

From: Kilian, Martin (MNRF)
Sent: March-21-16 4:03 PM
To: McPhail, Delia; 'Katie Jane Harris'
Cc: Plosz, Catherine; Michelle Caissie; Travis, Heather; Fabac, Anita; Robichaud, Steve; Kevin Gonnson; 'Diana Vlastic'; Olah, Jennifer (MNRF); Grbinicek, Lisa (MNRF); Wynnycky, Bohdan (MNRF)
Subject: RE: 100 Sunnycroft Court ZAR 11-076

Delia:

Regarding this application, Niagara Escarpment Commission (NEC) staff previously reviewed the EIS relating to the consent applications circulated 4 years ago, but did not object to the results of the study or the applications subject to supporting comments from Conservation Halton. I appreciate your attached correspondence with Katie Jane wherein you note that an update to the EIS may be requested. NEC staff is of the opinion that such an update is necessary given the passage of time and the potential for different results as they relate to the *Endangered Species Act (ESA)* and the fulfilment of Part 2.8.1 (Wildlife Habitat) of the Niagara Escarpment Plan (NEP). However, the approach suggested to address this issue at the site Plan stage creates the risk that the zoning by-law amendment, if already approved, may represent a conflict with the *ESA* and Part 2.8.1 of the NEP. It would not be known until the conclusions of the EIS update are examined that the zoning by-law amendment is compliant with all relevant legislation. NEC staff recognizes that the appropriate review and direction has been determined with respect to the Butternut identified on site, and this is a more recent study. However, it appears that MNRF was requested to comment specifically on the Butternut Health Assessment and not on any other Species at Risk (SAR) matters. The remaining SAR matters need to be examined up front as well.

Accordingly, NEC staff recommends that an EIS update be completed and reviewed by Conservation Halton, the City, and MNRF if required prior to any decision to approve the zoning by-law amendment.

Martin Kilian, Planner
Niagara Escarpment Commission
232 Guelph St.
Georgetown Tel. 905-877-7524
St. Catharines Tel. 905-704-3917
www.escarpment.org
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