

September 12, 2022
File: 160900933 - Task 261

Attention: Malini Menon, Planner
County of Peterborough
470 Water Street
Peterborough, ON K9H 3M3
Via Email: mmenon@ptbocounty.ca

Dear Malini,

Reference: Peer Review of a Scoped Natural Heritage Evaluation – Proposed One (1) Lot Severance, 48 Hunts Line Road, Part Lot 5, Concession 12 (Harvey), Municipality of Trent Lakes, County of Peterborough

Stantec Consulting Ltd. (Stantec) was retained by Peterborough County (the County) to peer review the *Proposed One (1) Lot Severance, 48 Hunts Line Road, Part Lot 5, Concession 12 (Harvey), Municipality of Trent Lakes, County of Peterborough* (sNHE; April 2022) as prepared by Oakridge Environmental Ltd. (ORE) in support the creation of one new lot and one retained and in the County of Peterborough, Ontario. The sNHE indicated that the application covered a two-lot severance; however, one lot was outside the 120 m trigger for an sNHE, therefore was not included within the scope of this sNHE. This letter has been prepared to provide comments to Peterborough County on the sNHE and includes Stantec's opinion and comments on the following analysis:

- **Purpose and Scope of the sNHE and the Preliminary Severance Review (PSR)** – Is the purpose to conduct the sNHE clearly defined and was the scope appropriate to address the PSR and sNHE requirements?
- **Conformity to Peterborough County Official Plan (OP) Requirements, the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe (GPGGH)** – Does the application conform to Peterborough County's OP, the PPS and the GPGGH?
- **Background Review, Field Studies and Potential Impacts** – Are the field methods used and/or desktop sources consulted during the collection of baseline data appropriate to determine potential natural heritage features which could be impacted as a result of the proposed development?
- **Impact Assessment and Mitigation Measures** – Have potential pathways for environmental impacts been identified, does the sNHE propose appropriate mitigation measures to address the potential impacts, and is the analysis of residual concerns appropriate?
- **Summary** – Does Stantec agree with the conclusions of the report and what are the outstanding concerns with the sNHE?

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Stantec has conducted this peer review in keeping with the standard practice for peer reviews established under our retainer with Peterborough County. We have formed our opinions and made our comments based on a review of the documents as presented. Stantec has not conducted a site visit nor replicated the background data collection or analyses that are reported in the sNHE. The summary of background data and field results are taken at face value as presented by the authors. Where assumptions were required to interpret the results of the sNHE, we have stated our assumptions.

PURPOSE AND SCOPE OF THE SNHE AND THE PSR

The sNHE is in support of a one-lot severance from the existing legal lot of record at 48 Hunts Line Road, in the Municipality of Trent Lakes. The PSR (Appendix B of the sNHE) stated that *“The following key natural heritage features and/or key hydrologic features have been identified on or adjacent to the subject property:*

- *Wetlands*
- *Species at Risk*
- *Significant Woodlands*
- *Habitat of Endangered or Threatened Species*
- *Other key hydrologic feature (stream, pond, lake)”*

The PSR also states the following:

“After adjusting the proposed lots to the corners of the subject lands, Lot 1 is still within 120 metre of the mapped wetlands. Section 4.2.4.1 of the Growth Plan (201) states that development and site alteration, including lot creation, within 120 meters of a key hydrologic feature will require a natural heritage evaluation/hydrologic evaluation that identified a vegetation protection zone (VPZ) that is no less than 30 metres. Lot 2 appears to be located farther than 120 metres from the mapped wetlands so this severance would not require an evaluation.”

It was noted on Page 1 of the sNHE that Lot 2 has not been included in the scope of the sNHE since there is no trigger.

“A portion of the subject property is traversed by an area identified for habitat of endangered and threatened species... Species at Risk Data available to the County indicates that there have been no observations of species at risk on or adjacent to the proposed severed lots. Therefore, a Species at Risk Assessment is not required, however, species at risk screening should still be included in the NHE reference above.”

WETLANDS

Key hydrologic features (KHF) were mapped as part of the scope of the sNHE which included wetlands. No other KHFs were identified within the study area for the severance.

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SPECIES AT RISK AND SIGNIFICANT WILDLIFE HABITAT

A preliminary review of species at risk (SAR) presence and potential habitat was included in the scope of the sNHE. In addition, the sNHE considers significant wildlife habitat (SWH) in Appendix H which indicates that potential/candidate SWH is either on-site or on adjacent lands.

SIGNIFICANT WOODLANDS

It was also noted that although significant woodlands were identified in the PSR, Stantec acknowledges and agrees with ORE's statement that *"The County has not completely adopted the provincial Growth Plan requirements..., it does not adhere to the Significant Woodland requirements. It is understood that the County is drafting a Natural Heritage System (NHS), containing its own Significant Woodland requirements. Until then, the Significant Woodland evaluation and protection measures under the existing GPGGH are not applicable."*

SUMMARY

The scope of the sNHE mainly included the SAR assessment, a hydrological assessment (wetlands), an ecological land classification (ELC) and a SAR species/habitat assessment. The scope of the report is considered sufficient for a development of the scale outlined within the sNHE.

CONFORMITY TO PETERBOROUGH COUNTY OP REQUIREMENTS, THE PPS AND THE GPGGH

The sNHE provides a section on Policy Framework (Section 2) on how the relevant regulations, policies, acts affects the proposed severance (PPS, Conservation Authority [CA] regulations, the GPGGH, the Peterborough County OP and the Municipality of Trent Lakes).

The *Endangered Species Act* was discussed in Section 10.2 where ORE indicated the following: *"Avian surveys were conducted during the early morning and nocturnal periods. No Species at Risk were identified on the property during these surveys. Therefore, there are not requirements under the Endangered Species Act (ESA), Official Plans/PPS, or the Growth Plan with respect to Endangered or Threatened Species."* However, two potential concerns were identified during Stantec's review to assess conformance with the PPS and OP's requirements on ESA and SWH has been met including:

1. Some further discussion is recommended on whether Whip-poor-will or Common Nighthawk maybe on-site (see below for more context).
2. The Ministry of the Environment Conservation and Parks (MECP) has recently requested that for projects with proposed tree removal (any amount of tree removal) that an information gathering form (IGF) be filed so they can determine if SAR bat habitat is present and if a permit is needed. Stantec recommends consultation with MECP occurs if tree clearing is required.

Discussion regarding conformance with Section 4.2.4.3 of the GPGGH is provided which includes: *"The Municipality of Trent Lakes Official Plan and Growth Plan requires a 30 m setback be applied to any/all KHF's. According to the current lot layout submitted by the property owner, it should be possible to maintain the recommended 30 m VPA to the KHF's on the retained lands. Figure 7 illustrates the constraints that would be associated with the new residential lot (if approved)."*

Provided the proposed new lot meets all of the remaining municipal Planning requirements, it should be possible to move forward with the application."

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Formally, Stantec agrees with the statement. Based on the information provided, ORE concluded that the project appears to meet the policies outlined the GPGGH.

BACKGROUND REVIEW, FIELD STUDIES AND POTENTIAL IMPACTS

The data collection in support of the sNHE included a review of background material from a series of provincial public databases and species-specific data (e.g., NHIC, iNaturalist, eBird, Ontario Breeding Bird Atlas) in support of the SAR Screening. Overall, for the scope of the sNHE requirements, the desktop data collected appeared to be appropriate for this level of study to identify features and/or SARs which may be present or have habitat on-site and/or complete a preliminary review. The potential SARs in the area appears to be appropriate to what would be expected at the area.

The information was used to prepare a preliminary SAR screening for the proposed severance. Stantec agrees with ORE's assessment of potential species which could be on-site and which species has habitat which maybe impacted as result of the development.

Field surveys included two evening and two morning site visits which included ecological land classification (ELC), a wetland boundary delineation, surface water and drainage feature boundary mapping, avifauna surveys, herptile surveys and habitat-based wildlife surveys. The field survey program was conducted on July 28 and August 15 (approximately 6:00 am to 11:30 am); and on August 20 and October 6 (approximately 7:00 pm to 10:30 pm). These avifauna surveys (both nocturnal and diurnal) do not occur within the preferred timing window as indicated by the authors on page 13 (Section 7.1: "*none were conducted during the peak breeding bird period as authorization to conduct the study was not provided in mid July.*") However, surveys were completed during the appropriate time of day and appropriate conditions. Specifically, nocturnal surveys on August 20 and October 6 would not be expected to detect Whip-poor-will or Common Nighthawk as they are too late in the season. As such, more justification for the absence of these species is required. The sNHE also completed a habitat-based SAR screening and SWH to supplement the surveys to determine if suitable habitat was present on the subject property for those species identified during screening. The screening of SAR appeared combined with the survey efforts appear appropriate and Stantec agrees with the conclusions of the sNHE regarding SWH and SAR.

It was noted in Appendix D that: "*Wood Thrush (Hylocichia mustelina) is listed as "Species Concern" by SARO and is protected under the ESA.*" This is assumed to be a mistake and should have indicated that it is not protected.

The background sources that were consulted for the sNHE and the survey effort completed in support of the sNHE appears adequate to both screen for the presence of SARs and delineate the KHF on the property. Stantec has no other outstanding concerns about the methods to collect the data nor the interpretation of potential species or KHFs which may be on-site.

IMPACT ASSESSMENT AND MITIGATION MEASURES

The KHFs identified on-site included two wetlands that were delineated. The wetland north of the severance was noted to be inaccurately delineated. The proposed severance is comprised by mainly a Cultural Meadow (CUM1) and a Dry-Fresh Sugar Maple Deciduous Forest (FOD-5). ORE indicates that a 30 m VPZ is suitable for the KHFs. Stantec agrees that a 30 m buffer (VPZ) around the types of features is generally appropriate and meets the GPGGH. Stantec agrees with the author that the CUM1 is likely too small to support ground nest SAR birds that were identified during screening.

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The review of potential SAR species which could have suitable habitat on the severance appears appropriate. Stantec noted the inclusion of bats as mammal SARs which may be on-site including management options to avoid clearing of vegetation. However, there was no restricted activity period dates provided for the species identified. Stantec suggests that the author provide restricted activity dates to avoid disturbance to potential bat roosting trees to limit the potential for impacts and a violation of the ESA. Stantec assumes that would be discussed and identified during consultation with the MECP.

Overall, the mitigation measures provided in the sNHE seems appropriate for the disturbances proposed and Stantec agrees with the author that provided the mitigation measures are implemented as proposed within the sNHE, with ORE that that anticipated impacts to these features can be mitigated, based on the proposed development and that *"impacts to the NNHF/KHF and pertinent SWH identified on Figure 7 should be undetectable."*

SUMMARY

It is Stantec's opinion that the sNHE generally conducted an appropriate level of background research to identify potential SARs, wetlands, SWH, etc. which may impact the proposed development. However, some further discussion is suggested to review if habitat for Whip-poor-will and/or Common Nighthawk is located within the proposed severance and confirmation that an IGF will be filed should trees be removed on the property to allow the MECP to confirm potential impacts on SAR bats and/or if a permit is required. Otherwise, the mitigation measures appear appropriate for the proposed development to mitigate impacts. Stantec does not have any outstanding concerns with the proposed development.

CLOSURE

This peer review has been prepared as per the Contract between Peterborough County and Stantec Consulting Ltd. Should you have any questions or concerns regarding the information detailed herein, please do not hesitate to contact the undersigned.

Sincerely,

STANTEC CONSULTING LTD.

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