



South Bracebridge Environmental Protection Group

Correspondence:
southbracebridgeepg@gmail.com

April 9, 2019

Director of Corporate Services/Clerk, Planning & Development Department Staff, Mayor Smith, Members of Council

The Corporation of the Town of Bracebridge
 1000 Taylor Court, Bracebridge, ON P1L 1R6

VIA: Hard copy print to each council member, Mayor Smith and Planning department

RE: Muskoka Royale Development Application Objection – Third Party Peer reviews

As previously communicated to the Town of Bracebridge, the South Bracebridge Environmental Protection Group (SBEPG) formally objects to the Muskoka Royale Development application for a private school on the Subject Lands.

The purpose of this letter is to clarify a key observation from our Directors and Officers who attended the April 3, 2019 Council Meeting but were not permitted to speak or ask questions. It was quite clear from the short Planning presentation and discussion among Mayor Smith, Council and the planning staff, that you had not yet analyzed or fully digested the extensive report SBEPG provide to each of you, via email on March 31, 2019. The attached package was also included in your package Matt Holmes circulated on April 1, Council Correspondence, Section B, letter B14 from Michael Appleby and Michael Hart, on behalf of SBEPG.

This report contains the full reports from SBEPG legal counsel Thomson Rogers and ecologists Dougan & Associates. **Of particular attention is the Peer review done on the Environmental Impact Assessment and Species at Risk reports from Michalski Neilsen by Dougan and Associates ecologists** (commencing on page 12 of 23). Councilor Quemby suggested to fellow council members, Mayor Smith and the Planning leadership team, that they should consider having a peer review of the EIS done. Well this has been done at SBEPG expense and has been available to you since March 31.

One of the key findings of this peer review report is the ecologist requesting for Provincially Significant Wetlands and SWH Evaluations by done on this Subject Lands (please read the detailed report for justification).

Note SBEPG will be seeking compensation for this independent peer review of the EIS, per the Official Plan guidelines, under separate cover from our lawyers.

On Behalf of the South Bracebridge Environmental Protection Group Directors: Michael Appleby, Michael Hart, Tom Tutsch, Wendy Nicolson, Lisa Cumber, Caroline Giroday and Andrea Russell,



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South Bracebridge Environmental Protection Group

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March 31, 2019 *(as originally sent)*

Director of Corporate Services/Clerk, Planning & Development Department Staff, Mayor Smith, Members of Council
 The Corporation of the Town of Bracebridge
 1000 Taylor Court, Bracebridge, ON P1L 1R6

Attention: Matt Holmes, Manager of Planning Services

VIA email *(Attached in hard copy, April 2019)*

RE: Muskoka Royale Development Application Objection

As communicated to the Town of Bracebridge by the Stephens Bay Association formally on February 19, 2019 and in numerous communications since the public meeting on February 20, 2019, The Stephens Bay Association, in collaboration with a newly formed non-profit organization, **South Bracebridge Environmental Protection Group (SBEPG), formally object to the Muskoka Royale Development Inc. application.**

Our growing membership of concerned Bracebridge property owners oppose rezoning of the Subject Lands designated Environmental Protection Wetland One and Open Space Two, given the degradation that would result from excavation of this environmentally sensitive habitat and Stephens Bay area watershed on Lake Muskoka.

The SBEPG has retained two professional third party advisory firms to provide their professional opinion on the Muskoka Royale development application:

- A. Thomson Rogers LLB - Municipal Counsel review and analysis on whether or not the proposed official plan and zoning bylaw amendments are consistent with the Provincial Policy Statement 2014 (the "PPS"); particularly Section 2, which deals with the protection of natural heritage features and areas
- B. Dougan & Associates - Ecologist Analysis / Peer Review of Developer's Environmental Impact Assessment Study (EIS) and Species at Risk Report (SAR)

There are **numerous violations of policy and other significant omissions in the developer's submissions that were identified, and which require consideration before Council may reach a conclusion on the proposed development(s).**

Our professional services firms found that **the proposal as it stands violates the Provincial Policy Statement, as well as the Official Plan Policies for the District of Muskoka and the Town of Bracebridge.**

While the full arguments are attached to this covering letter, the top nine (9) issues with the development proposal that were identified by our professional advisory firms based on their preliminary fact-based reviews are:

1. **Field investigations are insufficient and/or too old to establish current baseline conditions and identification of all potential significant species and features that may be present on the site.** For example, detailed investigations for species and habitat indicators of some Significant Wildlife Habitat and Species at Risk have not been completed. Gaps in the baseline information at this stage result in uncertainty with regard to the occurrence and location of all significant features, and thus precludes the ability to conclude that the proposed development(s) will have no negative impact to natural features, on and adjacent to the site.
2. **The status of wetlands is not identified appropriately as they have not been evaluated.** The developer's consultant indicates throughout the EIS that the wetlands on the site are not Provincially Significant. **However, it is vital to recognize that these wetlands have simply not been evaluated and that at this stage in planning, a wetland evaluation should be undertaken** following the Ontario Wetland Evaluation System to determine the appropriate status. Alternatively, based on the assumed presence of Species at Risk habitat (e.g. Blanding's Turtle), the status of wetlands on the site should be assumed to be Provincially Significant. This status has important implications for minimum buffer widths and other mitigation strategies that are recommended in the EIS and would affect the proposed boundaries of school precincts that are adjacent to wetland features.
3. **The evaluation of Significant Wildlife Habitat is not complete.** There are two components to this: First, as noted in the initial point, additional field investigations and/or interpretation of existing data is required to confirm the type and extent of all Significant Wildlife Habitat types that are present on the site. Second, where

Significant Wildlife Habitat has been confirmed on the site, the habitat units should be clearly mapped and the impact assessment should be updated. As an example, the boundary of confirmed Amphibian Breeding Habitat should be mapped following the definition for woodland type (currently it is identified as wetland type). The woodland habitat definition includes wooded areas that are within 230 m of the confirmed breeding habitat. For some of the precincts, the proposed development areas would encroach the upland component of the habitat type and thus constitutes a negative impact to Significant Wildlife Habitat; these impacts should be identified and addressed in the EIS.

- 4. The proposed Official Plan and Zoning Bylaw Amendments do not accord with the Provincial Policy Statement 2014.**
- 5. Approval of the revised amendments is premature, as the EIS does not include any assessment of the proposed educational pavilions.**
- 6. MNRF's conclusion regarding impact on species at risk is entirely misplaced, as it relies on a report that failed to undertake field investigations to inventory wildlife.**
- 7. The proposed official plan amendment does not consider the deer wintering area on the site.**
- 8. The amendments fail to provide a maximum number of users of the site.**
- 9. The proposal is significantly different from the original proposal, thereby requiring further close review and a second public meeting.**

The SBEPG had an extremely short notice period to review the Town of Bracebridge Planning Report, MRC application and other related documents that are directly related to the Planning & Development Committee (Environment and Official Plan focused).

The SBEPG formally requests the Town Planning & Development Department, Town Council, Mayor and other Town and District of Muskoka staff review these issues raised by Thomson Rogers and the Ecological peer review of the Michalski Nielsen Environmental Impact Assessment prior to voting on any approval of the development application.

Furthermore, we hereby request a second public meeting to allow Council and the Committee to discuss what we view as a significantly altered proposal.

The attachments to this submission contain the full reports from legal counsel Thomson Rogers and ecologists Dougan & Associates.

On Behalf of the South Bracebridge Environmental Protection Group Directors: Michael Appleby, Michael Hart, Tom Tutsch, Wendy Nicolson, Lisa Cumber, Caroline Giroday and Andrea Russell,



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South Bracebridge Environmental Protection Group

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A. Thomson Rogers Barristers and Solicitors. Municipal & Planning Law: Legal Summary of Development and Planning Issues

1. The proposed Official Plan and Zoning Bylaw Amendments do not accord with the Provincial Policy Statement 2014

As Town of Bracebridge Council is well aware, Provincial Policy Statement 2014 (the "PPS"), and particularly Section 2, deals with the protection of natural heritage features and areas. In considering whether to approve the proposed amendments to the Town's official plan and the zoning bylaw, Council must ensure that its decision is consistent with the PPS (see Section 3(5)(a) of the *Planning Act*). In addition to ensuring consistency with the PPS, Council shall have regard to matters of provincial interest, such as the protection of ecological systems, including natural areas, features and functions (See Section 2(a) of the *Planning Act*). The proposed amendments must also conform to the District Official Plan and the Town's Official Plan (except for those portions of the Town's Official Plan that are proposed to be amended).

The Applicant's Environmental Impact Study ("EIS") does not contain a clear and unequivocal statement confirming that there will be no negative impacts on the natural heritage features and areas located on or adjacent to the subject site, or, their ecological functions. PPS Policies 2.1.5 and 2.1.8 explicitly prohibit development in and adjacent to *significant wildlife habitat* (which is considered a *natural heritage area* pursuant to the PPS), "unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions." The term "negative impacts" is defined in the PPS as meaning degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration.

The EIS, when it does address Significant Wildlife Habitat ("SWH") turns the tables by indicating that it is ultimately up to the planning authorities to identify SWH; it also blithely concedes that detailed identification and designation has not been completed in the District or the Town. As a result, the EIS report only considers "candidate" SWH, and leaves it up to the municipality to reach definitive conclusions regarding the presence of SWH on its own. The report identifies a number of potential SWH, including a deer wintering area, bat maternity colonies, turtle wintering areas, waterfowl nesting area, and amphibian breeding habitat.

While the language in the EIS suggests that the proposed multiple developments will not cause negative impacts to SWH, there is no categorical statement to that effect--- and with good reason: no such statement can yet be made, given the failure to assess whether negative impacts will in fact flow from the proposed development. The Planning Justification Report fails to provide a clear and unequivocal opinion with respect to there being no negative impacts on natural heritage features and areas, including SWH. Page 21 of the report states that "assessments of the land have been carried out to confirm there will be no negative impacts," but this discussion pertains only to slope constraints and

Building Hazard Areas, not natural heritage areas, such as SWH. *Council, in carrying out its duty to conduct a full assessment of this proposal, simply must demand that an environmental impact study contain a concluding opinion regarding this vital issue.*

As a result, SBEPG argues that there is no professional opinion before Town Council as to whether or not the proposed multi-development will have no negative impacts. Without that opinion, the proposed amendments do not satisfy the requirements in PPS Policies 2.1.5 and 2.1.8, and, we argue, are therefore inconsistent with the PPS.

SBEPG also notes with great concern that while staff have made revisions to the draft official plan and zoning bylaw amendments, ***the Staff Report does not make any reference to PPS Policies 2.1.5 and 2.1.8 and does not confirm that staff are satisfied that there will be no negative impacts to natural heritage features.*** Notwithstanding, at paragraph 75.7 staff concludes that the proposal is consistent with the PPS. *This is quite frankly a shockingly irresponsible conclusion.*

2. Approval of the revised amendments is premature, as the EIS does not include any assessment of the proposed educational pavilions

SBEPG further argues that approval of the amendments is premature, since the educational pavilions that MRC is proposing have not been dealt with in the EIS. The Staff Report itself notes at Paragraph 59 that the educational pavilions that MRC is proposing have not been dealt with in the EIS and that an updated EIS is required. As such, an updated EIS is clearly required before Council can make any decisions regarding this matter. *Further analysis is evidently required to determine whether the amendments that are necessary to permit the proposed development are consistent with the PPS.*

3. MNRF's conclusion regarding impact on species at risk is entirely misplaced, as it relies on a report that failed to undertake extensive field investigations

The MNRF states that if the MRC follows the recommendations in the EIS, the project will "reach avoidance of any negative impacts to [species at risk] or their habitat". The Ministry reaches this conclusion in recognition of the fact that an Environmental Assessment of the subject site was completed in relation to the West Transport Corridor. That study was completed in 2005. *However, the reliance by MNRF on that 2005 report is entirely misplaced, as that report explicitly notes that it did not undertake any field investigations to inventory wildlife.* Page 54 of that report states:

Wildlife

Field investigations to inventory wildlife were not undertaken because the aim of the Class EA is to locate a transportation corridor that will not be built for some time. As the Study Area is entirely within the footprint of the Town of Bracebridge, it is reasonable to expect that disturbance to the existing forest will occur due to development pressure, which will create an impact to sensitive species that likely occur here but will disappear with urbanization.

4. The proposed official plan amendment does not consider the deer wintering area on the site.

The official plan amendment that is proposed also flagrantly omits the deer wintering area that exists on the southwest corner of the subject site. The language and mapping should be amended to capture the deer wintering area, in keeping with the adopted, but not yet approved, new District Official Plan (OPA 47). Similarly, the proposed zoning amendment needs to be revised to ensure that the deer wintering area is protected. Currently, the proposed zoning designates this area OS1-8, which would permit the installation of a storm water management facility in the deer wintering area. This omission is a further indication that the environmental features of the subject site have not been seriously considered in the official plan amendments in question.

5. The amendments fail to provide a maximum number of users of the site.

Neither the proposed official plan amendment, nor the proposed zoning bylaw provide a maximum number of pupils/staff for the site. The zoning bylaw also fails to quantify the maximum number of Dwelling Units that are permitted. There is no guidance or direction in the existing zoning by-law with respect to the development of a "Dormitory" use (i.e... there are no set standards or requirements). *This further omission from the amendments leaves open a significant loophole allowing for potentially unregulated growth in the proposed development and its number of users and requires immediate rectification.*

6. The proposal is significantly different from the original proposal, thereby requiring further close review and a second public meeting

Ultimately, it is clear that the new amendments have revised the original proposal to such an extent that the current proposal is significantly different from the original. As such, SBEPG and the many other concerned members of the District require further time to explore the potential ramifications of these amendments, particularly in terms of environmental impact. For all of the above reasons, it is evident that this proposal requires a second public meeting such that these omissions can be discussed and addressed by the Committee and local taxpayers and concerned citizens.

The SBEPG hereby gives notice that it intends to request a second public meeting from the Town Clerk in the coming days.

- B. Dougan & Associates Ecological Consulting: Peer review of the site investigations, policy interpretation, impact assessment, and management recommendations that are presented in the Environmental Impact Study (EIS) prepared by Michalski Nielsen Associates Ltd. (the consultant) August 2018 and Species at Risk Assessment published October 2018 for the proposed Muskoka Royale College development project in Bracebridge, Ontario.**



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March 29th, 2019

South Bracebridge Environmental Protection Group

RE: Peer Review of Environmental Impact Study Muskoka Royale College (September 2018) and Endangered Species Assessment (October 2018) by Michalski Nielsen Associates Ltd.

Dear Mr. Hart:

Please find enclosed a summary of our peer review of the site investigations, policy interpretation, impact assessment, and management recommendations that are presented in the September 2018 Environmental Impact Study (EIS) and the October 2018 Species at Risk Assessment report prepared by Michalski Nielsen Associates Ltd. (the consultant) for the proposed Muskoka Royale College development project in Bracebridge, Ontario. As noted in the introduction to the Species at Risk report, the content provided therein is included in the EIS report. Therefore, findings that are relevant to Species at Risk apply to both the EIS and the Species at Risk Assessment reports.

In general, the peer review includes an overview of the studies completed, adequacy of the methodologies used, ecological interpretation of findings, policy interpretation of findings, proposed works, impact assessment, and management recommendations. This involved review the EIS and Species at Risk Assessment to determine the following items:

- that appropriate background review was undertaken to characterize the site;
- that the appropriate type and effort of site investigations were undertaken to address gaps in knowledge and confirm site conditions
- that all potential land-use development constraint types have been identified based on existing data and field investigations
- the degree to which proposed management recommendations and mitigation strategies are likely to avoid and/or reduce impacts
- whether the information and findings presented in the EIS are sufficient to conclude that relevant natural heritage policy requirements associated with potential environmental impacts have been satisfied

The peer review was led by Steve Hill and supported by Ian Richards, Christina Myrdal, Kristen Beauchamp, Carl-Adam Wegenschimmel, and Cam Portt (C.Portt and Associates).

Additionally, a site visit was conducted by Steve Hill on March 28th, 2019 to review areas of the site where public access is available. This included areas along Stephens Bay Road, wooded areas along the north section of the property, and areas associated with Henry Marsh on the Trans Canada Trail.

South Bracebridge Environmental Protection Group

To address the above items, the peer review is structured based on the organization of the EIS. This includes providing comments based on the following chapters and appendices:

1. Introduction
2. Methods
3. Biophysical Resources
4. Constraint Analysis
5. Environmental Policy Context
6. Comments and Recommendations on Development
7. Appendices

Overall, our conclusion is that the EIS provides a reasonable overview of the ecological characteristics of the area, identifies some but not all key species and habitat types that are present and require protection, identifies some impacts associated with the proposed development plan, and presents a strategy to address potential impacts through buffers and mitigation approaches that will be identified at a future date, presumably during detail design of the school precincts and road network.

Based on the review of the EIS, there are several gaps that have been identified and require consideration before reaching the conclusion that the proposed development(s) will have no negative impact on significant natural features on and adjacent to the site.

Based on the review of the EIS and Species at Risk assessment, it is our position that the proposed development(s) would not be in conformity with the Provincial Policy Statement (2014) and Official Plan Policies for the District of Muskoka and Town of Bracebridge. The primary reasons supporting this position include:

1. Field investigations are insufficient and/or too old to establish current baseline conditions and identification of all potential significant species and features that may be present on the site. For example, detailed investigations for species and habitat indicators of some Significant Wildlife Habitat and Species at Risk have not been completed. Gaps in the baseline information at this stage result in uncertainty with regard to the occurrence and location of all significant features, and thus precludes the ability to conclude that the proposed development(s) will have no negative impact to natural features, on and adjacent to the site.
2. The status of wetlands is not identified appropriately. The consultant indicates throughout the EIS that the wetlands on the site are not Provincially Significant. It should be recognized that the wetlands on the site are unevaluated and that at this stage in planning, a wetland evaluation should be undertaken following the Ontario Wetland Evaluation System to determine the appropriate status. Alternatively, based on the assumed presence of Species at Risk habitat (e.g. Blanding's Turtle), the status of wetlands on the site should be assumed to be Provincially Significant. This status has important implications for minimum buffer widths and other mitigation strategies that are recommended in the EIS and would affect the proposed boundaries of school precincts that are adjacent to wetland features.
3. The evaluation of Significant Wildlife Habitat is not complete. There are two components to this: First, as noted in the initial point, additional field investigations and/or interpretation of existing data is required to confirm the type and extent of all Significant Wildlife Habitat types that are present on the site. Second, where Significant Wildlife Habitat has been confirmed on the site, the habitat units should be clearly mapped and the impact assessment should be updated. As an example, the boundary of confirmed Amphibian Breeding Habitat should be mapped following

the definition for woodland type (currently it is identified as wetland type). The woodland habitat definition includes wooded areas that are within 230 m of the confirmed breeding habitat. For some of the precincts, the proposed development areas would encroach the upland component of the habitat type and thus constitutes a negative impact to Significant Wildlife Habitat; these impacts should be identified and addressed in the EIS.

In addition to the foregoing, specific comments related to these points and others are documented in the appended list of comments provided below.

Should you have any questions regarding our peer review, comments, and interpretations, please do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'S Hill', is positioned above the typed name.

Steve Hill, PhD

Ecologist, Director, Dougan & Associates Ecological Consulting & Design; shill@dougan.ca

REVIEW AND COMMENTS

Introduction

1. The introduction to the EIS provides a good overview of the subject property, the proposed development application, and historical context to the work that has been completed on the property.

Methods

1. Several data sets were used to form the basis of the vegetation characterization, some are considered historic. It is unclear where more recent surveys were completed. It is unlikely based on the number of field days listed in 2018 (one in late fall and one in late spring-early summer), that the entire study area was re-surveyed to the detail required to capture all potential rare vegetation and vegetation communities. This means there is a potential for rare or sensitive vegetation species not listed in the species list to occur within the development footprint. If this is the case, the development will result in impacts that have not currently been identified in the EIS.
2. Survey methodology for vegetation community delineation is unclear and confusing. Along with providing data from various survey periods, a mix of classification types was used. The consultant does acknowledge that the site is located in a transition area where different classification systems are relevant, however using a mix of classification types obscures analysis of wildlife habitat type, which is an important consideration for determining the type and extent of Significant Wildlife Habitat following Ecoregion 5E criteria.
3. The consultant indicates that “additional fieldwork in intervening years” took place, however it is not clear what studies were completed and the extent of coverage that was undertaken. Given that this data was used, in part, to characterize the site and rationalize environmental constraints, the survey types, targeted species, and dates should be provided in this section to ensure that survey windows were appropriate for targeted species.
4. While it is noted that MNRFC was consulted regarding Species at Risk, having the associated correspondences appended to the EIS is required to confirm any relevant information related to Species at Risk occurrences. The rationale for foregoing targeted surveys for SAR (e.g. Blanding’s Turtle, Eastern Hog-nosed Snake, Least Bittern, Massasauga rattlesnake) should be provided.
5. Survey effort (i.e. person-hours) and location of surveys (i.e. point count/area search locations) for all surveys completed should be clearly documented and provided spatially on a map. Field data sheets for amphibian and breeding bird surveys should be provided for review. Without this information, a comprehensive review and validation of the findings cannot be completed.
6. The survey methodology presented in Section 2.3.5 for Eastern Whip-poor-will was undertaken following standard protocols, and an adequate assessment of bat habitat was provided in Section 2.3.6 for Precinct areas A, B, C, and D.
7. Section 2.3.1 notes that local Official Plan documents (Town of Bracebridge and District of Muskoka) were reviewed, however, there is no discussion of relevant policies and

associated site implications. In addition, the most recent version of the Town of Bracebridge OP should be referenced, instead of the 2006 version.

8. There is no reference to the Significant Wildlife Habitat Mitigation Support Tool. Where necessary, this document provides direction on approaches and best management practices to mitigate negative impacts to potential SWH.
9. There is little detail provided with respect to the fisheries background review and the field assessment methods and results. For example, the fish sampling locations and dates that contributed to the Table at the bottom of page 42 are not provided. There is no information on what sections of the watercourses were examined during field visits or the site-specific basis for concluding that fish do not have access to some of the intermittent streams.

Biophysical Resources

Physical Setting

1. The consultant has provided an accurate and concise description of existing geology, physiography, soils and regional scale vegetation characteristics from background information.

Vegetation Characteristics

1. As noted previously, the use of various vegetation classification systems makes it difficult to interpret vegetation community mapping as described in Section 3.2.2 and presented in Figure 4. To ensure transparency for reviewers, providing a unique identifier for each polygon would help to clarify the location, general characteristics and location-specific characteristics of the features in the study area. Additionally, there is no legend in Figure 4 that documents the associated vegetation community codes/types.
2. There appears to be missing data (i.e. vegetation community codes) for several vegetation units presented in Figure 4. This includes areas surrounding Henry Marsh, forested areas north of Precinct C, and the small valley east of Precinct C. Given the potential ecological sensitivities associated with these areas and the proximity of Precinct C, it is important to have documentation of the associated vegetation and wildlife habitat types to determine if impacts are likely and/or if mitigation is required.
3. The community mapped as CUW may actually be a CUS (Cultural Savannah), as it is described as having 10-30% canopy cover.
4. Wetlands on the subject lands have been referred to as unevaluated, and therefore not Provincially Significant (PSW). This is an incorrect statement, as an OWES (Ontario Wetland Evaluation System) evaluation, to our knowledge, has not been completed for the subject wetlands or confirmed with MNRF. It is also unclear whether the limits of the wetland have been demarcated and confirmed with MNRF. It is recommended that wetlands should be delineated in-situ and evaluated per OWES with MNRF involvement in order to determine their significance. Per the OWES manual for Northern Ontario, the presence of breeding habitat for one (1) Species at Risk (which is possible in this case based on potential habitat for Blanding's Turtle or Eastern Hog-nosed Snake), would qualify a wetland as PSW. If determined to be

Provincially Significant, this could have implications on required minimum buffer sizes and other mitigation measures.

5. Section 3.2.3 (pg. 25) notes that one (1) S3 plant species and four (4) locally / regionally rare plant species were recorded but no locational information is provided. Following the Ecoregion 5E SWH Criteria, habitat for species of conservation concern (which includes species that have a provincial status of S3 and/or are locally/regionally rare). Without clear documentation of where these species and/or their habitat occur precludes the ability to determine if SWH is likely to be impacted and whether or not mitigation is required.
6. Based on a review of plant species documented in the study area presented in Appendix A, there are over 40 plant species that have high Coefficient of Conservatism scores (ranging from 7 to 10). As these species are indicative of high-quality habitats their location relative to vegetation community polygons should be identified. Discussion should be presented on where these species are located, and if the associated vegetation community types would be affected by the proposed development.

Wildlife and Wildlife Habitat

1. Observations and habitat of Species at Risk and other significant species (e.g. area sensitive) should be mapped. Not knowing where these species occur precludes the ability to determine the extent of potential impacts associated with the proposed development, and/or whether proposed mitigation strategies are sufficient to address potential impacts.
2. Figure 2 shows the location of breeding amphibian survey stations but does not include labels; this makes it difficult to confirm the location of species that are documented in Table 2. Most of the wetland areas that are expected to be impacted by the proposed development were surveyed, however, some features were missed (for example, surveys were not conducted for the wetland feature bordering the south boundary of Precinct A). Additionally, salamander surveys for species such as Northern Two-lined Salamander and/or Four-toed Salamander were not undertaken.
3. Bat surveys have been conducted thoroughly for precincts A, B, C, and D, but other SWH categories that are likely to be present in the study area and require an assessment and/or should be addressed in the EIS include:
 - Cervid Movement Corridors;
 - Mineral Licks;
 - Furbearer Movement Corridors;
 - Denning Sites for Mink, Otter, Marten, Fisher and Eastern Wolf;
 - Seeps and Springs; and
 - Mast Producing Areas
4. We are in agreement with the 14 listed SAR in Section 3.3.4 may occur in the area. Other species may also occur, for example, occurrences of Canada Warbler are located in the Henry Marsh area.

5. Table 3 identifies Category 2 habitat for Blanding's Turtle, as the sightings were within 2 km of the site. There would however also be Category 3 habitat (30 to 250 m) around Category 2 habitat. Although habitat preserved for the species seems reasonable based on ELC, etc. it would be ideal to review habitat mapping to determine the extent to which the proposed development areas overlap with Category 3 habitat areas.
6. Given that Massasauga and/or Eastern Hog-nosed Snake may also occur in the area and that targeted surveys were not undertaken, a similar approach used for identifying Blanding's Turtle habitat is required to determine the extent of potential impacts to habitat for these Species at Risk.
7. The proposed mitigation measures for other turtle species, such as Snapping Turtle, are reasonable.
8. The assessment for the habitat of Endangered bats presented in Section 3.3.5 is comprehensive and applies to Precincts A, B, C, and D. Habitat presumably exists in areas associated with Precinct E as well and therefore a similar habitat assessment should be undertaken. The consultant does indicate that the identification of precinct E was established after the surveys were undertaken and that the forest structure is similar to that in the area of precinct C.
9. The conclusions regarding Stratum II Deer Yarding Areas on page 37 and 38 are reasonable; the area directly affected by Precinct B represents only a small percentage (< 2%) of the overall mapped habitat. Input from the MNRF and/or District would be required to determine if the rationale presented in the EIS is acceptable as there are no specific mitigation actions presented to address the removal of habitat.
10. Interpretation of the three Candidate categories presented in Other Seasonal Concentration Areas (pg. 38) is reasonable. However, surveys for snake hibernacula may find that this habitat type is present in areas proposed to be developed. Confirming this SWH is important as hibernacula can sometimes be rare on the landscape and, if present, they should be preserved or compensated for. It is recommended that additional site investigations for this habitat type be scoped within proposed development areas.
11. The occurrence of Broad Winged Hawk and Barred Owl were confirmed in the EIS however, no stick nests or territorial behaviour were observed. Nesting habitat for these species would be difficult to observe at the time of year when the Breeding Bird Surveys were only done in June. Furthermore, territorial behaviour by males or pairs is more obvious in April and May so perhaps wouldn't be noted in June. It is recommended that early season surveys should be scoped in and adjacent to areas where development is proposed (i.e. all precincts and proposed road alignments) to determine if nesting habitat for these species is present and whether or not impacts are likely to occur.
12. The locations identified as Turtle/Lizard Nesting areas are consistent with the associated vegetation classification types in areas associated with Precinct D and E. There is potential for this habitat type to be present in areas south of Precinct A which is not discussed. For clarity, the location of these habitat areas should be mapped to

allow for complete evaluation of potential impacts and associated mitigation strategies.

13. The EIS confirms that wetlands on the property meet criteria for confirmed SWH Amphibian Breeding Habitat (Wetlands) (pg. 38-40). The specific location of where this habitat occurs, however, is vague (i.e. it is noted in the EIS that that habitat could include all wetlands west of development Precinct C, which includes most of the wetland feature on the property). In addition to the confirmed wetland breeding habitat, an evaluation of SWH Amphibian Breeding Habitat (Woodlands) needs to be considered as the confirmed breeding area are all within 120 m of forested habitat. As the SWH criteria for woodland breeding habitat defined in the Ecoregion 5E schedules includes breeding areas plus the wooded habitat within 230 m, this will have important implications for fully documenting the impacts associated with the proposed development. For clarity, the location of these habitat areas should be mapped to allow for complete evaluation of potential impacts and associated mitigation strategies.
14. The EIS only provides a cursory overview of SWH related to Species of Conservation Concern. Additional information is required for species that are designated as Special Concern and/or rare. This includes, for example, occurrences and habitat for Eastern Wood-Pewee, Wood Thrush, Snapping Turtle, and Old Woodland Bluegrass (*Poa saltuensis*). Without clear documentation of where these species and/or their habitat occur precludes the ability to determine if SWH is likely to be impacted and whether or not mitigation is required.
15. The EIS does not consider the Rare Vegetation Communities category of SWH, which would include Rare Forest Type (G051) where old growth forest characteristics are present.
16. The location of animal movement corridors for amphibians and deer should be mapped to determine where proposed development areas and the associated road networks may have impacts.

Fisheries and Aquatic Habitat

1. The information provided for fish habitat is dated and there is no data provided to document field investigations that took place in 2018. There is no reference as to whether or not conditions at the site have changed between the late 1990s and 2018.
2. The statement that on-line ponds created by either beaver or man's activities have a negative impact of fisheries is open to debate; beaver ponds are a natural component of small streams in these types of landscapes.

Constraint Analysis

1. As previously mentioned, wetlands on site have not been evaluated per OWES for Northern Ontario, or delineated in consultation with the MNRF. It is highly likely that if one wetland is evaluated and determined to be PSW, all wetlands on the site would be complexed into the PSW due to their proximity (<750 m apart) and/or connectivity. Based on the OWES Northern Manual, the presence of breeding habitat for Endangered and Threatened species within a wetland would be sufficient to designate a wetland as Provincially Significant based on scoring under the Special

Features section. Migration, feeding or hibernation habitat for these species also increases the score count towards PSW, as does the presence of other provincially, locally and regionally significant species. Wetlands that add significant value to a larger area of significant winter habitat (e.g., wetlands within a large deer yard) also increase the significance value towards PSW. Therefore, given the assumption that Blanding's Turtle habitat is present on site, it should follow that wetlands, where this habitat is present, would be assessed as Provincially Significant.

2. Although Significant Wildlife Habitat types associated with wetland areas are discussed, constraints associated with other SWH types such as Rare Vegetation Communities and Species of Conservation Concern are not. This has important implications for evaluating the full extent of negative impacts to SWH that may occur in areas that occur outside of the identified wetlands areas and proposed buffers.
3. As noted previously, the exclusion of mapping that documents the location of SWH features precludes the ability to assess potential impacts and evaluate if proposed mitigation strategies are appropriate. Figure 6 would be an appropriate map to show Candidate or Confirmed SWH and identify whether or not they constitute a high or moderate constraint.
4. The Environmental Protection Areas (EPAs) identified in Figure 7 show that wetland features on the property will be protected and with the proposed buffer areas are anticipated to mitigate impacts to the species and habitats that are present within, including Species at Risk that are potentially present (e.g. Blanding's Turtle, Eastern Hog-nosed Snake, Massasauga, Least Bittern). As well, the EPAs will protect some areas that have been described as containing various SWH types. Including other areas that contain candidate or confirmed SWH as an element in Figure 7 would allow for transparent evaluation of potential impacts associated with the proposed precincts and associated internal road networks.
5. It appears that watercourses that are most likely to provide fish habitat have been protected by avoiding direct alteration and maintaining buffers.

Environmental Policy Context

1. In addition to the relevant PPS policies identified in this section, the EIS should provide an overview of how these relate to those outlined in the District of Muskoka and Town of Bracebridge Official Plans, respectively. Additionally, other environmental policies that may be relevant to the subject lands include those within the Fisheries Act (2015), Species at Risk Act (2002), Migratory Bird Conservation Act (1994), and Clean Water Act (2006).
2. The EIS indicates that there are no Provincially Significant Wetlands within the property. As noted in a previous comment, there should also be documentation as to whether or not this is the outcome of wetlands being unevaluated. Additionally, following the assumption based on statements that wetlands on the property provide habitat for Blanding's Turtle, it follows that wetlands should be assumed to be Provincially Significant.
3. As noted on page 53, documentation and evaluation of Significant Wildlife Habitat is less straightforward. The EIS indicates that decisions regarding SWH are under the jurisdiction/discretion of the responsible planning authority and notes that identifying

these areas is typically not undertaken by planning authorities outside of large urban areas. Recognizing this, the MNR have prepared Ecoregional-scale criteria that provides unambiguous direction and criteria for most SWH types, not all of which have been considered in the EIS report. The EIS does list various SWH types that are present and have been considered, and that values and potential values have been appropriately considered in the development plans. We disagree with this conclusion. Consideration of other SWH that are likely present on the subject property (for example, the upland areas of woodland Amphibian Breeding Habitat and habitat of Species of Conservation Concern) should be addressed.

4. Development is proposed within Rare Vegetation Communities (G051) considered to be SWH if old growth forest elements are present. Further assessment of this SWH category is recommended, particularly in areas where steep slopes existing, and historical forest clearing may not have taken place.

Comments and Recommendations on Development

1. Section 6.1.1 of the EIS concludes that, subject to a series of best management measures and mitigation strategies to be identified at a future date, the intensity and scale of the development is appropriate for the site, and that habitat for endangered and threatened species, and significant wildlife habitat will be protected in the long-run. This statement is difficult to reconcile given that habitat areas for these groups of species have not been identified explicitly, and that other SWH types are likely to be present and overlap with the proposed precinct areas.
2. Section 6.1.2 discusses aspects of the construction and design of internal roads. Although a high-level overview of the proposed internal road network is provided, there is no summary of potential direct or indirect impacts associated with its construction and/or on-going use during post-development. A series of best management practices should be present at this stage, along with identification of locations where specific mitigation approaches and/or designs may be required to minimize impacts on wildlife movement. Recommendations for salt and other contaminant management should be provided. Additionally, given that the internal road network will build on the approved highway 118 bypass, this section should also include consideration of cumulative impacts that are likely to occur.
3. Section 6.1.3 provides an overview of considerations for management approaches associated with construction phasing. In addition to the recommendations provided, a general summary of additional site investigations that will be required should be listed, as well, if compensation/enhancement is considered as part of the broader strategy to address impacts, a general summary of approaches that can be undertaken during future work should be identified.
4. Section 6.1.4 provides an overview of considerations for stormwater management. The general direction is that additional work is to be done for each precinct by the project biologist and engineer to ensure design and implementation of a stormwater management strategy is appropriate for the physical setting of each area. What is missing is a detailed account of environmental sensitivities that may be affected by stormwater management within and adjacent to each precinct. Of particular importance will be ensuring outflows for each of the stormwater ponds do not directly or indirectly impact downstream features. Consideration should also be given to the cumulative impact of changes in surface runoff and stormwater runoff for intermittent

streams, permanent streams, and online wetlands. If precinct-specific recommendations are needed, they should be identified at this stage.

5. Section 6.2.1 and Figure 9a document the development type and impacts associated with Precinct A. Figure 9a shows Precinct A encroaching into the forest type G051. As this forest type is listed as candidate SWH where old growth is present, confirmation of the age structure of the forested areas in this location should be confirmed. Additional site investigations to determine the vegetation type, drainage, and/or presence of amphibian habitat in the wetland feature to the south (MS1) should be conducted to determine potential SWH for Amphibian Breeding Habitat (woodland type). Based on the proposed footprint of development for Precinct A, it's not clear that the full extent of the precinct boundary is required (e.g. areas south of the internal road, and forested areas in the northwest and northeast) and may result in unnecessary clearing. Opportunities to reduce the size of the precinct boundary should be considered.
6. Section 6.2.2 and Figure 9b document the development type and impacts associated with Precinct B. Figure 9b and Section 6.2.2 note that for Precinct B "an average buffer of at least 30 m will be retained along this wetland (with the buffer perhaps being as little as 20 m through one small section)." Areas where buffers are <30 m should be clearly documented. Based on the recommendation that wetlands should be evaluated to confirm whether or not they are PSW, a minimum 30 m buffers may be required. As noted in previous comments, the MNRF and District should be consulted to determine the feasibility of encroaching into the identified Deer Wintering Area. Based on the proposed footprint of development for Precinct B, it's not clear that the full extent of the precinct boundary is required (e.g. the east and southeast areas) and may result in unnecessary clearing. Opportunities to reduce the size of the precinct boundary should be considered.
7. Section 6.2.3 and Figure 9c document the development type and impacts associated with Precinct C. Concerns with regard to documentation of various SWH habitat types apply to this area. Additional site investigations have been recommended to document the vegetation and habitat types and potential impacts for areas to the east and south of the precinct associated with the small valley system. The internal road used to access this precinct will result in direct alteration of a series of intermittent drainage features (without fish habitat) that feed directly into an intermittent drainage feature with forage fish habitat; this would not require a Fisheries Act authorization if there is no harm to fish or fish habitat, but specific mitigation recommendations should be provided for this area. Based on the proposed footprint of development for Precinct C, it's not clear that the full extent of the precinct boundary is required (for example, areas to the south that encroach on a rock barren area) and may result in unnecessary clearing. Opportunities to reduce the size of the precinct boundary should be considered.
8. Section 6.2.4 and Figure 9d document the development type and impacts associated with Precinct D. The proposed development of this precinct occurs on the most culturally influenced area of the subject lands. The features are generally open, with cultural woodlands and plantations identified. The footprint of the proposed buildings are set back from the adjacent wetland by 15 m. Consideration should be given as to whether 15 m buffers are the appropriate minimum given the potential for Blanding's Turtle and/or other species that would result in the wetland be classified as a

Provincially Significant Wetland. The other important considerations for this precinct are where the internal road network encroaches wetland and watercourses. As noted in the EIS, the project biologist will work with the project engineer to ensure the crossings allow for wildlife movement. Based on the proposed footprint of development for Precinct D, it's not clear that the full extent of the precinct boundary is required (for example, areas to the southeast that encroach a mixed forest and rock barren) and may result in unnecessary clearing. Opportunities to reduce the size of the precinct boundary should be considered.

9. Section 6.2.5 and Figure 9e document the development type and impacts associated with Precinct E. As discussed in the EIS, there is a proposed 15 m wetland setback between the edge of the Precinct and the TS1 wetland boundary, and that there are "absolutely no concerns" with the development of this precinct. This statement is premature, as wetlands may need to be evaluated to confirm whether or not they are PSW and minimum 30 m buffers may be required to mitigate impacts, SWH for Amphibian Breeding Habitat (Woodland type) may apply, and bat habitat surveys were not conducted. Site investigations and assessment updates should be provided for this area to identify potential impacts and ensure the proposed mitigation strategy is appropriate. Additionally, this precinct results in the need for crossing a wetland and stream system and clearing of woodland within 15m of a wetland for three residence buildings. Although the need to identify an alternative site for these residences is discussed under Section 6.2.4 (Precinct D), additional consideration should be given to expanding areas of Precinct D into cultural features on either side of the proposed Highway 118 bypass, which may help to avoid the need for Precinct E and associated impacts. Should the plan proceed with Precinct E as a preferred option, it's not clear that the full extent of the precinct boundary is required (for example, areas to the north that border the Trans Canada Trail) and may result in unnecessary clearing. Opportunities to reduce the size of the precinct boundary should be considered.
10. Details and direction for a monitoring plan should be included in the EIS. Emphasis should be placed on ensuring the effectiveness of mitigation actions used to avoid and/or minimize the risk of impacts. Consideration should also be given to the need for encroachment and invasive species monitoring to identify impacts that may arise from an increased human occupation of the land. Additionally, a long-term monitoring plan should be implemented for Henry Marsh given the high-quality ecological characteristics that are supported.

Appendices

1. Appendix A: Vegetation records were not linked to geographic location. Please provide a plant list by polygon or vegetation community type. Also please add a legend and reference list.