

Memorandum

PDS-C 1-2025

Subject: Regional Environmental Impact Study Guidelines

Date: Wednesday, February 5, 2025

To: Planning and Development Committee

From: Rachel Daniels, Planning Ecologist

The purpose of this memo is to inform Council of the recently completed Niagara Region Environmental Impact Study (EIS) Guidelines (Appendix 1).

These guidelines provide clear direction for landowners considering development or site alteration within or near the Niagara Natural Environment System (NES) and to assist the Area Municipalities during development review. They also offer guidance for Environmental Impact Statement (EIS) professionals on when and how to conduct an EIS. The guidelines help proponents identify and avoid conflicts between proposed development and natural heritage features through a constraints analysis before finalizing development plans. Additionally, they define the roles and responsibilities of relevant agencies and provide tools and templates to streamline the process, including options for avoiding or waiving the EIS where applicable. Ultimately, these guidelines ensure consistent application of regional and local policies, fostering a balanced approach to development and conservation across the Region.

Consultation

The new Niagara Official Plan (NOP) was approved in November 2022. Subsequently, the Region's EIS Guidelines were revised to align with the new plan and help proponents and practitioners meet natural heritage management requirements. The goal was to create a consistent approach to Environmental Impact Studies (EIS) across the Region, providing technical guidance for reviewing EIS in support of development applications.

In Fall 2022, Regional staff, in collaboration with the Niagara Peninsula Conservation Authority (NPCA), initiated the project, which included both public and development industry engagement. In Winter 2022, a survey was posted on the project website to gather preliminary feedback from practitioners on the challenges of the current guidelines and potential solutions or opportunities for the update.

Based on consultation feedback, the EIS guideline framework was developed, outlining the roles and responsibilities of all parties involved. It also introduced a Project Screening Tool and a Waiving Tool, designed to streamline the EIS process for both practitioners and reviewers.

On November 20, 2023, a workshop was held where practitioners, agencies, and other stakeholders reviewed the draft Guidelines and associated tools. Feedback from the workshop was used to refine and finalize the EIS Guidelines.

EIS Guideline Highlights

The Guideline offers a step-by-step overview of the EIS process, ensuring clarity and consistency for applicants, planners, EIS professionals, and Conservation Authority representatives. It also clarifies the roles and responsibilities of commenting agencies in the approval process, providing consultants with a clear framework for understanding expectations and review timelines, which helps streamline and improve the efficiency of the approval process.

To make the EIS process efficient for both the Applicant and the Approval Authority, several tools have been created, including:

- EIS Project Screening Tool
- EIS Waiving Assessment Tool
- EIS Terms of Reference Checklist Tool
- EIS Comment and Response Template Tool
- EIS Final Submission Checklist Tool

The development of these five tools aims to streamline and standardize the environmental review process for consultants. The screening tool helps consultants quickly determine whether a project requires an EIS by providing clear guidelines based on regulatory criteria, ensuring timely decision-making. The Terms of Reference (TOR) checklist and Submission Checklist improve submission completeness, ensuring all necessary components are included at the time of application, reducing delays and preventing incomplete documentation. Finally, the Comment and Response Matrix standardizes the review process, fostering efficient communication between stakeholders and reducing the need for multiple submissions, ultimately saving time and resources while enhancing project outcomes.

Additionally, the guidelines provide comprehensive direction on the structure, technical content, and methodology for completing an EIS, ensuring that all key aspects of the assessment process are fully addressed. It outlines the minimum submission requirements for a complete and acceptable EIS, with clear expectations for each section of the report. The guidelines also cover critical topics such as:

- The application of appropriate buffer zones;
- The use of a mitigation hierarchy to avoid, minimize, or mitigate adverse impacts;
- The incorporation of enhancement or restoration measures, where applicable; and,
- The definition of a monitoring plan to assess the effectiveness of mitigation measures throughout the project's phases (pre-construction, construction, and post-construction).

The updated EIS Guideline will be posted on the Region's website and shared with the 12 Area Municipalities at pre-consultation meetings for future planning applications. By providing contemporary EIS Guidelines for the Niagara Region, it will help proponents and practitioners navigate the complex, interconnected requirements for natural heritage management. This will ensure that new developments identify constraints early in the process, incorporate best management practices, consider restoration opportunities, and plan for effective monitoring. These guidelines will also support the Area Municipalities in conducting natural heritage reviews after the proclamation, when they assume planning responsibilities of the Niagara Official Plan.

Respectfully submitted and signed by

Rachel Daniels
Planning Ecologist
Public Works Department