

South Bracebridge Environmental Protection Group Inc.

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November 22, 2019

Director of Corporate Services/Clerk
Planning & Development Department Staff
The Corporation of the Town of Bracebridge
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VIA EMAIL

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Andrew Struthers, Macaulay Ward Councillor and Muskoka Watershed Council member
Town of Bracebridge

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RE: Summary of the Hutchison Environmental Sciences Ltd Peer Review of the EIS prepared for the Muskoka Royale development in the Town of Bracebridge.

Dear Lori,

On behalf of the South Bracebridge Environmental Protection Group Inc. (SBEPG), please accept the attached for review by Council and Staff in their consideration of the Muskoka Royale Development application. This was conducted by the same environmental firm that conducted the first (of two YTD) EIS Peer Reviews in April 2019, by Dougan & Associates Ecological Consultants.

This summary of the Town's Peer Review by Hutchinson Environmental confirms many of the same gaps and inadequacies in its review of the 2018 Environmental Impact Study (EIS) and by reference the 2005 EA. The absence of key information and sound

methodology highlights the failures of the EIS and certainly calls into question the validity of any Ministry opinion(s) based on the 2005 EA.

Under the Planning Act, the Provincial Policy Statement protects significant wetlands from development and site alteration and puts the onus on the Proponent to provide sufficient information necessary to understand that harm will not be done to the environment, species at risk and significant wildlife habitats. We understand that recent changes to the District of Muskoka PPS, require the town to conduct an Ontario Wetland Assessment on the Subject Lands. To our previous request in June 2019 to the Town and our current understanding this has not been completed.

In light of these issues, we believe that this represents a clear call to re-examine any zoning approvals and amendments to the Official Plan that relied on these reports to support its decision.

We appreciate the opportunity to share this analysis and would welcome any of your comments or questions.

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

Kind regards,



Michael Appleby
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September 26th, 2019

Mr. Michael Hart
South Bracebridge Environmental Protection Group
1344 Stephens Bay Road
Bracebridge, ON, P1L1X2

Dear Mr. Hart:

RE Summary of the Hutchison Environmental Sciences Ltd Peer Review of the EIS prepared for the Muskoka Royale development in the Town of Bracebridge.

Dougan & Associates (D&A) was given approval by the South Bracebridge Environmental Protection Group (SBEPG) on July 27th, 2019 to review the Hutchison Environmental Sciences Ltd (HESL) peer review of the Environmental Impact Study prepared by Michalski Nielsen and Associates (MNA) for the Muskoka Royale development proposal in the Town of Bracebridge.

The Town of Bracebridge commissioned Hutchinson Environmental Sciences Ltd (HESL) to undertake a peer review of the Michalski Nielsen and Associates (MNA) EIS for the Muskoka Royale Development on April 23rd. HESL submitted a draft peer review to Town staff on May 12th, 2019 which was followed by a meeting with Town staff, District Staff, HESL, and the applicants planning and environmental representation on May 17th, 2019.

There were two important outcomes of the May 17th meeting that are identified in the Council Correspondence from July 10th, 2019. This includes:

- 1) Town staff provided direction to exclude a review of the Species at Risk as part of the peer review scope, as per direction from the District, the Ministry of Natural Resources and Forestry (at the time) were the responsible authority and had provided a review and assessment of Species at Risk.
- 2) MNA committed to providing existing supplemental information to HESL to address some of the comments in the draft peer review.

Subsequent to the meeting, MNA provided a Clarification and Supplementary Technical Information document that was received by Town staff on May 30th, 2019; the content of the MNA supplemental report was included in the final peer review, which was submitted to the Town on July 4th, 2019.

As noted in the Council Correspondence from July 10th, there are a number of outstanding matters that are identified in the HESL peer review that will need to be addressed by the applicant's environmental consultant. To help clarify the outcome and implications of the peer review process, supplemental information provided by MNA, and the peer review recommendations for the SBEPG, the scope of D&A's review and summary includes:

- Summary and interpretation of the recommendations provided in the peer review
- Summary and interpretation of Michalski Nielsen's initial responses to the draft peer review
- Implications of the recommendations for the proposed plan
- Anticipated actions/follow-up by Michalski Nielsen (particularly fieldwork type and timelines)
- Other requested input/clarification from the SBEPG group

Hutchinson Environmental Sciences Ltd Peer Review Summary

The scope of the HESL peer review focused on determining whether the three environmental reports:

1. Contain sufficient information on the natural environment of the area (including detailed documentation of natural features, ecological functions, and natural and human-made hazards, environmental sensitivities and constraints, and potential impacts of the proposed development on these features, functions, and hazards.
2. Use the correct methodologies to gather information (e.g., that follow industry standards and apply appropriate scientific approaches).
3. Make sound conclusions and recommendations, based on the best available information, so that the development proposal avoids negative impacts on significant natural heritage features and their ecological functions and conforms with applicable environmental policies and legislation.

HESL's final evaluation indicated that none of the three peer review objectives were satisfied. The points raised by HESL included:

- Adequate information on vernal pools and deer wintering habitat is lacking,
- Survey effort for amphibians and deer wintering habitat is not sufficient to characterize these natural heritage components.
- Additional information is required on natural heritage features (vernal pools and deer wintering habitat) to inform the impact assessment.
- Buffer width is not justified with respect to the natural features and functions to be protected and supported by specific recommendations from peer-reviewed studies.

Overall, D&A is in agreement with the HESL findings and conclusions that additional information and analysis is required at this stage of the development approval process, and should be updated as a means to inform the appropriate re-zoning applications for the Official Plan Amendment.

In addition to the HESL recommendations, D&A also strongly encourages that a systems-based approach (e.g the Ontario Wetland Evaluation System) be used to evaluate the provincial status, characteristics,

and functions of wetlands on the subject property to ensure the appropriate policy, protection, and mitigation recommendations are considered and applied. This is particularly relevant given that:

- 1) The wetlands on the subject property are part of a larger connected complex of wetlands within the associated Muskoka River Watershed sub-catchment located in the southwest area of the Town.
- 2) Approximately 60% of the Muskoka River Watershed sub-catchment to which the wetlands on the subject property belong is within the Town's urban centre lands; therefore, there is a high potential for localized and cumulative negative impacts to the features and functions of the larger wetland complex.
- 3) The wetlands and the adjacent upland areas on the subject property are known to provide important ecological functions such as Significant Wildlife Habitat and have potential to support Species at Risk habitat.
- 4) Some of the smaller wetland features (e.g. vernal pools and associated wetland areas) on the subject property that were not mapped as constraints as part of the EIS reporting, but were identified in the supplemental information, have potential to be included in a wetland evaluation as complexed features; they also may support Significant Wildlife Habitat.

The following provides a summary of the specific HESL recommendations. The specific HESL recommendations have been paraphrased, a summary for each recommendation is provided, and D&A comments have been included to identify where there is agreement and/or additional consideration that may be required.

Recommendation 1: Clarify the total development footprint

HESL identified discrepancies in the relative area affected by the proposed development based on the concept plan used in the EIS compared to the concept plan provided by Snyder Architects. The EIS identified that the full build-out of the development would only occupy 15% of the subject lands, whereas the concept from Snyder Architects would occupy 25% of the subject lands. Additionally, it was noted that the area of impact did not account for land-uses that would consume more area such as the internal roadway or the other infrastructure requirements (e.g. sanitary sewers, watermains, and stormwater management ponds). The original recommendation asked for clarification on how the footprint of development is calculated and that the area of internal roads and infrastructure should be included.

The revised concept provided by MNA (May 28th, 2019) showed a smaller footprint of the impacted area within each precinct based on 10m of vegetation cleared around buildings, roadways, parking areas, and playing fields. HESL identified that the revised concept provided by MNA does not occupy the entire total developable area indicated in the Snyder Associates Inc development concept.

HESL identified that the initial response provided by MNA does not adequately address the original recommendation as there is still uncertainty to the full extent of land that would be cleared for the proposed development, internal roadways, and other supporting infrastructure.

As part of the revised EIS, HESL has requested that the amount of cleared area (and the associated percent footprint) at full build-out be provided.

D&A comment: D&A supports the recommendation that the extent of vegetation removal at full build-out for each precinct be provided; this should include the extent of areas that are expected to be impacted by the proposed road network.

Recommendation 2: Map and provide a thorough assessment of the potential impacts and mitigation measure for all components of the proposed development

HESL's original recommendation identified that the impact assessment focuses on potential impacts and mitigation associated with the development of buildings within the five precincts, but does not address impacts associated with the internal roadways and other necessary infrastructure (i.e. sanitary sewers, watermains, and stormwater ponds).

MNA identified that individual Site Plans will be required for each phase of development; as part of the process of completing the Site Plans, an EIS will be required to address impacts associated with the proposed development and servicing requirements.

HESL considers this recommendation resolved.

D&A comment: D&A supports the requirement for an EIS for individual Site Plan applications. D&A would request that specific mention is made in the current EIS that emphasizes the need for a Terms of Reference to be prepared for each Site Plan EIS, and based on current knowledge, identify key elements of the proposed Terms of Reference that will need to be addressed for each proposed Precinct.

Recommendation 3: Confirm that an impact assessment will be conducted for individual Site Plans based or base the projected impacts on the 'full build-out' of each precinct area.

This comment relates back to HESL's recommendation 1 and was not addressed during the meeting between HESL and MNA, and/or as part of the supplemental information provided by MNA.

D&A comment: D&A supports HESL's recommendation to clarify that anticipated full build-out for each of the proposed Precinct areas be addressed (i.e. will site clearing and vegetation removal be based on anticipated set-backs from proposed buildings or roads, or will it be allowed for the full area of the proposed Precincts?).

Recommendation 4: Justify how a 15 m buffer has been proposed around most of the wetlands and watercourses will adequately protect the natural features and functions that are present. Clarify the primary function of the proposed buffer and how the protection functions will be achieved given the site conditions. That a minimum 30 m buffer be established around wetlands and watercourses.

This recommendation has not been addressed. HESL has recommended that a minimum 30 m buffer be placed around all wetlands and watercourses and that if small buffers (e.g. 15 m) are to be applied, that an ecological justification is required.

D&A comment: D&A supports HESL's recommendation that a minimum 30 m buffer be applied around all wetlands as part of the OPA application and this be recognized within the conceptual draft plan. Additionally, D&A supports HESL's recommendation that if reduced buffers are to be applied during the Site Plan stage, there should be a clear ecological justification provided for the reduction.

Recommendation 5: Clarify whether buffers will extend into development precincts and, if so, how they will be preserved as vegetated areas despite the potential for future development within the rezoned precinct areas. Recommend that all buffers be zoned as Environmental Protection to avoid encroachment of development in the future.

HESL maintained their recommendation that all buffers be zoned as Environmental Protection and that the EIS be updated to reflect this.

D&A comment: D&A supports the recommendation that all buffer areas (including those that are identified based on updates to fieldwork and analysis, e.g. around vernal pools, to protect Significant Wildlife Habitat, etc) be zoned as Environmental Protection, and where necessary shown within the proposed Precinct areas on the conceptual draft plan used for the OPA.

Recommendation 6: Provide recommendations on alternative routing and mitigation measures for the internal road that is proposed to pass through the swamp south of Precinct D.

MNA responded to this comment that the location of the road and servicing will be reviewed during the preparation of the Site Plan for Precinct D. As noted in the MNA supplemental report, there may be an option to route the temporary access road north of the wetland feature to avoid direct impacts. HESL recommended that this requirement be included in the updated EIS to ensure that alternative options for the proposed road alignment be considered.

D&A comment: D&A supports HESL's recommendation to include information provided in MNA's supplemental report that identifies an alternative alignment for the temporary road. In addition to this, however, clarification is required with regard to the nuances of the policy context of the temporary access roads that are included in the conceptual draft plan. As noted in the MNA supplemental report, the alignment in the area of Precinct D follows the District's future bypass road. However, the temporary access roads for the proposed development would precede the development of the bypass road, resulting in direct impacts to an unevaluated wetland feature. Although MNA indicated that the ultimate alignment of the access road for Precinct D can be addressed through the Site Plan process, it would be

prudent at this time to consider the alternative access road options and present them on the respective figures in a revised EIS.

Recommendation 7: Clarify the route of the access road into Precinct D relative to the 15 m buffer that is proposed for an adjacent wetland feature.

In addition to the direct encroachment of a wetland feature for the access road for Precinct D (identified in Recommendation 6), the access road also encroaches the buffer area for another wetland located to the north. The supplemental report from MNA did not address this recommendation.

D&A comment: D&A supports the recommendation to clarify the rationale and impacts associated with the proposed road alignment in this area.

Recommendation 8: Provide a table summarizing the field survey effort.

HESL identified concerns with the methods used to survey for amphibians. Following standard protocols, typically three surveys are required to ensure amphibian species that call at different times throughout the spring are detected (if present). Only one amphibian survey was documented in the EIS methods.

D&A comment: This point was raised in D&A's initial review of the EIS. Additionally, D&A identified that salamander surveys were not completed; the presence of salamander species would have implications for defining the extent of Significant Wildlife Habitat in the upland areas adjacent to confirmed breeding ponds, should they be present. D&A supports HESL's recommendation to provide a table summarizing the field survey effort of all work completed on the site relevant to the EIS, including new surveys that have been conducted.

Recommendation 9: Additional amphibian surveys should be completed, and follow the Marsh Monitoring Program protocols and/or that in the absence of surveys a conservative approach should be used to assume the presence of the appropriate Significant Wildlife Habitat type.

HESL identified that the location of amphibian breeding habitat is not presented in the EIS and that it should be included to properly identify potential constraints (e.g. wetlands, vernal pools) and the intervening habitat that is required for movement corridors among breeding habitat and upland foraging habitat.

D&A comment: HESL comments and recommendations are consistent with those identified in D&A's review of the EIS. In addition to the recommendation to conduct more amphibian surveys, the appropriate Significant Wildlife Habitat designations should be applied. For example breeding ponds should be identified as Amphibian Breeding Habitat Woodland type, which requires consideration of upland woodland/forest areas that are within 230m of the breeding habitat. D&A would anticipate that the revised EIS should include an assessment of this SWH type, potential impacts, and proposed avoidance/mitigation strategies.

Recommendation 10: Update the figure that shows the location of amphibian surveys in the revised EIS.

HESL identified the need to update the Figure 2 (to show the location of existing surveys) and that other surveys are required for the eastern areas of the subject lands (i.e. adjacent to Precincts A and C).

D&A comment: D&A agrees with HESL's recommendations. Consistent with comments provided on the EIS, D&A also recommend that surveys be conducted for salamander species that may use the wetlands and vernal ponds as breeding habitat, and the adjacent upland areas as foraging habitat.

Recommendation 11: Clarify why surveys for amphibians/amphibian habitat were not conducted in the eastern half of the subject lands.

HESL was able to visit these areas (i.e. associated with Precinct C and D) as part of the site walk with MNA; they determined that amphibian habitat is not present in these areas, and therefore considered Recommendation 11 resolved.

D&A comment: Consistent with D&A's initial review, D&A recommend that additional amphibian surveys be included; this includes calling amphibian surveys and salamander surveys (for example for the wetland feature south of Precinct A in the original EIS and development area B in the supplemental report). D&A supports the updated recommendation that amphibian surveys aren't required where breeding habitat is not present on the eastern areas of the subject lands.

Recommendation 12: Map all vernal pool complexes and identify them as high constraint areas. Provide an assessment of Significant Wildlife Habitat for identified vernal pools. Justify the buffers applied to vernal pools.

HESL recognized that additional surveys of vernal pools are being completed during 2019, and that the results of this work and assessment will be used to inform the location and detail design of facilities within Precincts A and B. HESL recommended that vernal pools that provide amphibian habitat should be located outside of the proposed development footprint, with a minimum 30 m buffer around them.

D&A comment: This is consistent with D&A's general recommendation with regard to amphibian habitat present on the subject property, that the appropriate assessment should be undertaken, and, that based on these outcomes, appropriate mitigation approaches recommended. Additional surveys may be required in 2020 if surveys were not conducted during April 2019. Additionally, any vernal pool areas that support wetlands communities should be considered from a systems perspective, and potentially complexed with other wetlands features that are present on and adjacent to the subject property.

Recommendation 13: Clarification with regard to methods used for breeding bird surveys, the location of surveys, and justification of why wetland habitats were not included.

HESL's original comment identified that details regarding breeding bird surveys were missing from the EIS. MNA provided supplemental information on the methods used (e.g. wandering transects) and that the focus was on upland areas, as wetlands were already identified as a high constraint. Additionally, mapping was provided to clarify the location of Whip-poor-will surveys. With the updated information provided, HESL considered this recommendation resolved.

D&A comment: The additional information provided in the supplemental report is appreciated. Notwithstanding, if areas adjacent to wetlands weren't surveyed, it would be prudent to conduct surveys in these areas where the presence of habitat for species such as Canada Warbler would have implications for Significant Wildlife Habitat.

Recommendation 14: Surveys for Common Nighthawk should be undertaken in suitable habitat within the subject property.

HESL recognized that Common Nighthawk has the potential to be present and using habitats on the subject property. As this species is Special Concern, if present, would have implications for the assessment and determination of Significant Wildlife Habitat. As part of the supplemental information provided by MNA, they have indicated that Common Nighthawk surveys (as well as additional Whip-poor-will surveys) will be conducted in 2019.

D&A comment: D&A supports HESL's recommendation and MNA's decision to conducted additional surveys for these species to determine if they are present, and to update the EIS with the results of the 2019 surveys and assessment.

Recommendation 15: Clarify the survey methodology and location of deer wintering habitat.

HESL requested additional information with regard to the methods used to survey deer wintering areas (e.g. was the approach systematic or based on incidental observations?), and the locations that were surveyed. MNA provided additional details with regard to the methods used and the locations visited as part of their supplemental report. HESL recommended that the supplemental information be incorporated into the revised EIS.

D&A comments: D&A supports HESL's recommendation to include the supplemental information provided by MNA in the revised EIS.

Recommendation 16: Provide data collected for the deer habitat surveys and justify why a single targeted survey is sufficient. Evaluate potential movement corridors linking deer wintering habitat and discuss potential impacts of the proposed development. Additional information be collected following MNRF's Deer Habitat Assessment 101, and that this be included in a revised version of the EIS.

HESL identified that substantial portions of Precincts A and B are located within the MNRF defined Stratum II deer wintering habitat. HESL has requested that additional information be collected following the Province's deer habitat assessment guidelines and that this information should be incorporated into a revised EIS, including assessment of movement corridors.

D&A comment: D&A's original comment with regard to Stratum II Deer Yarding Areas indicated that the EIS conclusions were reasonable based on the small amount of habitat type within the precinct areas relative to the overall mapped area on areas beyond the subject lands, but that the rationale and conclusions would need input from the MNRF and the District. Additionally, D&A identified that there were no mitigation recommendations provide for this type of habitat in the EIS. HESL have provided

additional recommendations to better characterize this habitat type and identify potential impacts. D&A supports the direction provided by HESL to ensure this type of habitat is appropriately defined, and that potential impacts and mitigation approaches are identified.

Recommendation 17: Discuss the quality of the remaining MNRF identified Stratum 2 deer wintering area that occurs outside of the subject property and assess its condition in terms of cumulative effects that might exist.

HESL recommended that additional information is required for the deer wintering habitat that is located outside of the subject lands. In part, this would provide context as to the quality of the habitat that is present on the subject property versus elsewhere – this is important if, for example, the highest quality areas are located on the subject property. They also have asked for clarification with regard to potential cumulative effects – this is important if there are other land-use changes and/or factors affecting the balance of the mapped deer wintering habitat.

D&A comment: D&A supports HESL’s recommendation to update the assessment of the characteristics and quality of deer winter areas that are not on the subject lands, and to provide this information in an updated EIS.

Recommendation 18: Present all the data on aquatic habitat that were collected on the subject lands and analyze following accepted protocols.

HESL’s original review of the EIS concluded that the characterization of aquatic habitat was lacking. Subsequently, additional information provided in MNA’s supplemental report and based on observations from HESL’s site visit, HESL’s revised recommendation is to include direction in the EIS for additional surveys using standardized protocols in areas where watercourse crossings are proposed, and in areas where development is proposed adjacent to watercourse.

D&A comments: This direction is consistent with comments/recommendations from our initial review of the EIS (i.e. watercourses that are most likely to provide fish habitat have been protected by avoiding direct alteration and maintaining buffers). D&A supports HESL’s recommendation for additional investigations following standard protocols in locations where crossings are proposed and/or where development is proposed adjacent to watercourses.

Recommendation 19: Provide a map showing the location of Open Woodland Bluegrass and the four rare or uncommon plant species, and discuss the mitigation measures that will be taken to protect their population on site.

Based on the supplemental information and discussion with MNA, additional field investigations will be undertaken within each development precinct as part of the Site Plan process. HESL’s updated recommendation is to provide a commitment in the revised EIS for these surveys to take place during the Site Plan process.

D&A comment: This recommendation is consistent with D&A's comment that the location of species of conservation concern (e.g. Open Woodland Bluegrass) should be presented. D&A supports HESL's recommendation to update the EIS with a commitment for additional investigation for rare flora species within the proposed development precincts. In addition to this recommendation, D&A recommended that the commitment for surveys should also include areas along and adjacent to the internal road network and servicing corridors. Also, mapping of candidate locations for these species could be presented in the revised EIS to help direct future survey requirements, and to assess the extent of these species in areas that will be unaffected by the proposed development.

Recommendation 20: Conduct surveys for potential bat maternity roosting habitat in Precinct E.

MNA have agreed to conduct additional snag surveys for areas affected by Precinct E, and that updated surveys will be undertaken for any Site Plan applications that are made subsequent to 2023. HESL's revised recommendation was to ensure this commitment is included in the revised EIS.

D&A comment: This is consistent with D&A's recommendation that additional bat habitat surveys should be undertaken in areas affected by Precinct E. D&A supports HESL's recommendation and MNA's commitment to collect more data in this area.

Recommendation 21: Label the survey plots on Figure 2.

HESL recognized that the data presented for bat habitat was not labelled correctly on EIS Figure 2, thus it was not possible to link the information on habitat quality with the location. These updates were provided in the supplemental information from MNA; HESL has requested that the maps provided in the supplemental report be included in the revised EIS.

D&A comment: D&A supports HESL's recommendation to update the mapping to clarify the location of surveys.

Recommendation 22: Clarify how the criteria that is presented in Table 8 are used to rank snag trees into low, medium, or high-quality classifications.

MNA did not address this comment in their supplemental report, therefore HESL has requested that this information be provided in the revised EIS.

D&A comment: D&A supports HESL's recommendation to provide clarity on the criteria and/or approach used to rank snags into their respective quality class.

Recommendation 23: Clarify how snag density is calculated.

Based on a review of Table 9 in the EIS, HESL recommended that the density of snags within the surveyed areas be re-calculated. The approach used in the EIS seems to have used the average number of snags divided by the total plot areas; instead, HESL recommended that the total number of snags divided by the total plot area be used. The outcome of the calculation has implication for determining

the quality of bat roost habitat present, and also the number of bat boxes required for habitat compensation.

D&A comment: D&A supports HESL's recommendation to update the snag density calculations, the interpretation with respect to habitat quality, and the requirements for bat boxes needed for habitat compensation.

Recommendation 24: Clarify how it was determined that no provincially or regionally important animal movement corridor exist on the property.

MNA clarified this point in the supplemental information, in general that provincial corridors are large-scale and that regional-scale corridors are typically more important in southern Ontario where the landscape is less ecologically porous. HESL maintained that an examination of deer movement corridors are warranted, and should be included in a revised EIS.

D&A comment: D&A agrees with MNA's opinion that the surrounding landscape is ecologically porous. D&A supports HESL's recommendation that additional consideration be given to corridors that are important for deer movement.

Recommendation 25: Reword the EIS text to clarify that the wetlands on the property have not been evaluated for provincial significance.

HESL have identified that a formal wetland evaluation has not taken place. They acknowledge that wetland evaluations are usually not undertaken as part of a development application. In the absence of an OWES evaluation, they recommend that the EIS clarify that wetlands on the property have not been evaluated to determine their provincial status.

D&A comment: D&A supports HESL recommendation to clarify that wetlands on the property have not been evaluated using the OWES. In addition, D&A maintains our original recommendation that in the absence of an OWES evaluation to determine status, wetlands should be assumed to be significant and that the associated protection and mitigation recommendations be applied. D&A however, does strongly encourage that a systems-based approach be used to evaluate the wetland features and functions that are present within the broader Muskoka River Watershed sub-catchment, as a large portion of the catchment is within the Town's urban area.

Recommendation 26: Provide specific examples of mitigation measures that can be applied during construction, with a specific emphasis on approaches to mitigate impacts to amphibians and reptiles.

HESL identified the need to provide more detail with regard to potential impacts of the proposed road alignments and stormwater management. As part of the follow-up meeting with MNA and the supplemental information provided, HESL updated this recommendation to require the details of mitigation approaches to be identified during the Site Plan process.

D&A comment: D&A supports the recommendation that detailed mitigation approaches be prepared during the Site Plan process. In addition to this recommendation however, D&A would request that the

proposed road alignment that is prepared for the current draft plan concept consider impacts to the range of ecological sensitivities that are present, and provide direction for additional studies, engineering considerations, and other follow-up work that will be required during the Site Plan process. This includes identifying whether an assessment of road impacts will be addressed based on a complete road network, or if certain sections will be included with the respective/relevant precinct Site Plan applications.

Recommendation 27: Recommend strengthening the language regarding mitigation measures to be applied during construction phasing and management to clarify that specific measures *should* or *shall* be implemented.

HESL's primary concern with some of the recommendations provided in the EIS is that they were not sufficient to warrant compliance during the construction phase of the project, and thus the developer may not implement the recommendations that are needed to avoid, minimize, and/or mitigate impacts. Through meeting with MNA and the supplemental information provided, HESL revised this recommendation to support MNA's commitment to include additional mitigation measures that will be identified through future site-specific study, and that the wording used to prescribe the recommendations will not be discretionary.

D&A comment: D&A supports the recommendation and commitment that future site-specific work will take place in the future. D&A supports HESL's original recommendation that discretionary wording in the EIS be revised where necessary. Additionally, where updated fieldwork completed during 2019 yields new information that results in specific requirements to protect significant ecological features and functions, recommendations that are prescribed avoid the use of discretionary wording.

Recommendation 28: Clarify Figure 4 so that ELC codes can easily be read and interpreted with a legend.

HESL's recommendation is consistent with D&A's original comments that the use of various methodologies to assess and interpret vegetation communities and their associated functions (e.g. role in providing Significant Wildlife Habitat) is unnecessarily confusing. HESL maintained their original recommendation to clarify the details of Figure 4 so that ELC codes can be easily read and interpreted.

D&A comment: D&A supports HESL's recommendation to update Figure 4. Additionally, D&A would recommend that the vegetation community types be normalized such that they can be clearly cross-referenced with ELC codes used to determine Significant Wildlife Habitat for Ecoregion 5E.

Recommendation 29: Please include buffers around constraints identified in Figure 8.

HESL's recommendation was based on the interpretation that buffers were not included in the constraint mapping; MNA clarified that buffers were included in the constraint mapping.

D&A comment: As part of the initial review of the EIS, D&A understood that proposed buffers had been applied to the constraint mapping. HESL considers this recommendation resolved. D&A would recommend that any changes to the proposed constraints be updated, including for example additional wetland areas, Significant Wildlife Habitat, and changes to buffer areas, be included on Figure 8.

Recommendation 30: Update some of the references used in the EIS.

HESL identified that some of the references regarding the appropriate background and policy documents be updated.

D&A comment: D&A supports the recommendation that the appropriate background and policy document references should be identified.

Recommendation 31: Provide mapping to show the location of wildlife observations that were collected in 1999.

During the follow-up meeting with MNA, clarification was provided that mapped data is not available for these surveys. HESL considers this recommendation resolved.

D&A comment: It is understood that data collected from a couple of decades ago may not be available in map format. The appended information provided in the EIS did identify observations that were made in 1998/1999, and those observed more recently. D&A would recommend that the collective results from the fieldwork completed in the 1990's to more recently be used in conjunctions with the ELC/vegetation community polygons to indicated where species of significance, conservation concern, and/or of high sensitivity have been confirmed, or are likely to be present based on habitat type.

Recommendation 32: Update the scientific names of warbler species, and clarify the breeding codes used.

HESL noted that this recommendation was not addressed in the supplemental information.

D&A comment: D&A supports the use of the currently agreed on nomenclature for all species that have been observed, including warbler species. These updates should be provided in the revised EIS.

If there are any questions or concerns based on the summary of the HESL Peer Review report, please do not hesitate to contact the undersigned.

Sincerely,



Steve Hill, PhD

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