

March 30 & April 6, 2001

In Focus

—→
A review of the Niagara Escarpment Plan

Environmental Monitoring

Niagara Escarpment Commission Position Paper

For further information contact:

Niagara Escarpment Commission
232 Guelph Street,
Georgetown, Ontario
L7G 4B1

Phone: (905) 877-5191

Fax: (905) 873-7452

E-mail: review@escarpment.org



A note about the Position Papers . . .

The **Niagara Escarpment Commission Position Papers** consider comments received by the Niagara Escarpment Commission (NEC) in response to six Plan Review Discussion Papers issued in December 2000 and January 2001. Based on these comments, the NEC has in some cases modified recommendations contained in the Discussion Papers.

The **Niagara Escarpment Commission Position Papers** are in two parts. These two parts must be read together.

Part 1 and its appendices reflect Niagara Escarpment Commission decisions taken on March 30, 2001 after considering comments received up to March 28, 2001.

Part 2 and its appendices reflect the Niagara Escarpment Commission's position taken at a meeting on April 6, 2001, incorporating comments received after March 28, 2001.

Part 2 contains the final refinements to the Niagara Escarpment Commission's Position for the Niagara Escarpment Plan Review Hearing based on all of the comments received.

If you have any questions about the Position Papers, please contact:

Therese Gregorio, Plan Review Secretary
Niagara Escarpment Commission
232 Guelph Street,
Georgetown, Ontario
L7G 4B1

Phone: (905) 877-5191
Fax: (905) 873-7452
E-mail: review@escarpment.org

Niagara Escarpment Commission
Position Paper
Environmental Monitoring

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Part 1

March 30, 2001

NIAGARA ESCARPMENT COMMISSION POSITION PAPER

Analysis of Comments Received

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Topic 4

Environmental Monitoring

A. TOPIC: ENVIRONMENTAL MONITORING

B. BACKGROUND:

In accordance with the Niagara Escarpment Planning and Development Act (NEPDA), the Minister of Natural Resources on June 15, 1999 caused a review of the Niagara Escarpment Plan (NEP). Under Section 17(2) of the NEPDA the Minister established Terms of Reference and included "environmental monitoring" as one of the topics to be reviewed. The provisions of the NEPDA relating to amendments of the NEP apply with the necessary modifications to the Review.

Pursuant to Sections 7 and 10(1)a of the NEPDA, the NEC is required to furnish copies of the Review to affected ministries and municipalities and invite comments within 60 days.

Section 10(1)b requires public notification in local newspapers.

Affected ministries, municipalities, agencies and interest groups were circulated with copies of the Review on December 29, 2000 and January 31, 2001 and invited to comment by March 30, 2001. In addition, the Commission requested comments from other parties and individuals known to have an interest in the Review.

Notice appeared in local newspapers on February 14, 2000 also inviting public comment by March 30, 2001.

Copies of the Notice and Discussion Papers were also posted on the NEC's web site for information and as downloadable files.

Comments could be mailed or filed via e-mail with the NEC.

Although not required by the NEPDA, the NEC met with stakeholders and interested parties to discuss and answer questions on the Discussion Papers.

The purpose of this report is to review the comments received on the Discussion Paper from municipalities, ministries and agencies, interest groups, the public and the Public Interest Advisory Committee, in order to recommend a position on the issue for consideration by the Commission.

The Commission's Position will be circulated and subject to review at the Plan Review Hearing scheduled to commence July 16, 2001.

C. SUMMARY OF COMMENTS RECEIVED/ANALYSIS/RECOMMENDATION:

Municipalities, Agencies, Interest and Advisory Groups, and the Public

A summary of the comments received from municipalities, agencies, interest and advisory groups and the public received to date follows.

1. Municipal

- **County of Grey**

The County concurs with the proposal to add a section to the NEP to deal with environmental monitoring on the understanding that it is the NEC who is responsible for the program.

Recommended NEC Position:

No change proposed.

The NEC will be responsible for coordinating the program.

- **Region of Halton**

Supports the proposal, however, the monitoring program outlined in the Discussion Paper doesn't go far enough with specifics about the program.

Recommended NEC Position:

No change proposed.

The Environmental Monitoring Statement was not intended to detail the operation and management of the monitoring program. The Statement acknowledges the importance of such a program and provides the basis for implementing a Plan monitoring program in the context of the NEP. The monitoring program will be developed as a NEC

responsibility separate from the regulatory framework of the Plan. Monitoring is part of Plan implementation.

- **City of Burlington**

No objection to the direction of Environmental Monitoring Discussion Paper.

Recommended NEC Position:

No change proposed.

- **Region of Niagara**

No issue identified.

Recommended NEC Position:

No change proposed.

- **Town of Lincoln**

No objection to the Discussion Paper.

Recommended NEC Position:

No change proposed.

2. Ministries

- **MOE, MNR, MTCR**

The proposed addition of the monitoring policies to the Plan is generally supported.

Monitoring by definition needs to include ecological, social and economic components. Consideration should be given to developing a separate implementation document separate from the NEP. Monitoring policies should serve as a stepping stone for the future development of a comprehensive program. The change to the Plan does not define the function of the program. The purpose and objectives of the NEP should be included in the monitoring framework as well as obligations (if any) related to the Escarpment's World Biosphere Designation.

Recommended NEC Position:

Provide a definition for monitoring. No other change required.

The Environmental Monitoring Statement was not intended to detail the operation and management of the monitoring program. The Statement is intended to acknowledge the importance of such a program and provide the basis for implementing a Plan monitoring program in the context of the NEP. The monitoring program will be developed as a NEC responsibility separate from the regulatory framework of the Plan. Monitoring is part of Plan implementation and satisfies the Worlds Biosphere Objective of providing and improving monitoring activities within a Biosphere Reserve at the international, national and individual level.

A definition for monitoring would, however, be helpful in outlining in more specific terms what is measured or intended under such a program.

3. Agencies and Associations

- **Hamilton Region Conservation Authority**

No objection to new policies.

Recommended NEC Position

No change proposed.

- **Coalition on the Niagara Escarpment (CONE)**

Supports proposal to add a new section on environmental monitoring to the NEP.

The policies should be amended to:

- i) use the term “environmentally sustainable development” rather than “sustainable development” to prevent abuse of the reference.
- ii) provide a definition for environmental monitoring.

Recommended NEC Position:

The policies should be modified to:

- i) use the term “environmentally sustainable development”.
- ii) provide a definition for environmental monitoring.

- **Grey Association for better Planning**

In general agreement but believe that more detail is required on the specifics of the program.

Recommended NEC Position:

The Environmental Monitoring Statement was not intended to detail the operation and management of the monitoring program. The Statement acknowledges the importance of such a program and provides the basis for implementing a Plan monitoring program in the context of the NEP. The monitoring program will be developed as a NEC responsibility separate from the regulatory framework of the Plan. Monitoring is part of Plan implementation.

A definition for monitoring would, however, be helpful in outlining in more specific terms what is measured or intended under such a program.

- **Preservation of Agricultural Lands Society (PALS)**

Agree with the attention given to environmental monitoring. Such monitoring should include agricultural monitoring (e.g., loss of farmland). PALS also see a value in developing a vision statement in the Plan in association with the statement on environmental monitoring. The vision statement could deal with matters like land fragmentation, restoring species, protecting wooded areas and the NEP's role as a headwater and aquifer.

Recommended NEC Position:

No change proposed.

Monitoring could include factors like agricultural monitoring once the program is fully developed. A vision statement is unnecessary. The NEP and its enabling legislation already provide the vision statement, which is embodied in the purpose and objectives. An interpretation of this purpose and objectives could confuse or weaken the Plan.

- **Hamilton Naturalists' Club**

Support the policies related to environmental monitoring but recommend that some additions be made. The monitoring statement should include some ecological targets and performance indicators. As well, the policy should require that the Province commit itself financially to the Plan Monitoring Program.

Recommended NEC Position:

No change proposed.

The Environmental Monitoring Statement was not intended to detail the operation and management of the monitoring program nor set targets and indicators. The Statement acknowledges the importance of such a program and provides the basis for implementing a Plan monitoring program in the context of the NEP. The monitoring program will be developed as a NEC responsibility separate from the regulatory framework of the Plan. Monitoring is part of Plan implementation. The financing of the

program, although important to its success should not be addressed as part of a regulatory policy document.

- **Bruce Trail Association (BTA)**

Supports proposed monitoring policy.

Recommended NEC Position:

No change proposed.

4. Public

- **Guenther and Isings**

Support inclusion of policies and statements related to environmental monitoring.

Recommended NEC Position:

No change proposed.

- **Tilson**

Support review.

Recommended NEC Position:

No change proposed.

- **Wilson**

Read with interest.

Recommended NEC Position:

No change proposed.

5. Public Interest Advisory Committee (PIAC)

Recommends the incorporation of policies for environmental monitoring into the NEP.

In addition a definition should be added for environmental monitoring, replace the term “sustainable development” with “environmentally sustainable development” and correct the typographical error by changing the word “last’ to “least”.

Recommended NEC Position:

Make the changes recommended by the PIAC.

D. COMMENTS/CONCLUSION

After taking into account the comments received, the Commission should adopt as its Position environmental monitoring policies that are revised to reflect the recommendations set out in this report.

E. RECOMMENDATION:

That the policy changes attached as Appendix 1 be adopted as the Commission's Position on the Niagara Escarpment Plan Review Document.

The Niagara Escarpment Plan be amended as follows:

1. A new Section immediately after the Section Purpose and Objectives be added to the Niagara Escarpment Plan under the heading Monitoring as follows:

Monitoring

An environmental monitoring program designed to assess policies of the Niagara Escarpment Plan shall be developed in conjunction with the administration of the land use policies of this Plan to help determine if the purpose and objectives of the Plan are being met. The program will utilize a suite of indicators designed to measure the effectiveness of Niagara Escarpment Plan policies by monitoring ecosystem components and multiple land use activities. The strategy will be to examine the linkage between ecosystem health and land use change.

The monitoring program will also assist the Niagara Escarpment Commission in meeting its obligations as a designated UNESCO World Biosphere Reserve; namely, in the areas of management for biodiversity, research, monitoring, demonstrations of environmentally sustainable development and education.

Monitoring results will be made available through conferences, presentations, publications and regular reports produced as part of the Niagara Escarpment Program. Monitoring is intended to foster on-going research, education and training to achieve the aims, objectives and policies set out in the Niagara Escarpment Plan.

It is intended that the monitoring information will be used for the on-going testing of Plan policies and to evaluate the success of the Plan's underlying principles when they are considered through Plan Amendment or Plan Review. Section 17 of the *Niagara Escarpment Planning and Development Act* requires that the Plan undergo a Review at least once every 10 years. Environmental monitoring information will be a major contribution to this cycle of Plan assessment.

Monitoring information from the program will also be available to other academic, non-government organizations, government agencies, stakeholders and the public for evaluation and use.

It is intended that adjustments may have to be made to the program as the monitoring system matures and evolves to ensure that the most effective monitoring framework that can be designed is used to understand the complex environment associated with the Niagara Escarpment and land in its vicinity.

2. Appendix 2, Definitions of the Niagara Escarpment Plan is revised adding the following new definition for environmental monitoring:

Environmental Monitoring – means the long-term monitoring and repetitive measurement of the natural environment and land use activities using ecological indicators as a basis for anticipating, identifying and better understanding changes in environmental quality.

Part 2

April 6, 2001

NIAGARA ESCARPMENT COMMISSION POSITION PAPER

Analysis of Additional Comments Received

Niagara Escarpment Plan Review

Topic 4

Environmental Monitoring

A. TOPIC: ENVIRONMENTAL MONITORING

B. BACKGROUND:

The purpose of this report is to review the additional comments received on the Discussion Paper from municipalities, ministries and agencies, interest groups and the public, in order to determine if there are any new issues that would require further consideration by the Commission as part of its position.

The Commission's Position will be circulated and subject to review at the Plan Review Hearing scheduled to commence July 16, 2001.

C. SUMMARY OF ADDITIONAL COMMENTS RECEIVED/ANALYSIS:

Municipalities, Agencies, Interest and Advisory Groups, and the Public

A summary of the additional comments received from municipalities, ministries and agencies, interest and advisory groups and the public received to date follows.

1. Municipal

- **Town of Caledon**

Generally supportive, but should consider having the policy address the following:

- i) determining the effect of specific developments approved under the NEP.
- ii) Identifying specific indicators that will be used in monitoring.
- iii) measuring the viability and value of the NEP as determined through public support and community acceptance.

Recommended NEC Position:

No change required.

The NEC will be responsible for implementing the program. The monitoring statement was not intended to set out the specific details of the program. These will be developed separately once the need for ongoing monitoring has been formally recognized in the NEP.

- **City of Hamilton**

Supports the monitoring statement outlined in the Discussion Paper.

Recommended NEC Position:

No change required.

- **City of Owen Sound**

Supports the monitoring statement outlined in the Discussion Paper. Program should be Provincially funded.

Recommended NEC Position:

No change required.

2. Ministries

- **Ontario Heritage Foundation (part of MTCR)**

The proposed addition of the monitoring policies to the Plan is supported.

Recommended NEC Position:

No change required.

3. Agencies and Associations

• **Conservation Authorities (Joint Submission)**

Support monitoring and partnering in this area with the NEC to ensure that the NEP is performing its environmental role.

Recommended NEC Position:

No change required.

• **Credit Valley Conservation (Authority)**

Support monitoring but policies should be strengthened to:

- i) monitor at different scales (e.g., landscapes and specific sites).
- ii) develop monitoring parameters.
- iii) coordinate program with other overlapping ecosystems (e.g., watersheds).

Recommended NEC Position

No change required.

The Environmental Monitoring Statement was not intended to detail the operation and management of the monitoring program. The Statement acknowledges the importance of such a program and provides the basis for implementing a Plan monitoring program in the context of the NEP. The monitoring program will be developed as a NEC responsibility separate from the regulatory framework of the Plan. Monitoring is part of Plan implementation.

• **Niagara Peninsula Conservation Authority**

Support monitoring and partnering in this area with the NEC to ensure that the NEP (and its related Parks System) is performing its environmental role. Funding for the program should be provided and monitoring information shared with partner agencies.

Recommended NEC Position:

No change required.

4. Public

- **Redish**

Support inclusion of policies related to environmental monitoring. Concerned with the statement, “evaluate the Plan’s underling principles”. Principles of the Plan should not be at issue. The question should be how the Plan is working relative to its fundamental principles. The principles should not be changed.

Recommended NEC Position:

Clarification required.

The intent was not to use monitoring to question or revise the principles of the NEP but to evaluate whether the Plan was achieving its goals over time. Monitoring could result in the introduction of new policies to meet the principles of the Plan.

- **Preston**

Support the need for monitoring. Monitoring should address the success of the NEP in maintaining the objectives set out in the Act and throughout the NEP (e.g., maintenance of scenic values and cultural landscape character).

Recommended NEC Position:

No change required.

The Environmental Monitoring Statement was not intended to detail the operation and management of the monitoring program. The Statement acknowledges the importance of such a program and provides the basis for implementing a Plan monitoring program in the context of the purpose and objectives of the Act and the NEP. The monitoring program will be developed as a NEC responsibility separate from the regulatory framework of the Plan. Monitoring is part of Plan implementation.

- **Beattie**

Supports monitoring statement. A criticism is that the monitoring statement seems to assume that development is inevitable and can only be managed.

Recommended NEC Position:

No change required.

The NEP does allow certain development. Development is to a large degree inevitable. The monitoring policies will help determine what levels or types of developments are

acceptable in the context of the purpose and objectives of the Act and the Plan. The Plan may be adjusted on the basis of long-term monitoring.

- **Kerr**

Supports monitoring.

Recommended NEC Position:

No change required.

- **Aird**

Supports monitoring. Should be a definition for “environment” and “environmental monitoring” in the Plan. Disagrees that the NEP does not currently have provisions requiring environmental monitoring. The plan does, although it is not explicitly referenced as monitoring (e.g., heritage, water quality, fish habitat. Examples of what should be monitored in the program should also be identified.

Recommended NEC Position:

No change required.

The Plan already has a definition for the “environment”. The NEC has also decided to provide a definition for “environmental monitoring”. The Environmental Monitoring Statement was not intended to detail the operation and management of the monitoring program. The Statement acknowledges the importance of such a program and provides the basis for implementing a Plan monitoring program in the context of the purpose and objectives of the Act and the NEP including existing Plan policies that require for monitoring. The monitoring program will be developed as a NEC responsibility separate from the regulatory framework of the Plan. Monitoring is part of Plan implementation.

D. COMMENTS/CONCLUSION

After taking into account the additional comments received, the Commission should adopt as its revised Position environmental monitoring policies reflecting the recommendations set out in this report.

E. RECOMMENDATION:

That the policy changes attached as Appendix 1 be adopted as the Commission’s Position on the Niagara Escarpment Plan Review Document.

The Niagara Escarpment Plan be amended as follows:

3. A new Section immediately after the Section Purpose and Objectives be added to the Niagara Escarpment Plan under the heading Environmental Monitoring as follows:

Environmental Monitoring

An environmental monitoring program designed to assess policies of the Niagara Escarpment Plan shall be developed in conjunction with the administration of the land use policies of this Plan to help determine if the purpose and objectives of the Plan are being met. The program will utilize a suite of indicators designed to measure the effectiveness of Niagara Escarpment Plan policies by monitoring ecosystem components and multiple land use activities. The strategy will be to examine the linkage between ecosystem health and land use change.

The monitoring program will also assist the Niagara Escarpment Commission in meeting its obligations as a designated UNESCO World Biosphere Reserve; namely, in the areas of management for biodiversity, research, monitoring, demonstrations of environmentally sustainable development and education.

Monitoring results will be made available through conferences, presentations, publications and regular reports produced as part of the Niagara Escarpment Program. Monitoring is intended to foster on-going research, education and training to achieve the aims, objectives and policies set out in the Niagara Escarpment Plan.

It is intended that the monitoring information will be used for the on-going testing of Plan policies to make certain that the policies continue to meet the purpose and objectives of the Niagara Escarpment Plan. This will be particularly relevant when considering Plan Amendments or during periodic reviews of the Niagara Escarpment Plan.

Section 17 of the *Niagara Escarpment Planning and Development Act* (“the Act”) requires that the Plan undergo a Review at least once every 10 years.

Environmental monitoring information will be a major contribution to this cycle of Plan assessment to ensure that the Niagara Escarpment Plan’s policies uphold the environmental principles established under the Act and set out within the Plan.

Monitoring information from the program will also be available to other academic, non-government organizations, government agencies, stakeholders and the public for evaluation and use.

It is intended that adjustments may have to be made to the program as the monitoring system matures and evolves to ensure that the most effective monitoring framework that can be designed is used to understand the complex environment associated with the Niagara Escarpment and land in its vicinity.

4. Appendix 2, Definitions of the Niagara Escarpment Plan is revised adding the following new definition for environmental monitoring:

Environmental Monitoring – means the long-term monitoring and repetitive measurement of the natural environment and land use activities using ecological indicators as a basis for anticipating, identifying and better understanding changes in environmental quality.