

Comments Received on EIS Guidelines, Staff Responses and Action

Date	Comment By	Comment	Staff Response	Action
June 2012	Anita Fabac Community Planning & Design	Editorial comments for clarification	Agree with edits.	Changes to text made.
July 16, 2012	Kirstin Maxwell, Policy Planning Section	General comments to clarify the text.	Agree	Changes to text made.
July 23, 2012	Heather Travis and Diana Yakhni, Legislative Approvals, Planning	Editorial changes and clarification of development applications that Guidelines apply to.	Agree	Changes to text made.
July 24, 2012	Margaret Fazio, Transportation Planning Section, Public Works	Why do Guidelines exclude all transportation projects?	Transportation projects will examine environmental impacts through an EA; EIS is not completed for these projects. The EIS Guidelines explain that EAs serve the same purpose as an EIS, so where an EA is being done, this fulfills the requirement for an EIS.	No change required.
July 24, 2012	Margaret Fazio, Transportation Planning Section, Public Works	How do the Guidelines address Species at Risk (SAR) and habitat restoration for these species?	Species at Risk are referenced in the Guidelines, and must be considered in the EIS. Ultimately protection and compensation for SAR habitat is determined by Ontario	No change required.

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			Ministry of Natural Resources and Forestry.	
July 27, 2012	Cynthia Graham, Environment & Sustainable Infrastructure	EIS Guidelines are geared more toward private developers than City staff. What steps are required if projects do not go through a <i>Planning Act</i> process?	Although the EIS Guidelines are focused on private projects, City staff with projects proposed within or adjacent to Core Areas should follow the same guidelines and process. To identify the need for an EIS, City staff should contact Natural Heritage staff.	Text was added to Section 2.1 to note the process also applies to City projects.
July 27, 2012	Cynthia Graham, Environment & Sustainable Infrastructure	Regarding the habitat of threatened and endangered species, how is it determined to be habitat?	Generally, the species must be detected on site recently (within the last 5-10 years) to count. Also, if there is suitable habitat on site, this should be considered in the EIS.	No change required.
July 27, 2012	Cynthia Graham, Environment & Sustainable Infrastructure	Do you have criteria for degree of accuracy of GPS equipment when asking for coordinates of locations for SAR? Some GPS equipment is not very accurate.	Agree that GPS is not always accurate, especially in woodlands. Text was added to include UTM coordinates as another means of pinpointing locations of SAR.	Text change made.
July 27, 2012	Cynthia Graham, Environment & Sustainable Infrastructure	When asking for studies, best to list the sampling methods you want or put the caveat that you want to approve methods prior to study.	Agree. Staff has provided more specific details on the methods required for field studies and the appropriate timing.	Additional details were added to field study methods in Section 3.3 (b).
July 27, 2012	Cynthia Graham,	Explain what you want the consultant to do with the SAR	SAR locations are submitted to OMNRF and the Hamilton	Guidelines were revised to clarify the

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	Environment & Sustainable Infrastructure	location if it is not to be included in the report.	CA for inclusion in the provincial and Hamilton databases. SAR locations should be included in the EIS, but staff will not release this specific data to the public.	SAR reporting process in Section 3.3 (c)
August 2012	Edward John Development Planning	Editorial changes for clarification, add definition of “development”	Agree with edits and text addition.	Text changes made.
October 2012	Environmentally Significant Areas Impact Evaluation Group (ESAIEG)	For reptile searches, can also be done in September-October for cover boards. Also, provide definitions of features.	Agree. Added Sept-Oct to survey times for reptiles. Added text to refer readers to the Official Plan for definitions of features.	Text changes made in Section 3.3 (b).
December 5, 2012	Melissa Kiddie, Development Planning	Under Section 3.4, Assessing Impacts, add text to require analysis of Official Plan policies relating to the Natural Heritage System. This is an area where many EIS and LA reports fall short	Agree. Text was added to EIS and LA Guidelines to require analysis of OP policies and connect back to the requirement to show no negative impacts to natural features.	Text added to Section 3.4 of EIS Guidelines and Section 5 of the LA Guidelines.
January 7, 2014	Drew Cherry, Grand River Conservation Authority (GRCA)	Page 4 of EIS Guidelines, add a sentence about how staff assess whether an EIS is needed and how to scope the contents of the study.	Agree this is an important point, but the EIS Guidelines already state this (see page 5).	No change required.
January 7, 2014	Drew Cherry, GRCA	Page 6, the proponent should outline contingency plans and funds to implement plans should the development result in	Agree. Text was added to the Guidelines stating that contingency plans and funds are required if adverse	Wording change made to Section 3.6.

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		unexpected adverse impacts.	impacts occur.	
January 7, 2014	Drew Cherry, GRCA	Any deviation from standard survey protocols must be approved by the City’s Natural Heritage Planner.	Agree, text was added to clarify this.	Text was added to Section 3.3 (b).
January 7, 2014	Drew Cherry, GRCA	As part of the vegetation survey, rarity statuses, coefficient of wetness and floristic indices should be included.	Agree.	Text was added to require this information in the vegetation characterization (Section 3.3 (b)).
January 7, 2014	Drew Cherry, GRCA	The EIS Guidelines should refer to the updated version of the “Significant Wildlife Habitat Eco-region Criteria Schedules”, (OMNR, 2012)	Agree.	Staff has included the updated reference to this report in the References Section.
January 7, 2014	Drew Cherry, GRCA	GRCA is also interested in obtaining digital copies of ELC polygons to assist in our NHS mapping.	Noted.	No change required to EIS Guidelines.
January 7, 2014	Drew Cherry, GRCA	Recommend requiring resumes/CVs to be attached to the EIS and LA Guidelines for each member of consulting project team, to ensure consultants are “Qualified Professionals”.	Agree.	Text added to require resumes/CVs in Section 3.8.
January 30, 2014	Kim Barrett, Conservation Halton	Relating to the definition of site alteration, it is recognized that this is the Official Plan definition, but why would these types of projects be exempt from an EIS?	The definition for site alteration in the Official Plan is taken from the Greenbelt Plan. Staff agrees that the EIS Guidelines should use	Changed the definition of site alteration to the PPS definition in Section 2.1. Added text to refer to the

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		We note there is no similar wording in the PPS definition of site alteration.	the PPS definition. Text has also been added to refer to the relevant Official Plan for the definition, as it differs in the Greenbelt and non-Greenbelt Plan areas of the City of Hamilton.	Official Plan definition.
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Would using OP defined terms be more meaningful/encompassing – i.e. ‘development’ and ‘site alteration’?	Agree. Terms were revised to those used in the OP.	Definitions changed.
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Would it be appropriate to add ‘Conservation Authority permits’ as well?	No, Conservation Authority permits are not covered by the OP policies. This is a separate review process from an EIS.	No change required.
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Section 2.3 on Threatened and Endangered Species - Update to reflect PPS 2014 direction on these species	Staff has removed this section as it is not required in the EIS Guidelines.	Text removed.
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Would it be appropriate to add a further sentence indicating that the City’s EIS Guidelines should be considered in preparing an EA?	Agree.	Wording added in Section 2.3.
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Is this always the most current boundary and/or are there ever scenarios where we might want an applicant to use a different/more current boundary?	No, staff would want the applicant to show the boundary in the Official Plan, even if it has changed over time. The EIS would then recommend an updated boundary.	No change required.

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May 15, 2014	Mike Stone, Hamilton Conservation Authority	'...and level of investigation...' Somewhere in section 3.3 it might be helpful to convey that the level of investigation applied, per the 3 levels given above, must be justified and/or approved by the City. Also suggest that level of survey effort (e.g. person hours) be included here.	Agree. Included wording to specify the levels of investigation for field studies.	Wording added to Section 3.3.
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Somewhere in Section 3.3 it might be appropriate to add the following further items: - Identify and/or confirm the boundaries of natural features/Core Areas - Evaluate and/or confirm the significance of natural features/Core Areas	Agree.	Wording added to Section 3.3.
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Staff suggest it may be useful to add a requirement relating to ephemeral streams/headwater features here (or perhaps above in (a)), noting that sampling should be carried out at a time of year when these features/systems are evident (spring, during storm events) to document the function of such features/systems.	Agree.	Text was added to Section 3.3 (a).
May 15, 2014	Mike Stone, Hamilton Conservation	Staff suggest other rare (S ranked) species should also be included here	Agree. S-ranked species to be added to the list of rare species.	Text added to Section 3.3 (b).

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May 15, 2014	Mike Stone, Hamilton Conservation Authority	Staff suggests changing to ‘Fish habitat surveys completed during the winter months under snow/ice conditions will not be accepted.’	Agree. Text added.	Text added to Section 3.3 (b).
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Might also consider adding that targeted surveys for specific species may be required (e.g. certain species at risk if known to occur in the study area).	Agree. Text added.	Text added to Section 3.3 (b).
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Regarding Breeding bird surveys, staff suggest adding that the first survey should be between May 24 and June 15, then between June 15 and July 10, still following OBBA protocols. Staff has noticed some proponents conducting surveys for grassland birds after June 15, but 10 days apart, so still within protocol. However, the issue with this approach is that some SAR grassland species at this point in the season are feeding young or are done breeding. Although still detectable, some proponents have suggested that birds recorded at this time of year are migrating (not breeding locally). Since this is possible, it makes it difficult to request further surveys. Splitting the survey windows	Agree. Text added.	Text added to Section 3.3 (b).

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		would help to provide more complete season information.		
May 15, 2014	Mike Stone, Hamilton Conservation Authority	For amphibian surveys, staff suggest MMP should be the only accepted methodology	Agree.	Text change was made to Section 3.3 (b).
May 15, 2014	Mike Stone, Hamilton Conservation Authority	May also be appropriate to reference the draft significant wildlife habitat ecoregion criteria schedules for 6E and 7E (MNR 2012).	Agree.	Text added to References.
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Compare to ‘negative impacts’ used in preceding sentence and elsewhere in guidelines. Is the intent to use these two terms interchangeably? See earlier comment regarding using OP defined terms and/or adding some further interpretation for adverse impacts.	Agree- “adverse” impacts changed to “negative” impacts or impacts to reflect terms used in the OP.	Text change made to Section 3.3c).
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Add, ‘a description of how the proposal was designed to avoid and/or minimize impacts’?	Agree, text added.	Text was added to Section 3.5.
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Suggest, ‘...approved by the City in consultation with the Conservation Authority...’. Where lands are regulated by a CA, CA ‘approval’ is probably a fair statement, but outside of regulated areas ‘approval’ rests with the City. Didn’t this issue of	Agree. This was discussed as part of the Official Plan review and it was agreed to use the wording, “in consultation with the Conservation Authority”.	Wording change made to Section 4 b).

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		roles/responsibilities – the issue/question of CA vs City ‘approval’ – come up in resolving some of the appeals to the OP EIS policies? A similar change in wording may be required elsewhere in these guidelines.		
May 15, 2014	Mike Stone, Hamilton Conservation Authority	It may be appropriate to add a comment in this section to recognize that changes to some natural features boundaries would require provincial/MNR approval – PSW, ANSI, Significant Habitat of E&T species.	Agree.	Wording added to Appendix 1.
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Ecology staff suggests removing the reference to ELC and that OWES be the only system used to identify wetland boundaries. You may wish to discuss this point further with ecology staff.	Agree. Only the Ontario Wetland Evaluation System (OWES) for southern Ontario should be used to delineate wetlands.	Reference to ELC was deleted from the table in Appendix 2.
May 15, 2014	Mike Stone, Hamilton Conservation Authority	Staff suggests that species recommended for restoration be native to Hamilton as identified in the NAI. We often see proponents recommending plants that are native to Ontario but not found in Hamilton and/or are considered regionally rare.	Agree. Wording added to refer to “non-invasive, locally sourced plants which are native to Hamilton (as identified in the Natural Heritage Database).	Wording added to Appendix 2.
May 23, 2014	Hamilton Halton Homebuilders Association	To be consistent with the Official Plan, the term “ecologically functional Linkages” should be	Since this term is not used in the Official Plans, staff will delete the words	The words, “ecologically functional” were

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	(HHHBA) reviewed by North-South Environmental	replaced with “Linkages” unless a different definition and set of policies are provided and would apply to these features.	“ecologically functional”.	deleted, leaving the term, “Linkages” on pages 10 and 11 of the EIS Guidelines.
May 23, 2014	HHHBA	They like the flexibility built into the buffer (VPZ) requirements.	Staff notes that flexibility in VPZ widths can also mean that wider or narrower VPZs may be appropriate in some instances. Regarding the hypothetical example provided in the letter, staff stress that VPZs must be assessed based on current science, potential impacts, sensitivity of the natural area, and ecological functions.	No change required.
May 23, 2014	HHHBA	There is a lack of clarity over how to delineate the limit of a Core Area when adjacent ELC communities consist of cultural communities. Linkages and Core Areas provide different functions and the cultural communities that lie between Core Areas should be assessed based on their linkage function and should not be evaluated as Core Areas and/or included within the boundary of Core Areas.	Cultural habitats include conifer plantations, thickets, savannahs, woodlands, and meadows. There must be flexibility when determining whether a cultural community is included in a Core Area. That is why Appendix 1 is titled, “Principles for delineating Core Areas”. Since every site is different, it is not possible to provide absolute rules or clarity. Staff agree that cultural habitat can provide different functions, and once the	Wording was added to Appendix “A”, under “Cultural Habitat”, to indicate that cultural habitat can be included as a Core Area, Linkage, or VPZ, depending on it’s ecological function.

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			<p>function(s) has been identified, cultural habitat can be included as part of the Core Area, Linkage, or Vegetation Protection Zone (VPZ), as appropriate. Staff maintains that cultural habitat may be included within the boundary of a Core Area when it contributes to the criteria for which the Core Area was identified.</p>	