

March 5, 2024  
File: 160900933 - Task 299

**Attention: Malini Menon, Planner**  
County of Peterborough  
470 Water Street  
Peterborough, ON K9H 3M3  
Via Email: [mmenon@ptbocounty.ca](mailto:mmenon@ptbocounty.ca)

Dear Malini,

**Reference: Peer Review of Natural Heritage Evaluation – Northern Avenue Severances (County File No. B-73-23)**

Stantec Consulting Ltd. (Stantec) was retained to conduct a peer review of the *Natural Heritage Evaluation (NHE) – Northern Avenue Severances located at 200 Northern Avenue in the Municipality of Trent Lakes, County of Peterborough, Ontario* by GHD (December 2022) in support of a one-lot severance (County File No. B-73-23) from an existing lot of record. This letter has been prepared to provide comments to the County on the NHE and includes Stantec's opinion and comments on the following analysis:

- **Purpose and Scope of the NHE, and Conformance with the Preliminary Severance Review (PSR)** – Is the purpose to conduct the NHE clearly defined and was the scope appropriate to address the PSR and NHE requirements?
- **Conformity to the Provincial Policy Statement (PPS), the Growth Plan for the Greater Golden Horseshoe (GPGGH) and other relevant Federal, Provincial and Municipal regulations** – Does the application conform to the PPS, the GPGGH and other applicable regulations?
- **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 NHE 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 are there outstanding concerns with the NHE?

This review considered the following documents:

1. *Preliminary Severance Review* (Lot 17, Concession 11, Harvey Ward, Municipality of Trent Lakes; April 24, 2018)
2. *Natural Heritage Evaluation - Northern Avenue Severances* (GHD; December 2022)
3. *Application for Consent* (File No. B-73-23; Received August 3, 2023)

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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 NHE. 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 NHE, we have stated our assumptions.

**PURPOSE AND SCOPE OF THE NHE, AND CONFORMANCE WITH THE PSR**

The NHE is in support of a one-lot severance from the existing legal lot of record at Lot 17, Concession 11 (Harvey Ward) Township of Trent Lakes, County of Peterborough, Ontario. The PSR for the proposed severance was drafted on April 24, 2018; therefore the PSR pre-dates some of the recent publications, policies and planning requirements in the province of Ontario.

The PSR identified the property as having potential for Key Hydrologic Features (KHF; wetlands), other KHF (stream, pond, lake), potentially and Significant Woodlands. No other specific KHF or key natural heritage features (KNHF) were identified in the PSR. Specifically, the PSR stated the following key considerations and/or concerns:

- *“The severed parcel does not appear to meet the minimum lot area and frontage requirements of the (SR) zone and therefore a re-zoning or minor variance from the Municipality appears to be required.”* Please note, that although this statement is included in the PSR, Stantec did not consider this in the review of the NHE.
- *“The Natural Heritage System mapping was released by the Ministry of Natural Resources and Forestry (MNR) on February 9, 2018 and is implemented through the Growth Plan for the Greater Golden Horseshoe (GPGGH), 2017. Using the County GIS, the following key natural heritage features / key hydrologic features have been identified on or adjacent to the proposed severed parcel: wetlands and streams (see maps attached). Section 4.2.3.1 & 4.2.4.3 of the GPGGH prohibits development, including lot creation, and site alteration outside settlement areas within key natural heritage features and key hydrologic features and their related vegetation protection zone (VPZ). For key hydrologic features, fish habitat and significant woodlands, the minimum VPZ is 30 m from the outside boundary of the feature (S. 4.2.4.1(c)).”*
- *“There is also a woodland feature on the property (see map attached). The identification of the woodland as significant (or not) would need to be confirmed as part of the natural heritage evaluation.”*
- *“In accordance with Section 4.2.4.1(c), the VPZ shall be no less than 30 metres from the boundary of key hydrologic features, fish habitat, and significant woodlands.”*
- *The applicant and any prospective owners are advised that endangered threatened species exist in the area and may exist on the site. It is the responsibility of the landowner to identify endangered and threatened species and their habitat within the property prior to undertaking work, and to ensure that the work/activity will not result in negative impacts. Landowners are encouraged to consult with their local Ministry of Natural Resources district office if they have questions about the Endangered Species Act. Any sightings of a threatened or endangered species during development and construction on the property must be reported to the local MNR Species at Risk Biologist.*

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Throughout the NHE, Stantec struggled to understand what areas were assessed as part of the NHE. Section 1.2 (Location and Study Area) defines the Study Area as: *“The Study Area is located at part Lot 17 of Concession 11, Municipality of Trent Lakes in the County of Peterborough. This property is an odd shape and follows Northern Ave Road on the north and west side with Peninsula Drive on the east side. The proposed severance area in approximately 200meters north of Little Bald Lake with the retained property having some frontage on the lake. This property is in ecoregion 6E- Lake Simcoe-Rideau and falls within the Pigeon Lake-Gannon Narrows watershed.”* Also, “Subject Property” was unclearly defined. Section 1.6 (Description of Development) indicated: *“The proposal is for a one lot severance from the subject property.”* Furthermore, in section 4.2.1 (Wetlands) the NHE indicated: *“According to the most recent information from MNRF-NHIC, 2022 there are no Provincially Significant Wetlands within 120m of the Subject Project. One small wetland inclusion was identified in the central portions of the proposed severed parcel, with no other wetlands identified on the Subject property”*. There are numerous examples of discrepancies throughout the NHE regarding the use of terms like “Study Area” and “Subject Property”, “Property”, “Proposed severance(s)”, etc., which should be adequately defined and consistent throughout the NHE so the reviewer is not guessing the areas that were assessed and the conclusions that were provided. It is also recommended what “immediate vicinity” is defined as well. An EIS of this scope is recommended to have a defined Study Area that includes a 120 m buffer from the proposed severance where possible. The Natural Heritage Reference Manual (MNRF 2010) recommends that the adjacent lands are 120 m.

Please note that the determination of significance of woodlands was not included in the scope of the NHE and does not appear to meet the requirements outlined in the PSR.

Section 2.1 (General Approach) indicated: *“The boundary any wetlands on or adjacent to the property were confirmed and GPS readings taken. The focus of the site visit was on the area proposed for the two severances.”* Stantec is confused by this statement and has assumed that it is a misprint. It is also unclear at what point on the retained property that the ELC was delineated to. It would help the reviewer if the Study Area was delineated on Figure 1.

Section 2.1 (General Approach) indicated: *“If the proposed severances are constrained by the wetlands and their buffers, we will work with the client and planners on modifying those lot sizes and shapes to meet the provincial policies. The report will follow the content requirements of the Municipality of Trent Lakes Official Plan, County of Peterborough Official Plan and the 2020 Growth Plan.”* No further context was provided regarding this statement. Based on the location of the wetland and the “30 m Wetland Setback” in Figure 1, which encompasses the majority of the proposed severance, it appears that there is marginal room for a footprint of a residential property, cottage, etc.

Otherwise, a review of KHF, Species at Risk (SAR), Significant Wildlife Habitat (SWH) was included in the scope of the NHE. Overall, the purpose for the NHE was stated, and the scope of the report appeared appropriate for the one-lot proposed severance within an existing lot of record; however, as stated above, the significance of the woodland was not assessed as stated in the PSR and indicated as a requirement in Section 1.1 (Background) of the NHE.

## **CONFORMITY TO THE PPS, THE GPGGH AND OTHER RELEVANT FEDERAL, PROVINCIAL AND MUNICIPAL REGULATIONS**

Section 1.4 of the NHE provides policy context on how the regulations, policies, acts may impact the proposed development and included a description of how the application is in compliance with the PPS, GPGGH, Official Plans, the *Endangered Species Act* (ESA) 2007 and the *Migratory Birds Convention Act*,

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1994. Section 1.4.1 (Federal Legislation) discusses the *Migratory Birds Convention Act*. However, future applications are recommended to discuss conformance with the *Migratory Birds Regulations* (2022).

Please note that Section 1.4.2.3 (A Place to Grow: Growth Plan for the Greater Golden Horseshoe) of the NHE indicated the following: “*The subject property is mapped as part of the GPGGH Natural Heritage System. However, since neither the Municipality of Trent Lakes, nor Peterborough County have incorporated the NHS as part of their official plans, Section 4.2.2 of the Growth Plan does not apply to the proposed development.*”

Section 6.2.3 (A Place to Grow: Growth Plan for the Greater Golden Horseshoe) provides the following conclusion regarding the GPGGH: “*Sections 5 and 7 of this NHE would allow the development to proceed while maintaining compliance with the Growth Plan. Appropriate buffers have been applied to key hydrological features identified on the subject property.*” The designation of the wetland inclusion as a KHF under the GPGGH would provide a minimum VPZ of 30 m which would appear to cover nearly the entire proposed severance as a VPZ. Therefore, it appears that although the proposed severance may be in conformance with the GPGGH, further development may not be permitted since the “*30 m Wetland Setback*” as identified in Figure 1 does not bisect the new severance lot lines, it does leaves very little developable land available for future development. Further discussion is suggested regarding identifying the wetland inclusion as a KHF and regarding the discussion with the client and planners as identified above.

Based on the mapping and information included in the NHE and as discussed in the later sections of this peer review, it is Stantec’s opinion that the report demonstrated conformity to PPS and the GPGGH; however, if the VPZ is recognized to provincial requirements, then there may not be remaining developable areas. Some concerns with other provincial policy requirements are discussed below.

## **BACKGROUND REVIEW, FIELD STUDIES AND POTENTIAL IMPACTS**

The data collection in support of the NHE included a review of background material from a series of provincial public databases including: the Natural Heritage Information Centre (NHIC), Ontario Breeding Bird Atlas (OBBA) and the Ontario Reptile and Amphibian Atlas (ORAA) to gather a list of potential SAR and other constraints upon the property. In the absence of targeted surveys, public input databases such as the eBird and iNaturalist databases should be considered for review. Otherwise, Stantec found the list of species identified in the SAR search to be appropriate and representative to species that likely have habitat on-site.

Field investigations included a one-day visit on November 3, 2022, between 11:30 am and 12:30 pm. The scopes of the field visits were to conduct a severance review, complete vegetation assessments (ecological land classification [ELC]), detect any SAR or SAR habitat, SWH assessment and review wetland mapping.

It was noted in Section 4.1.2 (Birds) that: “*None of the species detected during GHD’s breeding bird surveys are listed as Species at Risk provincially or nationally nor as Special Concern (SARO 2021; COSEWIC 2021).*” However, a November 3 site visit should not be considered a breeding bird survey.

The dates which the surveys occurred, and the description of methodologies utilized were appropriate to complete the scope of the field program. Please note that targeted surveys were not completed as part of the scope of the fieldwork. Stantec assumes that in the absence of targeted surveys, if there is potentially SAR habitat or SWH on-site, then it is assumed to be utilized by that species unless supported by discussion regarding whether that species will be utilizing the area or not. Otherwise, the background assessment for the NHE and the survey effort completed in support of the NHE appears adequate. Findings included:

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## KEY HYDROLOGIC FEATURES

A watercourse was identified within the retained property and Section 5.2 Watercourse indicated: *“The proposed severance will be located greater than 30 meters from watercourse, with any future development being located a minimum of 60 meters from this feature.”* It is acknowledged that although there was no VPZ provided to the watercourse in Figure 1, the 30 m setback should meet provincial requirements.

There was confusion for the author on the wetland inclusion(s) located in the discussion on the ELC communities. Section 3.2.1.2 (ELC Code Descriptions) for Community 2- Dry- Fresh Popular Deciduous Forest Type (ELC Code- FOD3-1) indicated that *“The man-made wetland included red-osier dogwood (Cornus stolonifera), eastern white cedar (Thuja occidentalis) and bulbet bladder fern (Cystopteris bulbifera). A small wetland inclusion (approximately 64 m<sup>2</sup>) was identified along the eastern borders of this community. This area was historically blasted which created an inundated piece of land which in time established wetland characteristics. This community was dominated by American elm (Ulmus Americana) with other wetland species such as red-osier dogwood (Cornus sericea), bulbet bladder fern (Cystopteris bulbifera), Canada goldenrod (Solidago canadensis) and common dandelion (Taraxacum officinale).”* However, on Figure 1, the wetland inclusion was indicated to be 106 m<sup>2</sup>. Based on the wording identified in Section 3.2.1.2 and the discrepancies identified in the areas, Stantec assumes that either there are two wetland inclusions that are being described but only one is shown on Figure 1 and that the other wetland is not on the proposed severance or that the wetland inclusion is 64 m<sup>2</sup> and not the 106 m<sup>2</sup> identified on Figure 1 as discussed in Section 3.2.4 (Wetlands) since it indicated: *“No other wetlands were identified during field surveys on November 3, 2022.”* Some discussion regarding these discrepancies are recommended.

Also, Section 4.2.1 (Wetlands) *“According to the most recent information from MNRF-NHIC, 2022 there are no Provincially Significant Wetlands within 120m of the Subject Project. One small wetland inclusion was identified in the central portions of the proposed severed parcel, with no other wetlands identified on the Subject property”* Please confirm that the retained property does not contain a wetland as it is not clear on Figure 1 as not all ELC communities appear to be mapped on that Section and the limit of the Study Area for the NHE is not suitably defined.

## SPECIES AT RISK ASSESSMENT

Section 4.1.1 (Vegetation of the NHE indicated: *“GHD biologists found no plant species at risk on the subject property, both within the proposed severance.”* Stantec assumes that the second part of the sentence is a misprint and does not correspond with the first part of the sentence.

Section 4.1.2 (Birds) of the NHE indicated that *“The records of species at risk in these squares were for least bittern, which was not recorded while on site (MNRF – NHIC, 2022).”* However, as discussed, Least Bittern is unlikely to be inhabiting the site in November, therefore further discussion is suggested.

Section 4.1.2 also indicated: *“Many of these OBBA records were associated with larger natural features outside of the immediate Study Area and therefore the study area will not necessarily provide suitable habitat for these species. No species at risk were detected on site.”* Typically OBBA records do not provide that level of detail. Further discussion is recommended on why Canada Warbler and Eastern Whip-poor-will would not be considered to be on the property.

Based on the ELC codes and the type of habitat on-site Stantec agrees with the potential species which could be on-site and which species has habitat which maybe impacted as result of the development.

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## **SIGNIFICANT WILDLIFE HABITAT**

Review of SWH identified several features which may exist within the Subject Property. Stantec agrees with GHD's assessment of what potential SWH may be on-site and could potentially be impacted as the result of the proposed severance.

## **IMPACT ASSESSMENT AND MITIGATION MEASURES**

The KHF and KNHFs identified on the subject property included the wetland inclusion, candidate SWH and potential habitat of threatened or endangered species.

Section 6.2.1 (Endangered Species Act) indicated: "*No Species at risk or their habitat covered under the ESA was identified within the Study Area.*" However, this statement does not appear to be suitably supported with the lack of targeted surveys completed and/or discussion whether habitat exists within the proposed severance that could be impacted as discussed previously. Furthermore, it was noted that although Eastern Hog-nosed Snake and Blanding's Turtle were identified as SARs potentially occurring in the areas, they were not carried over to the impact assessment of the NHE and/or were there provided mitigation measures.

It was noted that (core/peak) migratory bird breeding window was different in Section 6.1.1 than it was in Section 7.1. Confirmation on the proposed mitigation window is recommended.

Stantec agrees with GHD's determination of potential impacts to SWH and with the mitigation measures provided in Section 7.0 of the NHE.

## **SUMMARY**

It is Stantec's opinion that the proposed severance may be in conformance with the PPS and GPGGH KHF some further clarification is recommended for the County to address the concerns identified during this review.

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## **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.

Regards,

**Stantec Consulting Ltd.**

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