

# Terms of Reference

## Environmental Impact Statement (EIS) for Peaking Landing Development, Canmore, Alberta (September 10, 2018)

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### 1.0 Overview

Hillcroft Developments Ltd. and partners are proposing to develop three parcels of land in the Peaks of Grassi area of the Town of Canmore, AB. The proposed in-fill project, called Peaks Landing, includes a total of 27 lots with 14 row townhouses in the western parcel, 8 duplex homes with permitted legal suites in the middle parcel and 5 single lots (single family homes) on the eastern parcel. The project area is bordered by the AltaLink power line right of way to the north, existing homes to the east and south, and by a road allowance and the Grassi Lake Habitat Patch to the west. The project lies 100 m north of the Three Sisters Along Valley Movement Corridor and about 770 m west of the Tipple Across Valley Movement Corridor.

The lands within Peaks Landing are currently zoned Urban Reserve, which under the Town of Canmore Land Use Bylaw (2010) means the lands are designated “to protect land that is potentially suited for urban uses from premature sub-division and development. Lands located within this district have received preliminary screening only and may require environmental, geotechnical and other screening to determine their potential suitability for any development.” Hillcroft is applying for a land use bylaw amendment and subsequently subdivision of Peaks Landing to allow for development of their project proposal.

These lands were part of the Natural Resources Conservation Board (NRCB) decision in 1992 in relation to Three Sisters Golf Resort application. As part of the NRCB process, a full Environmental Impact Assessment (EIA) was submitted and approved, and the EIA included the Peak Landing site. Two applications for land use amendment for Peaks Landing were submitted in 2014 and 2015, and a subdivision application in 2016. Reports that were previously submitted in support of the applications included an environmental brief, along with a Steep Creek Risk Assessment, a Wildfire Risk Assessment, an undermining review, a geotechnical report, and detailed designs for storm water management and utilities. The land use bylaw amendment was approved by Town of Canmore Council in 2015; however, an application for a judicial review was subsequently granted, which ultimately resulted in the approval being invalidated by the Court of Queen’s Bench of Alberta due to the breach in duty of fairness related to the Municipal Development Plan’s (1998) requirement for completion of an Environmental Impact Statement. As part of the reapplication for the Peaks Landing infill development, the Applicants have agreed to submit an Environmental Impact Statement (EIS) that meets the requirements of Canmore’s new Municipal Development Plan (2016) and EIS Policy (2016).

The three parcels of land for development are vegetated by either closed lodgepole forests with white spruce or trembling aspen, or mixed forest comprised of trembling aspen, balsam poplar and white spruce. These lands, as well as some of the surrounding areas to the north and west

of the proposed development, are designated as area of high wildfire potential that require fuel modification (Town of Canmore Wildfire Mitigation Strategy 2018). The Peaks Landing infill development lands have been treated to minimize fire risks according to the Fire Smart standards. Hence vegetation in the Peaks Landing development has been altered through tree and shrub removal.

## **2.0 Purpose and Scope of the EIS**

The Town of Canmore's Municipal Development Plan (2016) may require an Environmental Impact Statement (EIS) be prepared for any development proposal that is submitted to decision-making authorities of the Town (section 18.2.14). The general contents expected in an EIS submitted are outlined in the Canmore EIS Policy (2016). The Town is responsible for preparing a Terms of Reference (ToR) that considers the EIS Policy and sets the specific requirements for what must be included in the EIS. The Town will hire a qualified, independent third-party reviewer to help prepare the ToR and review the EIS.

The purpose of the EIS is to provide sufficient information to Council to make an informed decision on the proposed Peaks Landing development. The EIS will outline existing conditions, identify significant natural and ecological features, determine the nature and scale of the potential impacts generated by the proposed Project prior to mitigation, provide recommendations to avoid or mitigate these impacts, identify residual impacts and their significance after implementation of proposed mitigation, recommend if any further studies and/or monitoring is to be undertaken through the course of implementation, and discuss cumulative effects in reference to existing, approved and future developments in the area.

Due to the completion of the EIA under the NRCB process, and the small-scale nature of the infill project, the scope of the EIS for the Peaks Landing infill project has been scoped to focus vegetation, wildlife, wildlife habitat, and factors that influence these environmental components.

## **3.0 Relevant Legislation and Guidelines**

The environmental impact statement (EIS) for the Project will identify Federal and Provincial legislation and guidelines relevant to the Project and describe how the Project has considered guidelines and meets legislative requirements.

In addition, relevant sections of the following guidelines apply in the design and development of the Project and/or for the Environmental Impact Statement (EIS):

- Municipal Development Plan Bylaw 2016-03, Town of Canmore (2016)
- South Saskatchewan Regional Plan 2014-2014: An Alberta Land-use Framework Integrated Plan. Alberta Government
- Town of Canmore. Human Use Management Review. Consultation Summary, Final Recommendation and Implementation Plans (2015)
- Recommendations for Trails and Management of Recreational Use for The Town of Canmore: South Canmore and West Palliser (2012)
- Town of Canmore Fire Smart Mitigation (2010)
- Town of Canmore Noise Bylaw (1997)
- AE Guidelines for Storm Water Management for Province of Alberta (1999)

- Contractor Health and Safety Guidelines, Responsibilities and Sign off - Town of Canmore (2017)
- Engineering Design and Construction Guidelines (2010)
- Town of Canmore Wildfire Mitigation Strategy Review by Montane Forest Management Ltd. (2018)

The EIS should consider “Human-Wildlife Coexistence – Recommendations for Improving Human-Wildlife Coexistence in the Bow Valley” (2018).

While Peaks Landing is exempt from these guidelines, The Bow Corridor Ecosystem Advisory Group (BCEAG) Guidelines contain useful information for the EIS. Therefore, the scientific principles included in the following documents will be considered in the EIS wildlife assessment:

- Bow Corridor Ecosystem Advisory Group (BCEAG) Wildlife Corridor and Habitat Patch Guidelines for the Bow Valley (2012)
- BCEAG Wildlife and Human Use Monitoring Recommendations for the Bow Valley (Banff National Park to Seebe) (2001)
- BCEAG Guidelines for Human Use within Wildlife Corridors and Habitat Patches in the Bow Valley (Banff National Park to Seebe) (1999)

## 4.0 EIS Report Deliverables

The EIS report will contain all information required by this Terms of Reference. The format of the report will include maps, tables and supporting text. Where there is significant or extensive reliance on previously unpublished reports, the relevant sections referred to in the EIS will be identified for ease of readability and comprehension.

The EIS for the Project will contain the following information, at a minimum.

### 4.1 Proposal Overview

- Describe the development context for the Project.
- Map the Project in relation to existing conditions within the Project, Local and, if required, Regional Study Areas.
- Provide an overview of the Canmore municipal planning policy context.
- Provide an overview of previous applications and public consultation. Identify concerns raised by public of the Project.

### 4.2 Description of the Project

- Summarize details of the proposed Project. Describe conceptual layout, development nodes, densities and units and temporal development schedule so that the EIS can present a robust and complete analysis of the direct and indirect effects from the proposed development. Include a detailed description of the infrastructure associated with the Project, including road systems and utilities including municipal water, storm water (berms), waste water (e.g., sanitary water) and waste management.
- Provide site location maps for all facilities in the Project Area.
- Estimate maximum number of people and traffic associated with the Project during construction, and the build-out phases.

#### 4.3 Spatial and Time-related Boundaries of Study Areas

- a. One and possibly two spatial study areas, beyond the project footprint, will be addressed in the EIS:
  - i. Local Study Area boundary should include the Peaks Landing infill development surrounded by a 150 m buffer, and should include the Grassi Lake Habitat Patch and a portion of the Along Valley Movement Corridor that will be affected by development. The Local Study Area is illustrated on Map A.
  - ii. If required, a Regional Study Area boundary for Environmental Consequences of residual effects from the Project, needs to include future developments whose impacts overlap with those of the Project.
- b. Within the Local Study Area, describe the Baseline or existing environmental conditions and existing developments/footprints (e.g. existing Peaks of Grassi, power line, habitat patches, Quarry Lake), and then describe the cumulative Project Environmental Impacts from the Project in combination with Baseline effects.
- c. If required based on the level of impact identified at the Project level, within the Regional Study Area, describe the baseline conditions, the Project effects, and the Cumulative Environmental Assessment from probable projects that could occur in the next five years and would impact the same environmental resources as those affected by the Project. A discussion of the potential effects of climate change on the Project and on VECs will be provided.
- d. Time-related Boundaries should extend from the time of project approval to full build-out of the facilities, including the construction and build-out phases (e.g. 5 years).

#### 4.4 Valued Environmental Components

- a. Valued Environmental Components (VECs) are any part of the environment that is considered important by the proponent, public, scientists or government involved in the assessment process. Importance may be determined based on cultural values or scientific concern. Several key features of the environment should be selected as VECs for this assessment.
- b. The level of assessment detail for each VEC will reflect the potential effects from the Project. More detailed assessments should be provided for those VECs for which potential effects are greater. Most VECs will be evaluated qualitatively.

#### 4.5 Baseline Conditions (Including Impacts from Existing Conditions)

- a. A description of existing environmental conditions within the Local Study Area, using VECs where feasible, including:
  - i. Noise (include bedrock management)
  - ii. Soil and Terrain, including hazards and constraints for development
  - iii. Groundwater Quantity and Quality
  - iv. Surface Water Quantity and Quality
  - v. Terrestrial and Aquatic Vegetation, including the wetland and existing stormwater management system
  - vi. Wildlife including populations, habitat and movement corridor functionality, and interactions with people. The wildlife assessment must include an assessment of human use and public safety.
  - vii. Biodiversity including unique and special status species and communities, and Significant Natural and Ecological Features

- viii. Existing Human Use
- b. A literature review of relevant studies, including background environmental effects studies, and the most current monitoring data.
- c. Conduct field programs where data gaps exist in baseline conditions.
- d. Discuss effects from the existing developments/footprints, including existing mitigation.

#### 4.6 Project Environmental Impact Assessment

- a. Identify the benefits of the Project.
- b. Evaluate how the Project has been designed to address identified environmental sensitivities or constraints, including land use type.
- c. Outline alternatives and modifications to the Project to limit or remove environmental impacts.
- d. Identify anticipated impacts from activities of future residents associated with the Project on VECs.
- e. Identify the cumulative effects from the Project and the existing conditions, on VECs identified for environmental components (Sections 4.5).
- f. Address the effects from both the construction and build-out phases of the Project.
- g. Define the significance of effects:
  - i. Identify the pre-mitigated nature and scale of environmental risks and the significance of the residual (or post-mitigated) effects from the Project, and the Environmental Consequence of the residual effects (positive, negligible, low, moderate and high).
  - ii. Significance terms to be used in defining the effects for the assessment shall include:
    - 1. Context: refers to the current and future sensitivity and resilience of the VECs to changes caused by the Project. Consideration of context draws heavily on the description of existing conditions of the VEC, which reflect cumulative effects of other projects and activities, and of natural and human-caused trends in the conditions of the VEC;
    - 2. Direction: whether the effect on the environment component is negative or adverse (i.e., less favourable), positive (i.e., an improvement), or neutral (i.e., no change);
    - 3. Magnitude: size or severity of the effect. It is described as the amount of change in a measurable parameter or variable relative to the baseline condition, guideline value, or other defined standard;
    - 4. Geographic Extent: spatial extent of the effect;
    - 5. Duration: length of time the effect persists. It considers the various phases of the Project, including site preparation/construction, operations/build-out, and closure (i.e. landscaping), as well as the length of time for the environmental component to recover from the disturbance.
    - 6. Frequency: how often the effect occurs within a given time; and
    - 7. Reversibility: whether the effect on the VEC can be reversed once the Project or activity causing disturbance ceases.

<b>Direction</b>	Negative
	Neutral

	Positive
<b>Magnitude</b>	Negligible
	Low
	Medium
	High
<b>Geographic Extent</b>	Project Footprint
	Local Study Area
	Regional Study Area
<b>Duration</b>	Short-Term
	Medium-Term
	Long-Term
<b>Frequency</b>	Isolated
	Occasional
	Continuous
<b>Reversibility</b>	Reversible
	Irreversible

- h. Define Mitigation and Environmental Management Plans:
  - i. Provide recommendations on how to avoid, reduce or mitigate negative effects, and build on positive effects from the Project.
  - ii. Provide specific recommendations on how to mitigate long-term human use effects.
  - iii. Where applicable, provide more detailed environmental management plans for effects on wildlife, habitat and the wildlife movement corridors, and to reduce human-wildlife interactions.
  - iv. Discuss regional and cooperative efforts that have been initiated, or participated in, by the Developer to address regional environmental issues.
- i. Identify Uncertainty of Effects:
  - i. Identify and describe the uncertainty of the data, models, mitigation and projected effects, and hence the confidence in the predictions of residual effects. Identify how uncertainty has been managed in the EIS.
- j. Provide Summary Tables that address environmental consequences, mitigation and monitoring during both the construction and build-out phases. The tables should include the following column headings:
  - i. Environmental and Social Disciplines
  - ii. Pre-Mitigated Impact Consequences
  - iii. Proposed Mitigation
  - iv. Post-Mitigated (i.e., residual) Impact Consequences
  - v. Proposed Monitoring and Future Studies

#### 4.7 Cumulative Environmental Impact Assessment

- a. If required based on the level of impact identified at the Project level, conduct a meaningful cumulative effect assessment (CEA) within the Regional Study Area that includes proposed and probable projects (as approved through Town or Provincial processes) that could occur in the next 5 years and impact the

- same environmental resources (e.g., grizzly bears, elk, groundwater) as those affected by the Project.
- b. Include residual effects with an Environmental Consequence greater than negligible from the proposed Project, in the broader CEA.

## **5.0 Preparation of ToR and Review of EIS**

The Town of Canmore EIS Policy requires that this EIS Terms of Reference and the resulting EIS are reviewed by an independent qualified third-party that reports directly to the Town and that this reviewer be involved from the beginning of the EIS process.

The Town and its third-party reviewer will work with the Developer and their consultant to achieve a mutual understanding of the information that must be included in the EIS.

The Town may also refer the EIS to other agencies or committees for circulation, including but not limited to the Government of Alberta and Canmore's Environmental Advisory Review Committee (EARC).



## Map A – Local Study Area (LSA)

