

**STAFF REPORT:**

**Planning**



**REPORT TO:** Mayor and Members of Council  
**MEETING DATE:** July 6, 2009  
**REPORT NO.:** PL.09.70  
**SUBJECT:** NEP 178 09 Harmonization of the NEP with the *Endangered Species Act, 2007*  
**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

**A. Recommendations**

**THAT Council does hereby receive Planning Staff Report PL.09.70, NEP 178 09 Harmonization of the NEP with the *Endangered Species Act, 2007*; and**

**THAT Council have no objection to the Niagara Escarpment Commission harmonizing the Niagara Escarpment Plan with the *Endangered Species Act, 2007*; and**

**THAT Council direct staff to forward these comments to the County of Grey and the Niagara Escarpment Commission.**

**B. Background**

On June 1, 2009, the Planning and Building Committee considered Staff Report PL.09.60 NEP 178 09 Harmonization of the NEP with the *Endangered Species Act, 2007*, and recommended the following Resolution to Council with same being adopted by Council at its meeting of June 8, 2009:

“THAT Planning Staff review the Recommendation contained in Planning Report PL.09.60, NEP 178 09 Harmonization of the NEP with the *Endangered Species Act, 2007*, and how it would apply to the The Blue Mountains Official Plan.”

Since that time, the County of Grey Planning and Community Development Committee considered County Staff Report PDR-PCD-13-09 and adopted the following Resolution:

“That the attached Planning Report PDR-PCD-13-09 be adopted by the Planning and Community Development Committee and forwarded to the Niagara Escarpment Commission for consideration in the review of the proposed Amendment No. PC 178 09.

AND that the Planning and Community Development Committee endorse Planning Report PDR-PCD-13-09 and the comments contained therein. This Report will be forwarded to the Ministry of Natural Resources as the County of Grey comments on the Update of the *Endangered Species Act 2007* and EBR

Registry Number 010-6490-Amendments to Ontario Regulation 242/08 in response to the posting on the Environmental Registry.

And further that the County of Grey seeks to be notified of any future postings of draft regulations relating to the *Endangered Species Act 2007* (ESA) as soon as they are posted on the Environmental Registry website.”

The County Report was predicated on the basis that the end result of the Niagara Escarpment Plan Amendment (NEPA) is to harmonize the Niagara Escarpment Plan (NEP) with the updated ESA, 2007, and in most cases is not very different from what already exists within the NEP. The majority of the provisions within the Amendment are minor in nature and would not impact on the County Official Plan beyond the legislative requirements already imposed by the *Endangered Species Act, 2007*. The new provisions within the ESA, 2007, have the possibility to impact future land development, private landowners or municipal projects; however not significantly beyond what currently exists within the ESA.

With respect to the Town of The Blue Mountains Official Plan, Town Staff are of the opinion that the proposed changes are minor as presented in Staff Report PL.09.60.

Planning Services Staff recommend that Council direct staff to provide comments to the Niagara Escarpment Commission indicating that the Town has no objection to the Niagara Escarpment Commission harmonizing the Niagara Escarpment Plan with the *Endangered Species Act, 2007*. Staff are also cognizant of the fact that if the Niagara Escarpment Commission approves NEP 178 09, the Town will have to bring its Official Plan into conformity with the Niagara Escarpment Plan.

### **C. The Blue Mountains' Strategic Plan**

1. Managing growth to ensure the ongoing health and prosperity of the community.

### **D. Environmental Impacts**

The proposed Niagara Escarpment Plan does not appear to generate any significant environmental impacts that can be regulated by the Town.

### **E. Budget Impact**

Nil.

### **F. Attachments**

PL.09.60 - NEP 178 09 Harmonization of the NEP with the *Endangered Species Act, 2007*

Submitted by:

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**PREPARED BY:** Cindy Welsh, MCIP, RPP  
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#### **A. Recommendations**

**THAT Council does hereby receive Planning Staff Report PL.09.60, NEP 178 09 Harmonization of the NEP with the *Endangered Species Act, 2007*;**

**THAT Council support the initiative of the Niagara Escarpment Commission to harmonize the Niagara Escarpment Plan with the *Endangered Species Act, 2007*; and**

**THAT Council direct staff to forward these comments to the County of Grey and the Niagara Escarpment Commission.**

#### **B. Background**

On March 19, 2009, the Niagara Escarpment Commission (NEC) circulated to municipalities within the Niagara Escarpment Plan (NEP) Area the proposed Amendment to the Niagara Escarpment Plan PC 178 09 (Harmonization of NEP with the *Endangered Species Act, 2007*) for comments. The intent of the amendment is to amend the Niagara Escarpment Plan (NEP) objective, policies and definitions related to Species at Risk (SAR), Wildlife Habitat and Fish Habitat and to undertake general housekeeping matters in order to harmonize with the *Endangered Species Act, 2007*.

The *Endangered Species Act (ESA), 2007* came into force on June 30, 2008. This legislation replaces Ontario's original Endangered Species Act written in 1971. The NEP Amendment will strengthen the current policies with respect to habitat protection for SAR, while maintaining the integrity of those existing policies supporting habitat protection for general wildlife and fish species that may not be subject to the provisions of the ESA, 2007.

The ESA 2007 provides broader protection for species at risk and their habitats, greater support for volunteer stewardship efforts of private landowners, resource users, and conservation organizations, a stronger commitment to recovery of species, greater flexibility, increased fines, more effective enforcement and greater accountability, including government reporting requirements.

## The Blue Mountains Official Plan

Section 14 Niagara Escarpment Plan of the Town of the Blue Mountains Official Plan contains various references to sections of the Niagara Escarpment Plan. If the Niagara Escarpment Commission approves NEP 178 09, the Town will have to bring its Official Plan into conformity with the Niagara Escarpment Plan. This could be done at the time of the Town's Official Plan Five-year review. The sections that will have to be brought into conformity are as follows:

- Section 14.2.1 (1) (f) – amend by deleting and adding new text.
- Section 14.2.1 (1) (i) – amend by deleting and adding new text.
- Section 14.3.9 (15) – amend by deleting and adding new text.
- Section 14.3.10 Wildlife Habitat – amend the Objective by deleting and adding new text.
- Section 14.3.10 (1) – amend by deleting and adding new text.
- Section 14.3.10 (2a, b and c) – amend by deleting and adding new text.
- Section 14.3.10 (3a, b and c) - amend by adding new subsection.
- Section 14.3.11 Forest Management – amend the Objective by deleting and adding new text.
- Section 14.3.11 (2)(b) – amend by deleting and adding new text.
- Section 14.6 Definitions
  - amend *Wildlife Habitat* definition;
  - add definitions for Extirpated Species, Fish Habitat, Habitat of Endangered Species, Threatened Species, Special Concern and Extirpated Species, Habitat of Rare Species and SARO List.

The proposed Amendment to the NEP will complement and assist in facilitating the implementation of the provincial direction on SAR contained within the ESA, 2007, and bring the definitions related to SAR in line with current Ministry of Natural Resources (MNR) standards while maintaining the strength and integrity of the original NEP policies with respect to habitat protection for rare species. The changes being proposed reflect the provincial direction on SAR.

Planning Services Staff are of the opinion to offer support of the initiative of the Niagara Escarpment Commission to harmonize the Niagara Escarpment Plan with the *Endangered Species Act, 2007*. Staff are also cognisant of the fact that if the Niagara Escarpment Commission approves NEP 178 09, the Town will have to bring its Official Plan into conformity with the Niagara Escarpment Plan.

### C. The Blue Mountains' Strategic Plan

2. Managing growth to ensure the ongoing health and prosperity of the community.

### D. Environmental Impacts

The proposed Niagara Escarpment Plan does not appear to generate any significant environmental impacts that can be regulated by the Town.

## **E. Budget Impact**

Nil.

## **F. Attachments**

1. Niagara Escarpment Commission, Initial Staff Report – Proposed Niagara Escarpment Plan Amendment PC 178 09 (Harmonization of the Niagara Escarpment Plan with the *Endangered Species Act*, 2007), dated March 19, 2009.
2. Proposed Amendment to the Niagara Escarpment Plan PC 178 09 (Harmonization of the Niagara Escarpment Plan with the *Endangered Species Act*, 2007), dated March 19, 2009.
3. Species at Risk in Grey County, Ministry of Natural Resources.

Submitted by:

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