

Changes Recommended by City of Hamilton Staff to the Niagara Escarpment Plan Amendment PC 201 13 on the Endangered Species Act.

1. The Amendment should clearly identify which species it is regulating (i.e. endangered, threatened, special concern, provincially rare and extirpated).
2. Policy 2.8.1 c) relates to creating new lots. Policies 2.8.1 c) iii) and iv) should be placed in a separate policy from 2.8.1 c) as they do not relate to lot creation. These policies would be clearer if they were separated into a new policy which states, “Notwithstanding 2.8.1 c), providing no new building lot is created, a severance may be permitted...”
3. Policy 2.8.1c) iii) states that the creation of new lots within all or part of habitat of threatened or endangered species is permitted “for the purpose of enlarging existing lots”. Staff recommend that this exemption be removed.
4. Policy 2.8.2 b) should be revised to exclude references to specific species at risk (e.g. Bobolink, Barn Swallow, Butternut, Chimney Swift) since the Endangered Species Act could change and species could be added or removed over time, which would require an amendment.
5. Policy 2.8.4, relating to fish habitat should be revised to clarify the policy, as it is not clear which policies apply to endangered, threatened, special concern, rare, or extirpated fish species.
6. In Part 1.5 (1) a) ii), the habitat of endangered, threatened, special concern, and rare species has been included. Further clarification is required on why extirpated species have been excluded from this list. If extirpated species are to be included in the amendment, staff recommend that they be consistently referenced in the policies.
7. Part 3.1.2 refers to “Significant Wildlife Habitat”, so this term should be defined in the Glossary.