

28 May, 2020

Mr. Matt Holmes,  
Manager of Planning Services,  
Town of Bracebridge,  
1000 Taylor Court,  
Bracebridge, Ontario P1L 1R6

Communicated via Email: [mholmes@bracebridge.ca](mailto:mholmes@bracebridge.ca)

cc. Lori McDonald, Director of Corporate Services: [lmcdonald@bracebridge.ca](mailto:lmcdonald@bracebridge.ca)  
Graydon Smith, Mayor, Town of Bracebridge: [gsmith@bracebridge.ca](mailto:gsmith@bracebridge.ca)  
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**RE: March 12, 2020, Letter from Michalski Nielsen Associates Ltd.**

Dear Mr. Holmes:

I continue to follow and maintain an interest in the Muskoka Royale College project. I have reviewed the letter of March 12, 2020 to you from Michalski Nielsen Associates Ltd. regarding this proposal and feel I need to provide comment. I would like to clarify and correct some of the most obvious misunderstandings contained in their letter.

Page 1, parag. 1: *"It is true that these wetlands are unevaluated, as is also the case for the vast majority of wetlands within the Town of Bracebridge and District of Muskoka. However, there is no reason, nor any precedent, for such an evaluation to be completed."*

Many wetlands are in need of evaluation or updated evaluation in Ontario. For a variety of reasons but mostly due to human resources, municipalities, conservation authorities, provincial agencies and developer proponents undertake Ontario wetland evaluations (i.e. OWES) on an "as need" basis as part of the planning approval process. Such wetland evaluations are completed before planning approvals and for Michalski Nielsen Ltd. to indicate otherwise is incorrect.

Page 2, parag. 4: *"However, it is not ordinary for such evaluations to be completed by a development proponent. In largest part, that is because wetland evaluations, which must consider the matter of complexing individual units, require field evaluation of areas beyond the limits of individual properties, therefore requiring landowner permissions that can generally only be obtained by the province or another public authority."*

I refer to Section 2.1.5 of the Provincial Policy Statement (2020 edition) that:  
"Development and site alteration shall not be permitted in (a) significant wetlands in the

Canadian Shield ...unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions". Michalski Nielsen Limited are incorrect when they claim it is not ordinary for such evaluations to be completed by a developer proponent. To the contrary, it is quite the opposite. It is the responsibility of the developer proponent to demonstrate no negative impact and the Ontario Wetland Evaluation System (OWES) is the required tool for doing so. The onus remains with the developer proponent to demonstrate impact or not regardless of whether there is a mismatch between size of a wetland complex and property ownerships. Indeed, part of the wetland evaluation (OWES) exercise itself is to delineate the position of wetland complex boundaries.

Page 2. Last parag. *"The province, including MNR, are aware of the present proposal to develop the Muskoka Royale property. In this regard, early on in the EIS process MNR was contacted for information on the subject lands as part of our background review and were aware that this request was in relation to proposed development."*

It is true the MNR is responsible for administering the OWES as it relates to the Provincial Policy Statement. However, to reverse responsibility and expect the MNR to offer an OWES, and when they do not, means an OWES is not required, reflects more poorly on the developer proponent than it does on the MNR. Ecological consulting groups in Ontario who take on projects with wetlands on site, expect and perform an OWES as part of the normal scope of work for environmental assessments.

Page 3, parag. 3.: *"There is no Precedent for a Municipality Requiring a Wetland Evaluation in Relation to a Land Use Planning Application"*.

This statement is flat wrong. I have no doubt this statement is correct in their experience as they state. It underscores my concern about limited experience with lands containing wetlands and what appears to be a lack of professional credentials when it comes to wetland science and the OWES.

Part 3, last 2 parag.: *"We have Taken a Conservative Approach in the Protection of All Wetlands Within the Subject Lands"*.

This section is irrelevant. It is impossible to make any of these assumptions without an OWES.

For example:

*"All wetlands within the subject property are being protected."*

How do we know without an OWES which maps the location and extent of the wetland complex?

*"our recommended buffers achieve that level of protection"*

Further, how do we know without an OWES which maps location, extent of the wetland complex and position of buffers? The OWES includes a methodology for mapping the necessary buffers.

*"We would be recommending exactly the same approach even if these wetlands were"*

*determined to be provincially significant”.*

This claim is bizarre given we do not have an OWES to establish provincial significance or not. How can potential impacts be accurately measured and mitigated without the basis of an OWES?

If you have any further questions or require any additional information, I shall be pleased to provide it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry Warner". The signature is fluid and cursive, with the first name "Barry" being more prominent than the last name "Warner".

Barry G. Warner, Ph.D., PWS  
Professor,  
University of Waterloo