

Town of Huntsville Official Plan Review - POLICY BACKGROUND PAPER

Sustainable Natural Environment – Endangered or Threatened Species /Significant Wildlife Habitat

BACKGROUND:

- Areas that may provide endangered or threatened species habitat and other significant wildlife habitat need to be identified in order to protect them from incompatible development.
- The presence of an endangered or threatened species triggers protection under the Endangered Species Act or the federal Species at Risk Act (aquatic SAR).
- The Ministry of Natural resources and Forestry (MNR) has provided the Town with information regarding Species at Risk (SAR) which identifies the SAR that are either known to occur, or are likely to occur, along with a description of key habitats and the timing of life cycle events for each species identified.
- Currently, the following endangered bat species are either known to occur or expected to occur in the Town of Huntsville:
 - Eastern Small-footed Myotis;
 - Little Brown Myotis; and
 - Northern Myotis.
- The following threatened species are either known to occur or expected to occur in the Town of Huntsville:
 - Bank Swallow;
 - Barn Swallow;
 - Bobolink;
 - Chimney Swift;
 - Eastern Meadowlark;
 - Eastern Hog-nosed Snake;
 - Blanding’s Turtle; and
 - Branched Bartonian (plant).
- All of the above-listed species receive species protection and general habitat protection under the *Endangered Species Act*.
- No comprehensive mapping of the majority of habitat of endangered and threatened species has been completed because of the small scale nature of these habitats and the extent of privately owned lands.
- The provision for wildlife habitat is one of the primary ecological functions of natural heritage features and areas. The protection and management of wildlife habitat is fundamental to the maintenance of self-sustaining populations of wildlife and to biodiversity. The fragmentation of wildlife habitat lessens the value of habitat, and also results in the loss of wildlife related opportunities, such as recreational viewing and hunting.
- Significant wildlife habitat (SWH) is also a matter of provincial interest and is addressed in the PPS. Significant in the PPS is defined where the habitat is “ecologically important in terms of features, functions, representation or amount and contributing to the quality and diversity of an identifiable geographic area or natural heritage system”. Wildlife habitat is defined as areas where plants, animals and other organisms

live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. (e.g. seasonal concentrations of animals like deer wintering habitat or animal movement corridors)

- MNRF has made available technical details and information, both for identification and description of significant wildlife habitats. The [Natural Heritage Resource Manual](#) recommends that significant wildlife habitat be evaluated with the intent of ensuring municipal planning decisions are consistent with ensuring that new development and site alteration do not occur where they would have a negative impact on the habitat features or their ecological function.
- Habitat of Species of Special Concern and habitat of other sensitive species should also be considered as significant wildlife habitat. The following species of special concern occur or are presumed to occur:
 - Canada Warbler;
 - Eastern Wood-Pewee;
 - Olive-sided Flycatcher;
 - Peregrine Falcon ;
 - Wood Thrush;
 - Common Nighthawk;
 - Golden-winged Warbler;
 - Red-headed Woodpecker;
 - Snapping Turtle;
 - Milksnake; and
 - Eastern Ribbonsnake.
- No comprehensive wildlife habitat assessments have been completed by the MNRF, except for deer wintering habitat. Other than deer wintering areas, significant wildlife habitats are typically small-scale, such that comprehensive assessment is not feasible, particularly on privately owned lands.
- “Adjacent” lands generally are considered to be those lands within 120 metres of endangered or threatened species habitat and significant wildlife habitat, however that area could be increased based on:
 - Potential for impacts during the construction phase of the development (e.g. type of construction activity, vegetation removal, time of year [relating to wildlife species’ activities]);
 - Sensitivity of the species using the significant wildlife habitat;
 - Feasibility of protection of the identified wildlife and their habitats;
 - Potential impacts on wildlife species using the significant wildlife habitat after the development is completed (e.g. change in microclimate; increase in nutrients or contaminants; increased traffic, light, noise and predation by pets; introduction of non-native plant species; further removal of vegetation); and/or
 - Potential for mitigation of temporary and long term impacts.

POLICY CONTEXT:

Provincial Policy Statement (2014):

- 2.1.5 Development and site alteration shall not be permitted in significant wildlife habitat unless it has first been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.
- 2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- 2.1.8 Development and site alteration shall not be permitted adjacent to significant wildlife habitat unless the ecological function of the adjacent lands has first been evaluated and this evaluation has demonstrated that there will be no negative impacts on the natural features of the habitat or their ecological functions. (This does not apply to SAR.)

Muskoka Official Plan & Policy Directions Report:

- F.68, F.84, No policies speak directly to SAR or their habitats, however indirect protection is provided through F.96-97 & the protection of habitats (eg wetlands).
F-114-115
- F.3-4 Objective for the maintenance and enhancement of natural resources, including significant wildlife and fish habitat.
- F.80 In Deer wintering habitat, appropriate development controls are to be utilized to ensure development impacts are mitigated.
- F.86, Schedule G Identifies significant wildlife habitat and natural areas to be protected and managed.

First Draft - Muskoka Official Plan:

- F1.4.1 Recognizes that mapping is incomplete, and requires “an appropriate level of ecological site assessment by a qualified professional” be conducted before Planning Act decisions are made; further on it notes that an assessment is “required”. The intent of the policies are to permit development only in accordance with provincial and federal regulations.
- F1.5 Significant Wildlife Habitat site assessment may be required. Deer habitat – development should not be permitted in Stratum 1; Moose aquatic feeding areas policies restricting development.

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:

3.8 Importance of wildlife habitat recognized, significant habitat defined as deer wintering, habitats of vulnerable species, and habitat of species of conservation concern. Removal of vegetation within deer habitat should be minimized, and appropriate development control techniques applied. Assessments of potential significant wildlife habitat may be required, and development may proceed where it can be demonstrated there would be no negative impacts.

3.9 The important of endangered and threatened species habitat is recognized, there is a notation that there are "no known sites of endangered or threatened species". Development controls shall be used to protect and identify features if sites are identified.

8.15.3 Lake Vernon – minimum lot frontage in deer wintering areas shall be 90m.

CONSIDERATIONS:

- Endangered Species Act requires that planning authorities ensure that Planning Act decisions are consistent with habitat protection direction of the PPS.
- The Natural heritage Reference Manual includes a recommendation that planning authorities ensure that an appropriate level of ecological site assessment is carried out by a qualified professional, to determine the potential for habitats of endangered and threatened species before making a *Planning Act* decision.
- Defining what constitutes significant when it comes to significant wildlife habitat is the responsibility of planning authorities, whereas the determination of SAR habitat is MNRF's responsibility.
- The MNRF has now broken Deer Winter habitats into two levels, Stratum 1 and Stratum 2. Stratum 1 represents the core habitat where deer concentrate in mid-winter once snow depth generally exceeds 50 cm and deer movement is restricted. Stratum 2 habitat generally surrounds Stratum 1 habitat.
 - MNRF notes that development should not be permitted in areas mapped as winter deer habitat unless a report has been prepared by a qualified specialist demonstrating that there will be no negative impacts on the habitat features or their ecological functions as deer habitat. Generally development or site alteration should not be permitted in Stratum 1 winter deer habitat, since it would typically result in negative impacts on the dense conifer thermal cover and critical food supply

that deer require to conserve energy during severe winter periods. Development or site alteration in Stratum 2 habitat must conserve valuable conifer thermal cover, feeding areas and movement corridors.

- If development is proposed in a winter deer habitat then studies are required to confirm deer movement corridors. Movement corridors are another form of significant wildlife habit. A winter deer habitat will have corridors that the deer use during fall migration and spring dispersion. Deer use the same migration trails year after year. Corridors typically follow riparian areas, woodlots, areas of physical geography (ravines, or ridges). Continuous forest cover with an undisturbed understory provides the security that deer need for safe travel while migrating. Corridors that lead to a deer wintering yard should be unbroken by roads and residential areas. The presence of movement corridors becomes more significant closer to deer yards since progressively more deer utilize them.
- An assessment would map areas of conifer thermal cover, deciduous browse and movement corridors, determine if there are areas of Stratum 1 winter deer habitat, and fine-tune the boundaries of Stratum 2 habitat.
- MNRF recommends that species at risk mapping, including endangered and threatened species habitat, not be included in Official Plan schedules due to the sensitivity of this information.

SUMMARY:

Endangered & Threatened Species

- Maintain policy that indicates the Town's support for the protection of endangered and threatened species, however the statement in 3.9.1 that "within the Town, there are currently no known sites of endangered or threatened species" should be removed.
- Include policy indicating that new development and site alteration will not be permitted in habitat of endangered species and threatened species except in accordance with provincial and federal requirements.
- MNRF recommends including a policy stating that an appropriate level of ecological site assessment is required before development or site alteration is permitted in order to identify potential habitat of, and impacts to, endangered or threatened species.

Significant Wildlife Habitat

- Maintain current O.P. policy 3.8.1 which recognizes the value of wildlife and supports the protection of significant wildlife habitat.
- Include a policy that clearly states that development and site alteration shall not be permitted in significant wildlife habitat unless it has first been demonstrated that there will be no negative impacts on the habitat or its ecological functions.

- Include a policy that new development and site alteration will only be permitted within 120 metres of significant wildlife habitat if it has first been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Other MNRF recommendations:

- That significant habitat of species of special concern be considered a significant wildlife habitat.
- a general policy that requires ecological site assessment to identify potential significant wildlife habitat values before new planning approvals are given.
- Current O.P. policy 3.8.2 should be modified to reflect the spectrum of possible Significant Wildlife Habitat in the Town to include:
 - Seasonal concentrations of animals (e.g. deer wintering habitat, heronries, waterfowl concentration areas);
 - Rare vegetation communities and specialized habitats for wildlife;
 - Habitats of species of “Special Concern” and other significant wildlife habitat (e.g. provincially rare plants, reptiles, amphibians and birds, as well as nests of raptors such as osprey and red-shouldered hawk); and
 - Animal movement corridors
- Include a policy ensuring appropriate development controls to protect stick nest sites that are identified at the time of site assessment for birds dependent on existing stick nests.

Deer Wintering:

- Removal of all significant habitat from OP schedules other than deer wintering, and ensure that winter deer habitat identified in the O.P. is based on the most up to date information. Display both Stratum 1 and Stratum 2 habitat in the O.P.
- Include a policy that assessment, by a qualified specialist, will be required before new planning approvals are granted in or within 1.5 km of areas mapped as Stratum 2 winter deer habitat.
- Development and site alteration should not be permitted in winter deer habitat unless it has been demonstrated that there will be no negative impacts on the natural features of their ecological functions. Development and site alteration in Stratum 2 habitat must conserve valuable conifer stands, feeding areas and movement corridors.
- New lot creation in winter deer habitat areas should be restricted to single family residential uses, whereby each new lot would have a minimum lot size of 90 metres width by 90 metres depth; for

shoreline lots this should include a minimum 90 metre shoreline width. Where winter deer habitat is restricted to a narrow fringe along the lakeshore, a minimum of 120 metres of shoreline width is required for new shoreline lots. In both cases, conifer thermal cover must be protected by non-development zoning and vegetation protection controls; these controls must also be applied to deciduous browse within 30 to 50 metres of the conifer cover. Habitat assessment should be used to appropriately locate new development and site alteration (buildings, driveways, sewage disposal systems, etc.) to ensure that no negative impacts occur. Alternate lot sizes may be appropriate only if habitat assessment has indicated that winter deer habitat does not exist.

- Access roads and driveways in winter deer habitat should not be permitted in conifer thermal cover areas or in areas of deciduous browse within 30 to 50 metres of the conifer area.
- Use site plan control in winter deer habitat to minimize and control the removal of vegetation for buildings, driveways, septic systems and other types of site alteration, as well as accessory activities such as landscaping.