

Sustainable Natural Environment – Fish Habitat

BACKGROUND:

- Lakes, rivers, streams, ponds and many wetlands provide fish habitat. Intermittent and seasonally flooded areas can also provide important habitat for some fish species at certain times of the year. In addition, in-water structures such as logs, stumps and other woody debris, pools and riffle areas, riparian and aquatic vegetation and ground water recharge/discharge areas provide habitat. Fish habitat also is found in watercourses that act as corridors for fish to move from one area to another.
- Fish habitat provides food, cover and conditions for successful reproduction and support of their lifecycle. All types of fish species (warm, cool and coldwater) require specific habitats for spawning, rearing and foraging.
- Protecting fish habitat is important to maintain biodiversity, protect species, support ecological processes, maintain aesthetics and contribute to economic and social values. In this regard, the recreational fishery is important to the local economy.
- To assist in the fish habitat protection, the Ministry of Natural Resources and Forestry has provided fish habitat classification mapping which identifies the location of three types of fish habitat:
 - Type 1 (Critical) Habitats are those which have high productive capacity and are highly sensitive to development, or have a critical role in sustaining fisheries (e.g. spawning and nursery areas for some species, and ground water discharge areas).
 - Type 2 (Important) Habitats are moderately sensitive to development and although important to fish populations, are not considered critical (e.g. feeding areas and open water habitats of lakes).
 - Unknown habitat (areas where no information currently exists).
- MNRF has a role in lakeshore capacity assessment only for lakes which are managed for lake trout. Lake trout have two basic water quality requirements: low water temperatures and high levels of dissolved oxygen. As they are more sensitive to pressures from development, there are different policies applied to lake trout lakes.

POLICY CONTEXT:

Provincial Policy Statement (2014):

2.1 Natural Heritage

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to fish habitat, “unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.”

Current Muskoka Official Plan & Policy Directions Report:

- F.82 Identification of areas of fish habitat.
- F.83 Protection of fish habitat and significant littoral zones consistent with the Fisheries Act, to aid in ensuring long range health of fish population.
- F.84 Allows development within or adjacent to fish habitat, subject to MNRF review/consultation, and consideration of mitigation and minimization of development impacts.
- F.84.1 Permits the establishment of water quality objectives for identified coldwater lakes, to retain optimal fish habitat.
- F.84.2 Requires a provincial policy statement before other (coldwater) lakes can be included, and are identified by the provincial ministry.

First Draft Muskoka Official Plan:

- F1.2 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
- F1.7 Identification of types of fish habitat, as well as MNRF classifications is provided. Unknown fish habitat should be treated as Type 1, with assessments being done prior to development approvals being granted. Adjacent lands of 120m from the habitat are recognized (300m for lake trout at capacity lakes). A Fish Habitat assessment “shall generally be required” where development is proposed within or adjacent to Type 1 or unknown habitat, unless it meets Federal or provincial requirements; it is not major development, and meets local Ops and the MOP in regards to setbacks, vegetation buffer, stormwater management and slope policies. Setbacks are established, 15m for warm and cool water lakes and streams, and 30m for coldwater lakes and streams. Further, a notation that all shoreline lots should have sufficient area outside of sensitive habitat for shoreline related structures (dock).
- F1.8 Lake Trout Lakes - Area Municipalities shall include policies within their Official Plans that deal with development adjacent to lake trout lakes and with development on existing lots of record, and shall take into account Provincial guidelines aimed at protecting the water quality of these lakes.

New lots creation within 300 metres of at-capacity lake trout lakes is not permitted except where:

- i) All new residential, commercial or industrial development are connected to a municipal sewage treatment facility;
- ii) All new tile fields are set back at least 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres to the lake;
- iii) All new tile fields are located such that they would drain into the drainage basin of another waterbody that is not at capacity;
- iv) To separate existing habitable dwellings, each on a lot capable of supporting a Class 4 sewage system, provide that the land use would not change; or

v) Where it is demonstrated through the submission of a site specific soils investigation prepared by a qualified professional that there are undisturbed native soils over 3 metres in depth on the site and which meet Provincial requirements for chemical composition and hydrological conditions.

For lake trout lakes, where lot creation or development is permitted subject to these criteria, planning tools must require long-term monitoring and maintenance of specific conditions. Where lot creation and/or development is permitted in the above circumstances or on vacant lots of record, a 30 metre setback for all buildings and structures except docks and boathouses shall be required and vegetation removal within the setback shall be restricted except to accommodate a limited number of paths, water lines, shoreline structures, or to remove trees posing a hazard.

Town Strategic Documents:

Strategic Plan

Natural Environment and Sustainability

Goal #1: Demonstrate the Town’s commitment to protecting the quality and character of the natural environment.

Goal #2: Integrate sustainability principles into planning and development policies and processes.

Unity Plan

Goal #5 Land Use Planning: Huntsville will become a model of sustainable community development, by incorporating the principles of smart growth, sustainable design and green buildings into all land use planning decisions. This will include a commitment to the protection and maintenance of Huntsville’s rural small town character and vibrant downtown, both of which are valued by the community.

Huntsville Official Plan:

Environment:

3.7.1 Fisheries and fish habitat recognized as valuable resource, protection of habitat is supported.

3.7.2 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

3.7.3 Planning tools shall be used to protect and ensure maintenance of integrity of the habitat through:

- Lot Creation/Zoning: Increase lot frontages and areas; increased building setbacks;
- Site Plan - specific siting of buildings, driveways, pathways, requirements for retention of shoreline and riparian vegetation;
- Require that shoreline structures be floating or post docks, or be approved by authority having jurisdiction;
- Improvements to the habitat;
- Limits to dredging, fill and removal of aquatic substrate.

- 3.7.4 Development will be setback 30m from cold water streams in the Waterfront & Rural designations, in the urban areas 20m setback; unless a fish habitat assessment recommends a greater setback or can demonstrate that a lesser setback would not have a negative impact; Minimum 15m vegetation buffer located directly adjacent to the shoreline will be maintained within this setback. Identifies coldwater streams on appendices.
- 3.7.5 Harp Lake & Peninsula Lake – identified cold water lake trout lakes considered at capacity for development by MNRF; generally no new lot creation should occur within 300m of either lake, except if:
- the tile fields are setback or flow at least 300m from the lake; or
 - tile fields are located so that they drain into the drainage basin of another waterbody; or
 - to separate existing dwellings, each with a separate septic system, provided there is no change in use.
- 3.7.6 Conditions should be imposed to restrict vegetation removal within 30m of the shoreline and require a minimum 30m shoreline setback for structures (except docks).
- 3.7.7 If a satisfactory site specific soils investigation has been completed on Harp or Peninsula Lake additional requirements may be implemented through a development control agreement or zoning:
- Stormwater management report and construction mitigation plan;
 - Location of tile bed;
 - Requirements of type of fill for tile beds if it needs to be imported;
 - Securities can be retained; and
 - Monitoring will be reported to the Town and MOECC in accordance with provincial monitoring requirements.
- 8.3.10 Buildings and structures extending beyond the controlled or normal high water mark of a waterbody shall be designed and located in a manner which does not have a detrimental effect on fish habitat and wildlife habitat as determined by the authorities having jurisdiction.
- 8.14.3.2, 8.17.3.2 In general, a minimum development setback of 30 metres shall be maintained adjacent to identified Type 1 Fish Habitat, except for permitted shoreline structures. (both the Peninsula Lake and Fairy Lake Plans)
- 13 Policy allows the Town to request a fisheries habitat impact assessment as part of development application review.

CONSIDERATIONS:

- Not all shorelines of all lakes have been mapped to identify the type of fish habitat.
- Where the habitat is unknown, MNRF recommends it being treated as Type 1 until an assessment has been completed
- The application of adjacent land controls should be considered in areas where new shoreline lots or other new planning approvals would result in new shoreline development adjacent to critical fish habitat.

- The MNRF recommends that adjacent lands be considered to be those areas within 120m of fish habitat, except for lake trout lakes where it should be increased to 300m, and should generally be measured from the normal high water mark.
- Habitat assessments should be required when development is proposed in Type 1 or unknown fish habitat or on adjacent lands, to evaluate potential negative impacts (which are dictated by the kind of development, magnitude and proximity to fish habitat and the nature of local fish habitat).
- Development controls, including types/design of shoreline structures and alternative lot standards can address potential impacts.
- The MNRF recommends that in locations where fish habitat is critical, due to its function or relative scarcity, new adjacent development would be expected to have a negative impact on the habitat or its ecological function over time, and new planning approvals should not be given

SUMMARY:

- Maintain current policy which recognizes the value of fisheries and fish habitat and supports the protection of fish habitat; and
- Maintain current policy which states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
- Identify MNRF's fish habitat classification mapping as resource information to be addressed when considering new development and site alterations.
- Include policy that requires a study to investigate the potential negative impacts of new development or site alteration when it is proposed in or adjacent to Type 1 or "unknown" fish habitat. Adjacent lands should be identified as those at a minimum within 120 metres of Type 1 or "unknown" fish habitat. The adjacent land for lake trout lakes at capacity should be considered to be 300 metres.
- Expand policy requiring the retention of naturally vegetated buffers adjacent to the shorelines of cold water streams to protect fish habitat. MNRF recommends it include all watercourses and waterbodies, with the following: minimum of 30 metre natural vegetated cover adjacent to warm water streams, cool water streams and cold water streams, or inland waterbodies. The MNRF Further identifies that a 15 metre buffer may be appropriate adjacent to warm water streams and a 20m buffer may be appropriate adjacent to cool water streams where no negative impacts to fish habitat can be demonstrated.
- New shoreline lots should not be created where they would their frontage is located entirely within areas of Type 1 or "unknown" fish habitat, unless a fish habitat assessment has determined that there are adequate areas that are not critical habitat where docking and other shoreline facilities can be located.

- Update policies recognizing Harp Lake and Peninsula Lake as lake trout lakes at capacity, to include specific circumstances for lot creation.
- Where development is permitted on a lake trout lake at capacity, include an additional restriction to prohibit the use of fertilizers on lawns and gardens within 300 metres of the lake.
- Policies regarding the location of shoreline structures should be included to help protect fish habitat

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