



CITY OF COURTENAY

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Terms of Reference for Environmental Impact Assessments

Some common acronyms:

- EDPA: Environmental Development Permit Area
- EDP: Environmental Development Permit
- EIA: Environmental Impact Assessment
- ESA: Environmentally Sensitive Area

General requirements

1. Prior to any development work on lands that contain an Environmental Development Permit (EDPA), including site preparation, an Environmental Impact Assessment (EIA) shall be prepared by a Registered Professional (R.P.) Biologist and with input from other professionals of specific expertise where required.
2. Where an EIA is being prepared solely to demonstrate that there are no Environmentally Sensitive Areas (ESA) that will be affected by the development proposal, and that no previously identified ESAs have been modified or destroyed, a Preliminary Site Survey as described in the *Bio-Inventory Terms of Reference, Appendix B of Develop With Care 2014 – Environmental Guidelines for Urban and Rural Land Development in British Columbia*, must be submitted as a minimum information requirement and accepted by the City in order to confirm exemption. Where an ESA had previously been identified, but is no longer present, the City will take into account whether the ESA is no longer present due to its alteration. Where alteration in the form of land clearing, drainage, or any other alteration that affected the ESA is known to have occurred, the City will require that an EDP be registered on title to include ecological restoration provisions.
3. Environmental Impact Assessments (EIA) should be performed generally in accordance with the B.C. Environmental Assessment Act by a R.P. Biologist.
4. The policy, legislation, bylaw or regulatory framework that triggers the preparation of the EIA must be clearly described within the introductory section of the EIA and that regulatory framework shall inform the recommendations of the R.P. Biologist. This is at a minimum City of Courtenay Environmental Development Permit Area Guidelines (available at: www.courtenay.ca/DPA). Where habitat or biological assessments are completed to satisfy legal requirements of other levels of government, identify the requirements they are addressing and their relationship to any City requirements.
5. The EIA consists of three phases, more details of which are provided in following sections of this document:
 - a. **Biological Site Inventory Phase:** The intention of which is to inventory both the biological and physical conditions of the site. The Biological Site Inventory

- determines a development footprint respectful of sensitive ecosystems including their buffers and ecosystem connectivity areas.
- b. **Impact Assessment Phase:** The intention of which is to assess the impact, if any, of the proposed development footprint on sensitive ecosystems and species including ecosystem connectivity areas.
 - c. **Protection, Mitigation, Restoration and Implementation Phase:** The intention of which is to present recommendations to prevent or minimize impacts from development activities on the natural environment, and/or to present recommendations to enhance or restore the natural environment.
6. Appropriate ground truthed field assessments are required prior to the completion of the EIA.
 7. Where facts are incomplete or surmised, the levels of confidence or reliability in the environmental knowledge shall be assessed and documented.
 8. Environmental stewardship organizations shall provide input into the EIA wherever possible. The Comox Valley Conservation Partnership (in partnership with the Comox Valley Land Trust) is a point of contact and referral body for local development applications (www.cvlandtrust.ca; referrals@cvlandtrust.ca)
 9. Development will be subject to the recommendations contained in the EIA, and the Environmental Development Permit Guidelines, including but not limited to:
 - a. Specifying areas of land that must remain free of development, except in accordance with any conditions contained in the permit;
 - b. Requirement(s) for specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit;
 - c. Dedication of natural watercourses, or other ESAs, and associated buffer areas;
 - d. Specifying works necessary to preserve, protect, restore or enhance identified ESAs; and
 - e. Requirement(s) for protection measures, including that vegetation or trees be planted or retained in order to preserve, protect, restore or enhance ESAs, control drainage, control erosion, protect stream banks, or measures to protect species and ecosystems at risk.
 10. The EIA shall be coordinated with the development proposal. If the nature of a proposed project changes, the qualified professional may be required to re-assess changes to the proposal with respect to its impact on the ecologically sensitive area, at the expense of the applicant.
 11. Findings from other studies completed or underway that relate to the site shall be integrated into impact assessment.

12. The EIA is subject to appropriate City of Courtenay, Provincial and Federal agency review.
13. The Director of Development Services may require that the EIAs be peer-reviewed by a third body qualified professional, at the expense to the applicant.
14. Should damage occur to the identified ecologically sensitive area during construction, the City may require a professional assessment of the damage and a report on recommendations for rehabilitation to the satisfaction of the City, at the expense of the applicant.

Biological Site Inventory Phase

Reporting in this phase shall:

1. Follow the Terms of Reference for Detailed Site Bio-inventories guidance provided in *Develop with Care 2014 – Environmental Guidelines for Urban and Rural Land Development in British Columbia, Appendix B (Bio-inventory Terms of Reference)* and amendments thereto, prepared by the Ministry of Forests, and in addition shall:
 - a. Include tree inventories in order to satisfy Tree Management and Protection Bylaw requirements.
 - b. Locate the parcel(s) relative to watershed area(s) and describe the hydrological features of the parcel(s), including water shedding, collecting and conveyance areas.
 - c. Consider the needs of all species when establishing watercourse and riparian buffer zones, where applicable, not just fish.
 - d. Consider Ecosystem Connectivity Opportunity Areas and associated guidelines identified on Map 5 (Terrestrial Environmentally Sensitive Areas) contained within the Environmental Development Permit Area guidelines (www.courtenay.ca/DPA).
 - e. Where an ESA had previously been identified, but is no longer present, the report must include identification of these areas and identify why they are no longer present.
 - f. Include the Develop with Care Bio-inventory checklists.

Impact Assessment Phase

Reporting in this phase shall:

1. Provide measurable parameters that will help establish whether the proposed development will cause impacts during or after construction or if mitigation can be successfully achieved.
2. Consider any potential impact of the proposed development on the ESA, taking into account any circumstances that may be relevant, including:
 - a. Flood hazard;
 - b. Slope stability;

- c. Natural hydrology;
 - d. Storm drainage;
 - e. Grading;
 - f. Wind throw;
 - g. Trail usage;
 - h. Tree stand integrity, hazardous trees, removal and replacement;
 - i. Wildlife species;
 - j. Cumulative impacts;
 - k. Encroachment and fencing;
 - l. Signage;
 - m. Invasive species;
 - n. Buffering and minimum setbacks for proposed buildings and structures from the non-disturbance area boundary;
 - o. Restoration within the ESA; and
 - p. Where a subject is beyond the expertise of the R.P.Biologist engaged to prepare the Environmental Impact Assessment, the R.P.Biologist shall consult with or engage other persons with specific expertise related to that subject.
3. Trail and public access considerations will not always be required. But where applicable, recommend strategies to include public trails, including the identification of existing trails, those areas not suitable for trails, as well as suitable locations for formal trails, viewing locations, access points and riparian crossings, taking into consideration low impact trail design and construction details.
 4. Include ESA base map(s) overlaid on site maps to show project components.

Protection, Mitigation, Compensation and Implementation Strategy Phase

Reporting in this phase shall take the form of a Construction Environmental Management Plan and shall:

1. Provide development options that illustrate workable relationships between key factors or sensitive features of the site and proposed development of the site, and clearly present these options on site plans. Avoidance must be the priority action before mitigation and compensation options are considered. Compensation will only be considered as an option in special circumstances.
2. Provide protection, mitigation, compensation and enhancement or restoration recommendations for the design, preconstruction and construction phases of the project to prevent or minimize development impacts and/or improve environmental values. This includes details such as, but not limited to: the non-disturbance areas, access and stockpile locations, erosion and sediment control measures, tree protection measures, environmental monitoring schedule, communication plan and recommendations on site

plans to make other members of the development team familiar with the technical considerations to be incorporated into the design. Everyone involved on the project is expected to be familiar with environmental protection requirements and other pertinent recommendations from the EIA, to direct environmental management during construction. Provide 'typical' design drawings in addition to text.

3. Provide details stating how the works or strategies for mitigation and/or enhancement will be carried out including clearly articulated performance standards that are based on the best available science and that reflect the objectives of projects.
4. Identify who will be responsible for monitoring potential impacts, and propose a monitoring schedule including identifying the expertise of personnel required to perform the monitoring and itemize recommended monitoring and reporting milestones, including approximate cost estimates. The R.P. Biologist shall at minimum be involved in monitoring and authoring or signing off on the monitoring reports.
5. Identify who is accountable for potential impacts that may occur, and who would be responsible for unintended foreseeable impacts.

Environmental Report and Data Deliverables

1. A Restoration Plan will not always be required. But where a Restoration Plan is required it shall detail those measures necessary to restore the subject property(s) to a level acceptable to the City, including but not limited to:
 - a. Descriptions of all treatments proposed, representative descriptions and images for each treatment type and a recommended schedule for inspections and maintenance;
 - b. A cost estimate that includes the anticipated costs to implement the plan and which includes provisions for inspections, maintenance and environmental effectiveness monitoring; and
 - c. How completion will be determined by identifying what information to include in order to summarize completion, at what milestone and if departures from proposed actions occurred, then why and how well they meet the permit conditions.
2. An Environmental Monitoring Plan will not always be required. But where an Environmental Monitoring Plan is required it shall be prepared, signed and sealed by a R.P. Biologist and assure that project construction activities comply with environmental provisions defined in applicable legislation, authorizations and permits (at minimum, City of Courtenay environmental development permit area guidelines) and industry best practices. It shall:
 - a. Assure that appropriate levels of protection are in place to prevent or to minimize impacts to ESAs;
 - b. Prepare timely, accurate and unbiased reporting including but not limited to a pre-construction meeting onsite between R.P. Biologist and contractors and a final

- 'substantial completion' report to confirm the work completed is consistent with the EDP;
- c. Include clarity of authorization for the monitor or City to stop work if they believe that on-site conditions are in contravention of the conditions of the permit; and
 - d. Include a cost estimate for all monitoring and associated works.
3. A digital version (.pdf) of the complete document(s) must be provided with the understanding that all information contained within professional reports are available to the public. Digital reports may be posted to the City website as part of the standard Development Application Tracker software (<https://www.courtenay.ca/EN/main/departments/development-services/planning-division/current-development-applications.html>).
4. All new and/or updated ESA information, including mapping information, may be provided to appropriate groups and agencies such as the BC Conservation Data Centre and Comox Valley Regional District. All data will be provided in digital format such that it may be incorporated into ESA mapping updates.