Plan states that studies may vary in scope, depending on the size, nature and intent of the development approval application and the site's land use planning context. Further, applicants are to be advised in writing by the County of supporting studies required as part of a complete application, including the contents of such studies.

Where pre-consultation is undertaken as part of the process, the County, CAs, SNWSO, and MCFN may identify preliminary concerns and provide recommendations on project design. Applicants will be advised if a project may be eligible for waiving and if a Comprehensive of Scoped EIS and/or EIP will be required as part of a complete application.

Discussions and agreement on capacity funding with Indigenous communities should occur at this time.

Step 2: EIS Waiving Assessment Application Form and EIS Terms of Reference Application Form

Prior to submission of a complete application, where development or site alteration is proposed in or within 120 m of known of potential natural areas, either the EIS Waiving Assessment Application Form or the EIS Terms of Reference Application Form must be approved by the County. The County will send a copy of the applicable Application Form to the applicant's environmental consultant to complete. Consultation must be undertaken with SNWSO and MFCN, where interested. The Application Form will than be reviewed by the County. Where approved by the County, the final Application Form will serve as the Terms of Reference.

Step 3: Submission of Draft EIS and/or EIP

Applicants are encouraged to have ongoing dialogue with County staff, SNWSO, and applicable agencies on the progress of the project to obtain feedback. Once the initial data collection, analysis and concept plan are completed, applicants should discuss the findings and/or submit a draft EIS or EIP for review. A site visit may be necessary to discuss the project and any revisions that should be considered.

Step 4: Submission of Complete EIS and/or EIP

Where an EIS, EIP and/or similar plan is required as part of a Complete Application under the *Planning Act* or *Municipal Act,* County staff will review the study against the approved Application Form and where applicable, the Terms of Reference Submission Standards Checklist to determine if it includes all the information required to be deemed Complete. If the studies and information submitted do not contain all the information required, the application will be deemed incomplete. Applicants are advised that a Complete EIS, includes engagement with and incorporation of knowledge from interested Indigenous nations.

Once the EIS and/or EIP are considered Complete, they will be circulated to agencies, SNWSO, and MCFN for review. The studies may also be available for review through the public consultation process associated with the project. Based on the results of the review, the documents may be accepted as is, revisions may be requested to address comments raised during the review, or it may be concluded that the proposal does not conform to applicable legislation and the lands are not the appropriate place for development.

Step 5: Post Approval Study Addendum

An EIS and/or EIP that have been approved by the County and relevant authorities may need to be updated in the following circumstances:

- A new protected species has been discovered on site or nearby (e.g. Great Blue Heron colony protected under the *Migratory Birds Convention Act*);

- Due to changes to legislation after draft approval and prior to final registration of a subdivision, site plan or consent agreement;
- As result of any changes to legislation should draft approval lapse or a subdivision or site plan is not deemed to be registered as per the *Planning Act*; and/or
- Where a decision has been made, but a significant amount of time has passed prior to actual development of the property and completion of the EIS. If a feature has changed over time or a new feature has been identified, how mitigation or changes to the boundaries of the feature will be addressed.