

ECAC working group comments on Draft Byron Pit Secondary Plan
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3.4 Habitat for Endangered and Threatened Species

This section includes the following shown in italics. From a system perspective, one study should be carried out for the entire site. The City should do it because of the lapse in time since the City did the field work at the site.

ECAC does not support substituting individual studies by each land owner instead of one comprehensive study. One reason is the time lapse between development proposals. The second is if there is a desire and commitment to address the bank swallow colony, identifying compensation if required, would be best done at the front end.

If the city does not support our recommendation, the following subsection should be revised so that it is clear that each land owner will be required to complete studies to screen, etc: As written it could be interpreted that the first study would meet the requirement to screen for SAR and no future studies (SLSR or EIS) would be required to do so.

i) Studies to screen for, confirm and delineate habitat for endangered and / or threatened species shall be completed prior to any proposed re-development of the Study Area;

Bank Swallows

The Bank Swallow nest colony appears to meet the criterion for Significant Wildlife Habitat according to **Significant Wildlife Habitat Criteria Schedules For Ecoregion 7E, January, 2015**

However, the criterion does state that “Does not include a licensed/permitted Mineral Aggregate Operation.” ECAC is given to understand the license still exists, however, **the question which must be resolved ASAP is whether or not there is still an operation.**

If it is no longer an operation, then the Schedule for 7E states “a colony identified as SWH will include a 50m radius habitat area from the peripheral nests.”

3.2.1 Natural Heritage System

2.1.5 of the Provincial Policy Statement prohibits development or site alteration in significant wildlife habitat unless it has been demonstrated that there will be **no *negative impacts on the natural features or their ecological functions.*** (highlighting ours)

The Draft section below (specifically the notion of replacement in subsection a) seems to be contrary to the PPS and must be revised.

iv) Recognizing the long history of disturbance in the Study Area has created some types of significant wildlife habitat not previously documented, opportunities to protect and enhance these features in the Study Area shall be identified through the development process.

a) For significant wildlife habitat, replacement rather than in situ protection may be considered where the feature(s) and function(s) can be provided elsewhere in the Secondary Plan area and are demonstrated, through an EIS, to provide a net gain to the Natural Heritage System, including consideration of buffers to adjacent land uses.

ECAC is supporting of the following clause. There are a variety of funding sources for alternatives for bank swallows for example. However, the City traditionally has not had the resources to identify and respond to calls for applications. It is recommended that the City work with the UTRCA which has historically been successful in identifying and responding to funding opportunities.

vi) The City is supportive of exploring opportunities to protect existing and / or create new habitat for extant endangered and/or threatened species in the context of this Secondary Plan area, in accordance with any applicable the Endangered Species Act and Aggregate Resources Act policies, and in consultation with the appropriate provincial agency(ies).

Buffers

References to buffering natural heritage features should be to the Environmental Management Guidelines rather than using the word “appropriate.”

Wetlands

Sub section 1 of 3.2.1 indicates an SLSR or EIS will be required. Subsection 2a of 3.2.1 states:

Wetland naturalization and/or creation around the margins of the Central Pond may be considered where appropriate.

What is unclear here is who would be responsible for any wetland naturalization or creation around the Central Pond when the Pond will be part of a city feature. What would compel a proponent to do this work as part of a condition of development? Only parkland dedication or cash in lieu would be required. Other than the City, who would do this work? ECAC feels this reinforces that there should be one comprehensive EIS/SLSR done by the City.

Given the time since the City collected natural heritage data for the site, it would be appropriate given the relatively small size of the site, that the City undertakes an EIS rather than leave it to a piece meal approach as each land owner moves forward with an application as stated in section 3.2.1.

iii) Protection and enhancement of natural features should be detailed as part of any future landscape and park plans associated with future development applications.

1.4.2.4 Create a Diverse and Resilient Natural Environment

Objective vi is as follows. Why would non native species be preferred over native species?

Integrate strategic plantings of large statured non-invasive trees to provide cooling, improve air quality and support outdoor activities in a context of climate change;

1.4.2.5 Sustainable Growth Management

Why non native species?

iv) Plant native trees and non-native trees and vegetation to enhance biodiversity and resilience to climate change;

In the following, why does the city need the Province in order to comply with the ESA? This section should also include “the city work with outside funders and organizations to provide compensation opportunities for loss of habitat of SAR species if there is no other opportunity to avoid or mitigate.

v) Work with the Province to ensure compliance with the Endangered Species Act as it relates to confirmed habitat for Species at Risk in the Study Area; and,

3.2.2 Protection of Significant Natural Features

It is unclear how using non native but non invasive species is beneficial.

ii) Naturalization, restoration and /or habitat creation is to integrate native and non-invasive species appropriate for the site and the target habitat(s).