

June 2nd, 2020

Mayor Smith and Members of Council
The Corporation of the Town of Bracebridge
1000 Taylor Court,
Bracebridge, Ontario, P1L 1R6

Attention: Matt Holmes, Manager of Planning Services

RE: Muskoka Royale Development Inc. Applications for Official Plan Amendment (D09-08/18) and Rezoning (D14-17/18) (the “Applications”) important wetland status and policy considerations.

Dear Mr. Holmes.

Dougan & Associates has been retained by the South Bracebridge Environmental Protection Group to review the Michalski Nielsen Associates Limited’s (MNAL) memo titled ‘Additional comments on wetlands within the Muskoka Royale College Property’, March 12th, 2020 (the “Letter”), and advise as to whether the points raised in the Letter are accurate with regard to our understanding of industry standards and expectations associated with wetland evaluation, policy interpretation, and protection under the Provincial Policy Statement (PPS).

The points raised in the MNAL memo are factually incorrect and misleading, particularly given that the current development application requires an Official Plan Amendment (OPA) and land-use rezoning to be considered prior to processing a development application.

Our purpose in writing to you and Town Council is to clarify our points and to restate the importance of conducting an evaluation of the wetlands on and adjacent to the subject property, originally recommended in our March 29th, 2019 letter.

Wetland Status and request for a wetland evaluation

The most important point of disagreement is that, in our opinion, it is misleading for MNAL to present the case that there is no precedent for a planning authority to require a wetland evaluation in relation to a development application. In their letter, MNAL fails to recognize that there are multiple planning considerations that are being undertaken in parallel for the Muskoka Royale College Property; this includes, for example an Official Plan Amendment, land-use rezoning, and a development plan

application. As such, it is important to point out that there are many precedents across Ontario where wetland evaluations are undertaken for an Official Plan Amendment and land-use rezoning of the scale and scope proposed for the Muskoka Royale College property.

Additionally, it is important to recognize that the Province's Natural Heritage Reference Manual (MNR 2005), which is the companion guide to help with the interpretation and implementation of natural heritage policies in the PPS, provides very clear direction on how to proceed with planning applications where wetlands are present, but have not been evaluated. The following text is copied from the NHRM, Section 6.3.1 Significant Wetlands:

For a wetland that is unevaluated but has characteristics or contains components that are typical of a significant wetland (e.g., significant species or functions), the planning authority should ensure that a wetland evaluation is undertaken (e.g., a stand-alone evaluation or as part of an EIS by the proponent, unless MNR has already identified the wetland as a work project) prior to processing any planning approvals.

The foregoing clearly indicates that, contrary to what is presented in the Letter, it is not unprecedented for a planning authority to require a wetland evaluation prior to processing a planning application. Indeed, it is the expectation.

Therefore, given that the unevaluated wetlands on the Muskoka Royale College property have been shown to have characteristics or contain components that are typical of a significant wetland (e.g. confirmed occurrence of various species of conservation concern, including Blanding's Turtle which is a Threatened Species at Risk), we stand by our previous recommendation that a wetland evaluation be conducted.

Consultation with the MNR

Our second point of disagreement is that it is misleading to highlight that past correspondence and consultation with the MNR on matters related primarily to Species at Risk confers implicit consent, by the Province, that a wetland evaluation is not required.

Responses provided by the MNR (and other provincial agencies) to letters submitted by public have generally directed community members to contact the planning department at the Town of Bracebridge on the matter of wetland status. Our understanding is that the Town and/or District planning teams would be required to engage the Province to determine the need for undertaking a wetland evaluation.

To date, we have not seen correspondence with the MNR, by either the planning authority or the proponent, requesting guidance on whether or not a wetland evaluation should be undertaken. If such correspondence exist, it is recommended that it be made part of the public record to clarify the Province's position on the matter.

Impact on the proposed plan for the Muskoka Royale College property

Finally, based on the two points of disagreement raised in the foregoing, it is premature for MNAL to conclude that the outcome of a wetland evaluation would have absolutely no impacts on the present development proposal. To ensure consistency with natural heritage policies outlined in the PPS, it is incumbent on the planning authority to require a wetland evaluation be undertaken for the Muskoka Royale College property. And, that the outcome of the evaluation be used to fully understand the extent, policy context, and required protection measures of the wetlands when processing the Official Plan Amendment and re-zoning, prior to considering the proposed development for the subject lands.

Sincerely,



Steve Hill, PhD
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CC:

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