

Appendix 1 – PDS 8-2021

Local Planning Staff and NPCA Comments on Natural Environment System Policies with Response Matrix

No.	Comment From	Comment	Region Response
1	City of Port Colborne Planning Staff	The majority of these comments are implementation issues that if modified will make the transition to the new mapping a much easier undertaking and stop a lot of site specific problems in future.	Regional staff agree that transition policies are critical for the implementation of the new Niagara Official Plan. We have made several additions and revisions based on the detailed comments provided below.
2	City of Port Colborne Planning Staff	Secondary Plans take a lot of work and go through a rigorous planning process. As such they should be given much more status than is given in the natural area policies. Once a secondary plan has been put in place through an Official Plan amendment it should be the blueprint for development and not have to be reopened because of some new mapping. I suggest that if a secondary plan was approved in the last 10 years ie 2011 or later that it's status should be maintained and no review of natural features is warranted. If there are road and or infrastructure connections across natural features in the secondary plan, these connections should be able to be maintained. Old plans could be the subject of a review.	We have added an additional policy to S. 3.1.7.4 to recognize secondary plans that were approved in the previous 10 years.

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3	City of Port Colborne Planning Staff	Your policy that identifies that infrastructure can be built through natural features if an Environmental Assessment is completed should be updated to specifically include Class Environmental Assessment. So there is no confusion in future.	Correct, an environmental assessment would include a Class Environment Assessment. We have added that to the policy to ensure no confusion during implementation.
4	City of Port Colborne Planning Staff	Your policies identify that the EIS process is the way to modify and or eliminate natural features. I support this notion. However, you have not used this approach in your mapping. There are areas that your mapping has identified as other wetlands and or other woodlots that have been the subject of an EIS and the EIS has been approved. This will lead to a great deal of confusion in future. All approved EIS studies that have removed a natural feature should be utilized as a part of this mapping. I think there is a disconnect with your development section and or your environmental section in this regard.	<p>It is the opinion of Regional staff that the appropriate time to remove a feature from the mapping is when the development is proceeding, rather than at the time an EIS is approved or there is draft plan approval.</p> <p>Take for example a situation where an EIS or draft plan is approved, but the development does not move forward. The EIS would have been completed based on the proposed development or change in land use, and may not apply to a subsequent applicant. We want to avoid having to remap the site if an application does not proceed. A subsequent landowner or applicant may not be aware that there are natural features on the site if they were removed for a previous application that did not move forward.</p> <p>In addition, there can be conditions attached to EISs or draft plan approval. The inclusion and clearing of conditions is done differently across sites, and across municipalities in the Region.</p>

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			<p>Further, in many cases EISs have not historically included shapefiles, GIS, or other digital files. Moving forward it is the intention of the Region to require this information.</p> <p>It is the opinion of Regional staff that approved EIS's and draft plan approved sites are more appropriately dealt with through transition policies and other similar policy tools. The draft policies address the situation of a site that has draft plan approval.</p> <p>Based on this comment, and other similar comments that were received, we have added additional policy to address the situation where an EIS may have been approved, but Planning Act approvals are still being processed.</p>
5	City of Port Colborne Planning Staff	I agree with policy 3.1.7.2 which maintains the status of approved site plans.	Thank you. Comments noted.
6	City of Port Colborne Planning Staff	Policy 3.1.4.8 makes no sense. If a significant woodland has lost the features that had it classified as such it should no longer be maintained as a significant woodland. There is change in ecology and this needs to be reflected in the policies. If natural or approved anthropocentric forces have changed a woodland and it no longer has the features that identified it as a significant woodlot than it	<p>It is the goal of this Plan that woodland cover be maintained or enhanced in the region by 2051. For this goal to be realized there needs to be policies to protect existing woodland cover in the Region.</p> <p>Woodlands are ecological systems and are subject to cyclical processes. Policy 3.1.4.8 protects woodlands at all points in their ecological cycle. Woodlands that have been</p>

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		simply is not a significant woodlot. Remove this policy entirely.	<p>disturbed by natural disturbance (e.g. invasive species, fires, weather, etc.) will return to woodlands. A reference to anthropogenic disturbances is included in this policy to prevent woodlands from being removed in advance of an application for development.</p> <p>This policy is a best practice and currently in Official Plans in other municipalities in Ontario. There was very strong support for a policy of this type during the public consultation that has been completed to date on the project. It is noted that other municipalities indicated support for this policy.</p>
7	Township of Wainfleet Planning Staff	Development – the definition is not included in the NES definitions, but rather in the Glossary of Terms for the new OP. The definition includes the creation of a new lot. Often times boundary adjustments propose the fragmentation of a feature, but are not considered a new lot. It would be beneficial to have an additional NES policy direction to identify that development may include new or adjusted lot “lines”.	Thank you for the suggestion. We have added a new policy to indicate that consideration should be given to not fragmenting natural features during boundary adjustments.
8	Township of Wainfleet Planning Staff	It is unclear if “Natural Hazards” and “Hazardous Lands” are separate terms. They are both italicized, however, only Hazardous Lands is defined.	Only Hazardous Lands should be italicized as a defined term. We have made this correction

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9	Township of Wainfleet Planning Staff	“Woodland Enhancement Plan” is italicized but not defined.	Woodland Enhancement Plan will be included as a defined term in the new Niagara Official Plan.
10	Township of Wainfleet Planning Staff	“Hazardous Sites” is italicized but not defined.	Hazardous Sites will be included as a defined term in the new Niagara Official Plan. The PPS definition will be used.
11	Township of Wainfleet Planning Staff	“Hazardous forest types for wildland fire” is italicized but not defined.	Hazardous forest types for wildland fires will be included as a defined term in the new Niagara Official Plan. The PPS definition will be used.
12	Township of Wainfleet Planning Staff	“Structure” is used a number of times but not defined. Consideration should be given to include this as a defined term.	Structure is not a defined term in provincial planning documents. It is the opinion of Regional staff that it is not necessary for it to be a defined term in the Regional Official Plan.
13	Township of Wainfleet Planning Staff	All references to the Provincial Ministries names are subject to change in the future. Instead of the Ministry name perhaps use “Provincial Ministry with jurisdiction” or Federal depending on the item of discussion.	Thank you for the suggestion. We will use the term ‘provincial ministry with jurisdiction’
14	Township of Wainfleet Planning Staff	It appears that the direction of the Natural Hazards policies remains broad and defers to the regulation of these features by the Niagara Peninsula Conservation Authority (NPCA). However, it also states that Natural Hazards will be shown on a separate Schedule as per	The mapping of Natural Hazards is the responsibility of the NPCA and will not be included in the Regional Official Plan. The text of Section 3.1.2 has been updated to eliminate this confusion.

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		Section 3.1.2, which has not been provided for review.	
15	Township of Wainfleet Planning Staff	Section 3.1.2.6.5 uses the term “change in adjacent land use”. As the proposal may not necessarily be a change in land use it may be beneficial to use “proposed development” so that the language remains consistent with the rest of the chapter (i.e. other policies refer to development or redevelopment).	We have changed the text in S. 3.1.2.6.5 from “change in adjacent land use” to “proposed development”.
16	Township of Wainfleet Planning Staff	Section 3.1.2.6.2(d) states that “the use of offsetting measures is not permitted by this Plan”. Township staff question if there has been a precedent for offsetting throughout the Region and would expect the policies for other wetlands to align with the NPCA regulations.	The use of offsetting measures is not permitted by this Plan. Currently the policies of the NPCA do allow for offsetting for non-PSW’s in some circumstances. We understand that this policy is currently under review by the NPCA board and staff.
17	Township of Wainfleet Planning Staff	Section 3.1.2.6.2(e) is related to the <i>Conservation Authorities Act</i> . These policies should be broader and note that approval shall be subject to NPCA regulations.	We have added “regulations” to S. 3.1.2.6.2 (e).
18	Township of Wainfleet Planning Staff	Section 3.1.3.3(d) suggests that Local Municipalities require site plan approval on all lots with key hydrologic areas (KHA) where individual on-site sewage services are proposed. The Township does not have the staffing resources to require site plan approval on all lots within KHA where individual on-site	On January 15, 2020 Regional Council directed staff to include specific policies in the new Niagara Official Plan related to the protection of the south Niagara highly vulnerable aquifer. The use of site plan approval for individual on-site sewage services was identified as one policy tool that

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		sewage services are proposed for single family homes. This policy may be implemented for more intrusive uses such as commercial, employment or larger scale developments.	could be used. As site plan approval is a local responsibility, the draft policy encourages local municipalities to do so.
19	Township of Wainfleet Planning Staff	Section 3.1.4.7 provides direction for linkages. It is not clear how the width or location of the linkages were determined. Staff suggest incorporating a clause that would allow some flexibility in determining if a study is required. For example, if the medium size linkage crosses an actively farmed field (cash crops) and it is aligned with the middle of a wetland/woodland feature, could the linkage not be relocated (to a northerly or southerly limit of the feature?) For example, if a farmer needed to construct a new agricultural building and the only restriction is a linkage across their field, it could result in a relocation of an agricultural structure in an inconvenient area or act as a deterrent altogether.	Thank you for the suggestion. We have added an additional policy to 3.1.4.7 to provided agricultural exemptions consistent with other sections of the chapter.
20	Township of Wainfleet Planning Staff	Section 3.1.5.2.b.iii) identifies a policy for a two-zone concept regarding flooding. Niagara only uses a one zone concept. This should be revised accordingly.	The policy states “where a two-zone concept is applied” if a two-zone concept does not apply, the policy does not apply.
21	Township of Wainfleet Planning Staff	Section 3.1.5.4 provides policy for Protecting Against Wildland Fires. It is not clear if the Niagara Region contains the presence of hazardous forest types for wildland fire	The appendix will be included in the consolidated draft of the Official Plan.

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		(assuming this is identified by the Province). It is not clear how risk assessment and mitigation standards are determined. The policy also refers to an Appendix which has not been provided for review.	
22	Township of Wainfleet Planning Staff	Section 3.1.7.9 Developing a Land Securement Strategy policy should not only read that the Region, LAMS and other public agencies etc, implement a land securement strategy that would transfer private lands in to public ownership, there should be some policy direction that in the event this cannot occur, then the lands should remain under a single private ownership (this happens often with subdivisions adjacent to a Natural Heritage Feature and one lot ends up owning the entire Natural Heritage Feature block).	Thank you for the suggestion. We have added additional text to the policy based on this comment.
23	Township of Wainfleet Planning Staff	Township staff notes that the goals and objectives of this chapter are clear. However, some of language in the policies, specifically with terms as identified above as well as repetitive or similar terms such as designation, overlay designation and overlay, can at times be confusing with respect to the mapping. There is often reference to and overlap between the different roles and responsibilities of the Local Municipalities, the Region and Niagara Peninsula Conservation Authority with respect to the Natural Environment System. It would be beneficial to have the roles and	Roles and responsibilities for Local Municipalities, the Region, and NPCA are defined in the MOU and Environmental Planning Protocol.

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		responsibilities clearly identified in a chart format as an appendix or table to the chapter.	
24	City of Thorold Planning Staff	There is much confusion in reading the proposed policy framework for the Natural Heritage system. Duplication of policies throughout the document and the use of similar terminology in describing both the Regional system and the Provincial system makes it difficult for the reader to follow and difficult to implement.	Comment noted.
25	City of Thorold Planning Staff	As an example, Section 3.1.1(b) states that the Region's Natural Environment system is an overlay on unnamed schedules. Section 3.1.2 states that the Natural Environment System is mapped as both overlays (with underlying designations) and designations. This creates confusion. Core features of the system should be designated as such. Overlays are typically used for adjacent lands where an Environmental Impact Statement is required to determine if development will have an impact on the Core features of the system. Clarifying this from the start of the document will assist in making the document more user friendly and easier to implement.	The entirety of the NES is an overlay. Certain core features are proposed to be shown as a designation. The text box at the start of S. 3.1.2 provides this information.
26	City of Thorold Planning Staff	Providing individual sections for the individual features ends up with duplication of similar policies throughout Section 3.1. The overall intent is to preserve and protect all core	In some cases the duplication of policy is required where the same policies apply to different features and areas. Several formats for presenting the policies were considered.

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		features of the system and to address how development may or may not impact the system through the submission of an EIS. The Region may wish to consider removing the duplication of similar policy/terminology to assist with streamlining the document and making it more user friendly.	Regional staff are of the opinion that this is the most user friendly format.
27	City of Thorold Planning Staff	The inclusion of policies from other documents (i.e. Niagara Escarpment Plan) also leads to confusion. An example is Section 3.1.2.4.5 dealing with Recreational Uses. It is suggested that instead of duplicating another plan's policy, a reference to the NEP could be inserted instead.	Section 3.1.2.4.5 is related to the Greenbelt Plan, not the Niagara Escarpment Pan.
28	City of Thorold Planning Staff	Many of the sections (i.e. 3.1.4.6) read as they are components of a Terms of Reference for an EIS rather than Official Plan policy. It is suggested that these sections be reviewed and only essential policy be included in the OP.	Regional staff are satisfied that all of the proposed policy are appropriate for inclusion in the new Official Plan. Where there is additional information that is important to provide, but is not strictly policy, we have included this as a text box in the plan.
29	Town of Pelham Planning Staff	Generally, the policies are well written and thorough. The breakdown of the various policy documents and the components of the natural heritage system is helpful and clear considering the complexity.	Thank you. Comment noted.
30	Town of Pelham Planning Staff	We would recommend revising the "minimum prescribed buffer" and "mandatory non-prescribed buffer" terms to "buffers outside	We have made the suggested change.

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		settlement areas” and “buffers inside settlement areas”.	
31	Town of Pelham Planning Staff	Policy 3.1.2.6.5(a) would prefer that a minimum buffer is stated for ease of implementation rather than having to complete a study to determine.	Comment noted. Regional staff continue to recommend that, if NES option 3C is selected, the width of buffers in settlement areas be determined through an environmental impact study.
32	Town of Pelham Planning Staff	Policy 3.1.3.3(d) encourages the use of site plan control for development in key hydrologic areas with individual on-site septic systems. Most of this development is for single detached dwellings where site plan control is not permitted by the Planning Act.	It is the understanding of Regional staff that site plan control is permissible for single detached dwellings under certain conditions. The policy is an encouragement to Local Municipalities.
33	Town of Pelham Planning Staff	Policy 3.1.4.3 seems to remove all Regional involvement in matters pertaining to the habitat of threatened and endangered species. What will be the role of the Region and local municipalities regarding this moving forward? Will this be clarified in the EIS guidelines? How will conformity with the Provincial Policy Statement be ensured?	Habitat of endangered species and threatened species is the jurisdiction of the Province. This is a provincial process. Region Environmental Planning staff will continue to complete technical reviews and provide comments through the application process as appropriate. Ultimately it is the responsibility of the applicant / property owner to comply with the relevant provincial legislation. Compliance will still need to be addressed through the EIS process.
34	Town of Pelham Planning Staff	Policy 3.1.4.5(a)(iv) Enhancement Areas is italicized but not defined.	Enhancement areas is a defined term and was included in the “Components, Definitions, and Criteria” document. It is included below the

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			definition of “supporting areas and features” as it is a subset of that definition.
35	Town of Pelham Planning Staff	Policy 3.1.4.8(a) is a welcome addition. We would recommend removing “date of approval of this Plan” as this may inadvertently encourage further clearing of woodlands prior to the date of adoption of the Plan. Also, recommend the removal of “unauthorized” as some removal of hazard trees has been permitted in areas and that should not be used to change the classification.	<p>Comment noted. Although Regional staff agree with the need to prevent clearing of woodlands prior to approval of the plan, it is the opinion of Regional staff that a policy of this nature requires a start date. In addition significant woodlands are identified based on criteria established by the Region (which differs slightly from previous criteria). The new criteria only become the policy as of the date of approval of this plan.</p> <p>Based on this comment we have removed the term ‘unauthorized’ from the draft policy.</p>
36	Town of Pelham Planning Staff	Policy 3.1.4.9 the addition of the cultural or regenerating woodland classification is positive.	Thank you. Comment noted.
37	Town of Pelham Planning Staff	3.1.4.9(b) seems to allow for offsetting which is in conflict with the statement earlier on in 3.1.2.6.2(d).	The policies in 3.1.4.9 are not intended to allow ecological offsetting.
38	Town of Pelham Planning Staff	Policy 3.1.4.12(c) [now “b”] refers to previous studies. Is there a shelf life for studies? Will this be clarified in the updated EIS guidelines?	In the case of policy 3.1.4.12 previous studies are to be reviewed for any and all information that can help to make a determination on cumulative impacts. There is not a restriction on the age of studies for this purpose. More generally speaking, EIS’s that are being submitted in support of an application for

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			development and site alteration do have an expiration date. More direction on this will be provided in the updated EIS guidelines.
39	Town of Pelham Planning Staff	Policy 3.1.5.2(b)(ii) requires private sewage systems to be located in the floodway as currently written. We believe this is an error and requires revision.	Thank you. We have made the correction.
40	Town of Pelham Planning Staff	Policy 3.1.5.3(a) permits residential uses on hazardous lands and sites. Is this the intention?	Policy 3.1.5.3 is included verbatim as written in the PPS (3.1.5). The primary responsibility for implementing restrictions on development and site alteration in natural hazards rests with the NPCA.
41	Town of Pelham Planning Staff	Policy 3.1.6.1(a) we would recommend setting a measurable target for woodland cover. Although the science based goal set by the UN of minimum 30% may not be attainable within the time frame of the plan, a target should be set.	Thank you. Comment noted. Following the completion of the new Official Plan, environmental planning initiatives in the Region will be ongoing.
42	Town of Pelham Planning Staff	<p>Policy 3.1.7.8(c) does not require buffers in settlement areas to be zoned.</p> <p>This means that buffers will be developed and have no protection. Is this the intention? If the intention is to maintain buffers, they should be zoned.</p>	Policy 3.1.7.8 c) provides direction for the inclusion of the NES in zoning by-laws at the initial time of implementation. Only where there is a minimum buffer prescribe can it be zoned at implementation. Other buffers that are determined through site specific study at the time application would be included in the zoning by-law at that time. We have added additional text to provide that clarification.

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43	Town of Pelham Planning Staff	Policy 3.1.7.11(c) [now 3.1.7.10(c)] we would recommend that “encourages the” be replaced with “shall use”.	Regional staff agree that the planting of native species is desirable. However the Regional Official Plan does not have the ability to require it at municipal facilities or along transportation corridors – especially if an application is not being made under the Planning Act. Policy 3.1.7.10 provides further direction regarding the planting of native species.
44	Township of West Lincoln Planning Staff	The NHS layer encompasses a significant amount of active farmland throughout the Township. The Township has concerns that this may cause additional barriers, on ongoing agricultural operations as well as proposals for new agricultural operations or agriculturally related severances including surplus farm dwelling severances, such as required environmental studies. From a very quick assessment of the data, we have grave concerns about the Provincial natural heritage system layer. Some of the mapping appears to makes no sense based on the underlying aerial imagery. Township staff would like to know how will it be applied to existing and new agricultural buildings both within and adjacent to the Provincial mapping?	The Growth Plan Natural Heritage System was provided to the Region by the Province and is required to be implemented through the Regional Official Plan. Within the text of the Growth Plan there is a range of exemptions for agricultural uses. See for example Growth Plan policy 4.2.2.3 b), 4.2.4.1 f), 4.2.4.4. All of the agricultural exemptions outlined in provincial policy have been incorporated into the draft policies.
45	Township of West Lincoln Planning Staff	Policies should protect and support farmers and their right to farm. Farmers are generally considered to be good stewards of the land	Thank you for the suggestion. We have added additional exemptions to 3.1.2.4.6 related to agricultural buildings.

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		since that is how they make their livelihood. Agricultural uses, buildings and structures should be exempt from 3.1.2.4.6.	
46	Township of West Lincoln Planning Staff	In all situations, existing agricultural uses should not be hindered and new and expanding agricultural buildings should be supported.	Comment noted.
47	Township of West Lincoln Planning Staff	Township staff also note concerns that the NHS layer may have impacts on ongoing urban expansion and rural settlement area adjustments. Regional Staff have stated that the NHS will not apply to area within settlement areas. Planning Staff would like to confirm that it will not affect any ongoing processes to bring lands into urban settlement areas. Agricultural uses and operations should be supported and not impacted by overly restrictive environmental policy.	That is correct. The policies of the Growth Plan do not prevent urban boundary expansions into the Growth Plan Natural Heritage System.
48	Township of West Lincoln Planning Staff	Township staff also have concerns with the linkages layer for the same reason as it affects a lot of land being actively farmed and we have concerns that this added layer will impact future agriculturally related planning applications and affect ongoing agricultural uses.	Based on this comment, and similar comments received we have added additional policy to S. 3.1.4.7 to add agricultural exemptions in linkage areas.

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49	Township of West Lincoln Planning Staff	Township staff have concerns regarding the 'Other Wetlands – Non PSW' layer and how it was mapped. Throughout West Lincoln it seems very sporadically mapped and staff are not sure of the implications of future planning act applications.	Both the Provincial Policy Statement (PPS) and Growth Plan require the Region to identify a water resources system (which in the case of Niagara is part of the integrated natural environment system). The identification and protection of a comprehensive water resource system (WRS) is new in Niagara. Wetlands are a required component of the WRS. Other Wetlands were identified using the Ecological Land Classification (ELC) methodology. ELC is the industry accepted protocol for the identification of a range of natural features. ELC mapping in Niagara was updated in 2020 and was the basis for identifying Other Wetlands in the region. Included in the "Components, Definitions, and Criteria" document is a list of all of the ELC vegetation codes for wetlands. Outside of settlement areas, the Growth Plan policies state that all wetlands are considered to be key hydrologic features, and the Growth Plan policies for this feature type have been included in the draft policies.
50	Township of West Lincoln Planning Staff	Township planning staff are supportive of the waiving criteria in 3.1.2.6.3 Development and Site Alteration in Adjacent Lands (Note that staff believe there may be a typo in the heading 'Alternation' in the draft text) and Section 3.1.8.2 Waiving and Scoping of Studies. Staff have experienced that in many circumstances and EIS is not warranted or	Thank you. Comment noted. (typo corrected)

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		should be scoped and have worked successfully with the Region in the past with the current waiving and scoping criteria.	
51	Township of West Lincoln Planning Staff	Staff do not believe that small linkages should be included as part of the mapping or policy, and the policy regarding linkages in 3.1.4.7 Identifying Linkages to Protect Ecological Connectivity in the Region, should provide more flexibility for agriculturally related development or site alteration as in West Lincoln the majority of these linkages are shown over actively used farmland.	Comment noted. Small linkages (both inside and outside of settlement areas) apply in NES Option 3C only.
52	Township of West Lincoln Planning Staff	Staff are not supportive of Policy 3.1.2.6.5, 3.1.4.7 a) (Option 3c) or Option 3.1.4.8 as written. Specifically regarding not significant woodlots, staff believe that the proposed policies are too strenuous.	Thank you. Comment noted.
53	Town of Grimsby Planning Staff	3.1.2.4.1 – VPZ Included in the Designation: The mapping has watercourses and waterbodies, it does not have ‘permanent and intermittent streams’ or ‘inland lakes’. The definition for permanent or intermittent streams is much more definitive vs. the watercourses.	Correct, the mapping provided has used the terms “watercourses” when the layer is depicting permanent and intermittent streams. This will be corrected on the next draft of the mapping. In addition, any associated Official Plan Schedules, where permanent and intermittent streams are identified, will refer to them as such. Inland lakes have been mapped and were provided in the draft mapping.

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54	Town of Grimsby Planning Staff	<p>General – Terminology in policies vs. mapping, i.e., significant coastal wetlands, permanent and intermittent streams, key natural heritage features, natural environment area, provincial natural heritage system, key hydrological features.</p> <p>There are policies and definitions for these features, but not related mapping which can easily be deciphered to determine how to apply those policies. The policies and mapping need to be consistent.</p>	<p>Some of the features listed in the comment are groups of features, not an individual feature type. For example key natural heritage feature and key hydrologic features are both terms used to describe a grouping of features that have similar policy types. There is not, for example, a mapping layer for key natural heritage features; instead each of the individual features are considered separately. It is also important to note that not all features are mapped in the plan. As a note, mapping for the Provincial Natural Heritage Systems (i.e. Growth Plan Natural Heritage System and Greenbelt Plan Natural Heritage System) was provided for review.</p>
55	Town of Grimsby Planning Staff	<p>3.1.2.2 (a):</p> <p>Please clarify this policy:</p> <ul style="list-style-type: none"> • What features cannot be mapped or are not included? • Who does the evaluation outlined in this policy? Does this relate to 3.1.2.2(c) or 3.1.2.3(a) where it is determined through evaluation done as part of a development application, or is the Region undertaking additional work? • Should the policy only refer to ‘additional’ features and areas? What if they have been mapped in error or the significance is less than what has been included? 	<p>Several examples of features that are not mapped include fish habitat, habitat of endangered species and threatened species, significant wildlife habitat, and significant valleylands.</p> <p>As noted in the policy the evaluation would be undertaken by applicant at the time an application is made.</p>

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56	Town of Grimsby Planning Staff	<p>3.1.2.4.2 (a)(viii):</p> <p>Please clarify what 'less of an environmental impact' refers to. Is there a relative scale that should be used, or something that can offer guidance?</p>	<p>This is a provincial policy. We will include additional details as part of the update to the EIS guidelines.</p>
57	Town of Grimsby Planning Staff	<p>3.1.2.4.5(b):</p> <p>While it is recognized that this is a policy from the GB Plan, should there be a definition, policy or terms of reference created for what is an acceptable vegetation enhancement plan? i.e., what it includes, who prepares it, etc.</p>	<p>Yes, that is correct- this is a provincial policy from the Greenbelt Plan. We will include additional details as part of the update to the EIS guidelines.</p>
58	Town of Grimsby Planning Staff	<p>3.1.2.4.5 (c):</p> <p>While it is recognized that this is a policy from the GB Plan, should there be a definition, policy or terms of reference created for what is an acceptable conservation plan? i.e., what it includes, who prepares it, etc.</p>	<p>Yes, that is correct- this is a provincial policy from the Greenbelt Plan. We will include additional details as part of the update to the EIS guidelines.</p>
59	Town of Grimsby Planning Staff	<p>3.1.2.4.6(a)(vi):</p> <p>There are exceptions in this policy for mineral aggregates and golf courses, should there also be an exception for agricultural uses? Especially as this policy is anticipated to relate to adjacent lands as well, natural self-sustaining vegetation that can be create</p>	<p>Thank you for the suggestion. We have included additional policy related to agricultural uses.</p>

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		conflicts with crops? Re: exceptions for agriculture in the GB Plan	
60	Town of Grimsby Planning Staff	<p>3.1.2.6.1(c):</p> <p>Please clarify this policy. 3.1.2.6(a) says the policy applies to settlement areas (SA), 3.1.2.4.2(a) and 3.1.2.4.3(a) both say it does not apply to SAs, and there is no mapping of the relevant streams, inland lakes, littoral zones, etc.</p> <p>Is there a VPZ in settlement areas?</p>	<p>Vegetation protection zone (VPZ) is a provincial term. VPZ's apply to key natural heritage features within a Provincial Natural Heritage System, and to all key hydrologic features outside of a settlement area.</p> <p>VPZ's do not apply within settlement areas. Inside settlement areas, the term 'buffer' is used.</p>
61	Town of Grimsby Planning Staff	<p>3.1.2.6.2(d) + (e) and (f):</p> <p>Please clarify the policy with the mapping – is this in reference to the regulated floodplain extents? Is the intention to show authority of the other wetlands in the mapping? Currently they are all mapped the same, so these policies are not clear.</p>	<p>No, this policy is not related to floodplains that are regulated by the NPCA. The purpose of this policy is to make it clear that wetlands can also be regulated by the NPCA.</p>
62	Town of Grimsby Planning Staff	<p>3.1.2.6.3(a):</p> <p>Please clarify – does this policy apply within a SA?</p>	<p>Yes, 3.1.2.6.3(a) applies within settlement areas.</p>
63	Town of Grimsby Planning Staff	<p>Table 3.2:</p> <p>Please clarify – where is the mapping for the following features listed in the table: significant coastal wetlands (note spelling error in doc), significant valleyland, significant wildlife</p>	<p>Significant valleyland, significant wildlife habitat, habitat of endangered and threatened species, fish habitat are not mapped features.</p>

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		habitat, habitat of endangered and threatened species, fish habitat?	
64	Town of Grimsby Planning Staff	3.1.2.6.3(b): Negative impact is italicized, but no definition for the term was provided	A definition for negative impact will be provided as part of the consolidated draft of the Official Plan.
65	Town of Grimsby Planning Staff	3.1.2.6.4(c) and generally: Please provide some context when referring to other sections to aid in clarity for the reader, such as in draft policy 3.1.2.4.6(a)(vi) that states 'at least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in Section 4.3.4 dealing with mineral aggregate resources.'	Regional staff prefer the approach of just cross referencing to other policies. If we duplicated policy, the draft policy would become too long and difficult to read.
66	Town of Grimsby Planning Staff	3.1.2.6.4(d): Please clarify, as it does not appear this policy exists	Thank you. A correction in the cross referencing of the policies has been made.
67	Town of Grimsby Planning Staff	3.1.2.6.4(e): Please clarify a range for the 'larger buffers' and what 'certain features' might refer to as this policy is a bit vague. Also, how would it relate to 3.1.5.2?	Policy 3.1.2.6.4(e) has been deleted to eliminate confusion.

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68	Town of Grimsby Planning Staff	<p>3.1.2.6.5:</p> <p>Please clarify this section.</p> <ul style="list-style-type: none"> • Is only the first (a) part of the 3C option? And how does this policy really differ from what is suggested in (b) where an EIS is presumably the 'site-specific study' required? • Would the remaining a-c continue to exist if the first (a) was not approved? • How would this policy be implemented in a ZBL? • Part (c) allowing for passive recreation may not be appropriate in residential areas, along highways or rail lines, especially when features are developed in built-up areas, should that policy reference the greenfield areas to better tie it to other policies of the plan where those choices might be applicable? Should there be two types of policies provided – where development exists in built-up areas and greenfield? 	<p>Mandatory buffers in settlement areas applies for NES Option 3C only. The entirety of S. 3.1.2.6.5 only applies if NES Option 3C is selected.</p> <p>Policies related to passive recreational uses could apply in either built-up areas or greenfield areas.</p>
69	Town of Grimsby Planning Staff	<p>3.1.3.1(d):</p> <p>Please clarify –</p> <ul style="list-style-type: none"> • How does this differ from the buffer outlined in 3.1.2.6.5 (b) within settlement areas or 3.1.2.6.1 regarding VPZs? • Should there be more defined policies depending on the features? For 	<p>This policy is related to maintaining the vegetated buffer along the Great Lakes shoreline. It is similar in many regards to a buffer or vegetation protection zone. Although buffers and VPZs are generally used to reduce the impacts of development on natural features.</p>

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		<p>example, should there be something about erosion, such as along the great lakes, where maybe a natural break is not as helpful as a stone edge or where the potential for wave uprush / flooding / climate change impacts have caused dramatic issues? Should there be a separate one for intermittent streams where these issues are not present and the same buffering might not be as necessary? Right now the mapping has grouped all shoreline areas, and does not follow along all of the Great Lake edge.</p>	<p>Regulating flooding and erosion shoreline hazards is the responsibility of the NPCA.</p> <p>This policy is specifically related to the Great Lakes shorelines. There are other policies in the plan related to permanent and intermittent streams.</p>
70	Town of Grimsby Planning Staff	<p>3.1.3.3(a) and (b):</p> <p>Hydrologic evaluation - this term is italicized in the text, but does not appear in the definitions. Also, will there be a ToR fore this study prepared?</p>	<p>Hydrologic evaluation will be a defined term in consolidated draft of the Official Plan. S. 3.1.8 provides policies regarding the preparation and review of hydrologic evaluations.</p>
71	Town of Grimsby Planning Staff	<p>3.1.3.3(d):</p> <p>Require?</p> <p>Also, would the requirement for site plan control also be for agricultural uses? Generally they are excluded, but would be on individual on-site sewage, and given the mapping of key hydrologic features that would cover most of the area.</p>	<p>Thank you, typo corrected.</p> <p>The policy is an encouragement to Local Municipalities and could be implemented as determined appropriate by the Local Municipality.</p>

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72	Town of Grimsby Planning Staff	3.1.4.2: Will there be a fish habitat assessment ToR for people to follow? What are the requirements for screening? What is considered major?	We will provide additional details in the updated EIS guidelines.
73	Town of Grimsby Planning Staff	3.1.4.3: Will there be further guidance regarding the 'site assessment by a qualified professional' using 'accepted protocols'? Mapping?	We will provide additional details in the updated EIS guidelines. Habitat of endangered species and threatened species is not mapped in the Regional Official Plan.
74	Town of Grimsby Planning Staff	3.1.4.4: Will there be guidance or a ToR for an earth science heritage evaluation?	We will provide additional details in the updated EIS guidelines.
75	Town of Grimsby Planning Staff	3.1.4.6: Enhancement Areas - How are these mapped?	Enhancement areas would be identified at a site specific level through the completion of an environmental impact study, hydrologic evaluation, and/or subwatershed study.
76	Town of Grimsby Planning Staff	3.1.4.7(b): How does this policy relate to settlement areas that are mostly built-up and only have intensification opportunities?	The identification of linkages in settlement areas applies only if NES Option 3C is selected. Not all settlement areas in the region are completely built up. Linkages would not be identified across built-up areas.
77	Town of Grimsby Planning Staff	3.1.4.9(b):	This policy is intended to apply region wide. The purpose of this policy is to allow for woodlands that are substantially compromised

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		<p>If (a) talked about the lands being a prior significant woodland in an SA that was compromised, and this policy speaks to removing the trees, why is an enhancement being proposed on the property or in the immediate area? Is this only in greenfields? Would this apply to built up areas? If the woodland is compromised, would there not be an opportunity to remove it entirely or shrink the boundaries because it was mapped incorrectly, has been decimated by a natural phenomenon or urban development surrounding it?</p>	<p>and functioning with very low ecological value (by meeting all the criteria) to be replaced with woodlands with a much higher ecological potential. The goal of the policy is overall enhancement to the Regional NES. It is anticipated that this will apply to only a very small number of features in the region.</p>
78	Town of Grimsby Planning Staff	<p>3.1.4.11: SARA deals with all species, not just aquatic – why is the focus only on aquatic species? Will guidance be provided for this? Will it be included as well for how it may relate to ESA / DFO requirements?</p>	<p>Policy 3.1.4.11 applies to aquatic species at risk. This policies is based on guidance that was provided to municipalities for inclusion in Official Plans.</p>
79	Town of Grimsby Planning Staff	<p>3.1.4.12: (a)Please clarify – would this mean that every single development application would require an EIS??? (b)Please clarify what is meant by the timing (c and d) How would the proponent necessarily know about or be able to explain previous studies done relating to a feature? And how would they assess impacts that had been done to the feature prior to an</p>	<p>No, this policy does not mean that an EIS is required for every single development. The intent of this policy is that when an EIS is triggered by other policies of the plan that cumulative impacts be considered. Yes, additional details will be provided in the updated EIS guidelines.</p>

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		assessment? Are they required to do historical research on the features? And how would they attain that information? Will there be further guidance / ToR for this section?	
80	Town of Grimsby Planning Staff	3.1.5.2(b)(iii): Please clarify a two-zone concept	Please see PPS policy 3.1.6
81	Town of Grimsby Planning Staff	3.1.5.4: hazardous forest types for wildland fire is italicized but there is not a definition for it, nor do they appear to be mapped. Will there be a ToR for the assessment for wildland fire risk?	Hazardous forest types for wildland fire will be a defined term in the Plan. We will be using the PPS definition. We will provide additional details in the updated EIS guidelines.
82	Town of Grimsby Planning Staff	3.1.6.3: Please clarify how this policy relates to the VPZ, buffers, etc etc.	One tool to maintain or enhance riparian vegetation cover is to ensure appropriate buffers and VPZs are required for development applications.
83	Town of Grimsby Planning Staff	3.1.7.1 – 3: Please clarify why this would be in the environmental section of the OP, when these are a general policy and a requirement of the PA	Ultimately these policies could be included in another section of the OP. They are included as part of this chapter for the time being because the transition policies are critical to understand how the natural environment system will be implemented.
84	Town of Grimsby Planning Staff	3.1.7.4:	Based on this comment and similar comments received, S. 3.1.7.4 has been updated to

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		<p>(a) Please clarify – is this for secondary plans in greenfield areas? SPs in built up areas may not have those Plans</p> <p>(b) Where SPs have involved the Region through the process, and they are nearing completion, to require them to go back to undertake baseline studies is not practical as it would impact the budget and process and may not be necessary, especially in built up areas. Please revise.</p>	<p>provide additional policies in regards to secondary plans.</p>
85	Town of Grimsby Planning Staff	<p>3.1.7.6 and 7 (b) and (c):</p> <p>Please clarify why (b) in each of the sections indicated that the boundaries may be refined based on updated information and detailed studies in consultation with the Region, but (c) requires approval of the Region. The definitions and criteria of most of the features indicate they need further refinement through study. The Region would already approve the OPs – please clarify the conflict between the clauses</p>	<p>Policies 3.1.7.6 & 3.1.7.7 are related to time of local official plan conformity. We have updated the title of the section to ensure that is clear. We have also removed subsection c) from each policy as it is redundant – local official plans require approval of the Region.</p>
86	Town of Grimsby Planning Staff	<p>3.1.7.10(b):</p> <p>Some native species are detrimental to farmers crops. Should an agricultural qualifier be included here?</p>	<p>At time of application, the Region and Local Municipality should work with the applicant and neighbouring agricultural community to ensure appropriate species are planted.</p>

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87	Town of Grimsby Planning Staff	<p>3.1.7.11:</p> <p>If the Region is going to try to implement a policy / process to attain lands with natural heritage features, should it not also develop a policy program for invasive species on their lands, as outlined in (b)?</p>	Subsection c) addressed this comment.
88	Town of Grimsby Planning Staff	<p>3.1.7.12:</p> <p>Should bird friendly development also be added to this list of considerations?</p>	S. 3.1.7.12 has been revised to make it clear that this is an encouragement to Local Municipalities. Local Municipalities are welcome to consider additional matters as well.
89	Town of Grimsby Planning Staff	<p>Definition – Shoreline areas:</p> <p>Please clarify – why would the mapping of shoreline areas follow watercourses that do not appear to exist (over existing development / major roads) in SAs and are well beyond the 30 metres from the Great Lakes, but yet not follow the entire extent of the shoreline of the Great Lakes, similar to how the conservation area was mapped in the existing OP and reflecting provincial policies regarding flooding hazards and the potential for wave uprushes?</p>	<p>Shoreline mapping is based on vegetative cover along the shoreline. It can be fragmented where there is existing development up to the shoreline.</p> <p>Regulating flooding and erosion shoreline hazards is the responsibility of the NPCA.</p>
90	Town of Grimsby Planning Staff	<p>Definition – Fish Habitat and mapping of watercourses:</p> <p>Given the criteria for mapping watercourses, that outline that fish habitat is presumed and</p>	Watercourse mapping has been completed comprehensively to include sub surface features such as culverts and conduits. In some areas the local storm sewer system provides connectivity between surface water

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		<p>not necessarily mapped or studied and it may include intermittent or ephemeral watercourses that presume an importance to the maintenance of downstream fish habitat, there should be policies that allow for the policies not to apply. Further, watercourses should only be mapped where there is an obvious watercourse in a settlement area. There are examples of watercourse lines and shorelines within the urban area over the QEW and other roads, in settled areas over existing development (including houses), and in ditches along the railway without greater context or connection to a broader system. As the policies do not really connect with those areas they should be removed, perhaps replaced with another feature or deleted entirely If they would already be covered by NPCA hazard lands.</p>	<p>features as they travel to the ultimate drainage point. The mapping provided differentiates between “virtual connector” and “surface water” when the feature is selected. Local storm system network lines are not regulated under key hydrologic features, and are predominantly not included in the mapping of permanent and intermittent watercourses.</p>
91	Town of Fort Erie Planning Staff	<p>Both draft plan approved plans and approved plans with approved EIS studies should be integrated into the mapping. If an EIS has been approved, the mapping should reflect the results of the EIS. If the issue is timing of development, perhaps consider putting a timeframe to approved EIS’ – i.e they are only good for 5 years.</p>	<p>It is the opinion of Regional staff that the appropriate time to remove a feature from the mapping is when the development is proceeding, rather than at the time an EIS is approved or there is draft plan approval.</p> <p>Take for example a situation where an EIS or draft plan is approved, but the development does not move forward. The EIS would have been completed based on the proposed development or change in land use, and may not apply to a subsequent applicant. We want to avoid having to remap the site if an</p>

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			<p>application does not proceed. A subsequent landowner or applicant may not be aware that there are natural features on the site if they were removed for a previous application that did not move forward.</p> <p>In addition, there can be conditions attached to EISs or draft plan approval. The inclusion and clearing of conditions is done differently across sites, and across municipalities in the Region.</p> <p>Further, in many cases EISs have not historically included shapefiles, GIS, or other digital files. Moving forward it is the intention of the Region to require this information.</p> <p>It is the opinion of Regional staff that approved EIS's and draft plan approved sites are more appropriately dealt with through transition policies and other similar policy tools. The draft policies address the situation of a site that has draft plan approval.</p> <p>Based on this comment, and other similar comments that were received, we have added additional policy to address the situation where an EIS may have been approved, but Planning Act approvals are still being processed.</p>
92	Town of Fort Erie Planning Staff	There are a number of parcels that have been identified as "other wetland" that appear to be	Heavily treed areas are not excluded from being considered wetlands. The "Components, Definitions, and Criteria"

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		heavily treed areas, or pockets with no linkages to other NHS systems.	document includes a list of all of the ELC vegetation communities that were used to identify wetlands.
93	Town of Fort Erie Planning Staff	There are a number of low areas that have been identified as wetlands. Has there been any ground truthing for these sites? We don't feel that the majority of them should be considered as "wetland".	<p>Both the Provincial Policy Statement (PPS) and Growth Plan require the Region to identify a water resources system (which in the case of Niagara is part of the integrated natural environment system). The identification and protection of a comprehensive water resource system (WRS) is new in Niagara. Wetlands are a required component of the WRS. Other Wetlands were identified using the Ecological Land Classification (ELC) methodology. ELC is the industry accepted protocol for the identification of a range of natural features. ELC mapping in Niagara was updated in 2020 and was the basis for identifying Other Wetlands in the region. Included in the "Components, Definitions, and Criteria" document is a list of all of the ELC vegetation codes for wetlands.</p> <p>Well over 1200 sites across all 12 municipalities' were visited as part of the ELC mapping exercise to verify that the correct ELC code was applied to the site. Over 100 of those site visits were in Fort Erie.</p>
94	Town of Fort Erie Planning Staff	There are a number of fragmented, small parcels that have been identified (generally as wetland or woodlot) that do not connect to the	Direct connection to other natural features is not a prerequisite for inclusion in the natural environment system. Isolated features can

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		NHS as a whole or appear to contribute to a system or other NHS feature.	serve a range of ecological and hydrological purposes.
95	Town of Fort Erie Planning Staff	The shoreline mapping is dated and some areas are fragmented (i.e. Bay Beach area, Crystal Beach Tennis and Yacht Club).	Shoreline mapping is based on vegetative cover along the shoreline. It can be fragmented where there is existing development up to the shoreline.
96	Town of Fort Erie Planning Staff	3.1.2.6.2 c: Definition for Key Hydrological Features?	Key hydrologic features is a defined term in the Growth Plan. The definition was included in the “Components, Definitions, and Criteria” document.
97	Town of Fort Erie Planning Staff	3.1.2.6.5 c: [now “d”] Would this mean that for example an extension of our existing trail network (paved) require an EIS?	No, this policy would not trigger the Town to complete an EIS to expand their existing trail network.
98	Town of Fort Erie Planning Staff	3.1.3.1 i: Will this impact the Town’s shoreline waterfront work?	The nature and extent of the Town’s waterfront work is not known.
99	Town of Fort Erie Planning Staff	3.1.4.5: The Town is just looking for clarification on this section as it seems to be fairly all-encompassing.	This policy applies outside of settlement areas in NES option 3B and both inside and outside of settlement areas in NES option 3C. The intent of this policy is that when an environmental impact study, hydrologic evaluation, or subwatershed study is completed, the presence of supporting features will be screened. If supporting

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			features are identified, the study would complete additional evaluation on how they should best be managed as part of the application and development process.
100	Town of Fort Erie Planning Staff	<p>3.1.4.8:</p> <p>The Town is looking for clarification on this – if it determined that it is no longer significant because of disturbance or for example tree death due to disease etc then how can the area still be considered significant?</p>	<p>It is the goal of this Plan that woodland cover be maintained or enhanced in the region by 2051. For this goal to be realized, there needs to be policies to protect existing woodland cover.</p> <p>Woodlands are ecological systems and are subject to cyclical processes. Policy 3.1.4.8 protects woodlands at all points in their ecological cycle. Woodlands that have been disturbed by natural disturbance (e.g. invasive species, fires, weather, etc.) will return to woodlands. A reference to anthropogenic disturbances is included in this policy to prevent woodlands from being removed in advance of an application for development.</p> <p>This policy is a best practice and currently in Official Plans in other municipalities in Ontario. There was very strong support for a policy of this type during the public consultation that has been completed to date on the project. It is noted that other municipalities indicated support for this policy.</p>
101	Town of Fort Erie Planning Staff	3.1.4.9:	The inclusion of this policies is not anticipated to have an impact on the Region’s land needs.

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		How does this impact the Urban Boundary land numbers/requirements?	
102	Town of Fort Erie Planning Staff	3.1.4.10 b i: How does this impact the Urban Boundary land numbers/requirements?	The inclusion of this policies is not anticipated to have an impact on the Region's land needs.
103	Town of Fort Erie Planning Staff	3.1.4.12: Does this mean separate studies that feed into the EIS work? Does this apply to all applications?	This policy is not intended to trigger the need for additional studies.
104	Town of Fort Erie Planning Staff	3.1.7.3 b: This is very open-ended. The policy doesn't actually say whether the Region would request changes to the Plan through a draft plan extension process. The language "...to determine if changes to the layout of the draft plan and/or any of the conditions need to be made..." leaves a lot of room for interpretation, and it does give the ability to change the plan. What criteria will the Region be using to assess if the plan needs to change?	Implementation of proposed policy 3.1.7.3 b) would be in consultation with the Local Municipality.
105	Town of Fort Erie Planning Staff	3.1.7.4 a: The Town has a number of areas in Secondary Plans where applying new NES policies is going to affect development potential. One example is Spears-High Pointe	Based on this comment and other similar comments received we have updated S. 3.1.7.4 to provide additional policy regarding approved secondary plans.

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		<p>- NES mapping shows LSW and Significant Woodland over a significant amount of this area but it is mostly designated for residential use in the Secondary Plan, with no EC Overlay.</p> <p>This policy is unclear – is the Region asking the Town to review all of its existing Secondary Plan mapping?</p> <p>Will the Town be required to do this as part of our OP conformity exercise? Will all Secondary Plan will have to be re-visited?</p>	
106	Town of Fort Erie Planning Staff	<p>3.1.7.6:</p> <p>Further to comments re Secondary Plans above, implementing the mapping into approved Secondary Plan areas is going to drastically affect development potential in some areas.</p>	Based on this comment and other similar comments received we have updated S. 3.1.7.4 to provide additional policy regarding approved secondary plans.
107	Town of Fort Erie Planning Staff	<p>3.1.7.7:</p> <p>If there is a site-specific OPA permitting development on the property, would this site have to be updated to reflect NES mapping?</p>	Please provide additional information for the site. We have revised S. 3.1.7.7 based on other comments received, please review and advise if there are still outstanding concerns.
108	Town of Fort Erie Planning Staff	<p>3.1.7.8:</p> <p>If there is a site-specific ZBA permitting development on the property, would this site have to be updated to reflect NES mapping?</p>	Please provide additional information for the site. We have revised S. 3.1.7.8 based on other comments received, please review and advise if there are still outstanding concerns.

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109	Town of Fort Erie Planning Staff	<p>3.1.7.12:</p> <p>Are all other policies of the ROP still applicable in these situations? We have single detached dwellings in Point Abino which are subject to site plan control. Is development permitted subject to these criteria? Or do the other policies of this section still apply, restricting development.</p> <p>I'm not sure if this Policy is intended to replace their current "Existing Lots" policy 7.B.1.30... I don't see an existing lots policy in the Plan except for this one, where site plan control or community planning permit is in place. Is this intended to apply to existing lots for the development of a single dwelling, if subject to SP or CPP? Otherwise, if it is an existing lot and only a building permit is required, then the ROP doesn't apply and the policies are moot.</p>	S. 3.1.7.12 has been revised to make it clear that this is an encouragement to Local Municipalities.
110	Town of Fort Erie Planning Staff	<p>3.1.2.4.3 c:</p> <p>What are the policies this is referring to on shoreline development?</p>	Policy 4.1.10.6 is in the agriculture section. It is implementing policy 4.2.4.5 of the Growth Plan.
111	Town of Fort Erie Planning Staff	<p>3.1.8.2:</p> <p>Is there a definition of "minor" – specifically with respect to d. "if the proposed development or site alteration is minor..."</p>	No, it is not the intent to include a definition of minor. This determination would be made on an application specific basis with support of the EIS guidelines.

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112	Town of Fort Erie Planning Staff	<p>3.1.8.4:</p> <p>How will this be managed? Will the Region send all TOR approved to the Town? More detail should be provided i.e. the developer should be notified of the cost of the peer review prior to proceeding.</p> <p>Is a peer review only to resolve conflict among the experts as the Region has experts on Staff?</p>	<p>This is a fairly standard practices and is done for a range of studies and application types.</p> <p>Additional details will be provided through the updated EIS guidelines.</p>
113	Town of Fort Erie Planning Staff	Please consider adding an additional policy to deal with minor expansions to existing dwellings and minor accessory structures to lots of record in the Provincial NHS System.	Thank you for the suggestion. We have added an additional policy to S. 3.1.2.4.6 to address this comment.
114	Town of Fort Erie Planning Staff	I request that the Region consider a transitional policy for those developments currently in the process where the Region has reviewed and accepted the EIS work. This transition policy should be included to ensure those in the process have some assurances until the approval by Regional Council. This will also minimize ambiguity when dealing with these policies once they are approved.	Thank you for the suggestion. Based on this comment, and similar comments received we have added additional transitional policies to S. 3.1.7.3 for situations where the EIS has been approved, but the overall application is still being processed.
115	Town of Fort Erie Planning Staff	I have some serious concerns with the other wetland mapping. There are very small pockets of wetlands independent of other features that have been identified and I need to question how they fit into the Natural	Both the Provincial Policy Statement (PPS) and Growth Plan require the Region to identify a water resources system (which in the case of Niagara is part of the integrated natural environment system). The identification and

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		Heritage system if they do not link to any other existing feature? Can they not be just flagged for review rather than a wetland designation? I look forward to seeing your work on this matter and look forward to working with you to rectify some of these issues.	<p>protection of a comprehensive water resource system (WRS) is new in Niagara. Wetlands are a required component of the WRS. Other Wetlands were identified using the Ecological Land Classification (ELC) methodology. ELC is the industry accepted protocol for the identification of a range of natural features. ELC mapping in Niagara was updated in 2020 and was the basis for identifying Other Wetlands in the region. Included in the “Components, Definitions, and Criteria” document is a list of all of the ELC vegetation codes for wetlands. Outside of settlement areas, the Growth Plan policies state that all wetlands are considered to be key hydrologic features, and the Growth Plan policies for this feature type have been included in the draft policies.</p> <p>Direct connection to other natural features is not a prerequisite for inclusion in the natural environment system. Isolated features can serve a range of ecological and hydrological purposes.</p>
116	Town of Fort Erie Planning Staff	Transition policies on Secondary Plans are of concern, particularly 3.1.7.4 (a). If a secondary plan was approved by the Town or the Region why does it need to be revisited. This just creates uncertainty.	Based on this comment and other similar comments received we have updated S. 3.1.7.4 to provide additional policy regarding approved secondary plans.

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117	City of Welland Planning Staff	Have the small linkages been shown in the mapping? We would like to see how this would impact settlement areas.	Yes, small linkages were shown on the draft mapping that was provided to local planning staff for review.
118	City of Welland Planning Staff	Re: Mandatory buffers in settlement areas – How does the Region intend to implement this is the local municipality is the approval authority for EIS work within settlement areas? Also, it would imply that a ROPA would be required if the mandatory buffer is proposed to be reduced in size. This seems like overkill.	Local Official Plans will need to be updated to conform to the new Regional Official Plan. The draft policies for buffers in settlement areas do not include a minimum. It states that the width of the buffer is to be determined through study at the time of application The draft policy does not imply that a Regional Official Plan amendment would be required. Regional staff will continue to support Local Municipalities in regards to the implementation of the Regional Natural Environment System.
119	City of Welland Planning Staff	3.1.2.6.2. d): Why is Region not contemplating offsetting for Locally Significant Wetlands if the NPCA will permit this? Why are there two different sets of criteria? Should be consistent between agencies.	The use of offsetting measures is not permitted by this Plan. Currently the policies of the NPCA do allow for offsetting for non-PSW's in some circumstances. We understand that this policy is currently under review by the NPCA board and staff.
120	City of Welland Planning Staff	3.1.2.6.3: Is this intended to apply to lands outside of the urban boundary only? The local municipality is the scoping authority for EIS studies within the urban boundary.	The policies of 3.1.2.6.3. apply outside of a Provincial Natural Heritage System, both inside and outside of settlement areas.

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121	City of Welland Planning Staff	Table 3-2: How were the minimum required buffer distances created? How would this be implemented if all that is required is a Building Permit, as the Official Plan is not Applicable Law.	Table 3-2 are not minimum buffers, table 3-2 are adjacent lands. Generally speaking they can be considered as the distance away from a natural feature that triggers the need for an EIS.
122	City of Welland Planning Staff	3.1.2.6.4. d): Would this allow for expansions to existing residential dwellings without an EIS? The policy suggests not.	The policy has been updated to include the expansion of existing residential dwellings.
123	City of Welland Planning Staff	3.1.2.6.5. Mandatory Non-Prescribed Buffers in Settlement Areas: This is a local responsibility, not Regional. City cannot support these policies.	Comment noted.
124	City of Welland Planning Staff	3.1.4.7: Can changes to the linkage location be made without an amendment to this plan, so long as there is a linkage in the same general area?	Correct, changes to the linkage location can be made without an amendment to the plan.
125	City of Welland Planning Staff	3.1.4.8: We have concerns with this policy as there are a number of inaccuracies in the proposed mapping. We would have fewer concerns if we felt the mapping accurately reflected the Significant Woodlots.	Comment noted. City Planning staff were provided the opportunity to identify any issues with the draft mapping through an online mapping tool.

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		If the Region wants this policy, they should also look at supporting replanting programs to ensure that these areas are re-forested and don't simply remain as clearcut areas.	The Region is currently considering a range of programs through a Regional Greening Initiative.
126	City of Welland Planning Staff	<p>3.1.4.10. b) v):</p> <p>Why is this creation and not enhancement. Creation would suggest offsetting for wetlands, but that's not permitted by this plan.</p> <p>Also, how is this policy intended to work? Will there now be requests to create new environmental areas on a property as part of a development?</p>	<p>Thank you for the suggestion; we have added enhancement to subsection v.</p> <p>The intent of this policy is that through the development process consideration be given to how enhancements to ecological function, ecological integrity, or biodiversity of the Natural Environment System can be achieved. Opportunities will range given the specific characteristics of the site.</p>
127	City of Welland Planning Staff	<p>3.1.4.12. c): [now "b"]</p> <p>There may be FOI issues with the release of these studies. May want to soften the wording somehow. Also, should there be a sunset clause on when the studies were completed? Within 2 years of application may be reasonable as studies that are older may no longer be relevant.</p>	<p>In the case of policy 3.1.4.12 (c), previous studies are to be reviewed for any and all information that can help to make a determination on cumulative impacts. There is not a restriction on the age of studies for this purpose. More generally speaking, EISs that are being submitted in support of an application for development and site alternation do have an expiration date. More direction on this will be provided in the updated EIS guidelines.</p>
128	City of Welland Planning Staff	3.1.5.2. b) iii):	This policy refers to flood zones. See PPS policy 3.1.6.

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		Is this referring to flood zones, or Zoning By-law zones? Please clarify.	
129	City of Welland Planning Staff	3.1.5.2. c): Is the last sentence necessary as the Region has not involvement in the local refinement and negotiations with the NPCA.	The last sentence is included to provide greater clarity and information to local municipalities.
130	City of Welland Planning Staff	3.1.7.3. b): This will have a huge impact on development and does not seem appropriate if the findings of the original EIS have been supported previously by Regional Staff. This policy 'moves the goalposts' in the middle of development and isn't supported by the City.	Comment noted.
131	City of Welland Planning Staff	3.1.7.3. e): Change 'shall' to 'should' or 'encourage'.	Regional staff are comfortable that 'shall' is appropriate in this context.
132	City of Welland Planning Staff	3.1.7.4. a): Within Settlement Areas, local municipalities are the scoping authority. This policy doesn't reflect this appropriately.	Policy 3.1.7.4 has been updated to provide additional transition policies in regards to approved secondary plans.
133	City of Welland Planning Staff	3.1.7.6 c): This does not take into account that modifications to the natural environment mapping can be made without amendment to	Policies 3.1.7.6 & 3.1.7.7 are related to time of local official plan conformity. We have updated the title of the section to ensure that is clear. We have also removed subsection c) from

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		the plan where an EIS is completed, or new information is provided.	each policy as it is redundant – local official plans require approval of the Region.
134	City of Welland Planning Staff	3.1.7.12: Are these criteria to be implemented by the municipality, or by the Region? It's unclear and some of the criteria identified are implemented at a local level.	S. 3.1.7.12 has been revised to make it clear that this is an encouragement to Local Municipalities.
135	City of Welland Planning Staff	3.1.7.12 a) v): Add, where applicable.	“As applicable” has been added to the policy to apply to the entirety of S. 3.1.7.12.
136	City of Welland Planning Staff	3.1.7.12 a) vii): Securities are taken and held by the municipality. Will the Region be collecting securities now for Site Plans? I'm not entirely sure how this will work.	S. 3.1.7.12 has been revised to make it clear that this is an encouragement to Local Municipalities. It is not the intent of this policy that the Region will be collecting securities.
137	City of Welland Planning Staff	3.1.8.1. b) i) ab): This suggests that the local municipalities must enforce the policies in the Regional Plan, rather than the Local Official Plan. The policy should read that the study shall be compliant with local policies, not Regional.	Thank you. Comment noted. This matter will be addressed when the Local Official Plan is updated.
138	City of Welland Planning Staff	3.1.8.1. b) i): 'As required' should be changed to 'as requested'.	Regional staff are comfortable that 'as required' is appropriate in this context.

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139	City of Welland Planning Staff	<p>3.1.8.2. d):</p> <p>The way this is written would imply that the Region is only delegating to the local municipality where the development is minor and in a settlement area - which contradicts the wording of the MOU. It is unclear if this is intended to allow for the wording of the MOU, but needs to be cleaned up, otherwise the Region is only delegating when the development is minor AND in a settlement area. This is not how it currently works, and the City would object to change to scoping authority in settlement areas.</p>	<p>The draft policies delegate the authority to approve EISs in settlement areas that have been prepared in accordance with an approved terms of reference, to municipalities. Waiving, scoping, and approving terms of references remains a Region responsibility. It is the interpretation of Regional staff that this is not in conflict with the MOU or Environmental Planning Protocol. S 3.1.8.2 d) is in regards to delegating the responsibility for waiving or scoping an EIS.</p>
140	City of Welland Planning Staff	<p>3.1.8.3. b):</p> <p>Where the Region is the Approval Authority should be added.</p>	<p>The Region is responsible for approving the terms of reference for all EIS's. The draft policies delegate the authority to approve EISs in settlement areas that have been prepared in accordance with an approved terms of reference to municipalities.</p>
141	City of Niagara Falls Planning Staff	<p>Although Staff appreciate the complexity of the natural heritage system and the corresponding complexity of creating policy, we found the structure, formatting and wording of the policies to be challenging to read and understand, and ultimately to implement. Our general comments include the following:</p>	<p>Comment noted.</p>

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142	City of Niagara Falls Planning Staff	The document contains wording beyond the scope of policy suitable to an Official Plan and into details of procedure and specific requirements.	Regional staff are satisfied that all of the proposed policies are appropriate for inclusion in the new Official Plan. Where there is additional information that is important to provide, but is not strictly policy, we have included this as a text box in the plan.
143	City of Niagara Falls Planning Staff	The more restrictive Option 3c) which contains more detail within the Urban Settlement Areas should be included only as a discretionary policy which would guide those Local Municipalities should they choose to include them. Inclusion should be the decision of Local Councils through the implementation of their policies.	Comment noted.
144	City of Niagara Falls Planning Staff	There is a significant number of technical terms within the policies that repeated often and in full text, within sub-policies. Where possible, we ask that you consider streamlining the policies by reducing the repetition. An example would be Policy 3.1.4.6a) where the text 'key natural heritage features, key hydrological features and natural features and areas' already contained in the first paragraph of the policy is repeated in subsections i), ii), and iii) - the use of a simpler term such as 'these features' would convey the same information and improve readability.	Regional staff prefer to be precise with the language of the policy to ensure that it can be implemented without confusion.

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145	City of Niagara Falls Planning Staff	The document may be streamlined with a reference to Niagara Peninsula Conservation Authority or Niagara Escarpment Plan policies rather a repetition of them. This would also relieve the Region from the need to amend the Region Official Plan when changes or updates are made by those agencies.	NPCA and NEP policy are only duplicated on a very limited basis, either where it is required to ensure conformity with provincial policy or there is the potential for overlap or implementation issues that need to be resolved. Several revisions to policies related to the NPCA have been made based on the input of NPCA staff.
146	City of Niagara Falls Planning Staff	The comparisons of vegetation zones, adjacent lands, buffers and which geographic system they relate to may be more easily referenced visually, as in a chart.	Comment noted.
147	City of Niagara Falls Planning Staff	Staff have serious concerns regarding the implementation as outlined in the draft policies. Specifically:	Comment noted.
148	City of Niagara Falls Planning Staff	there should be transitional policies for site plan control applications that have completed the environmental review required through their review and may only be awaiting finalization by Staff or Council.	Thank you for this suggestion. Based on this comment and similar comments received we have added additional transitional policies to S. 3.1.7.3 to address the situation where an EIS has been approved but the application is still being processed.
149	City of Niagara Falls Planning Staff	if the Region can amend its Natural Heritage System Overlay boundary without amendment to the Plan, why would Regional approval be needed to tweak these boundaries at the local level? What would the associated process be for this? Also, as an overlay the boundaries	Policies 3.1.7.6 & 3.1.7.7 are related to time of local official plan conformity. We have updated the title of the section to ensure that is clear. We have also removed subsection c) from

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		should not be considered definitive, necessitating amendments – would this not be accomplished through change to the land use designation where necessary?	each policy as it is redundant – local official plans require approval of the Region.
150	City of Niagara Falls Planning Staff	Under Policy 3.1.7.7 subsections a) and c), regarding the ‘Incorporating the Natural Environment Area Designation into Local Official Plan’, appear to be contradictory – ie. if an approved study refines the boundaries of a natural feature or area, thereby affecting the designated area (and they are reviewed through the Planning Act application process by the Region), why would the local municipality require further Regional approval?	Policies 3.1.7.6 & 3.1.7.7 are related to time of local official plan conformity. We have updated the title of the section to ensure that is clear. We have also removed subsection c) from each policy as it is redundant – local official plans require approval of the Region.
151	City of Niagara Falls Planning Staff	Policy 3.1.7.8 regarding the incorporation of the Natural Area Designation into Local Zoning By-law is too prescriptive. The implementation policies in the current Region Official Plan should be applied. In addition, clarification of subsections b) and c) is requested – aren’t minimum prescribed buffers already within the Natural Environment Area designation? If buffers/vegetation protection zones are to be defined through studies, they should not be entrenched in the zoning by-law. This would complicate development planning at the local level and	Comment noted. Additional text have been added to c) regarding the zoning of buffers at the time of implementation.

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		require possibly unnecessary expenditures by the land owner (and staff through review time).	
152	City of Niagara Falls Planning Staff	Policy 3.1.7.12 should be a guidance policy for local Official Plans. Use of the term 'shall' is prescriptive and, as written, would require Regional approval. As the Region is not always involved in site plan control, having this policy would add unnecessary bureaucracy.	S. 3.1.7.12 has been revised to remove the word shall and make it clear that this is an encouragement to Local Municipalities.
153	City of Niagara Falls Planning Staff	Structure and Formatting is not intuitive – e.g. Implementation is between sections dealing with environmental features. Section headings as written can be misleading and should be shortened/simplified e.g. 3.1.7.11 'Identifying a Process to Manage Invasive Species' could be replaced with "Invasive Species". That would more quickly direct the reader to the substance of the policies when scanning through the policies as part of review.	Thank you. Comment noted.
154	City of Niagara Falls Planning Staff	The document contains sections that read more like process than Policy. The Official Plan should contain goals, objectives and policies only.	Regional staff are satisfied that all of the proposed policies are appropriate for inclusion in the new Official Plan. Where there is additional information that is important to provide, but is not strictly policy, we have included this as a text box in the plan.

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155	City of Niagara Falls Planning Staff	A compiled map of the NES Overlay and NEA Designation would be helpful for LAM to assess the impact of implementation on local documents. How will the reader be tied to 2 separate Overlay Schedules under the same Overlay title/policies?	Local planning staff were provided draft mapping for review through an online mapping tool. The second part of the comment is unclear; we are not proposing two different schedules with the same title.
156	City of Niagara Falls Planning Staff	3.1.2, Summary Box, (last paragraph): Notes that component parts of the NES aren't mapped and that detailed area specific or site specific studies are required to identify them – how are studies to be required if the presence is unknown. Should this refer to where identified through a study?	There are a range of triggers for the studies – which could then identify a feature, for example a subwatershed study, other mapped features, or the use of screening layers by municipal or other agency planning staff.
157	City of Niagara Falls Planning Staff	3.1.2.2: The contents of subsections b) and c) seem to repeat the contents of a). It is suggested that for readability the three subsections be condensed into two: 1 – dealing with the mapped features and 2 dealing with those identified through study.	Understanding that not all components of the natural environment system are mapped as part of the Official Plan is a critical concept. Regional staff are comfortable with the draft policy as written.
158	City of Niagara Falls Planning Staff	3.1.2.2: Rather than repeating 'natural heritage features, key natural heritage features and key hydrological features' in each policy can a reference to the 'specific features within the Natural Environment Designation' (or even	Regional staff are comfortable with the draft policy as written and prefer to be precise with the language of the policy to ensure that it can be implemented without confusion.

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		more condensed 'specific features within this designation' be used – as 3.1.2.1 already lists what the designation specifically consists of (which ironically excludes some of the features listed under the actual definition).	
159	City of Niagara Falls Planning Staff	3.1.2.2: b) 'Where information is known' opens up questions about reference. It is suggested that 'Where confirmed through approved mapping' or a similar phrase be used instead.	Regional staff are comfortable with the draft policy as written.
160	City of Niagara Falls Planning Staff	3.1.2.4: Policies a) and b) don't seem to belong here. Policy b) may not be picked up by a reader that goes directly to key hydrological features – reference to the applicability of the policies of 3.1.2.4 should be referenced under the section dealing specifically to that feature or, otherwise, repeated within that section.	Regional staff are comfortable with the draft policy as written.
161	City of Niagara Falls Planning Staff	3.1.2.4.1: For clarification: the Natural Environment Area designation includes the Provincial NHS plus a 30m vegetation zone? Plus a 15m vegetation protection zone along certain Key hydrologic features. If so, should these areas be included under the mapping description of the designation under 3.1.2.1.? Also use of	No that is not correct. A 30m vegetation protection zone applies to the features listed that are within the Provincial Natural Heritage System. A 15m vegetation protection zone applies to certain key hydrologic features in the Greenbelt Plan.

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		the term 'Zone' be cause confusion with local zoning terminology.	<p>The term vegetation protection “zone” is used in the plan to allow for the implementation of provincial policy without confusion.</p> <p>Thank you for the suggestion. S. 3.1.2.1 has been updated to include the VPZs and buffers that are included in the Natural Area designation.</p>
162	City of Niagara Falls Planning Staff	<p>3.1.2.4.2:</p> <p>v) Allows single dwellings may be permitted provided they were 'zoned' for such use. Since much of the area within the Greenbelt Plan is not subject to municipal zoning, and is subject to the Niagara Escarpment Plan instead, it is suggested that 'zoned' be changed to something similar to 'a permitted use under governing documents'.</p>	Although in Niagara Falls the majority of the Greenbelt may be in the Niagara Escarpment, this is not the case region wide.
163	City of Niagara Falls Planning Staff	<p>3.1.2.4.3:</p> <p>a) iii) Adjacent lands of 30m is required around 'seepage areas and springs'. These specific features are not listed under the Natural Environment Area designation (3.1.2.1.) – although they are included in the definition of a key hydrologic feature. Also this may conflict with Policy 3.1.2.4.1 which has established distances from features.</p>	Correct, seepage areas are not a mapped feature in the Regional Official Plan, however, if they are identified through a study a 30m vegetation protection zone is required in accordance with Provincial policy.

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164	City of Niagara Falls Planning Staff	3.1.2.4.3: d) what is meant by 'infrastructure serving the agricultural sector'? Would this include telecommunication towers?	Infrastructure serving the agricultural sector is not intended to include telecommunication towers.
165	City of Niagara Falls Planning Staff	3.1.2.4.3: g) Unlike a zoning by-law which has the minor variance option under the Planning Act to consider slight deviations to specific limits, adding specific numbers under this Policy may become troublesome if new construction is slightly over the limit (e.g. a new agricultural building of 201m ² (or indeed 200m ² since as it is written only those buildings below this number would meet the policy). How would such requests be dealt with; would a ROPA be needed for 1 sq m? What is the source of these figures? A guidance policy for inclusion of these numbers within implementing zoning by-laws should be considered instead.	The policies listed in this threshold are for exemptions from requiring an EIS. The policies do not state that above the threshold, a ROPA would be required, rather that the need for a study would be triggered.
166	City of Niagara Falls Planning Staff	3.1.2.4.6: How does Development and Site Alteration within a provincial Natural Heritage System differ than Development and Site Alteration in Key Natural Heritage Features and Key Hydrologic Features (3.1.1.4.2)? Policies are confusing.	The Provincial Natural Heritage System are the mapped systems that have been provided by the Province (i.e. Growth Plan Natural Heritage System & Greenbelt Plan Natural Heritage System). Key Natural Heritage Features and Key Hydrologic Features and the individual natural features identified by the Region (using Provincial definitions) are within the system.

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167	City of Niagara Falls Planning Staff	3.1.2.4.6: iv) to vi) Where do these numbers come from? Should 'developable lands' be defined for the purpose of these policies?	These numbers come directly from the Growth Plan (see Growth Plan policy 4.2.2.3). Total developable area will be defined in the Regional Official Plan using the same definition that was provided by the Province in the Growth Plan.
168	City of Niagara Falls Planning Staff	3.1.2.6.1: a) Please clarify if this includes or excludes seepage or springs.	This policy describes the VPZs that are automatically included in the NES designation. Seepage springs are not a mapped features they are not automatically Included. If identified through a more detailed study a VPZ would be required.
169	City of Niagara Falls Planning Staff	3.1.2.6.2: c) ii) & Demonstrated to who? What is the process?	Demonstrated to the approval authority through the application process.
170	City of Niagara Falls Planning Staff	3.1.2.6.2: e) Could the policies of this section defer to the policies of the NPCA rather than repeated – this may avoid the need for Official Plan amendments whenever the NPCA updates its policies).	We have updated this policy based on input received from NPCA staff.
171	City of Niagara Falls Planning Staff	3.1.2.6.3: a) Is the phrase 'outside of a Provincial Natural Heritage System' necessary as a natural heritage feature, by definition, does not	Yes it is necessary to include that phrase in the policy. Outside of a Provincial Natural Heritage System is a geographic indication,

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		include the Provincial Natural Heritage System?	rather than a reference to a specific natural feature.
172	City of Niagara Falls Planning Staff	3.1.2.6.3: b) the phrase 'minor and is not anticipated to have a negative impact' is subjective, who makes the call – e.g. Director. There appears to be a wording issues after the term 'Natural Environment System'.	The update EIS guidelines will provide additional details; the wording of the policy has been corrected.
173	City of Niagara Falls Planning Staff	3.1.2.6.3: d) is this the same as 3.1.2.4.3 which also require a Vegetation Zone?	The policies of 3.1.2.4.3 apply to site(s) that are in a Provincial Natural Heritage System (i.e. the use of the term 'vegetation protection zone'). The policies of 3.1.2.6.3 apply outside of a provincial natural heritage system (i.e. the use of the tem 'buffer')
174	City of Niagara Falls Planning Staff	3.1.2.3: Changes to the delineation of features, where approved, do not require an amendment to the RPP; however states Regional approval is needed to make changes to the local OP. What form approval is envisioned? It is our opinion that if a study is approved through the development process, through consultation with the Region, changes to local documents should not require further approval from Regional Staff. This policy should be deleted. LAM should include this policy (without	Policies 3.1.7.6 & 3.1.7.7 are related to time of local official plan conformity. We have updated the title of the section to ensure that is clear. We have also removed subsection c) from each policy as it is redundant – local official plans require approval of the Region.

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		reference to Regional Approval) in our Official Plans.	
175	City of Niagara Falls Planning Staff	3.1.2.6.4: d) see comments above re: 3.1.2.4.3.g)	The policies listed in this threshold are for exemptions from requiring an EIS. The policies do not state that above the threshold a ROPA would be required, rather that the need for a study would be triggered.
176	City of Niagara Falls Planning Staff	3.1.2.6.5: Text Box – Minimum Buffer and Mandatory Buffers. Wording can be condensed (e.g. first line may not be necessary)	Regional staff are comfortable with the wording of the text box.
177	City of Niagara Falls Planning Staff	3.1.2.6.5: c) Is this policy still referring to mandatory buffers? If mandatory buffers only apply within settlement areas, does that term need to be repeated?	This policy has been updated based on input from NPCA staff.
178	City of Niagara Falls Planning Staff	3.1.2.6.4: e) This policy refers to ‘certain features’ – please describe what those may be.	Policy 3.1.2.6.4 e) has been removed to eliminate confusion.
179	City of Niagara Falls Planning Staff	3.1.3.2: Are these policies already addressed in 3.1.1.(a)?	Regional staff assume the comment is referring to 3.1.3.1 a).

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			<p>S. 3.1.3.1 refers generally to all water resource features in the region. S. 3.1.3.2 applies specifically to key hydrologic areas.</p> <p>On January 15, 2020 Regional Council directed staff to include specific policies in the new Niagara Official Plan related to the protection of the south Niagara highly vulnerable aquifer. To ensure this direction to staff was implemented, Regional staff felt it was important to include specific stand-alone policies related to key hydrologic areas.</p>
180	City of Niagara Falls Planning Staff	<p>3.1.3.2:</p> <p>b) why not apply a different title to the Hydrologic Area Overlay which is part of the System but shown separately from the other Overlay? Differentiation is needed for clarity of the reader.</p>	<p>Regional staff are satisfied that the description in s. 3.1.3.2 b) is appropriate, and that the title of the schedule is acceptable.</p>
181	City of Niagara Falls Planning Staff	<p>3.1.3.3:</p> <p>d) this policy would have the effect of applying site plan control to primarily agricultural properties – is this intent? even for minor development?</p>	<p>The policy is an encouragement to Local Municipalities and could be implemented as determined appropriate by the Local Municipality.</p>
182	City of Niagara Falls Planning Staff	<p>3.1.4.1:</p> <p>d) why would we be more restrictive on a residential garage than for an on-farm diversified use?</p>	<p>Provincial planning direction encourages municipalities to include a range of exemptions for agricultural uses.</p>

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183	City of Niagara Falls Planning Staff	3.1.4.2: a) & b) What is being suggested in the second sentence. If fish habitat has been mapped, what is the screening for? And will it need to be four season?	Fish habitat is not a mapped feature in the Regional Official Plan. In order to determine whether fish habitat is present, proponents of development and site alteration will be required to screen for the presence of fish habitat.
184	City of Niagara Falls Planning Staff	3.1.4.3: c) & d) Is this a description of Federal and Provincial process rather than a Policy?	The roles and responsibilities associated with protecting the habitat of endangered species and threatened species has been a point of confusion and uncertainty. Regional staff felt it was appropriate to include additional policy as part of S. 3.1.4.3 to provide further information and to help eliminate confusion.
185	City of Niagara Falls Planning Staff	3.1.4.6: a) the Phrase 'are intended' should be more definitive as in 'Enhancement areas consist of ...'. Within the subsections the term 'these features' could replace 'key natural features, key hydrological features and natural heritage features and areas' that is repeated (the subsections all refer back to the introductory paragraph).	Comment noted. In regards to the second part of the comment, Regional staff prefer to be precise with the language of the policy to ensure that it can be implemented without confusion.
186	City of Niagara Falls Planning Staff	3.1.4.6: a) iv) is a definition or description of a 'critical function zone' available?	Critical function in a general ecological term. It would be identified based on site specific study. Related to buffers and adjacent lands.

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187	City of Niagara Falls Planning Staff	3.1.4.6: b) in reality, aren't all lands 'potential enhancement zones'?	Not all lands in the region are potential enhancement areas.
188	City of Niagara Falls Planning Staff	3.1.4.6: c) the term 'key natural features, key hydrological features and natural heritage features and areas' could probably be replaced with the word features within i) to iv) for readability.	Regional staff prefer to be precise with the language of the policy to ensure that it can be implemented without confusion.
189	City of Niagara Falls Planning Staff	3.1.4.7: a) the phrase 'and outside of the Provincial Natural Heritage System' is probably needed as that , by definition, is a Key Natural Feature.	No that is not correct, the Provincial Natural Heritage System is not a key natural heritage feature. The Provincial Natural Heritage System are the mapped systems that have been provided by the Province (i.e. Growth Plan Natural Heritage System & Greenbelt Plan Natural Heritage System). Key Natural Heritage Features and Key Hydrologic Features are the individual natural features identified by the Region (using Provincial definitions) within the system.
190	City of Niagara Falls Planning Staff	3.1.4.7: b) what is meant by 'known' linkage?	Known linkages are those that have been mapped by the Region as part of the Regional Official Plan.

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191	City of Niagara Falls Planning Staff	3.1.4.7: d) Should this be considered a policy? – perhaps rewording like ‘subject to studies the Region supports....’.	Regional staff are comfortable with the draft policy as written.
192	City of Niagara Falls Planning Staff	3.1.4.7: d) Should this be considered a policy? – perhaps rewording like ‘subject to studies the Region supports....’.	Regional staff are comfortable with the draft policy as written.
193	City of Niagara Falls Planning Staff	3.1.4.8: a) Although the intent of this policy is understood, how could a policy related to a definition of a significant woodland be applied when the area no longer meets the definition? How long would this remain in effect? Is this not addressed through the Region’s Wooded and Treed Area By-law and subject to penalties and enforcement?	<p>It is the goal of this Plan that woodland cover be maintained or enhanced in the region by 2051. For this goal to be realized there needs to be policies to protect existing woodland cover in the Region.</p> <p>Woodlands are ecological systems and are subject to cyclical processes. Policy 3.1.4.8 protects woodlands at all points in their ecological cycle. Woodlands that have been disturbed by natural disturbance (e.g. invasive species, fires, weather, etc.) will return to woodlands. A reference to anthropogenic disturbances is included in this policy to prevent woodlands from being removed in advance of an application for development.</p> <p>This policy is a best practice and currently in Official Plans in other municipalities in Ontario. There was very strong support for a policy of this type during the public consultation that</p>

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			has been completed to date on the project. It is noted that other municipalities indicated support for this policy.
194	City of Niagara Falls Planning Staff	3.1.4.9: a) Last sentence – ‘consideration can be given’ – by whom? through studies?	Consideration means through the development application process. In accordance with policy 3.1.4.9 b)
195	City of Niagara Falls Planning Staff	3.1.4.9: b) is the ‘satisfaction of the Region’ applicable inside of settlement areas as well?	Yes, policy 3.1.4.9 is proposed to apply both inside and outside of settlement areas.
196	City of Niagara Falls Planning Staff	3.1.4.10: b) the ‘Region shall require it to be demonstrated’ can be reworded to ‘the study should demonstrate’.	Thank you for the suggestion. The wording of the draft policy has been revised based on this comment.
197	City of Niagara Falls Planning Staff	3.1.4.11: a) what is meant by the words ‘are advised to’?	The policy has been updated based on other comments and no longer includes this language.
198	City of Niagara Falls Planning Staff	3.1.4.12: b) and d) how do these policies work together?	We have removed sub-sections b) and d) to eliminate confusion.
199	City of Niagara Falls Planning Staff	3.1.5.1:	‘Generally’ is the wording used by the Province in S. 3.1. of the PPS.

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		a) the use of the word 'generally' should be reconsidered, either it is or it isn't.	
200	City of Niagara Falls Planning Staff	3.1.5.2: b) i) consideration should be given to a rewording of this policy. E.g. 'is approved by the Ministers of the Provincial Ministries with jurisdiction' could be replaced by 'governing Ministry'.	Regional staff are comfortable with the draft policy as written.
201	City of Niagara Falls Planning Staff	3.1.5.2: b) ii) the policy needs rewording (the last phrase after 'private communal sewage and water services'. What is being said in this policy?	Thank you for the suggestion. Based on this, and similar comments received we have changed the wording of the policy to make it more clear.
202	City of Niagara Falls Planning Staff	3.1.5.2: b) iv) the policy implies that this is to the satisfaction of some one – who is that intended to be?	Natural hazard policies would be to the satisfaction of the NPCA.
203	City of Niagara Falls Planning Staff	3.1.5.2: c) wording to be cleaned up (is the word 'and' missing after 'Official Plans'. Is the last sentence necessary?	Thank you for the suggestion, we have added the word 'and'. The last sentence has been revised based on other comments received.

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204	City of Niagara Falls Planning Staff	<p>3.1.5.4:</p> <p>a) the word generally should be replaced or deleted.</p>	<p>‘Generally’ is the wording used by the Province in S. 3.1. of the PPS.</p>
205	City of Niagara Falls Planning Staff	<p>3.1.7.1 & 3.1.7.2:</p> <p>There should be additional transitional provisions for those applications that have completed their environmental reviews and are in queue to be considered by Council at either the local or the regional level.</p> <p>Site Plan approval – where comment review and studies have been completed, those should be honoured.</p>	<p>Thank you for the suggestion. Based on this, and similar comment received we have added additional policy to S. 3.1.7.3 to address a situation where an EIS is approved but the overall application is still being processed.</p>
206	City of Niagara Falls Planning Staff	<p>3.1.7.4:</p> <p>a) The review against a new draft plan of subdivision/condo within a secondary plan area is to be ‘reviewed to determine how the intent of the Region’s Natural Environment System can be achieved to the satisfaction of the Region’. Clarification is needed on this policy with regards to: what happens to complete applications for subdivisions (as per the Planning Act); what is ‘intent’ and what is meant by Regional satisfaction? Since secondary plans and thus, plans of subdivision or condominium, are within settlement areas, are they not approved by</p>	<p>Thanks you for the suggestion. Based on this, and similar comments received we have updated S. 3.1.7.4 to provide greater clarity regarding approved secondary plans.</p>

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		the City in consultation with the Region? If so, the wording of this policy should be revised.	
207	City of Niagara Falls Planning Staff	3.1.7.5: a) What is the purpose of policy a)?	Policy 3.1.7.5 a) is included to implement and ensure conformity with policy 5.2.1 of the Greenbelt Plan.
208	City of Niagara Falls Planning Staff	3.1.7.6: c) As an overlay, should boundaries be considered definitive? Further, what is meant by Regional approval – a formal process? EIS studies supported by Region/NPCA? If the Region can amend the NHS boundary without amendment to the Plan, why would Regional approval be needed at the local level?	Policies 3.1.7.6 & 3.1.7.7 are related to time of local official plan conformity. We have updated the title of the section to ensure that is clear. We have also removed subsection c) from each policy as it is redundant – local official plans require approval of the Region.
209	City of Niagara Falls Planning Staff	3.1.7.7: a) and c) These policies seem to be contradictory – if an approved study refines the boundaries of a natural feature/area affecting the boundary of a Natural Environment Area designation (and they are reviewed through the Planning Act process by the Region) why would the LAM need further Regional approval as per subsection c)?	Policies 3.1.7.6 & 3.1.7.7 are related to time of local official plan conformity. We have updated the title of the section to ensure that is clear. We have also removed subsection c) from each policy as it is redundant – local official plans require approval of the Region.

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210	City of Niagara Falls Planning Staff	<p>3.1.7.8:</p> <p>a) Prescriptive language. The implementation policies in the current Region Official Plan should be applied.</p>	Comment noted.
211	City of Niagara Falls Planning Staff	<p>3.1.7.8:</p> <p>b) & c) Clarification requested – aren't minimum prescribed buffers already within the NEA designation? If buffers/vegetation protection zones to be defined through studies, they should not be entrenched in the zoning by-law. This would complicate development planning at the local level and require possibly unnecessary expenditures by the landowner (and staff through review time).</p>	Within settlement buffers are not part of the designation. They are determined through site specific study at the time of application and therefore cannot be included in the local zoning by-law at the time of implementation.
212	City of Niagara Falls Planning Staff	<p>3.1.7.10:</p> <p>a) and b) Consider consolidation of these policies as follows:</p> <p>The Region will prepare a list of suitable native species to be applied within and adjacent to the Natural Environment System where new planting is proposed through applications with development and site alteration.</p>	Regional staff do not agree that a) and b) should be consolidated. These policies are providing direction for two different situations: a) refers to sites that are within the natural environment system; and b) refers to all development and site alteration applications region-wide.

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213	City of Niagara Falls Planning Staff	3.1.7.11: c) Would this policy be more appropriately located under 3.1.7.10?	Thank you for the suggestion. We have moved the policy into section 3.1.7.10.
214	City of Niagara Falls Planning Staff	3.1.7.12: This should be a guidance policy for local Official Plans. Use of the terms shall be prescriptive and requires Regional approval as written. The Region is not always involved in site plan control. Having the Region involved to this extent will add unnecessary bureaucracy.	S. 3.1.7.12 has been revised to make it clear that this is an encouragement to Local Municipalities.
215	City of Niagara Falls Planning Staff	3.1.8.2: Would waiving of EIS and Hydrologic Study requirements be part of pre-consultation? d) What would be considered minor for the purpose of this policy?	Waiving of the EIS typically occurs following the preconsultation meeting and in advance of the application being made. The determination of minor is made on a site specific basis based on the EIS guidelines.
216	City of Niagara Falls Planning Staff	Mapping: What are the vulnerable aquifers shown as dots (seepage/springs/wells?) Are policies, vegetation protection zones to be applied to each dot?	The red dots that appear in the highly vulnerable aquifer layer are wells. They were included in the dataset because they were identified as transport pathways as part of the source protecting planning work, which is the source of this layer. They are an important aspect in determining groundwater vulnerability and potential impacts to underground aquifers; therefore, they are included in the mapping. Vegetation protection

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			zones do not apply to key hydrologic areas and would not apply to the red circles shown as part of the highly vulnerable aquifer layer.
217	St. Catharines Planning Staff	<p>Concern with both Options 3B and 3C options:</p> <p>Within Settlement Areas, our understanding is that Option 3B has no defined minimum buffer from natural features/areas, and Option 3C may require a buffer, but undefined, and subject to an evaluation (EIS, etc.) and also subject to Guideline criteria for waiving or scoping of an evaluation.</p> <p>Option 3B is not staff's preferred option, as we think there should be minimum buffers established. Notwithstanding, our staff opinion is that there should either be no minimum buffer established in Settlement Areas for natural features/area (not preferred), or that specific minimum buffers be specifically defined, similar in nature to what is identified in Table 3-3 of the draft policy for features/areas outside Settlement Areas, but with the caveat that they may be reduced or withdrawn subject to an EIS, etc. or the Guideline criteria for waiving or scoping of an evaluation. Effectively this would be an amended version of Option 3C.</p> <p>In our opinion, establishing a minimum defined buffer with the caveat that it may be reduced or withdrawn subject to an EIS or the Guideline would at least give LAMS and</p>	Thank you. Comment noted.

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		<p>property owners greater certainty or expectancy of what might be required (potential parameters) in addressing development proposals. In our opinion, Option 3C, providing that there will or may be a buffer, but providing no defined minimum parameters, does not provide expectancy for development proponents on adjacent lands to a natural feature/area as to what the buffer may be, and where development on adjacent lands is not in close proximity to a natural feature/area, may still require proponents to undertake an evaluation.</p>	
218	St. Catharines Planning Staff	<p>Staff acknowledge that Regional policy is and has to be focused on the Provincial Growth Plan and Greenbelt Natural Heritage Systems, as well as the Niagara Escarpment Plan. However, NPCA regulated features/hazard lands are very pertinent, and typically, that's where the rubber hits the road (top of bank, floodplains, etc.) for development within Settlement Areas. We suggest including, and very explicitly, policy and a chart identifying what features/hazards are regulated by the NPCA, minimum buffer requirements with the acknowledgement that they are subject to NPCA updates, and that they are also subject to revision through evaluation (EIS) as part of a development proposal.</p> <p>It is our opinion as well that valleylands should be mapped to provide direction for top-of-bank</p>	<p>Though early consultation on the project it was determined that it was not appropriate to repeat NPCA policies with the text of the Official Plan. NPCA policies are subject to change. The preference is to just direct the reader to the NPCA for regulated features.</p>

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		buffer requirements established by the NPCA. Currently the mapping tool provided with the draft policy document does not identify valleylands. By including NPCA regulated areas, and minimum buffer requirements within the Regional policy, would in our opinion, provide a more comprehensive and complete framework and set of natural heritage policies.	
219	NPCA Staff	Thank you for the opportunity to provide feedback on the draft mapping and Official Plan Policies for the Niagara Natural Environmental System (NES). We are pleased to see the progress Niagara Region is making on the new Official Plan and appreciate the amount of work involved to pull together the draft mapping and policies. Overall, the draft NES Policies are a significant improvement over the current Official Plan Policies.	Thank you. Comment noted.
220	NPCA Staff	The Region has introduced a new category of wetlands called Other Wetland, the definition of which is taken from Conservation Authorities Act (CAA) definition of “wetland”. This is significantly different from the Provincial Policy Statement (PPS) definition (which is a more inclusive definition). While we see the practical side of using the CAA definition, it presents some concerns for the NPCA. Our main concern is that if Other Wetlands are defined exactly as in the CAA,	Thank you. We have revised the definition based on this comment.

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		<p>there will confusion for the public/development proponents as to whose wetland mapping prevails where there are discrepancies; it would imply that the NPCA only regulates what the Region has mapped. For example, at pre-consultation meetings the NPCA may receive push-back from proponents if we are suggesting a wetland is present but the Region's mapping does not show that. This could also pose issues for NPCA enforcing violations in wetlands. For example, someone may use the Region's mapping in court to suggest there is no regulated wetland present.</p> <p>NPCA staff recommends using the existing definition of "wetland" as found in the PPS. We believe this would still work within the Region's proposed policy framework and may also assist with interpretation of the policies (eliminates overlapping definitions in the draft Policies as they include the PPS definition of "wetland").</p>	
221	NPCA Staff	<p>Section 3.1.2.6.2 (d) pertains to other wetlands in settlement areas regulated by the NPCA and is explicit that "the use of offsetting measures is not permitted by this Plan". We respect the Region's position on offsetting, however, we request that a distinction be made between the Region's position on offsetting (which falls under Planning Act approvals) and the NPCA's offsetting policies which are under the Conservation Authorities</p>	<p>Thank you for the suggestion. The policy has been updated based on the wording in the comment.</p>

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		<p>Act. We recommend the last sentence in Section 3.1.2.6.2 (d) read as follows: “While the Niagara Peninsula Conservation Authority may approve offsetting of wetlands under its Policies and in accordance with its Regulatory role, the use of offsetting is not supported by this Plan.”. Further, the Region may also consider a more general stand alone policy regarding offsetting within the Natural Environment System.</p>	
222	NPCA Staff	<p>Sections 3.1.2.6.2 (e) and (f) read similarly to NPCA policies regarding adjacent lands to wetlands. We have concerns that this could create confusion and complications particularly if the NPCA and the Region are in a situation where we are taking different positions on a proposal (despite our respective policies being worded the same). While the need to ensure NPCA and Region policies are not in conflict, we recommend revising the first paragraph of Section 3.1.2.6.2 (e) to simply read: “the following may be permitted within 30 metres of a regulated wetland in settlement areas, subject to approval by the Niagara Peninsula Conservation Authority:” Similarly, Section 3.1.2.6.2 (e)(v) should be revised to read as follows: “other forms of development and site alteration which do not adversely impact the ecological and hydrological function of the wetland.”</p>	<p>Thank you for the suggestion. The policy has been updated based on the wording in the comment.</p>

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223	NPCA Staff	<p>Section 3.1.2.6.5 (b) includes reference to NPCA policy setbacks for watercourses. It is the NPCA's preference that reference to specific buffer measurements in NPCA policy is not included in the draft NES Policies. Again, our concern for this is the potential for confusion of interpretation during application review by Regional staff and NPCA staff. We recommend revising Section 3.1.2.6.5 (b) to read as follows: "Notwithstanding any other policy in this section, the Niagara Peninsula Conservation Authority has its own buffer requirements for watercourses. Reductions in this buffer may be considered in settlement areas where supported by a site-specific study that is acceptable to the Local Municipality, the Region and the Niagara Peninsula Conservation Authority."</p>	<p>Thank you for the suggestion. The policy has been updated based on the wording in the comment.</p> <p>Note – the section is now 3.1.2.6.5 (c)</p>
224	NPCA Staff	<p>Section 3.1.4.6 (b) pertains to screening for enhancement areas and suggests that screening occur prior to site alteration. In many situations, these enhancement areas may be located outside of a mapped, protected feature. Our concern is how will this (or any policy that makes reference to site alteration) be implemented where many lower-tier municipalities do not have site alteration By-laws? Both the NPCA and Region receive many calls from concerned residents about vegetation removal that does not meet the CAA definition of "development" or is outside</p>	<p>Thank you. Comment noted. We are considering how to address the need for local site alteration by-laws in Regional Official Plan policy.</p>

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		<p>of the NPCA regulated area, and in many cases, neither the Region nor NPCA has any legal means to act on the complaint. An option for the Region to consider is to include policies in the Regional Official Plan that directs the local municipalities to adopt site alteration By-laws.</p>	
225	NPCA Staff	<p>Sections 3.1.5.1, 3.1.5.2, 3.1.5.3, and 3.1.5.4 are essentially copied from Section 3.1 of the PPS. The preamble seems to defer the question of how a proposal conforms to Section 3.1.5 of the Official Plan to the NPCA. The NPCA has been delegated the responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the PPS, excluding hazardous forest types for wildland fire. This delegation requires the NPCA to review and provide comments on municipal policy documents such as Official Plans and comprehensive Zoning By-laws and Planning Act applications as part of the Provincial One-Window Plan Review Service. It should be clarified that decisions on the conformity of applications with the Regional Official Plan policies is the responsibility of the municipality. Also note that the preamble should exclude Section 3.1.5.4 as conservation authorities do not regulate nor comment on the wildland fire policies of the PPS. NPCA staff requests that the preamble be reworded as follows: “The</p>	<p>Thank you for the suggestion. The text box has been updated based on the wording in the comment.</p>

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		Niagara Peninsula Conservation Authority is responsible for regulating development and site alteration in natural hazards, excluding within hazardous forest types for wildland fire. Development or site alteration proposed within or adjacent to a natural hazard (whether it requires Planning Act approval or not) requires approval of the Niagara Peninsula Conservation Authority.”	
226	NPCA Staff	Sections 3.1.6.2 (a) and (b) pertain to wetland coverage goals and implementation thereof. This is an important inclusion but the term historical reference conditions in (b) should be better quantified. e.g. What conditions are you referring to? Canopy cover? Wetland cover? Water quality? Also, what year is the benchmark? Implementation of the goals will not be achievable unless rigorous accounting of what needs to be maintained is established and quantified as a benchmark and monitored in terms of net gains and losses towards whatever the enhancement goal is established for 2051. A robust watershed based adaptive natural resources management cycle needs to be established to better implement this policy.	Thank you. Comment noted.
227	NPCA Staff	Section 3.1.7.4 (a) and (b) use the expressions “intent of the Region’s Natural Environmental System” and “Policies of this plan shall be taken into account”. Do both of these expressions have the same meaning or	Section 3.1.7.4. has been revised based on other comments received. We have attempted to clarify the language and intent of the section.

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		does one imply a stronger desire for conformity with Section 3.1 policies? Consideration of how these are to be interpreted should be given.	
228	NPCA Staff	Definition of Significant Groundwater Recharge Area has a typo – it should read “Clean Water Act” (not Water Act).	Thank you. The definition has been updated.
229	NPCA Staff	Section 3.1.2, 4th paragraph – it should be noted that NPCA’s natural hazards mapping is subject to updates when new information becomes available, and proponents of development should consult with the NPCA on the location of natural hazards in proximity to the subject lands. It is recommended that this paragraph be revised to, “Included within the Region’s Natural Environment System are natural hazards and where information is provided by the Niagara Peninsula Conservation Authority, natural hazards are shown on Schedule [blank]. The Niagara Peninsula Conservation Authority may update their natural hazards mapping from time to time, and proponents are advised to consult with the Niagara Peninsula Conservation Authority regarding the location of natural hazards.”	The 4 th paragraph of the text box following S. 3.1.2 has been removed to eliminate confusion.

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230	NPCA Staff	3.1.2.3 (a) – Limits of the Natural Environment Area may be located within the NPCA’s regulated area. As such, it is recommended that the first sentence of this policy be revised to, “Changes to the limits of the Natural Environment Area designation...approved by the Region, in accordance with the policies of this Plan and in consultation with the Niagara Peninsula Conservation Authority as appropriate.”	Thank you for the suggestion. The policy has been updated based on the wording in the comment.
231	NPCA Staff	3.1.2.3 (b) – It is recommended that this policy be revised to, “The limits of the Natural Environment Area designation may also be refined...completed to the satisfaction of the Region, in consultation with the Niagara Peninsula Conservation Authority as appropriate, without an amendment to this Plan being required.”	Thank you for the suggestion. The policy has been updated based on the wording in the comment.
232	NPCA Staff	3.1.2.4.3 (b) – It is recommended that the studies and evaluations for adjacent lands also include requirements for mitigation measures and monitoring. It is recommended that this policy be revised to, “Studies and evaluations undertaken in accordance with Section 3.1.2.4.3 a) will identify any additional restrictions, mitigation measures and monitoring to be applied...”	3.1.2.4.3 (b) is implementing a provincial policy. Region staff prefer to use the provincial policy as written.

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233	NPCA Staff	3.1.2.6.4 (e) – It is recommended that this policy is revised to, “Larger buffers may be required from certain features to avoid...in accordance with Niagara Peninsula Conservation Authority policies and regulation.”	Policy 3.1.2.6.4 (e) has been removed based on other comments to eliminate confusion.
234	NPCA Staff	3.1.2.6.5 (b) – It is recommended that “acceptable to” is changed to “approved by” to give more strength to the policy.	Thank you for the suggestion. The policy has been updated based on the wording in the comment.
235	NPCA Staff	Section 3.1.4.7 (c) – there appears to be a typo (within 30 metres of a linkage).	Thank you; the typo has been corrected.
236	NPCA Staff	Section 3.1.4.11 (a) doesn’t read properly (“environmental impact study affecting”). Consider rewording.	Thank you for the suggestion. We have reworded the policy.
237	NPCA Staff	Section 3.1.4.12 (c) – It is recommended that the policy be revised to, “Where development ...previous studies as provided by the Region, Local Municipality or the Niagara Peninsula Conservation Authority (if available)...”	Thank you for the suggestion. The policy has been updated based on the wording in the comment.
238	NPCA Staff	Section 3.2.5.2 (c) – It is recommended that the policy be revised to, “Hazardous lands shall be identified...The extent of natural hazards may be refined by local municipalities on their own initiative or in response to	Thank you for the suggestion. The policy has been updated based on the wording in the comment.

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		development applications, as appropriate, as approved by the Niagara Peninsula Conservation Authority.”	
239	NPCA Staff	There appears to be a typo in Section 3.1.7.5 (b).	Thank you; we have corrected the typo.
240	NPCA Staff	Section 3.1.7.11 (b) uses the term “non-native invasive species” whereas the rest of this Section uses the term “invasive species”. Consider using consistent terminology.	Thank you for the suggestion. The policy has been updated.
241	NPCA Staff	In the absence of systematic cumulative impact assessments quantifying the performance achievement of both options, NPCA supports and recommends NES Option 3C based on appreciation that Niagara’s natural systems are highly fragmented and degraded with consistently poor water quality. The Niagara landscape is significantly deficient of sufficient natural cover relative to what scientific conservation literature recommends towards sustainable environmental functions and services. Therefore, it is prudent to implement proactive protection management choices, of which Option 3C does best between the two.	Thank you. Comment noted.
242	NPCA Staff	Further, linkages, enhancement areas, supporting features and associated buffers both in and outside of settlement areas are equally critical components to a robust Natural	Thank you. Comment noted.

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		Environment System that serve an ecologically sound attempt at establishing a policy reserve that regards the cumulative systematic performance of environmental functions and services.	
243	NPCA Staff	The identification and management of all components, (not just those currently not identified) should be able to be refined through lower tier municipal compliance exercises, and/or more detailed watershed planning studies ideally and proactively at the quaternary watershed level. Last alternative in the absence of the forementioned, would be through subwatershed studies triggered by development review further in the planning process. Managing the environment and associated natural resources through the development phase is unfeasible from a cumulative impact perspective.	Thank you. Comment noted.
244	NPCA Staff	Definition: Cultural and Regenerating Woodland - should be further identified proactively through natural resources management through quaternary watershed planning studies. It is commended that all the proposed criteria are required to be met for identification through development review as these woodlands presently contribute to the deficient woodland cover	Thank you. Comment noted.

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		amounts for the landscape and do provide significant hydrologic functions as a result.	
245	NPCA Staff	<p>Definition:</p> <p>Ecological Functions – equally if not more important to consider from a systematic perspective as well as on a site-by-site basis since their impacts are cumulative towards overall system health. Therefore, ecological functions should be further identified and quantified through proactive and natural resources management through quaternary watershed planning studies and system-based objectives.</p>	Thank you. Comment noted.
246	NPCA Staff	<p>Definition:</p> <p>Fish Habitat – should be further identified proactively through natural resources management through quaternary watershed planning studies in combination with the advent of an appropriate monitoring program complementary to a synthesis of available existing information. Mapped permanent and intermittent surface water features are not exhaustive fish habitat based on the current approach, however, the NPCA recognizes the draft NES Policies address surface water features not mapped.</p>	Thank you. Comment noted.
247	NPCA Staff	Definition:	Thank you. Comment noted.

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		Ground Water Feature – should be further identified proactively through natural resources management through quaternary watershed planning studies in combination with the advent of an appropriate monitoring program such as the Geological Survey of Canada’s methodology for measuring the spatial distribution of low streamflow within watersheds to help refine ground and surface water interactions.	
248	NPCA Staff	Definition: Habitat of Endangered and Threatened Species – should be further identified proactively through natural resources management through quaternary watershed planning studies in combination with the advent of an appropriate local inventory and monitoring program.	Thank you. Comment noted.
249	NPCA Staff	Definition: Hydrologic Functions – should be further identified proactively through natural resources management through quaternary watershed planning studies through the refinement and further development of individual watershed-based water budgets and system-based objectives.	Thank you. Comment noted.
250	NPCA Staff	Definition:	Thank you. Comment noted.

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		<p>Linkages – Outside of those identified as part of the provincial natural heritage systems, linkages of all sizes (large, medium or small) are difficult to evaluate in terms of their sufficiency. NPCA suggests opportunities for additional ecologically appropriate linkages should and may be identified and/or refined through natural resources management through quaternary watershed planning studies as opposed to smaller subwatershed studies completed in support of a Secondary Plans. Further, there have been several studies or initiatives now (Land Care Niagara’s Natural Heritage Ecological Framework, Carolinian Canada’s Big Picture, NPCA’s Nature for Niagara’s Future Natural Heritage System Assessment, and the Ministry of Natural Resources and Forestry’s Landscape Connectivity Mapping) that have produced various versions of cores and/or potential linkages for Niagara based on several robust conservation planning methodologies that could lend to the consolidation and confidence of linkages from which to aspire towards based on the additional science these offer.</p>	
251	NPCA Staff	<p>Definition: Natural Environment System – Maintaining biological and hydrological diversity, ecological functions, ecosystem services,</p>	Thank you. Comment noted.

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		<p>viable populations of indigenous species, and ecosystems can only be achieved objectively and quantitatively by appreciating what is necessary to leave or add to the landscape based an understanding of not only what remains, but how what remains is performing systematically through cumulative assessment. The NPCA suggests using our Integrated Watershed Management approach through a watershed based natural resources management framework. This framework strategizes the integration of protection, restoration, and securement tools based on systematic conservation planning principles and could ensure targets for these objectives are established and assessed across the landscape in balance with competing interests. This critical information could then be further incorporated into proactive quaternary watershed planning studies to inform subsequent land use planning activities.</p>	
252	NPCA Staff	<p>Definition:</p> <p>Other Wetlands – Protecting these as key hydrologic features is very important as the Ontario Wetland Evaluation System mapping criteria for a minimum mapping unit is 0.5 hectares which does not exhaustively inventory wetlands and, therefore, does lend itself entirely to systematic wetland cover needs. They are equally important, function</p>	Thank you. Comment noted.

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		<p>dependent, in settlement areas when they exist. The NPCA appreciates the Other Wetlands mapping inventory is derived from the Region's updated Ecological Land Classification (ELC) mapping and notes the highly interpretive desktop nature of the associated mapping methodology. We have noticed some clear misinterpretations of Other Wetland features and other examples demonstrate where features are now occurring as Other Wetlands where NPCA had formerly mapped these as a more dominant Forest or Wooded community complexed with a subdominant wetland community. Further, appreciating the threshold for identifying Other Wetlands for the policy mapping from the ELC inventory was also generally 0.5 hectares in contrast to the ELC inventory 0.1 hectare minimum mapping unit, many other smaller and minor Other Wetlands have therefore not been identified in the NES mapping. NPCA recommends flexibility with the application of the Other Wetlands NES mapping based on these mapping issues and recognizes the policies do cover Other Wetlands not mapped. Other Wetlands therefore should be able to be refined through lower tier municipal conformity exercises, and/or more detailed natural resources management through watershed planning studies ideally and proactively at the quaternary watershed level and</p>	

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		<p>complemented by a monitoring program. Further these features should not be confused for what the NPCA would regulate at minimum as a wetland under its roles and responsibilities outlined in the Conservation Authorities Act.</p>	
253	NPCA Staff	<p>Other Woodlands – The NPCA values the policy inclusion and recognizes the importance of ‘Other Woodlands’ with reference to the watershed’s 18% performance rate for forest cover. Federal recommendations use a risk-based approach and suggest a 30% minimum of forest cover is essentially high risk and may only support less than one half of species richness and marginally healthy aquatic systems. The minimum patch size of 0.3 hectares is appreciated considering the fragmented nature of the landscape and that Niagara is situated in the Carolinian Zone, the most biodiverse and threatened ecoregion in Canada. Woodland and forest cover enhancement opportunities focusing on native species that would cumulatively address other ecological objectives as well should be further identified proactively through natural resources management through quaternary watershed planning studies, and the already prioritized Regional Greening Initiative as part of the Climate Change Work Program.</p>	Thank you. Comment noted.

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254	NPCA Staff	<p>Permanent and Intermittent Streams – The NPCA appreciates the source data contributing to this policy layer and notes the highly interpretive desktop nature of the associated mapping methodology with respect to inferring flow regime/stream permanency. The NPCA acknowledges that reaches have been identified using a conservative threshold of ‘Intermittent or Ephemeral’ from the source classification. However, we noticed both subjective removals, and misclassified omissions from the original inferred flow regime/stream permanency classification available and suggest that in practice what is left may not necessarily reflect all intermittent streams on the landscape and therefore not been identified in the NES mapping. The NPCA recommends flexibility with the application of the Permanent and Intermittent Streams NES mapping based on these mapping issues and recognizes the draft NES Policies do cover streams not mapped. “The Stream Permanency Handbook for South-Central Ontario’ (MNR, 2005) would be complementary to the Ontario Stream Assessment Protocol Permanent in terms of criteria considerations for the identification of these features. Intermittent streams at minimum therefore should be able to be refined through lower tier municipal conformity exercises, and/or more detailed natural resources management forward watershed</p>	Thank you. Comment noted.

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		<p>planning studies ideally and proactively at the quaternary watershed level with complementary monitoring programs (low flow spot flow collections). Furthermore, these features should not be confused for what the NPCA would regulate at minimum as a watercourse under its roles and responsibilities outlined in the Conservation Authorities Act.</p>	
255	NPCA Staff	<p>Provincial Natural Heritage System – The NPCA appreciates the partial science contributing to the identification of these systems (Greenbelt largely hand drawn, Growth Plan largely based on forest patch sizes and connectivity opportunities) which objectively function as natural heritage system frameworks and a starting point for local system development. Overlays with modelling scenarios from NPCA’s existing natural heritage system assessment using a systematic conservation planning approach (Nature for Niagara’s Future) framed with targets for ecological values based on what science recommends at minimum demonstrates they do not cover or protect the ‘best half’ cumulatively of what is left on the Niagara landscape. In addition, ecological values abundance mapping from the same study indicates many high yielding features in the local context are not captured in the provincial natural heritage systems. NPCA</p>	Thank you. Comment noted.

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		<p>commends the conservative policy approach to complementing the provincial natural heritage systems with the lands outside these plan areas, specifically the inclusion of Significant Woodlands, Other Woodlands, and Other Wetlands which mitigate these observations, however to what extent empirically remains unquantified in terms of assessing the proposed NES options' performance. The NPCA emphasizes the critical importance of objectively identifying enhancements, corridors, linkages, and vegetation protection zones including consideration for natural successional communities proactively through natural resources management through quaternary watershed planning studies.</p>	
256	NPCA Staff	<p>Definition:</p> <p>Seepage Areas and Springs – should be further identified proactively through natural resources management through quaternary watershed planning studies in combination with the advent of an appropriate monitoring program such as the Geological Survey of Canada's methodology for measuring the spatial distribution of low streamflow within watersheds to help refine ground and surface water interactions. This protocol also includes guidance for the monitoring of discharge areas as well.</p>	Thank you. Comment noted.

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257	NPCA Staff	<p>Definition:</p> <p>Setback – These may be easily confused if not further clarified with ‘allowances’ in NPCA mapping inherent from the regulation language (i.e., Wetland Allowance) which model allowance areas around natural hazard features subject to the associated policies which may indicate a minimum setback.</p>	Thank you. We will work with NPCA staff to update this definition.
258	NPCA Staff	<p>Definition:</p> <p>Shoreline Areas – These should also include non-vegetated areas including natural bluff, beach/shoreline, open rock barren and other ecological land classification communities that also denote the interface between terrestrial and aquatic environments. These, both vegetated and non-vegetated, should be further identified proactively through natural resources management through quaternary watershed planning studies, shoreline management plans, or holistic shoreline resiliency studies considering the environmental and social-economic importance in Niagara as a peninsula with two Great Lake shorelines.</p>	Thank you. Comment noted.
259	NPCA Staff	<p>Significant Coastal Wetlands – There may be some effort required to further identified proactively through natural resources management through quaternary watershed</p>	Thank you. Comment noted.

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		planning studies, shoreline management plans, or holistic shoreline resiliency studies considering the Ontario Wetland Evaluation System (OWES) inventory for Niagara does not focus on the littoral zone of the Great Lakes.	
260	NPCA Staff	Significant Surface Water Contributing Areas – should be further identified proactively through natural resources management through quaternary watershed planning studies with complementary field monitoring program and development of individual watershed-based water budgets. The NPCA strongly agrees with the proposed “Evaluation, Classification, and Management of Headwater Drainage Features Guidelines” as the protocol for this purpose. NPCA further notes that headwater drainage features fall under the regulation of watercourses through its roles and responsibilities of the Conservation Authorities Act.	Thank you. Comment noted.
261	NPCA Staff	Significant Valleylands – considering these features are not mapped and NPCA technical criteria for the mapping of the regulated riverine erosion hazard in an apparent valley is finer scale than the provincial guidance (i.e. discrepancies in valley widths and heights) these features could be further identified for consideration through NPCA’s Hazard Mapping Update activities or through natural	Thank you. Comment noted.

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		resources management through quaternary watershed planning studies.	
262	NPCA Staff	Significant Wildlife Habitat – appreciating the limited resources of Ministry of Mining, Northern Development, Natural Resources and Forestry to keep this information current and sufficient in so far as operational use for land use planning needs, these features should be further identified and refined proactively through natural resources management through quaternary watershed planning studies with establishment of complementary local field monitoring programs for Niagara fauna.	Thank you. Comment noted.
253	NPCA Staff	Significant Woodlands – part of the definition of significant woodlands includes ‘due to the amount of forest cover in the planning area’ which means candidate features should be further identified, refined, and assessed proactively through natural resources management through quaternary watershed planning studies to determine additional or missing significant woodlands from that cumulative and objective perspective.	Thank you. Comment noted.
254	NPCA Staff	Supporting Features and Areas – should be further identified proactively through natural resources management through quaternary watershed planning studies. The criteria identified for these should be considered a	Thank you. Comment noted.

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		point of departure appreciating the degradation and fragmentation on the landscape. Leaving identification of enhancement areas to development processes such an Environmental Impact Study (EIS) makes it difficult to establish system wide and/or watershed wide ecological goals and objectives and strive towards cumulative impacts in a pre-emptive manner.	
255	NPCA Staff	Sensitive Surface Water and Surface Water Features – should be further identified proactively through natural resources management through quaternary watershed planning studies and development of individual watershed-based water budgets with systematic ecological objectives guiding selection.	Thank you. Comment noted.
256	NPCA Staff	Water Resource System – similar to the provincial natural heritage systems and NES as a whole this system should be further identified and refined proactively through municipal conformity exercises and natural resources management through quaternary watershed planning studies that include development of individual watershed-based water budgets with systematic ecological objectives guiding selection to further evaluate and qualify the contributions of the included components as the function collectively.	Thank you. Comment noted.

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257	NPCA Staff	<p>The NES components and associated mapping proposed under both options generally represent a more conservative shift forward in local environmental policy development and conform to provincial minimum requirements. The mapping and related criteria as a tool to guide the implementation of the policy will always be a limiting factor in so far as optimal operational support. Especially considering the state of environmental management in Niagara where substantial data and information gaps persist (as documented by the related Niagara Watershed Plan Equivalent required by the Province to inform) demonstrating that policy development is reactively driving science, data collection and analysis needs. These are both fundamentally and ideally readily available and processed through an adaptive management cycle resulting in systematic oriented resource management recommendations to inform land use planning.</p> <p>Therein lies tremendous opportunity through proactive natural resources management through quaternary watershed planning studies to significantly re-establish the adaptive management cycle via an integrated watershed management framework offering environmental system and feature mapping improvements through further scientific evaluation and a systematic conservation</p>	Thank you. Comment noted.

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		<p>planning lens could refine a reserve network for Niagara that is founded on local and quantifiable ecological objectives. This would open potential to consider further watershed specific policies where warranted. As such every emphasis should be to resolve as much required natural resource data collection, analysis and information development needs prior to triggers through planning review which does not lend itself to cumulative systematic considerations and proactive management decision making that a degraded and fragmented environment system warrants.</p>	
258	NPCA Staff	<p>In the absence of quantitative cumulative assessment, it is very difficult to evaluate the achievement of the identified NES towards the principal goal to maintain, restore, and enhance the biodiversity and connectivity of natural features and their associated ecological and hydrologic functions. The identified system may be entirely sufficient or lacking in adequacy to the task at hand protecting essentially a subset of the features left on the landscape that are cumulatively degraded, fragmented and performing poorly based on previous ecological objective based systematic conservation planning analyses.</p>	Thank you. Comment noted.
259	NPCA Staff	<p>In the absence of vegetation species and age mapping it is impossible to protect woodlands and their biodiversity specifically considering</p>	Thank you. Comment noted.

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		Niagara is situated in the Carolinian Zone, the most biodiverse and threatened ecoregion in Canada. Scanning provincially rare treed vegetation communities or habitat of a woodland plant species based on Natural Heritage Information Centre rankings through individual EISs on a site-by-site basis does not lend itself to cumulative impacts and ecosystem management of Niagara's woodlands and broader forest communities. It only protects what is rare or threatened. Addressing biodiversity would be ensuring representation of what was and is which requires much more data and analysis.	
260	NPCA Staff	Woodland Cover, Section 3.1.6.1 (b) (i) – the development and implementation of a Regional Greening Strategy should utilize a systematic conservation planning approach where greening initiatives would be driven by and counted toward cumulative ecological objectives impacts.	Thank you. Comment noted.
261	NPCA Staff	Woodland Cover, Section 3.1.6.1 (b) (iii) – the NPCA currently works with private landowners and the agricultural community to support stewardship efforts to plant and maintain treed and upland cover through its Restoration Grant Program and is currently exploring the feasibility of enhanced and complementary watershed ecological restoration services.	Thank you. Comment noted.

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262	NPCA Staff	Woodland Cover, Section 3.1.6.1 (b) (iv) – the NPCA implements land acquisition and ecological restoration as natural resources management tools. Perhaps land acquisition or dedication of private lands for reforestation efforts should be a further service level discussion with the NPCA.	Thank you. Comment noted.
263	NPCA Staff	Woodland Cover, Section 3.1.6.1 (b) (v) – the identification of woodland enhancement areas are ideally achieved through proactive natural resource management forward quaternary watershed plans so that system wide goals and objectives can inform and drive them.	Thank you. Comment noted.
264	NPCA Staff	Woodland Cover, Section 3.1.6.1 (b) (vi) – requiring tree and woodland protection and planting through the development approvals process is commended and supports a shift to greener designs.	Thank you. Comment noted.
265	NPCA Staff	Woodland Cover, Section 3.1.6.1 (b) (vii) – the watershed based local natural resources management framework the NPCA will be required to complete under Bill 229 would be an ideal process under which to facilitate the development of a system wide strategy for the protection, preservation, securement and restoration of woodland cover based on systematic conservation planning principles and the integrated watershed management	Thank you. Comment noted.

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		approach it delivers under it roles and responsibilities of the Conservation Authorities Act.	
266	NPCA Staff	Wetland Cover, Section 3.1.6.2 (b) - the identification of wetland restoration areas are ideally achieved through proactive natural resource management through quaternary watershed plans so that system wide goals and objectives can inform and drive them. Considering historic reference conditions in terms of representation, distribution and quantity is highly recommended. The NPCA currently works with private landowners and the agricultural community to support stewardship efforts to create wetlands via its Restoration Grant Program and is currently exploring the feasibility of enhanced and complementary watershed ecological restoration services.	Thank you. Comment noted.
267	NPCA Staff	Riparian Vegetation Cover, Section 3.1.6.3 (a) – There will need to be effort to quantify ecological objectives for aquatic functions.	Thank you. Comment noted.
268	NPCA Staff	Riparian Vegetation Cover, Section 3.1.6.3 (b) (ii) – NPCA currently works with private landowners and the agricultural community to support stewardship efforts to plant and maintain riparian vegetation adjacent to watercourses via its Restoration Grant Program and is currently exploring the	Thank you. Comment noted.

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		feasibility of enhanced and complementary watershed ecological restoration services.	
269	NPCA Staff	Riparian Vegetation Cover, Section 3.1.6.3 (b) (iii) – The NPCA implements land acquisition and ecological restoration as natural resources management tools. Perhaps land acquisition or dedication of private lands for reforestation efforts should be a further service level discussion with the Conservation Authority.	Thank you. Comment noted.
270	NPCA Staff	Riparian Vegetation Cover, Section 3.1.6.3 (b) (iv) – The watershed based local natural resources management framework the NPCA will be required to complete under Bill 229 would be an ideal process under which to facilitate the development of a system wide strategy for the protection, preservation, securement and restoration of riparian vegetation cover based on systematic conservation planning principles and the integrated watershed management approach it delivers under it roles and responsibilities of the Conservation Authorities Act.	Thank you. Comment noted.