



INTRODUCTION

Policy 2.3.17 of the Regional Official Plan requires environmental impact studies (EIS) to assist in the evaluation of development applications in proximity to the environmentally sensitive areas and for those applications that propose a type of use that may have major environmental impacts.

The guideline provides the necessary clarification on agency responsibilities for conducting an EIS, various approaches on how an EIS can be conducted and criteria for determining when an EIS is required. Applicants are encouraged to preconsult on the need for an EIS.

An EIS is a technical report prepared by an environmental expert and provides:

- ***a baseline inventory of environmental features and functions;***
- ***an analysis/forecast and assessment of potential environmental effects of the proposed development related to Regional and Provincial policy; and***
- ***if necessary, areas to be preserved and any mitigation measures to address impacts of the proposed development on environmental features and functions***

LEAD AGENCY IN CONDUCTING ENVIRONMENTAL STUDY

Conducting an EIS is a project management function involving various support and administrative tasks. This includes facilitating agreement on terms of reference for the study and the selection of a consultant. This is accomplished through discussions among the Region, local municipalities, the conservation authorities, the Durham Environmental Advisory Committee (D-EAC) and the applicant. D-EAC is a volunteer committee appointed by Regional Council, to provide advice on environmental planning matters as expressed in the Durham Regional Official Plan.

The Region takes the lead role in conducting an EIS for Regional Official Plan Amendments. The local municipality, the affected conservation authority, the D-EAC and the applicant are key participants.

Local municipalities, with appropriate resources and policies in their Official Plans, take the lead role in conducting environmental studies for other applications such as local official plan amendments, subdivision/condominium, and zoning amendments. Staff of the affected conservation authority and the Region Planning Department participate in the process.

Administrative matters such as the need for a pre-determined roster of consultants, steering committees, public involvement and co-ordination when an EIS is required for both a Regional Official Plan Amendment and a local official plan amendment are determined at the outset of each EIS and form part of the terms of reference for each study.

ALTERNATIVE APPROACHES FOR CONDUCTING ENVIRONMENTAL IMPACT STUDY

Full Environmental Impact Study

A full environmental impact study refers to a process where the Region, in consultation with the local municipality, the conservation authority and D-EAC, determines the terms of reference, selects a consultant to carry out the study, at the applicants expense and accepts the study as meeting the terms of reference. This process is preferred, particularly for Regional Plan Amendments, as it allows shared and early involvement from the Region, local municipality, conservation authority, D-EAC and the applicant in the conduct of the EIS. This process eliminates duplication of studies and is more cost efficient and effective at arriving at a completed EIS. The local municipalities may also use this approach in those applications where they have the lead role.

Peer Review

A peer review process may be acceptable, in circumstances when applications are received with environmental studies already completed to acceptable technical standards. When Regional Plan Amendment applications are received with environmental work completed, the Region in consultation with the local municipality, the conservation authority and D-EAC will determine if the work submitted is of sufficient quality for a peer review and determine the terms of reference for the peer review. The peer review will be completed at the expense of the proponent. Where the work has been determined to be insufficient, a full EIS will be required before the application can proceed.

Scoped EIS

A scoped EIS entails a simple and more narrowly defined assessment. A scoped EIS process can be considered if the proposal is:

- ***minor in nature or small scale proposal, as is often the case with a severance;***
- ***expected to result in minor impacts on environmental functions or features;***
- ***located in a previously disturbed area; or***

- ***located in an area where previous studies have been prepared and provide sufficient technical information to assess the proposal (e.g. EIS completed for Secondary Plans and subwatershed studies)***

For each Regional Plan Amendment requiring an EIS, the Region, in consultation with the local municipality and the conservation authority will determine if this approach is appropriate. Under this process, the applicant will select and retain a consultant to prepare the scoped environmental study. The conservation authority will assist the Region and local municipality in the review of the submitted study to ensure environmental issues are adequately addressed.

CRITERIA FOR DETERMINING WHEN AN ENVIRONMENTAL IMPACT STUDY IS REQUIRED

Definition of “In Proximity to an Environmentally Sensitive Area”

An EIS is required when a development application is located in proximity to an environmentally sensitive area. The following criteria are recommended in determining whether an application is located in proximity to an ESA, thereby requiring the preparation of an EIS. An EIS is required if an application is within:

- ***50 metres of portions of the habitat of endangered and threatened species***
- ***120 metres of wetlands***
- ***50 metres of fish habitat***
- ***50 metres of woodlands***
- ***50 metres of valleylands***
- ***50 metres of wildlife habitat***
- ***50 metres of areas of natural and scientific interests (ANSIs)***
- ***50 metres from an Environmentally Sensitive Area as identified by the conservation authorities***

Following consultation with the local municipality and the conservation authority, some flexibility can be applied to the EIS distances in order to deal with the varying sensitivities of environmental features and types of development proposals. For example, a 50 metre distance of the significant portions of the habitat of endangered and threatened species for the requirement of an EIS. Some developments located well beyond 50 metres of endangered and threatened species have the potential to affect some species and in these cases greater EIS distances are required.

Information Sources Used to Define Environmentally Sensitive Areas:

Map A of the Regional Official Plan indicates a general location of environmentally sensitive areas. The EIS distances are measured from the environmental feature or function as defined in various detailed sources. The determination of the need for an EIS is confirmed through consultation with the affected conservation authority.

Information sources used to determine the need for an EIS include:

- ***provincially significant features including wetlands, fish habitat and ANSI's as identified in provincial mapping provided through the Transfer of Provincial Plan Review;***
- ***natural heritage features and Environmentally Sensitive Area mapping provided by conservation authorities; and***
- ***other natural heritage features, including woodlands, valleylands and wildlife habitat as defined by the identification criteria in the Provincial Training Manual.***

Definition of Proposed Uses Which May Have Major Environmental Impacts

An EIS is also required when an application is considered to have potential major environmental impacts. This provision can apply to situations where an application may be outside of the EIS distances established above, yet, due to the nature of the proposed use or the scale of the area proposed for development, an EIS is required. Major environmental impacts can be defined as an application that may result in:

- ***alteration of land such as fill grading and excavation that could have an adverse effect on landform, drainage, surface and ground water quality and quantity or other natural heritage attributes and/or functions; and***
- ***nuisances from noise, dust, light, odour or vibration or there is a high probability of emissions that could have an adverse effect on environmentally sensitive areas or functions;***

The determination of major environmental impacts would be based on a consideration of the above factors and would involve consultation with the local municipalities and the conservation authorities.

**For further details on the
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