



Severn Sound Environmental Association

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May 11, 2022

Owen Taylor, Planner
Town of Penetanguishene
10 Robert Street West,
PO Box 5009
Penetanguishene ON L9M 2G2

Dear Mr. Taylor,

**RE: Application for Consent – 1230 Sandy Bay Rd, Part Lot 14, Concession 3,
Town of Penetanguishene**

The Severn Sound Environmental Association (SSEA) has reviewed the revised Environmental Impact Study (EIS) prepared by Neil Morris, Consulting Ecologist, dated 26 April 2022, and the accompanying memorandum, dated 27 April 2022, for the subject property. The response letter for the subject property submitted by Neil Morris, dated 18 March 2022, was also referenced in the preparation of these comments.

The EIS indicates that the proposal is to create five new residential lots in addition to the one retained lot, resulting in a total of six residential lots on the subject lands.

The revised EIS was prepared to address SSEA's February 17, 2022 comments on the EIS as well as on-site discussions during the site visit conducted on April 12, 2022 by Town representatives, SSEA, and the Consulting Ecologist. The following comments on the proposal are in addition to those previously provided to the Town by SSEA.

1. The revised EIS provides dates, times and general conditions during site visits and EIS monitoring undertaken in 2019 and 2021. The previously submitted response letter indicated that the forest on the site is "*not consistent with the preferred habitat*" of Common Nighthawk or Eastern Whip-poor-will, and thus nocturnal surveys were not conducted for these species. The April 12, 2022 site visit and the revised EIS confirmed that standing water that could potentially support amphibian breeding is not present on the site.

The SSEA is satisfied that the timing and conditions during field surveys and methodology was appropriate for the types of surveys that were conducted,

including Ecological Land Classification (ELC)/vascular plant surveys, breeding bird surveys, and aquatic features/wetland surveys.

2. The revised EIS contains figures depicting the ELC mapping, candidate or Significant Wildlife Habitat (SWH) features, and a 30 m setback to the watercourse.
 - a. The revised EIS states “*The conceptual layout for the proposed lots (see Appendix B) maintains a 15 m setback from the wetland within the Property. This translates to a set-back from the watercourse itself in the range of 15 to almost 30 m*” (section 5.4) but also states that “*advancement of plans for the Property should consider all opportunities to avoid or minimize disturbance within 30 m of the watercourse*” (section 6.3.4). As noted in the April SSEA comments, in the conceptual layout, it appears that a portion of the septic beds and/or buildings, particularly on lots 2 and 3, would be within the 30 m setback from the stream. SSEA staff has reviewed the revised EIS and is satisfied with the proposed 15 metres setback to portions of the watercourse on the subject land, with larger widths to the remainder of the watercourse. SSEA recommends utilizing planning mechanisms, such as Site Plan Control and a tree preservation plan, to ensure that the vegetated area adjacent to the watercourse is maximized to the extent possible, and is retained in a natural state over the long-term (i.e., no vegetation clearing, encroachments of sheds, pools, etc.). The septic systems should be located outside of the 15 metre buffer area, as shown on the proposed lot configuration sketch.
 - b. The revised EIS states “*there are four candidate SWH categories that may be supported to some extent within the Property. These SWH functions are associated almost entirely with the retained parcel, and there are no confirmed SWH functions associated with the area of the proposed lots. As a result, no direct impacts on SWH functions are expected*” (section 5.2) and “*There is no expectation that development within the proposed lots will have any direct or indirect impacts on the retained parcel or the habitat functions therein. No impacts on SWH function are expected*” (section 6.4). While the EIS concludes that SWH will not be impacted by the current proposed development, it should be noted that any future proposed development on the retained parcel may need additional study at a later date, to address SWH, species at risk and any applicable planning policies at that time.
3. The revised EIS includes information on the coastal nature of the wetland, and confirms that its designation is not ‘significant’ and thus Provincial Policy regarding coastal wetlands does not apply; it is noted that “*Regardless of significance status, development is not proposed to occur within the wetland*” (section 6.4). The provision of this information addresses Provincial Policy regarding coastal wetlands.

4. The revised EIS references the provincial assessment of Black Ash as an Endangered species, and notes the suspended statutory protections for this species for two years. The revised EIS also states that *“Their distribution is confined to the wetland area at the back of proposed Lot 2. The site plan confines development to portions of the proposed lots that are set-back a minimum of 15 m from the wetland. There is no expectation of impacts on the Black Ash that are found within the wetland”* (section 5.1). The SSEA is satisfied with the context of this response; individuals/ property owners are responsible for ensuring that an activity being undertaken by them or for them does not contravene any applicable legislation or regulations (e.g., Endangered Species Act [ESA]); if a considerable length of time and/or change in policy occurs prior to development of the site, consideration may be needed to confirm compliance with the ESA at that time.
5. The revised EIS indicates that the proposal would result in a *“maximum possible loss of ~1 ha (or less) [of woodland, which] would not constitute a meaningful reduction of the larger block of woodland that overlaps the Property”* (section 5.5.5). If approved for development, the lots should be maintained in natural vegetation cover as much as possible over the long-term; as noted in the SSEA’s April comments, if requested, the SSEA can participate in further discussions or review related to Site Plan Control, and/or mitigation measures such as a Tree Preservation Plan to maintain tree cover and a vegetated stream buffer.
6. The revised EIS recommends that *“An Erosion and Sediment Control (ESC) Program should be developed and implemented as a standard measure for the construction phase to mitigate the potential for adverse effects on the watercourse and the wetland feature within the Gilwood property”* (section 6.3.4). The SSEA is in agreement with this as a standard mitigation measure, and as previously indicated, the SSEA may be able to offer additional comments relating to stormwater management and water quality upon request

If you have any questions, please contact the undersigned.

Sincerely,



Michelle Hudolin
Wetlands & Habitat Biologist

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