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Status Update & Recommendation Report Natural Environment Work Program

Niagara Region
May 2021

SUSTAINABLE REGION



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1.0 Purpose

The purpose of this Status Update and Recommendations Report is to: provide a summary of the work completed to date on the Natural Environment Work Program (NEWP), provide an overview of the new mapping and analysis of the options that has been completed in the urban areas of the Region, outline the importance of selecting a preferred option, provide a recommendation for the preferred option, and communicate the next steps.

2.0 Introduction

Niagara Region is in the process of preparing a new Niagara Official Plan (NOP). As part of this project, a NEWP is being undertaken. The NEWP is focused on establishing a regional-scale **natural heritage system (NHS)** and **water resource system (WRS)**, including policies and mapping, which will be implemented through the NOP. The NHS and WRS are ecologically linked, rely on and support each other, and have many overlapping components, **together these systems collectively form the integrated Natural Environment System (NES).**

On July 15, 2020, PDS 26-2020 was presented to the Region's Planning and Economic Development Committee (PEDC). This report presented options for the NHS and WRS. It also directed staff to initiate the 2nd Point of Engagement (POE) for the NEWP with the public and other stakeholders. The results of the 2nd POE were presented to PEDC through PDS 1-2021 (February 17, 2020).

Through the 2nd POE it became clear that Regional Council, local municipalities, and other stakeholders wanted additional details on each of the NES options, including the spatial extent of each option, to assist with making a decision on the preferred option. The request for additional information was focused on the urban areas in the Region. It was generally well understood through the 2nd POE that there will be a range of exemptions in the NES policies for agricultural uses, and therefore there is less likely a conflict between land uses outside of urban areas.

All of the additional information requested by members of Regional Council and other stakeholders has been prepared and distributed. This information was communicated through CWCD 2021-70 (March 19, 2021). Posted on the Region's website there is now 135 new maps and 81 new tables of data, representing all urban areas in the Region. This additional Information has also been shared with local Planning Departments, local Councils, the public, and other stakeholders.

Based on all the information previously presented and the additional information included in this Status Update & Recommendations Report **a decision is now being requested from Regional Council on the preferred NES option**. Once an option is selected, the mapping for the system will be refined in accordance with the system methodology and in close consultation with local municipalities.

2.1. Relationship between Environmental Protection and Growth and Development

Natural environment planning supports the identification of appropriate areas for growth and development and is therefore a crucial component of managing growth through the NOP. For example:

- At a regional level, it helps us understand what features, areas, and systems need to be protected and this helps to inform us where new growth areas should be. It is important that this exercise is done in a proactive, thoughtful, and comprehensive manner in advance of growth and development occurring;
- At a neighborhood level, through Local Official Plans and Secondary Plans, it allows us to plan how the human and natural environments will interact; and
- At a site-specific level, it allows us to identify all features that need to be protected, any management or mitigation that is required, and ultimately what are the developable areas of an individual property or site.

2.2. Provincial Direction

Natural environment planning is a complex and evolving science. There is a wide range of Provincial requirements, guidance, and direction; scientific and technical requirements; industry best practices; and local context that must be taken into consideration.

In preparing and implementing the NES and NOP there is Provincial policy that must be implemented by the Region for the NOP to be considered ‘in conformance’ with Provincial requirements. The Province is the approval authority for the NOP, and cannot approve the NOP if it is not in conformance.

- Provincial direction starts with the *Provincial Policy Statement (PPS)*. The *PPS* identifies the types of natural features, areas, functions, and systems that must be identified and protected. There is a Provincial requirement for the Region to have a NHS and WRS. The requirement for a comprehensive WRS is new, includes surface and groundwater features and systems, and is being developed and implemented in the Region for the first time.

- Through the *PPS* there is now a requirement for a ‘systems-based’ approach to natural environmental planning. The current Core NHS in the Region is more reflective of a ‘features-based’ approach which was common in the late ’90 and early 2000s. A ‘system-based’ approach requires the protection of areas adjacent to, and connecting natural features in addition to the features themselves.
- In Niagara, the Region is also responsible for implementing the Provincial Greenbelt Natural Heritage System (NHS) and the Provincial Growth Plan NHS. Both of these systems apply outside of urban areas. The Greenbelt NHS has been in place since 2005 and is generally well reflected in existing Regional policies. The Growth Plan NHS was introduced in 2017, and is being implemented in a Regional Official Plan for the first time. The policies of the Growth Plan NHS and Greenbelt Plan NHS are very prescriptive. They include considerable detail on what features, systems, and connecting areas must be protected, how this is to be done, and what exemptions for a range of other land uses must be included. The mapped Growth Plan NHS and Greenbelt Plan NHS provided by the Province must also be included in the NOP.

3.0 Natural Environment Work Program (NEWP) and Work Completed to Date

The direction for the NEWP endorsed by Regional Council through PDS 18-2018 was to take an incremental approach to developing the policies and mapping for the new NOP, including a number of decision points of Council and several formal opportunities for engagement with the public and other stakeholders. In practice this means that Planning Staff would be reporting to Committee and Council at several interim points in the project, both to provide information and to request decisions.

There are several incremental steps that need to be taken before the mapping and policy development phases. Draft policies and mapping are not prepared until Phase 7 of the NEWP. Similarly, the 1st and 2nd Points of Engagement (POE) (which are now complete) were at interim points in the project. It is through the 3rd POE that a complete set of draft policies and mapping for the NES will be presented to Regional Council, local municipalities, the public, and other stakeholders. This report is one of several interim point of the project. **A decision is being requested on an interim step of the project; a decision is not being requested on the final NES, policies, or mapping.** Assuming a decision is made on the preferred NES option – the 3rd POE is scheduled to occur in late-2021/early-2022.

3.1. Phasing of the NEWP and Reporting to Committee and Council

Table 1 below present the key phases of the approved NEWP as well as a summary of the formal reporting to Committee and Council to date. In addition to the formal PDS reports, there has also been several Council Weekly Correspondence Distribution (CWCD) memos prepared to provide informal updates on the NEWP or to respond to Councilor requests for additional information.

Phase 4 and Phase 5 of the work program are now complete. Phase 4 was the incremental step in the work program between the background reports and the mapping and policy development. Phase 5 was the 2nd Point of Engagement. The intent of Phase 4 was to identify and evaluate the NES options at a conceptual level. The goal being to set the direction for the NES. **It is fundamental that Planning Staff has the direction and general intent of the NES established and supported by Regional Council before the detailed mapping and policy development phases can occur.**

As discussed in more detail throughout this report, the mapping of the NES is a significant undertaking. The identification of a preferred NES option is the mechanism to establish the intent of the NES, and to provide direction for how the mapping and policy develop phase will be undertaken. **The NEWP cannot advance without the selection of a preferred option.**

Table 1: Phasing of the NEWP and Reporting to Committee and Council

Project Phase	Description	Reporting to Committee and Council
1	Project Initiation and Procurement	<ul style="list-style-type: none"> • PDS 6-2018 • PDS 18-2018
2	Background Study and Discussion Papers for Mapping and Watershed Planning Priority Areas	<ul style="list-style-type: none"> • PDS 10-2019 • PDS 32-2019
3	1 st Point of Engagement: Inform on Background Study	<ul style="list-style-type: none"> • PDS 32-2019
4	Develop and Evaluate Options for Natural System(s)	<ul style="list-style-type: none"> • PDS 26-2020
5	2 nd Point of Engagement: Consultation on Options for the Natural System(s)	<ul style="list-style-type: none"> • PDS 1-2021
6	Develop Regional Natural System(s)	<i>to be completed</i>
7	Develop OP Policies & Finalize Mapping	<i>to be completed</i>

Project Phase	Description	Reporting to Committee and Council
8	3 rd Point of Engagement: Draft OP Policies and Schedules	<i>to be completed</i>

3.2. Background Reports

The following reports have been completed to date to inform the NEWP. Additional reports will be prepared as the project proceeds through the next phases.

- Mapping Discussion Paper (September 2019)
<https://www.niagararegion.ca/projects/rural-and-natural-systems/pdf/natural-environment-mapping-discussion.pdf>
- Watershed Planning Discussion Paper (October 2019)
<https://www.niagararegion.ca/projects/rural-and-natural-systems/pdf/natural-environment-watershed-planning.pdf>
- Technical Report #1 – Natural Environment Background Study (September 2019)
<https://www.niagararegion.ca/projects/rural-and-natural-systems/pdf/natural-environment-work-program-study.pdf>
- Consultation Summary Report #1 (September 2019)
<https://www.niagararegion.ca/projects/rural-and-natural-systems/pdf/natural-environment-consultation-summary-report.pdf>
- Technical Report #2 – Identification and Evaluation of Options (June 2020)
<https://www.niagararegion.ca/projects/rural-and-natural-systems/pdf/technical-report-identification-evaluation.pdf>
- Niagara Watershed Plan – Goals and Objectives Discussion Paper (October 2020)
<https://www.niagararegion.ca/projects/rural-and-natural-systems/pdf/niagara-watershed-plan-discussion-paper.pdf>
- Consultation Summary Report #2 (January 2021)
<https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=14363>
- Technical Memorandum – Preliminary Policy Intent for the Natural Environment Systems in the Region’s Settlement Areas & Discussion on Implications (April 2021) [Attached]

3.3. Consultation and Engagement

Consultation of the NEWP has included 2 major points of engagement **totaling nearly 130 individual points of engagement to date**. The input received during these POEs is documented and summarized in Consultation Summary Report #1 and Consultation Summary Report #2 respectively. A summary of the activities undertaken includes:

- 6 reports and presentation to Planning and Economic Development Committee (PEDC) and numerous CWCD memos to Regional Council
- 3 series of Public Information Centres (PICs)
- 2 series of stakeholder workshops (Agricultural Community, Environmental Stakeholder Groups, Development Community)
- Several presentations to the Region's Planning Advisory Committee (PAC) and the Agricultural Policy and Action Committee (APAC)
- Presentations to Local Councils and numerous meetings with Local Planning Directors and Planning Staff (including one-on-one meetings)
- Several meetings and discussions with NPCA Staff and presentations to the NPCA Board and the NPCA Public Advisory Committee (PAC)
- Meetings with, and presentations to staff at Provincial Ministries, the Niagara Escarpment Commission, and Niagara Parks Commission
- Ongoing meetings with Indigenous Groups
- Significant input received directly from the public by e-mail and through the Region's website
- **With More to Come** – A 3rd POE is planned once the preferred option has been selected by Regional Council and the complete set of draft policies and mapping is prepared.

4.0 Natural Environment System (NES) Options

The options for the Region's NHS and WRS were first presented in PDS 26-2020 (July 15, 2020) as follows:

4.1. NHS Options

Three main options for the NHS were identified for consideration:

- Option 1 – Required Standards – Overlay

- Option 2 – Required Standards – Designation
- Option 3 – Going Beyond the Required Standards

Option 1 implements Provincial Policy in a manner that achieves Provincial standards. This option treats the entire system throughout the Region as an overlay.

Option 2 is similar to Option 1, but designates some natural heritage features and areas in an exclusive land use designation.

Option 3 exceeds the required Provincial standards (as permitted by the *PPS*) by including an increasing number of optional components, linkages, and buffers. Option 3 includes sub-options (3A, 3B, and 3C).

4.2. WRS Options

Two main options for the WRS were identified for consideration:

- WRS Option 1 – required standards.
- WRS Option 2 – going beyond required standards including an increasing number of components and potential connections.
 - WRS Option 2 was further subdivided into Option 2A and 2B. Option 2A introduced additional features outside of settlement areas only. Option 2B introduced additional features across the entire Region.

4.3. Integrated Natural Environment System (NES) Options

As work on NEWP progressed, the required standards for the WRS was further informed by the ongoing work of the Niagara Watershed Plan (NWP) project. The *Growth Plan* requires that the WRS be informed by watershed planning. The attached technical memorandum ‘Preliminary Policy Intent for the Natural Environment Systems in the Region’s Settlement Areas & Discussion on Implications’ (Meridian Planning & North-South Environmental, April 2020) has analyzed the requirements of the WRS and come to the conclusion that in fact there are no ‘optional’ components. There is only one option for the WRS. This WRS option includes all of the required water resource features, areas, and systems as informed from provincial direction and the NWP project. Refinements and additions to the WRS would be informed by watershed planning or equivalent at subsequent stages in the planning process (e.g. a subwatershed study completed to inform a Secondary Plan, etc.).

Further, as Planning Staff and the consultant team began the process of completing additional mapping and analysis of the options it became clear that **within the**

Provincial definitions and requirements of the NHS and WRS, there is significant overlap. If this overlap is left unaddressed there would be ongoing confusion, low confidence in the NES, and barriers to implementation.

To respond to this overlap, to better recognize the ecological interconnectedness of the NHS and WRS, and to support a more fulsome systems based approach to natural environmental planning in the Region, **the NHS and WRS are now collectively referred to as the integrated Natural Environment System (NES)**. This approach to integrating the two natural systems is supported by the ongoing work of the Niagara Watershed Plan (NWP) project and by input received from NPCA Staff. The integration of the systems is simplified by the fact that there is now only one option for the WRS. The options for the integrated NES are as follows. It should be made clear that these NES options are not a fundamental change to the options that were previously presented through the 2nd Point of Engagement, rather this is the result of an iterative approach to planning that was envisioned for the NEWP.

- NES Option 1 = NHS Option 1 + the WRS
- NES Option 2 = NHS Option 2 + the WRS
- NES Option 3A = NHS Option 3A + the WRS
- NES Option 3B = NHS Option 3B + the WRS
- NES Option 3C = NHS Option 3C + the WRS

Additionally, based on the ongoing work of the NEWP, information from the NWP, and the input received from the local municipalities, the public, and other stakeholders during the 2nd Point of Engagement, the following other refinements have been made to the NES options:

- One of the components which was identified as 'optional' for the NHS was 'other wetlands' (i.e., non-PSWs). However, 'wetlands' (i.e., both PSWs and non-PSWs) are a required component of the WRS. Many wetlands are also features that are regulated by the NPCA. To more accurately reflect the required standards of the NES, 'other wetlands' are no longer included as an 'optional' component. They are a required component of the WRS and therefore a required component for all options of the integrated NES.
- Similarly, several other components that are required to be included in the WRS but were identified as optional components of the NHS (e.g., permanent and intermittent streams, seepage areas and springs, and inland lakes and their littoral zones) are no longer discussed as optional components of the NHS. They

are a required component of the WRS and therefore a required component for all options of the integrated NES.

- Following an additional review of the required standards of a WRS as directed by the *PPS* and the *Growth Plan*, and based on stakeholder feedback, headwater drainage features (HDF) that would be classified as “protection” and “conservation” are included as a required component of the NES.
- The definition of ‘woodlands’ was updated. The result of this update is that a smaller subset of woodlands are identified as ‘significant’ (many of the woodlands previously identified as significant woodlands are also PSWs or ‘other wetlands’. Wetlands have a higher-level of protection than what is currently afforded to significant woodlands – see detailed discussion in the attached technical memorandum). The analysis in the memorandum concludes **“The change in definitions would not result in reduction in the area of treed vegetation communities included within the Region’s NES [if Option 3B or 3C is selected] ...”**
- Due to a smaller subset of woodlands being captured by the criteria for significant woodlands, the inclusion of ‘other woodlands’ was moved up from Option 3C to 3B in settlement areas, and moved up from Option 3B to 3A outside of settlement areas.
- One of the most common pieces of specific feedback from both the 1st and 2nd points of engagement was the need to ensure that there was consistency and alignment between the Region’s natural systems and the regulation and land use planning policies of the NPCA. Refinements have been made to the options to reflect this feedback. Firstly several features which were described as optional NHS features, but regulated by the NPCA, and required by the WRS (e.g. other wetlands, watercourses, etc.) are now described as required components of the integrated NES. Secondly, the NPCA regulates a setback or buffers from features. Where there is a regulated buffer or setback this is described as a required component of the integrated NES to reflect the fact that it is a required component of the environmental planning regime in the Region.

The intent of this change is not to duplicate the role of the NPCA, rather to provide greater certainty and transparency to the public and other stakeholders in the Region. There will be policies in place, and the MOU/environmental planning protocol will be clear on who has the responsibility for implementing policies for regulated features.

4.4. Introducing ‘Other Wetlands’

With the introduction and development of the water resource system (WRS) in the Region there will need to be a shift in how wetlands are understood. Currently in the Region, wetlands are generally understood to be ‘provincially significant wetlands (PSWs)’ and ‘locally significant wetlands’, both of which are natural heritage features and regulated by the NPCA.

The *PPS* and *Growth Plan* both include the requirement for a WRS. Both require ‘wetlands’ to be included; the policies of the *PPS* allow for more flexibility regarding the identification of non-PSWs in settlement areas, while the policies of the *Growth Plan* require all wetlands (under the definition of key hydrologic feature) to be included in the WRS outside of settlement areas. This new Provincial direction requires wetlands beyond PSW’s and ‘other wetlands’ which are regulated by Conservation Authorities to be included in a municipality’s natural environment system (NES). The implication of this change is that wetlands which are regulated and protected by the NPCA will continue to be, however there may be other wetlands on the landscape which may warrant a different manner of protection than regulated wetlands. This reflects a growing understanding that wetlands are important features of the WRS, and the NES as a whole, and have both an ecological and hydrological role.

Take for example a non-PSWs in a settlement area that does not meet the definition of ‘other wetland’ (which includes regulated non-PSWs) and to which the NPCA policies would not apply, but does meet the more general definition of ‘wetland’ as defined by Province in regards to the WRS. The Region and/or the NPCA may require that an appropriate study (e.g., E.I.S., hydrologic evaluation, etc.) be undertaken to determine if the wetland should be protected in situ with appropriate buffers/setbacks or if the hydrologic function provided by wetland should be maintained or managed as part of the design of the development.

For the purpose of the 135 new maps and 81 new tables of data that were prepared to compare the options, as this information was prepared at an interim phase in the project, a methodology was required to demonstrate the extent to which ‘other wetlands’ existed on the landscape. The ELC methodology was chosen because it is the industry accepted methodology and 2020 data existed. The ELC methodology however does not differentiate between ‘other wetlands’ which may be regulated by the NPCA and wetlands which are part of the WRS. **It should not be interpreted that all ‘other wetlands’ identified on the mapping would be treated the same through policy.**

Through the consultation and engagement that was completed on the mapping to compare the NES in late March and early-April 2021, one of the most discussed items was ‘other wetlands’. There was concern that “new” wetlands were being identified. This concern is understood; the requirement for a WRS is new, as is the requirement for

wetlands to be protected as part of this WRS, and this represents a fairly significant change.

Based on the input that we have received to date, there may be a need to adjust the methodology for how these features are mapped. For example it may only be appropriate to map 'other wetlands' that are of a minimum size (e.g., 0.5 ha, which is the minimum size for isolated wetlands evaluated through the Ontario Wetland Evaluation System) that are not within 30m of another natural heritage feature and area or key hydrologic feature. It should be noted that this change in mapping methodology would not mean that wetlands smaller than 0.5 ha wouldn't be regulated according NPCA policies or dealt with through another policy that may require a study be completed.

4.5. Overview of Integrated NES Options

The attached memorandum entitled 'Preliminary Policy Intent for the Natural Environment Systems in the Region's Settlement Areas & Discussion on Implications' (Meridian Planning & North-South Environmental, April 2021) provides a detailed discussion of the NES options for consideration. The included features, areas, and systems for each options is summarized as follows:

4.5.1. NES Option 1 and 2

There is no difference between the features, areas, and systems with Option 1 and 2. The difference is that in Option 1 the NES is an 'overlay'. In Option 2 some features and areas are a 'designation'. The implications of this difference is discussed in more detail in the attached memorandum.

The following are the required standards to be included in the integrated NES. It is important to note that not all features, areas, and systems will be mapped or have the same type of policy attached to them.

- Provincial Natural Heritage Systems (NHS)
 - Growth Plan NHS
 - Greenbelt Plan NHS
- Natural heritage features and areas
 - Provincially significant wetlands (PSW)
 - Significant coastal wetlands
 - Habitat of endangered species and threatened species

- Fish habitat
- Significant areas of natural and scientific interest (ANSI)
- Significant valleylands
- Significant woodlands
- Significant wildlife habitat (SWH)
- Key hydrologic features
 - Permanent streams and intermittent streams
 - Inland lakes and their littoral zones
 - Seepage areas and springs
 - Wetlands (both PSW non-PSW)
- Key hydrologic areas
 - Significant groundwater recharge areas (SGRA)
 - Highly vulnerable aquifers (HVA)
 - Significant surface water contribution areas
- Shoreline areas
- Hydrologic functions
 - floodplains, flooding hazards, floodways
- Vegetation Protection Zones (VPZs) to:
 - Natural heritage features and areas in the Growth Plan NHS and Greenbelt Plan NHS
 - All key hydrologic features outside of settlement areas
- Buffers/Setbacks on features regulated by the NPCA

The following features and areas would also be included as required components of the integrated NES. However, they are not appropriately identified or managed until more detailed watershed planning or equivalent is completed at a subsequent stage of the planning process (e.g. a subwatershed study completed in support of a secondary plan, etc.).

- Ground water features (as informed by watershed planning or equivalent)
 - Recharge/discharge areas
 - Water tables

- Aquifers and unsaturated zones
- Surface water features (as informed by watershed planning or equivalent)
 - Headwater drainage features (HDF)
 - Recharge/discharge areas
 - Associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.
- Other hydrologic functions (as informed by watershed planning or equivalent)

4.5.2. NES Option 3A

Option 3A includes all of the required components identified in Option 1/2 plus the following:

Within settlement areas:

- No additional components

Outside of settlement areas:

- Other woodlands
- Large linkages
- Mandatory (non-prescribed) buffers to natural heritage features and other woodlands outside of Provincial NHSs

4.5.3. NES Option 3B

Option 3B includes all of the components identified in Option 1/2/3A plus the following:

Within settlement areas:

- Other woodlands

Outside of settlement areas:

- Supporting features and areas (including enhancement areas)
- Medium linkages
- Minimum (prescribed) buffers to natural heritage features and other woodlands outside of Provincial NHSs

4.5.4. NES Option 3C

Option 3C includes all of the components identified in Option 1/2/3A/3B plus the following:

Within settlement areas:

- Supporting features and areas (including enhancement areas)
- Small linkages
- Mandatory (non-prescribed) buffers to natural heritage features and other woodlands

Outside of settlement areas:

- Small linkages

4.6. Summary of the Differences between the NES Options

A summary of the differences between the features, areas, and systems in the NES options is as follows. The differences in policy are discussed in a subsequent section of this report.

- Addition of 'other woodlands' in NES Option 3A (outside of settlement areas) and 3B (within settlement areas)
- Addition of 'supporting features and areas' (including enhancement areas) in NES Option 3B (outside of settlement areas) and 3C (within settlement areas)
- Addition of large linkages outside of settlement areas in NES Option 3A
- Addition of medium linkages outside of settlement areas in NES Option 3B
- Addition of small linkages inside and outside of settlement areas in NES Option 3C
- Requirement for *mandatory (non-prescribed) buffers on 'natural features and areas' and 'other woodlands' outside of settlement areas in NES Option 3A. Buffers/setbacks to features that are regulated by the NPCA are a 'required standard' in all NES options. VPZs required by the *Growth Plan* and *Greenbelt Plan* NHS (outside of settlement areas) are also a 'required standard' in all NES options.
- Requirement for *minimum (prescribed) buffers on 'natural features and areas' and 'other woodlands' outside of settlement areas in NES Option 3B & 3C. Buffers/setbacks to features that are regulated by the NPCA are a 'required

standard' in all options. VPZs required by the Growth Plan and Greenbelt Plan NHS (outside of settlement areas) are also a 'required standard' in all NES options.

- Requirement for mandatory (non-prescribed) buffers on 'natural features and areas' and 'other woodlands' within settlement areas in NES Option 3C. Buffers/setbacks to features that are regulated by the NPCA are a 'required standard' in all options.

* The difference between mandatory (non-prescribed) and minimum (prescribed) buffers is that for mandatory buffers, the policy would state that a buffer is required to the feature but would not state any minimum for the buffer width, that determination would be made through a site-specific study. For a minimum buffer, the policy would state what minimum buffer width would be required. As the term implies, the buffer width cannot be less than the required minimum, but may be larger as determined through a site-specific study. A minimum buffer does not provide any flexibility for a site-specific study to recommend a lesser width based on an analysis of the sensitivity of the feature and potential impacts to the feature and the ecological functions resulting from the proposed change in adjacent land use; this is generally considered more restrictive to development. A minimum buffer is generally considered more restrictive to development.

5.0 Mapping and Data in Urban Areas

The mapping of the natural systems is a significant undertaking that requires dozens of sources of data to be compiled and vetted; a detailed methodology to be determined, communicated, and documented; technical criteria for each feature-type in each geography of the Region to be established; and tens of thousands of individual features/polygons on the landscape to be analysed. There is also a range in ownership for the data used to map the NES. The Region is responsible for producing and maintaining the data for some features. For other features, the Region is reliant on datasets maintained by others (e.g. the Province, NPCA, etc).

The mapping of the natural systems in Niagara has long been a contentious issue, and is an important tool for many stakeholders in the Region. It is important to ensure that any information produced in map form is accurate, transparent, and defensible both in terms of methodology and criteria.

5.1. Mapping and Data for the Comparison of NES Options

Region Planning staff, with the support of the consultant team, have worked extremely hard to be in a position where **all of the additional mapping requested by members**

of Regional Council and other stakeholders has been prepared. This information includes 135 new maps and 81 new tables of data, representing all urban areas in the Region.

Specifically, 5 maps have been prepared for each of the 27 urban areas, as follows:

- A. A map showing NHS Options 1, 2, and 3A and key hydrologic features
- B. A map showing NHS Option 3B and key hydrologic features
- C. A map showing NHS Option 3C and key hydrologic features
- D. A map showing key hydrologic areas, shoreline areas, and areas that support hydrologic functions
- E. A map showing the existing Regional Core NHS

To support the understanding of the mapping, for each of the 27 urban areas in the Region the following 3 tables have been prepared:

- A. A table providing details of the spatial coverage of features and comparing the NHS options and key hydrologic features
- B. A table providing details of the spatial coverage of key hydrologic areas, shorelines areas, and areas that support hydrologic functions
- C. A table providing details of the spatial coverage of the existing Regional Core NHS

The maps and data tables can be accessed at the following link:

<https://www.niagararegion.ca/official-plan/natural-environment-options.aspx>

As discussed extensively throughout this report, the NHS and WRS are inherently linked and have significant overlap (i.e. the use of the term integrated NES moving forward). Given this interrelationship, it was necessary to show “NHS options and key hydrologic features” on the same map (recall that key hydrologic features are a component of the WRS and a required standard for all options).

Key hydrologic areas, shoreline areas, and areas that support hydrologic functions are shown on a different map because the policies type associated with these components of the NES are different, and spatially their coverage should not be analyzed in the same way.

As discussed in previous sections of this report, within urban area, Options 1, 2, and 3A include the same features and areas, and can therefore be depicted using the same map.

The Core NHS from the existing Regional Official Plan was also mapped in each of the 27 urban area with accompanying data. This mapping is being provided for information purposes only, and is not, and should not be compared to mapping and data provided for the Options. This would not be a direct or appropriate comparison because the current Core NHS mapping contains a different set of components (e.g., valleylands are not proposed to be a mapped feature in the new NES, etc), and the existing Core NHS is not reflective of current required standards for the identification and protection of the NES. Additionally, the current Core NHS does not include all of the key hydrological features (most notably non-PSWs) that are required components of the NES, and some of which are regulated by the NPCA.

Mapping of the NES for the entirety of the Region will be prepared based on the selected NES option through Phase 7 of the NEWP, and will be presented to Regional Council, Local Municipalities the public, and other stakeholders in draft form as part of the 3rd POE in Phase 8 of the NEWP.

5.2. Understanding and Using NES Mapping

When reviewing the NES mapping that was requested to facilitate a comparison of the options, or any subsequent NES mapping that is prepared for the NOP, it is important to fully understand the purpose and intent of the mapping, and any limitations that are inherent with mapping natural systems. The following must be taken into consideration:

- Mapping only tells part of the story: mapping alone is not the NHS, WRS, or NES for the Region. The mapping needs to be considered together with policy, as well as the criteria, methodology, and definitions that were used to identify, protect, and implement the system.
- Mapping is intended to be used as a tool to screen for features and areas, and to trigger the need for a review as part of an application for a proposed change in land use. It should not be interpreted as the exact delineation for all natural features that do, or do not exist on the landscape.
- Generally, the NES is a ‘policy’ or ‘text’ based system. This means that a feature is protected by the policies of the system, if it exists on the landscape, whether or not it is mapped.
- Not all NES features can or will be mapped. At a Regional-level, some features are protected through policy and are more appropriately identified through site-specific study. This is typical for municipalities across the Province.
- The NES is dynamic. The mapping of features represents a snap-shot in time. For example one of the primary sources of data for the NES mapping will be the

2020 Ecological Land Classification (ELC) mapping. The 2020 ELC data is based on aerial imagery taken in 2018. In the context of mapping a Regional NES this is considered highly accurate mapping, but changes will occur between the time that the aerial imagery is taken and the NOP is approved.

- A fundamental principal of natural environment planning is that the system can, and will be better understood through more detailed site-specific studies. This is a principal that will be reflected in policy and in any guidelines that are prepared to support the implementation of the system (e.g. EIS guidelines, hydrologic study guidelines, etc.). For example is typical to allow refinements to mapped features based on site-specific analysis, staking and surveying of features, etc. Refinement of features is typically done by the landowner/applicant at the time there is a proposed change in land use.

6.0 Preliminary Policy Intent

As noted above, to fully understand the implications of the NES options there needs to be a consideration of what is the policy intent, in addition to the mapping. The policy intent inside of settlement areas (i.e. urban) needs to be considered separately from the policy outside of settlement area (i.e. rural). The reason for this is that the policies of the *Growth Plan* NHS and *Greenbelt Plan* NHS do not extend into settlement areas. The Province is more prescriptive with the NES policies that apply in rural areas, with municipalities being provided somewhat more discretion for the policies that will apply to the NES in urban areas.

Throughout this report the interconnectedness of the NHS and WRS has been stressed, as has the need to consider these two systems as an integrated NES. However, when considering the policy intent there is still a need to provide some differentiation. This is generally for two reasons. Firstly, the *PPS* and Provincial Plans still differentiate between the systems, and Regional policies need to be in conformance. Secondly is the difference between certain components of the NES, take for example the difference between a groundwater system and a significant woodland. The woodland is a well defined feature of the landscape and is generally protected in a way that restricts development. Groundwater systems are vast and cover significant portions of the Region, and are protected in ways that do not necessarily restrict development. The policies used to identify and protect these features will need to be different.

The discussion below is intended to provide an overview of the policy intent for the NES. This policy intent is being provided to support the understanding of the NES options, and the selection of a preferred option. **What is being presented below**

should not be interpreted as being final, or a fulsome set of draft policies. A full set of draft NES policies will be prepared once a NES option is selected.

6.1. Inside of Settlement Areas (i.e. urban)

The attached memorandum entitled 'Preliminary Policy Intent for the Natural Environment Systems in the Region's Settlement Areas & Discussion on Implications' (Meridian Planning & North-South Environmental, April 2021) provides a detailed discussion and analysis of the preliminary policy intent within the Region's settlement areas. That discussion and analysis is summarized as follows.

As noted above, the policies of the *Growth Plan* and *Greenbelt Plan* NHS do not apply within settlement areas. The primary source of Provincial direction is the *PPS*. Natural heritage policies are S. 2.1 of the *PPS*, water resource policies are S. 2.2 of the *PPS*.

6.1.1. Natural Heritage Features and Areas

Based on the direction from the *PPS*, policies for natural heritage features and areas within settlement areas generally fall into 4 main categories:

- Protection of Features and Areas
 - In accordance with S. 2.1.4 development and site alteration is not permitted.

This would apply to PSWs in all options, and is proposed to apply to significant woodlands in options 3A, 3B, and 3C. Modifications to confirmed feature boundaries will be restricted.

- Protection of the Health and Integrity of Features and Ecological Functions
 - In accordance with S. 2.1.5 development and site alteration is also not permitted, unless it has been demonstrated that there will be no negative impacts.
 - This would apply to significant valleylands, significant wildlife habitat, and ANSIs in all options. It would apply to significant woodlands in Options 1 & 2. It would also apply to 'other woodlands' which are introduced in settlement areas in Option 3B and 3C.
- Opportunities to Enhance Features and Areas
 - Features and areas in this category would require additional study as part of a more detailed study to be identified, appropriately protected and managed, and included as part of the NES.

- This would apply to the optional components that are introduced in settlement areas in Option 3C: supporting features and areas (including enhancement areas), linkages, and buffers to non-regulated features. Buffers/setbacks to regulated features would be protected in accordance with the regulations and land use policies of the NPCA.
- Protection of Features and Areas Determined by the Federal or Provincial Governments
 - Development and site alteration is not permitted except in accordance with provincial and federal requirements.
 - In accordance with S. 2.1.6 and 2.1.7 of the *PPS* this would include fish habitat and habitat of endangered species and threatened species.

For each of the 4 categories described above there would be certain limitations and exemptions similar to those outlined in Provincial Plans. See the attached technical memorandum for additional details.

6.1.2 Water Resource Features and Areas

The requirement to identify a WRS is relatively new in natural environment planning; as such, there is little direction in Provincial plans or other guidance documents to inform policy approaches to protect the WRS. Within settlement areas, the policy intent is informed by the direction of the *PPS* and *Growth Plan*, and a stated desire from many stakeholders to see alignment between Regional policies, and the regulations and land-use policies of the NPCA.

- For PSWs and other wetlands which are regulated by the NPCA there would be a prohibition to development and the need to provide a 30m buffer. This aligns with the *PPS* which requires a prohibition to development on PSWs and the NPCA which regulates both PSWs and other wetlands. It is also noted that NPCA policies allow for offsetting for ‘other wetlands’. Offsetting is not being considered in Regional policy in accordance with the stated desire of Regional Council and many stakeholders.
- For ‘wetlands’ which are required as part of the WRS, but are not considered regulated features by the NPCA additional study will be required (e.g. through an EIS, or hydrologic evaluation). *PPS* section 2.2.1. d) refers to the “ecological and hydrological integrity of the

watershed”. There are various types of protection and management that can be used to achieve this test.

- Similarly, for watercourse, Regional policy would align with the policies of the NPCA which generally prohibit development.
- There are a number of other key hydrologic features and key hydrologic areas that also require protection in accordance with Provincial policy. These include seepage areas and springs within settlement areas, significant groundwater recharge (and discharge) areas, highly vulnerable aquifers and significant surface water contribution areas (which include headwater drainage features), all of which are key hydrological areas. For each of the above components of the WRS, there will be a need for policies in the NOP that require the submission of appropriate studies that evaluate the impacts of the proposed development and which identify how the quality and quantity of water can be protected, enhanced or restored. To inform the completion of studies considered acceptable to the Region, WRS guidelines could be developed, similar to Environmental Impact Study (EIS) guidelines.

6.2 Outside of Settlement Areas (i.e. rural)

Outside of settlement areas the Province provides very prescriptive NES policies that must be implemented by municipalities. These new policies have been in place since the new *Growth Plan* and *Greenbelt Plan* were implemented in 2017, and are being formally integrated into the natural environment planning regime in the Region through the NES and NOP. To date, the Provincial requirement to implement the new Provincial policies along with the policies of the existing Regional Official Plan has caused significant confusion. One of the objectives of the NOP is to eliminate this confusion. The Provincial policies to be incorporated into the NES are summarized as follows. For a complete list of the Provincial policies refer to the text of the *Growth Plan* and *Greenbelt Plan*.

- For key natural heritage features and key hydrologic features within the *Growth Plan* and *Greenbelt Plan* NHS there is a prohibition to development and the need to provide a 30m vegetation protection zone (VPZ) (subject to certain criteria and a range of exemptions for agricultural uses).
- For key hydrologic features, the prohibition to development and need to provide a 30m VPZ extends beyond the mapped Provincial NHSs to all areas of the Region outside of settlement areas.

- Within the *Greenbelt Plan* there is a Niagara-specific policies that reduces the required VPZ to 15m for certain permanent and intermittent streams when the proposed adjacent land use will be for agricultural purpose (subject to certain tests being met).
- For lands within the required VPZs of the *Growth Plan* and *Greenbelt Plan* there are detailed policies of what is, and what is not permitted. These policies are proposed to be implemented as provided by the Province.
- The *Growth Plan* and *Greenbelt Plan* NHS both include policies for the 'system'. These policies apply to the lands between the natural features (whether they exist in a natural state or not) and can be thought of as 'linkages' (although that terminology is not used by the Provincial Plans). Within these areas, not occupied by a key feature, there is a broad range of exemptions for agricultural uses. For most other forms of development and site alteration there are restrictions to the amount of development permitted and the need to demonstrate no negative impacts (subject to certain exemptions and conditions as described by the Provincial Plans).
- For components of the NES outside of settlement areas that are not addressed specifically by the policies of the *Growth Plan* and *Greenbelt Plan* (i.e. natural heritage features and areas outside of the Provincial NHSs, supporting features and areas, other woodlands). The policy intent would align with what is proposed within settlement areas as described above.

7.0 Analysis and Implications

7.1. Summary of Additional Mapping and Data

As discussed throughout this report, 135 new maps and 81 new tables of data, representing all urban areas in the Region have been prepared to allow for a more fulsome analysis and comparison of the NES options. As these maps were being prepared at an interim phase of the project several assumptions needed to be made. Each map that was prepared included a number of notes, as follows:

- This map has been prepared for discussion. **It was prepared to compare natural environment options in urban areas and should not be used for any other purpose. This map is draft and not the final Natural Heritage System (NHS) or Water Resource System (WRS) map.**
- Not all features of the NHS and WRS have been mapped. Certain components of the NHS and WRS are more appropriately and accurately identified through

detailed or site-specific studies, outside the scope of this work. Additionally, **development approvals on specific sites may not be reflected on the maps. Site-specific approvals and mapping must be considered, as applicable.**

- Buffers will not be mapped as part of Official Plan schedules. Where shown, buffers have been included to demonstrate their coverage based on modelling assumptions. Mandatory buffers (i.e. setbacks from features regulated by the NPCA) and optional buffers introduced through Option 3C will be identified through policy.

Table 2 below provides a summation of the NES options across all urban areas of the Region.

The tables for each individual urban area in the Region can be accessed here:

<https://www.niagararegion.ca/official-plan/natural-environment-options.aspx>

Table 2: Summation of NES Options across all Urban Areas of the Region

Feature	Option 1, 2, & 3A		Option 3B		Option 3C	
	Hectare	% of UA	Hectare	% of UA	Hectare	% of UA
Significant Wetland	1592.6	4.6%	1592.6	4.6%	1592.6	4.6%
Significant Wetland	1486.2	4.3%	1486.2	4.3%	1486.2	4.3%
Life Science ANSI	28.4	0.1%	28.4	0.1%	28.4	0.1%
Earth Science ANSI	45.7	0.1%	45.7	0.1%	45.7	0.1%
Other Wetlands	1309.1	3.8%	1309.1	3.8%	1309.1	3.8%
Permanent and Intermittent Stream (metres)	302446.3	N/A	302446.3	N/A	302446.3	N/A
Permanent and Intermittent Stream (poly)	773.0	2.2%	773.0	2.2%	773.0	2.2%
Other Woodlands	N/A	N/A	548.2	1.6%	548.2	1.6%
Linkages	N/A	N/A	N/A	N/A	34.2	0.1%
Buffers	2192.2	6.3%	2101.3	6.1%	2587.0	7.5%
Total	7250.7	21.0%	7677.7	22.2%	8194.7	23.7%

Table 2 Notes:

1. There is some overlap between features. The "total" presented is the total coverage of the listed features as opposed to a summation of the individual components.
2. Buffers in 1/2/3A & 3B are setbacks to regulated features as required by the NPCA. In Option 3C buffers are also applied to non-regulated features (i.e. significant woodlands and other woodlands). Buffers would not be mapped as part of the new Regional Official Plan and buffer widths for non-regulated features would be determined through site-specific study. For the purpose of the comparison of options only in the exercise a buffer of 10m to significant woodlands and 5m to other woodlands was used. The buffer is calculated as the buffer area where there is no overlap with any features. Buffers on features outside of the UA boundaries (where the buffer extends into the UA) are not captured in these calculations.
3. "Permanent and Intermittent Streams (polygon features)" are watercourses, such as rivers, that are wider and represented by a polygon in GIS mapping datasets.

7.2. Discussion and Implications

To support the understanding of this additional information, and to consider the impacts of preliminary policy intent, the consultant team for the project was tasked with analysing and discussing the implications within the urban settlement areas in the Region. The complete discussion of implications can be reviewed in the attached memorandum entitled 'Preliminary Policy Intent for the Natural Environment Systems in the Region's Settlement Areas & Discussion on Implications' (Meridian Planning & North-South Environmental, April 2021). Several key highlights include:

- The change in spatial coverage, impact of the NES options, and changes in the amount of land available for new development differs across the 27 urban areas in the Region for several factors including:
 - The extent to which the urban area is already developed and the size of the urban area. For example, urban areas that are fully developed the change between the options will be less. For urban areas which have greenfield and other undeveloped areas, the change between the options will be greater.
 - The topography of the urban area. For example urban area with large area of lowland vegetation communities trends towards being PSWs with more marginal areas being 'other wetlands', as both types of wetlands are

required components of the NES there is no change in spatial coverage. However urban areas with more upland communities trend towards being Significant Woodlands with more marginal areas being 'other woodlands'. Since 'other woodlands' are considered optional components and not introduced in settlement areas until Option 3B, there tends a greater difference in spatial coverage between the options in urban areas with more upland vegetation communities.

- Although mandatory buffers to significant woodlands and 'other woodlands' are considered an optional component introduced in 3C, in practice a buffer of some type is often required to satisfy the no negative impact test in accordance with the *PPS*. In practice and implementation this will minimize the impacts to developable area in adding buffers to significant woodlands and 'other woodlands' in Option 3C.
- Similarly, while other supporting features and areas (including enhancement areas) are introduced in Option 3C, in practice they can often be used to meet the test of no negative impact.
- The addition of 'other woodlands' has the most potential to impact developable land within urban areas, resulting in an addition of 548.2 ha of land to the NES or a 1.3% increase to the required standards. While having a policy that requires buffers to be identified will result in a slightly larger increase in the mapping of the NES than 'other woodlands', they are required in many cases to meet the test of no negative impact and are not expected to add a significant additional constraint to development.
- Hydrologic areas of the WRS (as shown in Map D for each urban area) comprise a large proportion of some of the urban areas. These features are required components of WRS/integrated NES according to Provincial policy and therefore impact each NES option equally. In most case, hydrologic areas are managed and protected in other ways and typically do not represent a strict prohibition to development.
- There are a number of 'natural heritage features and areas' that have not been mapped including significant wildlife habitat and habitat of endangered and threatened species. Their identification may also have an impact on the amount of potentially developable land within urban areas. That said, within settlement areas the majority of natural features where significant wildlife habitat and habitat of endangered and threatened species would be located is largely contained within natural features already included within the NES (e.g., woodlands and

wetlands, etc.), so the impact on the amount of potentially developable land would likely be marginal.

8.0 Recommendation for Preferred NES Option

8.1. Importance of Selecting a Preferred Option

The NEWP was initiated in early 2018, and the project is entering its 4th year. **As described throughout this report, significant research, analysis, and consultation has been already been undertaken, with additional phases still to come before the NES is approved and implemented.** Work to date has included 8 major background reports, 6 reports and presentations to Committee and Council, and 2 major points of consultation with the public and full range of other stakeholders. Through the completion of the 2nd POE additional mapping and analysis of the options was requested by Regional Council. **All of the requested additional mapping and analysis has been prepared, communicated, and summarized in this report.** The preparation of this additional information was a significant undertaking.

To meet the Provincial deadline for conformity of the NOP, it is critical that Regional Council make a decision on the preferred NES option. Planning Staff, with the support of the consultant team, need sufficient time to complete the detailed and mapping process based on the selected option, and to undertake the 3rd POE. **Growth is coming to the Region, the sooner the new NES and NOP can be approved and implemented, the sooner growth can be better managed, known limitations of the existing Core NHS can be addressed, and important natural features and areas can be better protected.**

The detailed mapping and policy development process is a significant and labour-intensive process that will take several months to complete. Given the time and resources required to complete this task it is not practical to move forward beyond this point without the selection of a preferred option.

In addition, as is explored in further detail in PDS 17-2021, the NES is interrelated with many of sections of the NOP. Without a decision on the NES option many other work programs will become stalled or not able to be finalized.

8.2 Recommendation

NES Option 3B (NHS Option 3B + the single WRS option) is recommended as the preferred NES option. In making this recommendation it should be noted that all options are in conformance with Provincial requirements, and could be fully designed and implemented by Regional Planning Staff through the NOP. NES Option 3B:

- **Exceeds the required provincial standards** for the identification of features and systems which in the long-term will support a more resilient and biodiverse NES.
- **Ensures that there is not a reduction in the area of treed vegetation communities** included within the Region's NES.
- **Supports other objectives, such as helping mitigate the impacts of climate change.**
- Provides a **balanced approach** for the protection of the natural environment **by increasing the number of components and features outside of settlement areas and limiting additional constraints to development in settlement areas.** This option works from both an ecological and land-use planning perspective.
- Provides **flexibility for local municipalities to plan for local needs** and priorities in their communities. Local municipalities would not be prevented from going beyond the Regional system, either through their Local Official Plans or Secondary Plans. Regional Planning Staff are available to provide support for those exercises should they be desired by local municipalities.
- Option 3B considers the **significant public input received** through the 1st and 2nd Points of Engagement. Through the 2nd Point of Engagement, it was clear that **there was no consensus** on which NES Option was most desirable. This speaks to the **need for a balance between the Options.**

9.0 Takeaway and Key Message

A key takeaway from the NEWP is that regardless of the NES option selected and implemented through the NOP. There will be changes in environmental planning in the Region, both in terms of the spatial extent of the NES and the level of protection provided to some features in the system. These changes are required to meet provincial conformity and are primarily being driven by:

- The need for a systems based approach to natural environment planning as required by the *PPS*;
- The need for a comprehensive *WRS* as required by the *PPS* and *Growth Plan*; and
- The identification of the *Growth Plan* NHS and associated policies by the Province, and the requirement for it to be implemented by Municipalities.

Further, regardless of the NES option selected by Regional Council the following improvements in environmental planning in the Region should also be anticipated:

- Significantly improved mapping of the NES as a result of new data from the 2020 Ecological Land Classification (ELC) Mapping project, the Contemporary Mapping of Watercourses (CMW) project, and other updated Provincial sources;
- Improved and more easily understood policies;
- Modernized definitions, criteria, and methodology for the identification of environmental features; and
- Better alignment with the regulations and land use policies of the NPCA as requested by a range of stakeholders.

10.0 Next Steps and Timeline

Once a preferred NES option has been selected, work can begin on Phase 6 and 7 of the NEWP including:

- Preparing Technical Report #3 (Phase 6) which will:
 - Expand on the preferred option to fully develop definitions, criteria, system components, sources of information, direction for preparing final mapping schedules.
 - Develop detailed recommendations for Official Plan policies to support implementation of the system building on the recommendations that were prepared in the earlier phases of the work program.
 - Prepare an 'Implementation Framework '(e.g. how will local municipalities incorporate this into their Official Plans, what are the responsibilities of landowners and local municipalities at the time of development, refinement policies, process for boundary interpretations, etc) to be reflected in the Official Plan policies.
 - Provide recommendations for implementation tools that will need to be recognized in the NOP (e.g. Environmental Impact Study (EIS) guidelines, stewardship policies, etc.)
 - Review of current Regional EIS guidelines and preliminary recommendations for updating.
- Draft Official Plan policies (Phase 7)
- Final NES mapping/NOP schedules (Phase 7)

Once Phases 6 & 7 are complete the 3rd Point of Engagement (Phase 8) will be undertaken. The goal of the 3rd POE is to provide Regional Council, Local Municipalities, the public, and other stakeholders a sufficient opportunity to review, understand, and provide comments on the draft policies and mapping. **The final recommendation and decision on NES mapping and policies will not occur until the 3rd POE has been completed.**