

Appendix D-1

Waiving Assessment Tool

Project Name: _____
Proponent: _____
Primary Contact: _____
Contact Information: Email: _____
Phone: _____
Project Location: _____

BEFORE YOU BEGIN

The **Waiving Assessment Tool** facilitates review of eligible *development* and *site alteration* projects by the *Lead Planning Authority* (or their delegate or assign) to determine if the EIA requirement may be waived. Individual(s) with an appropriate level of knowledge and experience conducting and/or reviewing natural heritage and impact assessment information and processes is required commensurate with the scope, scale and complexity of the project. Technical matters may be addressed through the waiving process to facilitate the assessment process or assist a project in having the EIA requirement waived (e.g., Site Plan modification).

Completion of a waiving assessment **does not** guarantee that a project will have the EIA requirement waived.

HOW TO USE THIS TOOL

The waiving assessment tool includes six (6) steps which summarize existing conditions, identify features on or adjacent to the project site, assess the project to determine if waiving of the EIA requirement is appropriate.

Note: Please refer to the most current, in-force Regional and Provincial Planning documents to complete this assessment.

Each step is identified with a dark green heading, sub-components of each step are identified in light green. Grey boxes are located at the end of each Step; these provide information on how to proceed at the conclusion of each step and/or decision points associated with each step.

A figure outlining the waiving assessment process in this tool is provided below to provide an overview of the steps, key decision points and potential outcomes.

Figure: Waiving Assessment Process Diagram

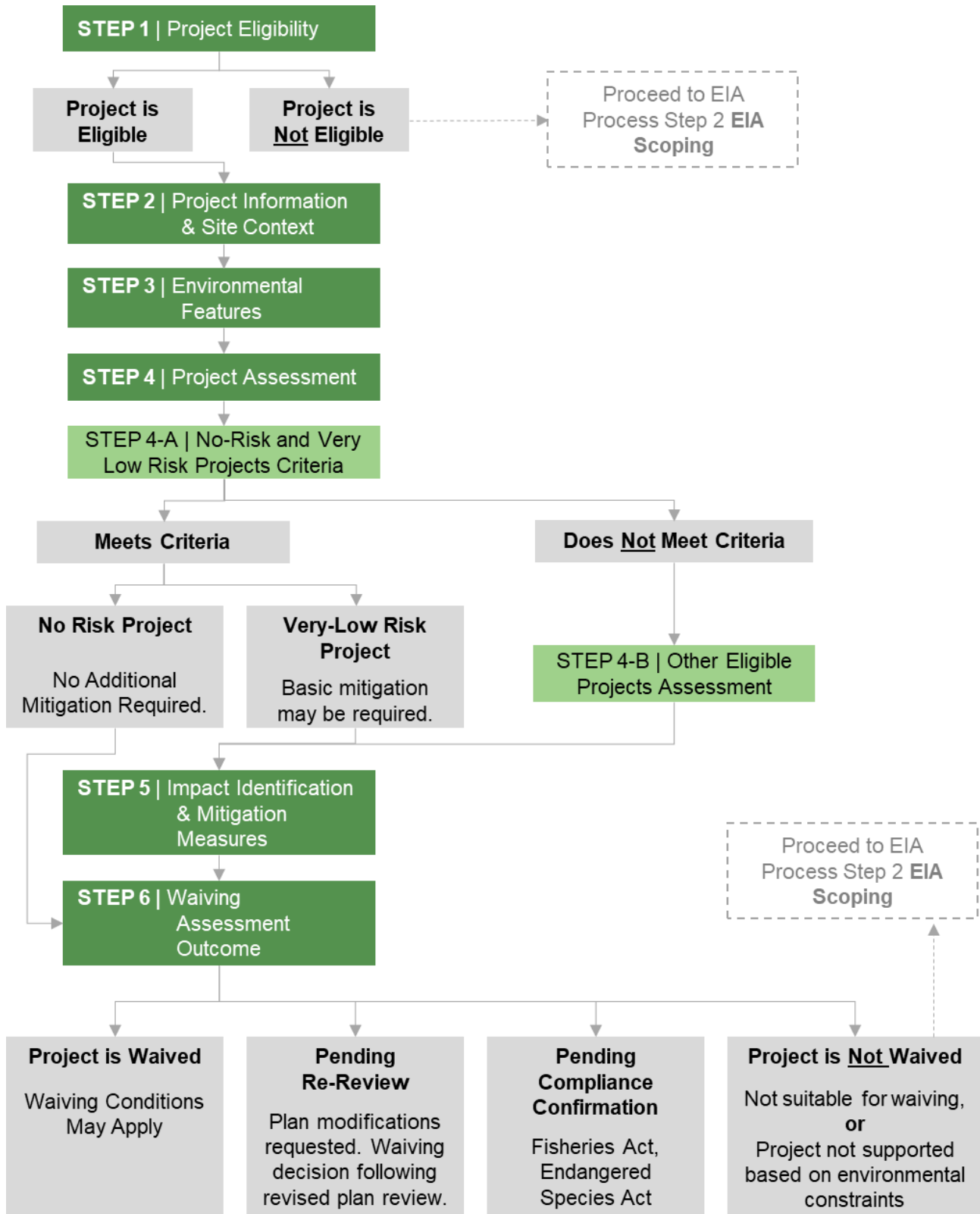


FIGURE LEGEND: Decision or Direction Process Step Process Sub-Step

STEP 1 | PROJECT ELIGIBILITY

The following projects / project types are **ineligible** for waiving:

- Medium-large scale *development* (residential, commercial, institutional, industrial)
- Aggregate resource or other extractive industries
- Medium-large scale recreational *development* (e.g., golf course, ski hill)
- Large scale site alteration

All other projects are eligible to proceed through the waiving assessment tool. Eligibility does not indicate the project is waived.

The project is eligible for waiving assessment. Proceed to Step 2.

The project is not eligible for waiving assessment. Contact the *Lead Planning Authority* to discuss EIA requirements or confirm study equivalency has been met (refer to **Section 1.4.1** of the Guideline).

STEP 2 | PROJECT INFORMATION & SITE CONTEXT

Complete all applicable sections below for the project.

Note: Please refer to the most current Regional and Provincial Planning documents to complete this section.

This section provides context for the project assessment (Step 4). It identifies existing conditions, potential existing impacts, feature quality and informs mitigation requirements (i.e. considers landscape context in any required mitigation to be implemented).

Project Type

Agricultural building or structure within building cluster
Agricultural building or structure outside building cluster
Lot Severance for *single detached dwelling*
New *single detached dwelling* on an existing lot
New accessory structure (garage, shed, etc.)
New accessory *development* (e.g., swimming pool, driveway)

Re-build – same footprint
Re-build – larger or altered footprint
Addition to existing dwelling
Accessory re-*development* or modification (e.g., swimming pool, driveway)
Septic system or other servicing
Other *development* or *site alteration*.
Specify:

Planning Context

Regional Official Plan

Land Use Designations (per Map 1 of ROP)

RNHS
Agricultural Area
Urban Area
Hamlet

Constraints (as shown on Map 1G of the ROP)
Mapped *Key Features* in the RNHS or GBNHS Overlay
Unmapped *Key Features*

Regional Official Plan (Continued)

| | |
|----------------------------------|--------------------------------|
| Other | Overlay |
| Mineral Resource Extraction Area | GBNHS Overlay (shown on Map 1) |
| North Aldershot Policy Area | |
| Regional Waterfront Parks | |

Greenbelt Plan [Not Applicable]

| | |
|-----------------------|---------------------|
| Protected Countryside | Agricultural System |
| Greenbelt Plan NHS | Settlement Area |

Niagara Escarpment Plan [Not Applicable]

| | |
|----------------------------|-----------------------|
| Escarpment Natural Area | Escarpment Rural Area |
| Escarpment Protection Area | Urban Area |

Growth Plan [Not Applicable]

| | |
|-----------------------|-----------------|
| Growth Plan NHS | Settlement Area |
| Water Resource System | |

On Site - Existing Land Use(s) and Condition(s)

| | |
|--------------------|-----------------------------|
| Agricultural | Golf Course |
| Urban Residential | Building / Structure |
| Rural Residential | Paved / Impermeable Surface |
| Commercial | Manicured Lawn / Garden |
| Industrial | Fallow Field / Meadow |
| Institutional | Natural Feature or Area |
| Park or Open Space | Other: |

Adjacent Lands - Existing Land Use(s) and Condition(s)

| | |
|--------------------|-----------------------------|
| Agricultural | Golf Course |
| Urban Residential | Building / Structure |
| Rural Residential | Paved / Impermeable Surface |
| Commercial | Manicured Lawn / Garden |
| Industrial | Fallow Field / Meadow |
| Institutional | Natural Feature or Area |
| Park or Open Space | Other: |

Buffers to Key Features – Existing Land Use and Conditions

What is the current distance separating *development* or *site alteration* from *Key Features* on the site and adjacent lands?

- <10 m
- 10-15 m
- 15-30 m
- >30 m

Is the area of the separating distance naturalized?

- Yes
- No

Notes / Comments:

Proceed to Step 3

STEP 3 | ENVIRONMENTAL FEATURES (confirmed or unconfirmed)

Complete sections below based on applicable plans identified in Step 2.

This section provides important information for assessing potential impacts, mitigation requirements, etc. for the project assessment (Step 4).

Regional Natural Heritage System (RNHS)

Key Features:

| | |
|---|---|
| <i>Significant Woodland(s)</i> | <i>Significant ANSI⁹</i> |
| <i>Significant Wetland(s)</i> | <i>Fish Habitat</i> |
| <i>Significant Valleyland(s)</i> | <i>Significant Habitat for Endangered or Threatened Species</i> |
| <i>Candidate or Confirmed SWH⁸</i> | |

Other RNHS Components:

| | |
|----------------|------------------|
| <i>Buffer</i> | Enhancement Area |
| <i>Linkage</i> | |

Greenbelt Plan

Key Natural Heritage Features in Greenbelt Plan NHS:

| | |
|---------------------------------------|---|
| <i>Significant Woodland(s)</i> | |
| <i>Wetland(s)</i> | <i>Habitat for Endangered or Threatened Species</i> |
| <i>Significant Valleyland(s)</i> | <i>Sand Barren(s)</i> |
| <i>Confirmed SWH⁸</i> | <i>Savannahs</i> |
| <i>Life Science ANSI¹⁰</i> | <i>Tallgrass Prairie(s)</i> |
| <i>Fish Habitat</i> | <i>Alvar(s)</i> |

Key Hydrologic Features (Protected Countryside):

| | |
|---|----------------------------------|
| <i>Permanent and intermittent stream(s)</i> | <i>Seepage areas and springs</i> |
| <i>Lake(s) (and their littoral zones)</i> | <i>Wetland(s)</i> |

Growth Plan

Key Natural Heritage Features in Growth Plan NHS outside settlement areas:

| | |
|---------------------------------------|---|
| <i>Significant Woodland(s)</i> | |
| <i>Wetland(s)</i> | <i>Habitat for Endangered or Threatened Species</i> |
| <i>Significant Valleyland(s)</i> | <i>Sand Barren(s)</i> |
| <i>Confirmed SWH⁸</i> | <i>Savannahs</i> |
| <i>Life Science ANSI¹⁰</i> | <i>Tallgrass Prairie(s)</i> |
| <i>Fish Habitat</i> | <i>Alvar(s)</i> |

Key Hydrologic Features throughout Growth Plan outside settlement areas:

Permanent stream(s)

⁸ *Significant Wildlife Habitat*

⁹ Area of Natural and Scientific Interest. Includes both Life Science and Earth Science ANSIs under Regional Policy.

¹⁰ Area of Natural and Scientific Interest.

Intermittent stream(s)
Inland lakes and their littoral zone(s)

Seepage areas and springs
Wetland(s)

Other Environmental Features and Designations

Unevaluated wetland(s)
Non-Provincially Significant wetland(s)
Woodland
Headwater Drainage Feature(s)
Species at Risk (and their Habitat)

Candidate SWH
Regulated Area(s)¹¹
Feature Type(s):
Other:

Proceed to Step 4

STEP 4 | PROJECT ASSESSMENT

Information collected through Steps 2 and 3 is used in combination with other project information (e.g., site plans, airphoto / satellite imagery, map[s]) to determine if it is appropriate to waive the EIA requirement for the project.

Waiving may be appropriate where there is no or very low risk of *negative impact*, and / or the potential *negative impact(s)* are: well understood, of small scale, magnitude and/or duration and can be avoided or mitigated through basic mitigation measures.

Projects that are eligible to proceed through the waiving assessment tool (Step 1) may be assessed for waiving through one of two project groups:

- **No-Risk and Very Low-Risk Projects:** Some projects have no or very low risk of *negative impact* to the Region's Natural Heritage System. A set of criteria are used to identify projects in this group. These projects may proceed through a streamlined process.
- **Other Eligible Projects:** Projects that do not meet the criteria for 'No-Risk and Very Low-Risk Projects' can be assessed here. The project assessment for 'Other Eligible Projects' includes a more extensive review and requires an enhanced understanding of natural heritage, impact assessment, etc.

Note: Waiving of the EIA requirement does not waive, exempt or otherwise remove requirements for compliance with other applicable plans, policies, or legislation. It is the proponent's responsibility to ensure that their project meets the requirements for the site and/or project.

¹¹ Areas regulated by a Conservation Authority (CA) under the Conservation Authorities Act and pursuant to the Ontario Regulation for the CA in which the project occurs. CA must be contacted to confirm any requirements.

STEP 4-A | No-Risk and Very Low-Risk Projects

To be identified as a 'no' or 'very low' risk project, the conditions of both the primary **and** secondary criteria must be met. A site visit may be requested to support the project assessment.

Primary Criteria

The *development* or *site alteration* meets all the following:

- Adjacent features are not *Key Features* of the Greenbelt Plan NHS or the Growth Plan NHS.
 - Minimum *Vegetation Protection Zone* (VPZ) requirements of the Greenbelt Plan and Growth Plan do not apply;
- Adjacent features are one or more of the following: *significant woodland*, *Provincially Significant Wetland*, *wetland* or *watercourse*;
- Does not occur within or directly encroach into the NHS (Key Features and components of the NHS);
- There is no known confirmed or candidate *significant wildlife habitat* within the *development* or *site alteration* footprint;
- There are no *Species at Risk*¹² or their habitat known to occur or with a high potential of occurring within the footprint of the proposed *development* or *site alteration*.

Secondary Criteria

The *development* or *site alteration* meets at least one of the following:

- Is separated from the feature(s) by an intervening land use which provides an effective separation between the project and feature(s):
 - Road¹³
 - Existing *development*
 - Other¹⁴:
- Is wholly contained within an existing building footprint (e.g., adding a second storey, re-*development* within existing footprint).
- Footprint of the proposed building expansion extends away from the feature(s).
- Proposed *buffer(s)* for no / very low impact projects are a minimum of¹⁵:
 - 10 m from the dripline of a *significant woodland*
 - 30 m from a *Provincially Significant Wetland* (PSW)
 - 15 m from other wetlands
 - 30 m from a *watercourse*

¹² In the context of this assessment 'Species at Risk' includes species listed as Endangered or Threatened in Ontario and receiving protection under Sections 9 and/or 10 of the *Endangered Species Act* (2007).

¹³ A Road is defined as linear *infrastructure* at the site or landscape scale that has been constructed for the express purposes of transportation over an extended period of time. It has a compacted / constructed roadbed and surfaced with a material intended for long-term use by vehicles (i.e., gravel, pavement, cement).

¹⁴ 'Other' land uses may include other forms of development that would act as a barrier to movement (plants, wildlife) and / or are a primary impactor at the interface with the natural heritage feature(s) and their functions. Natural, open space, agricultural lands (e.g., fields, grazing land, etc.) and other similar land uses do not qualify as land uses that act as an effective barrier.

¹⁵ Minimum buffers presented here apply to the no / very low risk project group only. Buffers for other eligible projects (Step 4B) and projects not eligible for waiving are determined based on site-specific and project-specific considerations, as appropriate.

Using the criteria above and based on professional opinion, evaluate the risk of the proposed project on the RNHS and proceed accordingly.

The project has **No Risk** of impact to the Region’s Natural Heritage System. Proceed to Step 6.

The project has **Very Low Risk** of impact to the Region’s Natural Heritage System. Basic mitigation measures may be required. Proceed to Step 5 (Impact Identification & Mitigation Measures) to identify potential impacts and determine if mitigation measures are required.

The project **does not** meet the criteria set out above. Proceed to ‘Other Eligible Projects’ project assessment below.

STEP 4-B | Other Eligible Projects

Eligible projects (per Step 1) that do not meet the criteria for ‘No-Risk and Very Low-Risk Projects’ may proceed through the more detailed assessment in this section.

Individual(s) with an appropriate level of knowledge of natural heritage features, functions and potential impacts associated with *development* or *site alteration* will be **required** to complete the project assessment. The *Lead Planning Authority* can consult the Region (or the delegates or assigns) to identify an appropriate individual to complete the assessment.

All sections below must be completed.

Site Visit

A site visit may be required by the *Lead Planning Authority*, their agent or assign, or other approval agency for the project / site.

A site visit was:

| | | |
|---|----------------|---------------------|
| Completed | Not requested | Requested |
| Site Visit Type (check all that apply): | | |
| General site condition | Feature review | Feature delineation |

Feature Sensitivity to Development or Site Alteration

At the screening level, feature sensitivity to *development* or *site alteration* is based on proxy indicators. Features with higher sensitivity may require additional consideration to more accurately assess the feature, and / or may require increased *buffers*, enhanced mitigation, etc.

Based on current land use on-site and on adjacent lands (Step 2), it is anticipated that the feature(s) experience the following existing level of impact / disturbance:

| | | |
|---|---|---|
| High | Moderate | Low |
| Based on feature type(s) (2-D) and information in A, above; it is anticipated that the feature(s) would be: | | |
| Highly sensitive to the proposed <i>development</i> or <i>site alteration</i> . | Moderately sensitive to the proposed <i>development</i> or <i>site alteration</i> . | Less sensitive to the proposed <i>development</i> or <i>site alteration</i> . |

Proposed Buffers or Distance to Development or Site Alteration (Site-Plan)

Record *buffers* (if defined) or distance between feature(s) and the proposed *development* or *site alteration* from the site plan in the table below.

| Feature # | Feature Type | Buffer / VPZ / Distance from Development or Site Alteration (m) | Naturalized Buffer Proposed? (Yes / No) | If VPZs are required¹⁶: Are minimums met? |
|------------------|---------------------|--|--|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Proceed to Step 5.

¹⁶ *Vegetation Protection Zones* are required for some Plan areas (e.g., Greenbelt, Growth Plan).

STEP 5 | IMPACT IDENTIFICATION & MITIGATION MEASURES

Identify all new or exacerbated existing impacts anticipated, or with a high potential to occur. Identify mitigation measure(s) that shall be implemented to address the impacts as conditions of waiving.

The Impact Identification & Mitigation Measures table is to be completed for Very Low Risk Projects (as appropriate) and Other Eligible Projects (Required).

| Feature # | Potential Impact | Mitigation Required As Condition of Waiving |
|-----------|--|---|
| | Increased risk of noise and/or light New Exacerbated | Increased <i>buffer</i> Enhancement plantings Directional lighting Fencing Other: |
| | Soil compaction, root damage New Exacerbated | Increased <i>buffer</i> Soil scarification Fencing Other: |
| | Vegetation damage from construction equipment and migration of construction debris New Exacerbated | Increased <i>buffer</i> Enhancement Plantings Fencing Other: |
| | Risk of spread of invasive species New Exacerbated | Invasive species removal Increased <i>buffer</i> Enhancement Plantings Fencing Other: |
| | Increased risk of dumping of garden refuse New Exacerbated | Increased <i>buffer</i> Enhancement Plantings Fencing Other: |
| | Removal of uncommon/rare plant species New Exacerbated | Plant salvage Enhancement plantings Other: n/a - requires additional assessment |
| | Removal of vegetation New Exacerbated | Timing restrictions Increased <i>buffer</i> Enhancement Plantings Other: n/a - requires additional assessment |
| | Creation of edge New Exacerbated | Increased <i>buffer</i> Enhancement Plantings Other: |
| | Removal of, or disturbance to <i>wildlife habitat</i> New Exacerbated | Timing restrictions Increased <i>buffer</i> Enhancement Plantings Other: n/a - requires additional assessment |

| Feature # | Potential Impact | Mitigation Required As Condition of Waiving |
|------------------|---|--|
| | Fragmentation of natural area New Exacerbated | Enhancement plantings Other: n/a - requires additional assessment |
| | Removal of corridor/ <i>linkage</i> to natural area New Exacerbated | Other: n/a - requires additional assessment |
| | Potential for increased access to natural area New Exacerbated | Increased <i>buffer</i> Enhancement Plantings Fencing Other: |
| | Risk to slope stability New Exacerbated | Increased <i>buffer</i> Enhancement Plantings Other: n/a - requires additional assessment |
| | Change to hydrological function New Exacerbated | Increased <i>buffer</i> Other: n/a - requires additional assessment |
| | Increase in water temperature New Exacerbated | In-stream habitat enhancement to increase stream shading Increased <i>buffer</i> Enhancement Plantings Other: n/a - requires additional assessment |
| | Degradation of water quality New Exacerbated | Increased <i>buffer</i> Enhancement Plantings Sediment & Erosion Control Other: n/a - requires additional assessment |
| | Increased risk of erosion, sedimentation and turbidity New Exacerbated | Implementation of ESC measures Increased <i>buffer</i> Enhancement Plantings Other: |
| | Increased inputs of nutrients/contaminants to waterbodies or wetlands New Exacerbated | Increased <i>buffer</i> Enhancement Plantings Other: |
| | Changes to natural drainage area New Exacerbated | Increased <i>buffer</i> Other: n/a - requires additional assessment |
| | Reduction of stream baseflows/upwellings New Exacerbated | Increased <i>buffer</i> Other: n/a - requires additional assessment |
| | Aggravation of existing impacts/cumulative Impacts | Increased <i>buffer</i> Enhancement Plantings Fencing Other: n/a - requires additional assessment |

| Feature # | Potential Impact | Mitigation Required As Condition of Waiving |
|---|------------------|---|
| | Other: | |
| | Other: | |
| | Other: | |
| | Other: | |
| No additional impacts anticipated beyond what is considered existing. No mitigation required. | | |
| <p>Notes: [Please add any notes that inform required mitigation identified. Recommended mitigation outside of required condition for waiving can also be identified here; these are not mandatory to achieve waiving.]</p> | | |

Proceed to Step 6.

STEP 6 | WAIVING OUTCOME

The waiving assessment result is informed by the preceding sections.

Project is waived.

Implement Site Plan, as submitted.

Implement mandatory mitigation measures (Step 5) and proceed.

Pending Re-Review. Modification and re-submission of the Site Plan requested¹⁷:

Change location / limits.

Minimum *buffer* requested: _____ m.

Demonstrate how mitigation measures (Step 5) will be implemented.

Pending Compliance Confirmation¹⁸.

Federal Fisheries Act (Department of Fisheries & Oceans [DFO])

Trigger: Proximity or potential impact to features that support fish habitat.

Provincial *Endangered Species Act* (Ministry of Environment Conservation and Parks [MECP])

Trigger: Endangered or Threatened species and/or their habitat identified as occurring or with a high potential to occur on site.

Project is not waived.

An EIA is required. Return to EIA Process for Scoping.

Project is not supported based on potential impacts to the Region's Natural Heritage System.

Notes:

[This section provides an opportunity to identify *recommended* additional mitigation outside of required condition for waiving. These are **not** mandatory to achieve waiving]

¹⁷ The proponent may choose to proceed to an EIA in lieu of revising the site plan. Applications must be in accordance with applicable plans and policies. It is noted that completion of an EIA does not guarantee project approval.

¹⁸ Demonstration of compliance may include record of consultation identifying compliance (e.g., email(s)), record of self-assessment, letter of advice, project registration, permit, etc. as appropriate and in accordance with the requirements of the legislation and its processes.

ASSESSMENT SIGN-OFF

Each assessment is completed and then reviewed by a second qualified individual. Record of completion and review is required as part of the assessment process.

| COMPLETED BY: | REVIEWED BY: |
|----------------------------|----------------------------|
| Signature: _____ | Signature: _____ |
| Date: _____ | Date: _____ |
| Name: _____ | Name: _____ |
| Position: _____ | Position: _____ |
| Agency: _____ | Agency: _____ |
| Contact Information: _____ | Contact Information: _____ |