



TECHNICAL MEMORANDUM

To: Sarah B. Curcione

From: Stephanie Brady, HBES, Ecologist, Birks Natural Heritage Consultants, Inc.

Subject: Birks NHC 04-034-2021 Scoped Environmental Impact Study
284 Watson Road, Town of Penetanguishene

Date: October 12, 2021

Dear Mrs. Curcione:

Birks Natural Heritage Consultants, Inc. (Birks NHC) was retained to undertake a Scoped Environmental Impact Study (EIS) for the property described above and illustrated in the attached Figure 1. It is our understanding that you wish to sever the property in order to officially sever the two existing seasonal residential dwellings and that no site alterations are proposed as part of this application. The property is designated by the Town of Penetanguishene as 'Shoreline Area', 'Rural', and 'Environmental Protection Area' associated with the Georgian Bay Shoreline, a mapped watercourse, and portions of woodland habitat.

Birks NHC completed a site assessment on August 23, 2021, to review the existing conditions of the property and to generally characterize natural heritage features and functions with potential to occur within the property including woodland, candidate Significant Wildlife Habitat, potential habitat for Threatened and Endangered species, and fish habitat.

This Technical Memorandum is provided to support the severance application being prepared for this property which does not involve any proposed site works, including any alterations to the existing structures.



1 PURPOSE

It is our understanding that you are proposing to formally sever the property with the resulting severed lot to be accessed through an existing shared Right-of-Way from Watson Road and through the existing road Right-of-Way (Figure 1). The severance would follow the existing designated parts as shown on Figure 1. The Town of Penetanguishene has requested a Scoped EIS for the severance application due to the presence of lands designated as 'Environmental Protection' within 120m of the proposed severance. Generally, an EIS is required in support of any Planning Act applications involving a proposed development and associated site works. Notwithstanding, the creation of a new lot is considered as development as per the Provincial Policy Statement (PPS) as new lots may allow for future land use change within the resulting lot. However, it is our understanding that no site works are being proposed as part of this severance application.

The objective of the Scoped EIS will therefore be to identify and assess potential natural heritage features and functions present on the property and determine if potential ecological impacts could arise from the proposed severance.

2 POLICY FRAMEWORK

The following summarizes the planning policies and regulations related to natural heritage that apply to the proposed development.

2.1 PROVINCIAL POLICY STATEMENT (2020)

Ontario's *Planning Act*, 1990 requires that planning decisions be consistent with the Provincial Policy Statement (PPS, 2020). Section 2.1 of the PPS specifies policy related to protection of natural heritage features and functions. According to the PPS, development and site alteration shall not be permitted in significant wetlands. Further, unless it has been demonstrated that there will be no negative impact, the PPS states that development and site alteration shall not be permitted in:

- a) Significant woodlands in Ecoregions 6E; and 7E;
- b) Significant valleylands in Ecoregions 6E; and 7E;
- c) Significant wildlife habitat (SWH);
- d) Significant areas of natural and scientific interest; and
- e) Coastal wetlands in Ecoregions 5E, 6E; and 7E that are not subject to policy 2.1.4(b).

Sections 2.1.6 and 2.1.7 of the PPS state that development and site alteration is not permitted in fish habitat or habitat of Endangered and Threatened species except in accordance with federal and provincial requirements.



Section 2.1.8 extends protections of the PPS to adjacent lands, typically those within 120m of the potential impact. Section 2.1.8 states that development and site alteration shall not be permitted on adjacent lands to natural heritage features identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological function.

2.2 ENDANGERED SPECIES ACT (2007)

Ontario's *Endangered Species Act, 2007* (ESA) provides regulatory protection to Extirpated, Endangered and Threatened species listed within Ontario Regulation 230/08, prohibiting harassment, harm and/or killing of individuals and destruction of their habitats. Habitat is broadly characterized within the ESA as the area prescribed by a regulation as the habitat of the species, or an area which the species depends on, directly or indirectly, to carry on its life processes. As noted above, only species listed as Endangered or Threatened receive species and habitat protection through the ESA.

2.3 TOWN OF PENETANGUISHENE OFFICIAL PLAN (2018)

The property illustrated on Schedule A (Land Use Structure) of the Town of Penetanguishene Official Plan as 'Rural Area', 'Shoreline Area', and 'Environmental Protection Area'.

Rural Area

Lands within the Rural Area are typically unserviced or partially serviced and predominantly contain rural residential uses, including single detached dwellings and associated home occupations and home industries, as well as Mineral Extraction 103 Operations, Rural Employment uses, camps, commercial forestry, recreational hunting, small-scale agricultural uses and hobby farms, and Natural Heritage Features.

Shoreline Area

New development should respect the unique character of Shoreline Areas, which are typically comprised of single detached dwellings with private water and wastewater servicing. These uses include single detached dwellings for year-round or seasonal use. In order to maintain the unique character of Shoreline Areas, new development shall be limited to small-scale subdivisions or infilling through consent as determined by the Town. It is a policy of the Town that:

- 1. The existing character of this predominantly residential area shall be maintained;*
- 2. Existing development is appropriately serviced with water and sewage services; and*
- 3. The natural features of the shoreline area and the immediate shoreline shall be conserved and, where possible, enhanced.*



Environmental Protection Area

Penetanguishene contains a rich natural heritage system of rivers, streams, forests and natural areas. These lands have been designated as Environmental Protection Area (EP) on Schedule A and identified as an Environmental Protection Overlay (EPO) on Schedule B1 to this Plan. EP includes lands where development and site alteration are prohibited, including PSWs and Fish Habitat, for example, whereas EPO includes lands where development and site alteration may be permitted, subject to the preparation of an EIS, including Significant Woodlands, for example

3 SITE ASSESSMENT

Birks NHC staff conducted a site assessment on August 23, 2021. This assessment consisted of an inspection of the natural and maintained areas of the property, with focus on the area of the proposed severance and resulting lot and any potential natural heritage features and functions adjacent to that location. The habitat requirements of species listed as Threatened and Endangered under the ESA were considered in relation to the habitat features noted within the property limits.

3.1 SITE DESCRIPTION

The property measures approximately 3.4 hectares and is an existing lot of record which includes portions that fall within Georgian Bay (Figure 1). Two seasonal residential dwellings are present, along with various accessory buildings. Both dwellings are serviced by septic and well and are accessed via a shared driveway off Watson Road. The majority of the property contains mature forest communities, including a Dry-Fresh Oak – Hardwood Deciduous Forest and a Dry-Fresh Red Pine Naturalized Coniferous Plantation. Drainage swales are present which convey overland flow from the upland portions eventually draining into Georgian Bay. An existing road Right-of-Way is present which is regularly maintained (*i.e.*, vegetation management).

Adjacent lands (*i.e.*, within 120m) are predominantly seasonal and rural in nature. Sucker Creek is present approximately 0.85 km to the east of the property limit.

3.2 WETLANDS

There are no Provincially Significant Wetlands (PSW) mapped within the property or within 120 m of the property. The MNRF mapping identifies un-evaluated wetland within a small portion of the property in the south. This area has been characterized as an upland Dry-Fresh Red Pine Naturalized Coniferous Plantation. No wetland habitat was identified during the site assessment.

3.3 WOODLANDS

Forest communities within the property are contiguous within adjacent lands. The woodland feature is expected to be considered candidate Significant Woodland based on the criteria



provided within the Natural Heritage Reference Manual (MNR, 2010), including woodland size, woodland interior, proximity to other woodlands or habitats, and linkages. For the purpose of this assessment, woodlands mapped within the property are considered candidate Significant Woodland.

3.4 SIGNIFICANT WILDLIFE HABITAT

The Significant Wildlife Habitat Technical Guide (MNR, 2000) and Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015) were reviewed as part of this study to determine whether any portions of the Study Area would meet the criteria.

The Natural Heritage Information Centre (NHIC) maps the presence of a Mixed Wader Nesting Colony (NHIC survey grid square 17NK8762) which is further described by the Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015) as Colonially-Nesting Bird Breeding Habitat (tree/Shrubs). This function is dependable on the presence of swamp habitats which contain live or dead standing trees as well as shrubs. Habitat present within the property was not documented to contain any habitat features which could support this Significant Wildlife Habitat function.

Given the presence of woodland habitat and the Georgian Bay shoreline, candidate Significant Wildlife Habitat are likely to be present. For the purpose of this assessment (*i.e.*, no site works), field surveys were not undertaken to characterize those potential functions. However, based on the August site visit and general knowledge of the property and adjacent lands, the following functions can be expected to potentially occur within the area and are associated with the presence of woodland habitat and Georgian Bay:

- Special Concern and Rare Wildlife Species – assumed: Eastern Wood-pewee, Wood Thrush
- Bat Maternity Colonies
- Bald Eagle and Osprey Nesting, Foraging and Perching Habitat
- Woodland Area-Sensitive Bird Breeding Habitat

The assumed Significant Wildlife Habitat functions are directly associated with the presence of woodland habitat and Georgian Bay shoreline.

3.5 HABITAT OF THREATENED AND ENDANGERED SPECIES

Based on habitat use, site knowledge and data available, it was determined that potential habitat for Endangered Bat Species (Little Brown Myotis, Northern Myotis, and Tri-colored Bat), Barn Swallow (Threatened), Butternut (Endangered), and Cerulean Warbler (Threatened) may be present within the property and adjacent lands. No Butternut trees or Barn Swallow nests were identified within 50 metres of the proposed severance and retained parcel at the time of the assessment. Potential habitat for Endangered Bat Species and Cerulean Warbler is directly



associated with the large contiguous woodland feature. Deciduous forest communities are expected to provide suitable conditions including decaying trees and interior forest habitat.

3.6 FISH HABITAT

Georgian bay shoreline is present within the property limits, including within the proposed severance property which provides direct fish habitat. The shoreline substrate is predominantly sand. Two small overland drainage features were noted within the property, which convey surface water to Georgian Bay via small culverts. These drainage features are highly seasonal in nature and were dry at the time of the site assessment. Given the dry conditions, fish passage could not be determined.

Additional consideration for potential fish habitat (*i.e.*, indirect and seasonal) may be required should future applications proposed alterations to the two mapped drainage features.

4 SEVERANCE PLAN

The property is currently divided into several parts including two parts which separate the two existing seasonal dwellings. The proposed severance plan would involve a formal severance of the north-western portion of the property, which would separate the western seasonal dwelling from the rest of the property. The eastern dwelling would retain the remaining parts of the property, including the 'retained part' which includes the woodland feature. The western dwelling will be accessed via an existing driveway within the road Right-of-Way (Figure 1). It is our understanding that other than some vegetation management required for the driveway (*i.e.*, select tree removal, pruning), no site works are being proposed as part of this severance application.

The new lot measures approximately 0.75 ha and would contain portions of the shoreline (including areas of Georgian Bay 'water lot'), maintained areas with the existing seasonal dwelling, a drainage feature, as well as portions of the woodland feature.

5 IMPACT ASSESSMENT

It was determined by Birks NHC ecologists that natural heritage features and functions are present within the property and adjacent lands, including woodland, candidate Significant Wildlife Habitat, potential habitat for Threatened and Endangered Species, and fish habitat. It is our understanding that the severance application does not propose to undertake any site works and therefore no potential impacts to the identified natural heritage features will occur. Notwithstanding, the creation of a new lot is considered as development under the PPS policies, therefore impacts are evaluated on the potential for future site works within the proposed new lot.



As discussed, the proposed new lot contains portions of the shoreline (including areas of Georgian Bay 'water lot'), maintained areas with the existing seasonal dwelling, a drainage feature, as well as portions of the woodland feature. Any future development within the lot should be contained within the maintained portions in order to avoid any direct impacts to the woodland and its associated functions. Encroachments into the woodland feature or alterations to the shoreline and drainage feature may require additional assessments, including a separate EIS.

6 CLOSURE

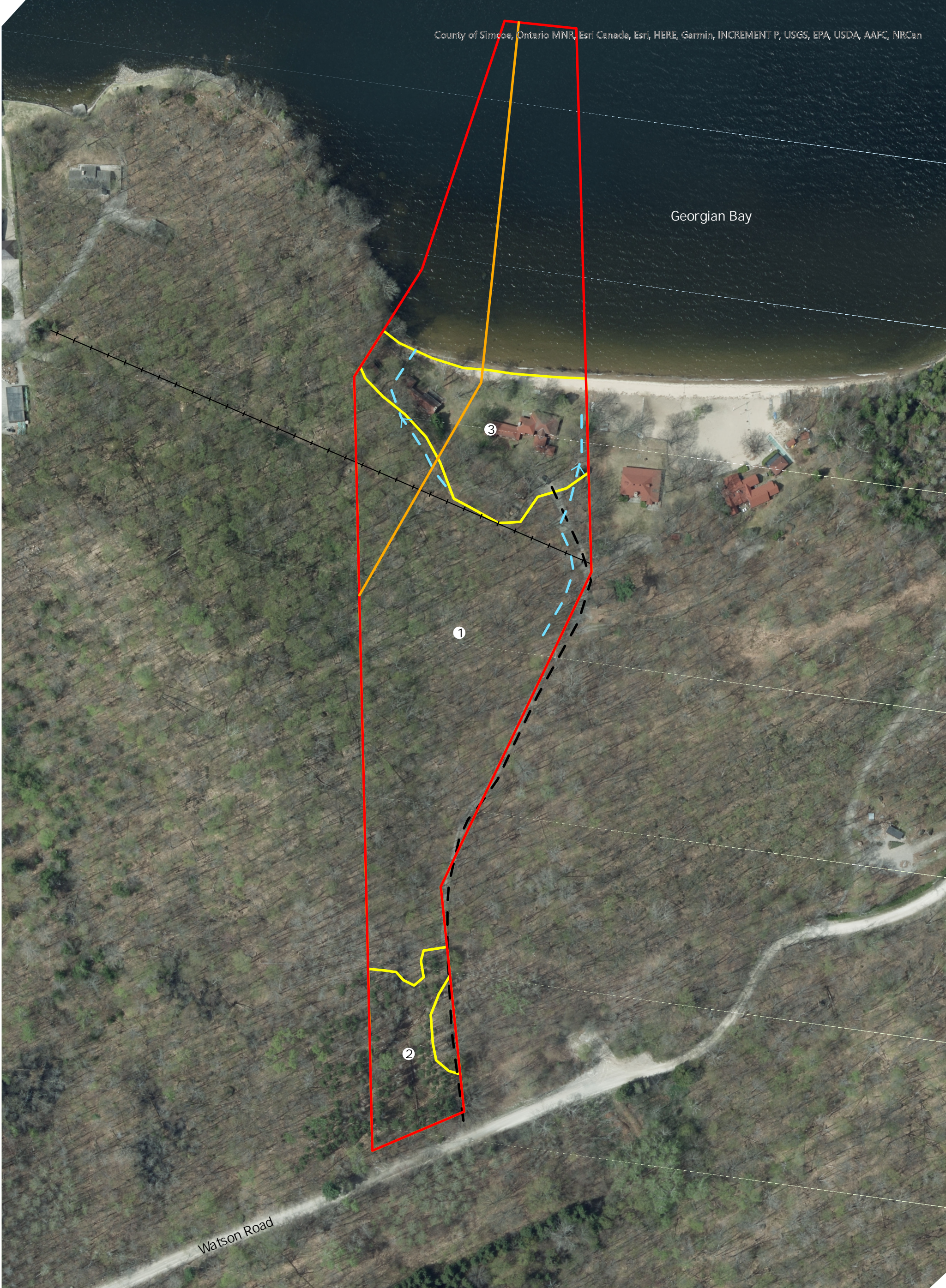
This Scoped EIS was prepared for the proposed severance of the property into two residential lots. Birks NHC completed a site assessment on August 23, 2021. Based on the site assessment, Birks NHC ecologists determined that the property and adjacent lands contain natural heritage features relating to the presence of woodland habitat and Georgian Bay shoreline. It is our understanding that no site works are currently being proposed as part of this application. Therefore, no impacts to the identified natural heritage features and functions will occur.

Given that the severed lot will contain portions of the woodland, Georgian bay shoreline, and a drainage feature, it is recommended that any future proposed site works should warrant the need for additional assessments, including a separate EIS. Overall, the proposed severance is in conformity with the planning policies and regulations related to natural heritage that apply to the property. At this time, it is the position of Birks NHC that this Scoped EIS supports the severance application.

We trust the information provided will be sufficient to meet your requirements for the property. If you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,
Birks Natural Heritage Consultants Inc.

Stephanie Brady, HBES
Ecologist



284 Watson Road

Town of Penetanguishene

Figure 1:
Existing Conditions & Proposed Severance

- Property Limit
- - - Existing Drainage Swale
- - - Existing Driveway
- +— Existing Road Right-of-Way
- Proposed Severance

Vegetation Communities

- ① FOCM6-2 Dry-Fresh Red Pine Naturalized Coniferous Plantation
- ② FODM2-4 Dry-Fresh Oak - Hardwood Deciduous Forest
- ③ Maintained Area



MAP DRAWING INFORMATION:
DATA PROVIDED BY: ESRI CANADA
MAP CREATED BY: SB
MAP CHECKED BY: BB
MAP PROJECTION: NAD 1983 UTM ZONE 17N



FILE LOCATION:
Path: C:\Users\S_Brady\Birks\NHC\Birks NHC Team for all - Documents\Project Folders\SBrady Projects\ArcGIS - Projects\here\Projects - here\WatsonRoad

PROJECT: 04-034-2021 STATUS: FINAL DATE: 12/10/2021

0 12.5 25 50 75 100 Meters