

June 29, 2021

BEL 217165

Mr. Aaron David
5th Developments GP Limited
14 Rolyat Street
Toronto, ON M5J 1S6

**Re: Natural Heritage Constraint Analysis
Alexander Island Resort, Prince Edward County**

Dear Mr. David:

Beacon Environmental Limited (Beacon) is pleased to provide you with this Natural Heritage Constraint Analysis in relation to your Site Plan Application to develop a resort on Alexander Island (Huyck's Island) in Prince Edward County.

Introduction

The subject property is privately owned and comprises 26.20 ha of land on the southern Part of Lots 34, 35 and 36, Concession 2 Lakeside, Hillier Township, Prince Edward County (**Figure 1**). The subject property fronts lake Lake Ontario to the west and south and Pleasant Bay to the east and north.

The majority of the subject property is farmed and is accessed from the north via an existing municipal road (Quarter Sessions Road) on the northern part of Lot 36 that connects to County Road 27. The northern and eastern portions of the subject property fronting Pleasant Bay support evaluated wetlands that form part of the Pleasant Bay - Provincially Significant Wetland Complex (PSW).

The agricultural and wetland portions of the subject property are designated Shore Land and Environmental Protection respectively in the current Prince Edward County Official Plan (PECOP). Schedule D of the PECOP identifies the subject property as Potential Tourist Resort Area.

Zoning for the subject property is as follows:

- Tourist Commercial (Holding) (TC-22-H)
- Environmental Protection – Provincially Significant Wetlands (EP-W-1)
- Environmental Protection (EP-3)

It is our understanding that the proposed Alexander Island Resort is a permitted land use under the Shoreland Designation in the PECOP and that the lands are currently zoned for resort development. We understand that a holding provision that has been applied in the Comprehensive By-law which will be lifted once conditions outlined in Section 22.5.22 of the Comprehensive By-Law are satisfied.



| | | | |
|--|--|-----------------|-----------------------------|
| Site Location | | Figure 1 | |
| Alexander Island Resort 5th Developments GP Limited | | | |
| First Base Solutions Web Mapping Service 2008 | | | |
| UTM Zone 18 N, NAD 83 | | | |
| 0 62.5 125 250 Meters | | | 1:7,700 |
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This Environmental Constraint Analysis does not represent an Environmental Impact Study (EIS). An Environmental Impact Study (EIS) was prepared by Niblett Environmental in 2001 in relation to a previous site plan application for the "Pleasant Bay Lodge". The recommendations of this previous EIS were intended to guide the development design as is noted in Section 22.5.22x of the By-Law. An updated EIS would need to be prepared to confirm if the findings and recommendations of the previous EIS as still applicable and the scope of the updated EIS would need to be established through consultations with Quinte Conservation, PEC and other agencies.

The purpose of this Environmental Constraint Analysis is to review the available information related to natural heritage resources that may be associated with the subject property and to evaluate whether the currently proposed Site Plan can be accommodated in a manner that has regard for sensitive and significant natural heritage features and their functions and also satisfies the various environmental protection policies and regulations that may apply. Additional constraints to development as they related to natural hazards, site servicing and access are addressed by others.

This Environmental Constraint Analysis is based on a background review of information available from provincial natural heritage databases as well as data collected from the subject property during previous ecological investigations completed in 2000 by Niblett Environmental Associates Inc. as part of an EIS for a similar resort development (Niblett 2001) and more recently in 2017 by Ecological Services and Beacon Environmental. While some of the available information will need to be supplemented through future study, the available information is sufficient for the purposes of this analysis.

As the subject property is situated on Lake Ontario and overlaps with portions of the Pleasant Bay Provincially Significant Wetland, the proposed development is subject to federal and provincial legislation related to protection of fish and wildlife habitat, including the Fisheries Act, Migratory Birds Act and Endangered Species Act. Furthermore, the PEC OP contains policies outlining environmental protection requirements for development of lands designated Shore Land and Environmental Protection. Additionally, Quinte Conservation has policies and regulations that apply to hazard lands and wetlands. To ensure the Site Plan complies with all applicable environmental protection legislation, policies and regulations, consideration needs to be given to the natural heritage resources associated with the subject property and adjacent lands.

Constraints to development are generally determined by the types of natural heritage features and functions present, their significance and sensitivities to development, and application of environmental protection in accordance with current environmental legislation, policies, and regulations. For example, both Lake Ontario and Pleasant Bay support fish habitat which is protected under the provisions of the federal Fisheries Act which prohibits, without authorization, the harm, alteration or destruction of fish habitat. Similarly, habitats of threatened and endangered species receive protection under the provisions of the Endangered Species Act and a permit is required to development within or adjacent to protected habitat.

Key Findings of Natural Heritage Investigations Completed to Date

A summary of the natural heritage surveys completed on the subject property is provided in **Table 1**.

Table 1. Summary of Ecological Investigations Completed on Subject Property

| Survey Type | Date |
|--------------------------------------|--|
| Fish Habitat Assessment of Lakeshore | September 19, 2000 (Niblett Environmental Associates Inc.) |
| Breeding Bird Surveys | Morning surveys on May 23, June 13, July 4, 2017 and evening surveys on May 24, June 3, and June 8, 2017 (Beacon Environmental). |
| Ecological Community Mapping | May 31 and June 13, 2017 (Beacon Environmental) |
| Vegetation Inventory | September 19, 2000 (Niblett Environmental Associates Inc.) May 31 and June 13, 2017 (Beacon Environmental) |
| Amphibian Surveys | May 24, May 31, June 3 and June 21, 2017 (Ecological Services) |
| Turtle Nesting Surveys | May 23, May 24, May 31, June 21, June 28, 2017 (Ecological Services) |

A map illustrating the various ecological communities (i.e., fields, wetlands, woodlands, etc.) on the subject property and adjacent lands (within 120 m) is presented in **Figure 2**.

As is evident from the ecological community mapping which classified the various ecological feature in accordance with the *Ecological Classification System for Southern Ontario* (Lee *et al.* 1998), the subject property and adjacent lands support a diversity of terrestrial, wetland and aquatic communities, including several communities that overlap with the subject property that are considered globally and provincially rare (i.e., certain beach, dune and wetland types). Most of the subject property is comprised of current and former agricultural fields and cultural communities. These are fringed by woodland and wetland communities. Beach and dune communities are restricted to the northwest and southeast corners of the subject property. Most of the wetland communities are associated with the Pleasant Bay PSW, however there are several additional unevaluated wetlands that have been identified on the eastern side of the subject property.

In terms of the flora, over 225 species have been documented from the subject property to date. None of the plant species observed are endangered, threatened or provincially rare. Detailed floristic surveys were limited to areas that were accessible by foot so it is possible that the shallow water and aquatic communities may support populations of significant flora not yet documented.

With respect to wildlife, the ecological surveys revealed that the subject property and adjacent lands do support a diversity of taxa as well as significant wildlife functions. Significant species noted included Least Bittern, a threatened species, which was observed from several of the wetland communities associated with the Pleasant Bay PSW. Bank Swallow and Barn Swallow, also threatened, were noted foraging over the subject property. Eastern Meadowlark and Bobolink, also threatened, were as breeding in the hay fields in 2017. Snapping Turtle, a special concern species, was noted from the

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Existing Conditions

Figure 2

Alexander Island Resort
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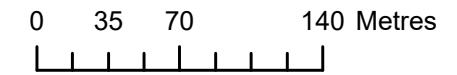
Legend

- Subject Property
- Adjacent Lands 120 m
- ELC Communities
- Existing Road

| Beach / Bar | ELC Unit Numbers | ELC Code | ELC Community | |
|-------------------|--|----------|---------------------------|--|
| | 8,57 | BBO1-1 | Mineral Open Beach/Bar | Sea Rocket Sand Open Beach |
| | 27,37B,39,53,56 | BBO1-2 | Mineral Open Beach/Bar | Wormwood Gravel Open Beach |
| | 28,30,35,37A | BBO2 | Bedrock Open Beach/Bar | |
| | 29,35 | BBS2 | Bedrock Shrub Beach/Bar | |
| | 42,54 | BBT2 | Bedrock Treed Beach/Bar | |
| Sand Dune | 31,55,71 | SDO1-1 | Open Sand Dune | Beachgrass Open Dune |
| | 15,17,19,20,59 | SDS1-3 | Shrub Sand Dune | Juniper Shrub Dune |
| | 14,21 | SDT1-1 | Treed Sand Dune | Cottonwood Treed Dune |
| | 60,62,64 | SDT1-3 | Treed Sand Dune | Red Cedar Treed Dune |
| Forest | 22 | FOD5-1 | Deciduous Forest | Dry - Fresh Sugar Maple Deciduous Forest |
| | 72 | FOD7-2 | Deciduous Forest | Fresh-Moist Ash Lowland Deciduous Forest |
| | 24 | FOD9-1 | Deciduous Forest | Fresh-Moist Oak - Sugar Maple Deciduous Forest |
| Wetland | 23 | SWD2-2 | Deciduous Swamp | Green Ash Mineral Deciduous Swamp |
| | 41,43,67,68 | SWT2-8 | Thicket Swamp | Silky Dogwood Mineral Thicket Swamp |
| | 26 | MAM2-10 | Meadow Marsh | Forb Mineral Meadow Marsh |
| | 66,69 | MAM2-2 | Meadow Marsh | Reed-canary Grass Mineral Meadow Marsh |
| | 4,33 | MAS2-1 | Shallow Marsh | Cattail Mineral Shallow Marsh |
| | 34 | SAS | Shallow Water | Submerged Shallow Aquatic |
| Open Water | Lake and Bay beyond beach and wetlands | QAO | | |
| Cultural Meadow | 32,49,50,52 (31) | CLM1 | Mineral Cultural Meadow | |
| | 48 | CLM2 | Bedrock Cultural Meadow | |
| Cultural Savannah | 40 | CUS1 | Mineral Cultural Savannah | |
| Cultural Thicket | 45 | CUT1 | Mineral Cultural Thicket | |
| Cultural Woodland | 51 | CLW1 | Mineral Cultural Woodland | |

UTM Zone 18 N, NAD 83

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subject property as well. None of the amphibian species noted from the subject property to date are considered endangered, threatened or provincially rare. No formal mammal surveys have been completed, it is probable that the forest and swamp communities may support habitat for endangered bats.

With respect to fish habitat, it is limited to Lake Ontario and the open aquatic and shallow water wetland communities associated with the Pleasant Bay support a diverse fishery. As there are no watercourses or additional waterbodies on the subject property, habitat is limited to Lake Ontario and some of the identified wetlands.

Collectively, the shoreline, wetlands, woodlands associated with the subject property support important ecological functions that are relevant to the broader landscape and natural heritage system. Pleasant Bay and Lake Ontario both function as important staging areas for migratory birds and waterfowl staging. Despite being partially landlocked, Alexander Island does serve as an important linkage corridor for wildlife utilizing Pleasant Bay and migrating along the shoreline.

Analysis

In preparing this Environmental Constraint Analysis, the following information was considered.

- Federal Fisheries Act
- Ontario Endangered Species Act
- Provincial Policy Statement (MMAH 2020)
- Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. (MNRF 2010)
- Significant Wildlife Habitat Technical Guidelines (MNRF 2000)
- Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF 2015)
- Prince Edward County Official Plan (PEC 1993; 2011 consolidation)
- Prince Edward County Comprehensive Zoning By-law No. 1816-2006 (PEC 2019)
- Development and Interference with Wetlands and Watercourses Regulations Policies and Procedures Manual: For Planning Act Applications. Quinte Conservation 2017
- Ministry of Natural Resources' Natural Heritage Information Centre (NHIC) rare species database
- Breeding Bird Atlas of Ontario (OBBA)
- Environmental Impact Study for Pleasant Bay Lodge (Niblett Environmental Inc. 2001)
- Alexander Island - Biological Survey Results (Ecological Services 2017)
- Alexander Island – Vegetation and Breeding Bird Surveys (Beacon Environmental 2017)
- Aerial photography 2005, 2008, 2013, 2017
- Alexander Island Resort Site Plan (Jewell Engineering 2021)

The constraint analysis is based on the identification of natural heritage features and ecological functions that have been documented through available background information such as the previous EIS, as well as recent ecological investigations. The key findings of the various ecological surveys were summarized in the preceding section. The detailed findings are not included within this report but will be presented in an updated EIS report, along with the findings of supplemental ecological surveys that are scheduled later this year and in 2022.

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Natural Features and Setbacks

Figure 3

Alexander Island Resort
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Legend

- Subject Property
- Adjacent Lands 120 m
- ELC Communities
- 30 m from Lake Ontario
- Least Bittern Occurance
- Least Bittern Potential Buffer 50 m
- Existing Road
- Wetland (Beacon 2017)
- Wetland + 30 m
- Bobolink and Eastern Meadowlark Habitat

| Beach / Bar | ELC Unit Numbers | ELC Code | ELC Community | |
|-------------------|--|----------|---------------------------|--|
| | 8,57 | 8B01-1 | Mineral Open Beach/Bar | Sea Rocket Sand Open Beach |
| | 27,37b,39,53,56 | 8B01-2 | Mineral Open Beach/Bar | Wormwood Gravel Open Beach |
| | 28,30,36,37A | 8B02 | Bedrock Open Beach/Bar | |
| | 29,35 | 8B52 | Bedrock Shrub Beach/Bar | |
| | 42,54 | 8B72 | Bedrock Treed Beach/Bar | |
| Sand Dune | 31,55,71 | SD01-1 | Open Sand Dune | Beachgrass Open Dune |
| | 15,17,19,20,59 | SD51-3 | Shrub Sand Dune | Juniper Shrub Dune |
| | 14,21 | SDT1-1 | Treed Sand Dune | Cottonwood Treed Dune |
| | 60,62,64 | SDT1-3 | Treed Sand Dune | Red Cedar Treed Dune |
| Forest | 22 | F0D5-1 | Deciduous Forest | Dry - Fresh Sugar Maple Deciduous Forest |
| | 72 | F0D7-2 | Deciduous Forest | Fresh-Moist Ash Lowland Deciduous Forest |
| | 24 | F0D9-1 | Deciduous Forest | Fresh-Moist Oak-Sugar Maple Deciduous Forest |
| Wetland | 23 | SWD2-2 | Deciduous Swamp | Green Ash Mineral Deciduous Swamp |
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| | 26 | MAM2-10 | Meadow Marsh | Forb Mineral Meadow Marsh |
| | 66,69 | MAM2-2 | Meadow Marsh | Reed-canary Grass Mineral Meadow Marsh |
| | 4,33 | MAS2-1 | Shallow Marsh | Cattail Mineral Shallow Marsh |
| | 34 | SAS | Shallow Water | Submerged Shallow Aquatic |
| Open Water | Lake and Bay beyond beach and wetlands | OAO | | |
| Cultural Meadow | 32,49,50,52 (31) | CUM1 | Mineral Cultural Meadow | |
| | 48 | CUM2 | Bedrock Cultural Meadow | |
| Cultural Savannah | 40 | CUS1 | Mineral Cultural Savannah | |
| Cultural Thicket | 45 | CUT1 | Mineral Cultural Thicket | |
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Information gathered through the background review and ecological surveys has been used to characterize the natural heritage resources associated with the study area and to determine their level of significance and sensitivity. The significance of existing natural heritage features was evaluated using provincial guidelines and criteria. The findings of the evaluation was then reviewed within the context of applicable environmental protection legislation, policies and regulations to spatially identify areas of the property that are environmentally constrained to confirm if the proposed Site Plan is feasible and can satisfy the applicable regulatory requirements and policy tests.

The constraint analysis is presented in **Table 2** below and summarizes the various natural heritage constraints and the constraints are mapped spatially on (**Figure 3**).

Table 2. Summary of Environmental Constraints

| Constraint | Description of Constraint and Considerations |
|---|---|
| Fish Habitat | Under the Federal Fisheries Act, it is an offence to harm fish and fish habitat. Fish habitat is limited to Lake Ontario and Pleasant Bay, as well as other wetlands hydrologically connected to the above. If development is proposed within fish habitat, it may be necessary to satisfy DFO, the regulator, that there will be no harm. Activities that could trigger a DFO Project review and authorization would include constructing docks and boat ramps over a certain size or other activities that may impact upon aquatic Species at Risk which are known to exist in the project area. Fish habitat will be protected by the setbacks and buffers that will need to be applied to the shoreline hazard and wetlands on the subject property and the restricted uses permitted under the PEC By-law and Quinte Conservation Regulations. Additionally, indirect impacts to the fishery can be mitigated by implementing sewage and stormwater management systems in accordance with provincial guidelines and standards. Any proposed structures (i.e. docks, etc.) should be designed and implemented to the satisfaction of Quinte Conservation and DFO. |
| Lake Ontario Shore | Provincial guidelines and conservation authority regulations and policies discourage development and site alteration within hazard lands such as shorelines. Quinte Conservation policies require a vegetated setback of 15 m to be applied to all hazard lands where the extent of the hazard is known, including the 1:100 year Floodline but not to the wave uprush, or 30 m if the extent of the hazard is not known for all <i>Planning Act</i> applications (Quinte Conservation 2017). On the subject property, natural hazards are limited to the areas prone to flooding during a 100- year event along the lakeshore. Development of this zone is generally discouraged and restricted, however certain low impact recreational and conservation uses are permitted under the Zoning By-law and to the satisfaction of the County and Quinte Conservation. |
| Areas of Natural and Scientific Interest and | A review of the Land Information Ontario databases confirmed there are no Areas of Natural and Scientific Interest (ANSIs) associated with subject property or adjacent lands. Wellers Bay Sandbar is the closest and is located 5.7 km to the north. Schedule A (Environmentally Sensitive Areas) of the |

| Constraint | Description of Constraint and Considerations |
|--|---|
| Environmentally Sensitive Areas | PECOP maps Lake Ontario as Fisheries and the Crown lands to the immediately to the north of the subject property as Other Sensitive Site or Area. Fish habitat in the lake, bay and wetlands have already been noted as constraints. |
| Pleasant Bay PSW and Other Wetlands | The subject property supports a number of wetland communities. Most of the wetlands are contained within the Pleasant Bay PSW, however there are additional unevaluated wetlands that have been identified outside the PSW. Wetlands present a constraint to development and development and site alteration are generally not permitted within wetlands or in close proximity to wetlands. Under the current Environmental Protection EP-W-1 Zone which applies to the PSW, the only permitted uses are conservation uses, including observation platforms, and floating docks not for the use of motorized watercraft. It is recommended that all wetlands on the subject property be protected using buffers (see below) and that future uses limited to those permitted under the Zoning By-Law and to the satisfaction of the County and Quinte Conservation. |
| Wetland Buffers | To protect the wetland features on the subject property, a buffer will be necessary. At present, the PEC zoning By-law has identified a 30 m buffer to portions of the PSW and zoned the area as EP-3. The By-law restricts future uses within the wetland buffer to low impact recreational and conservation uses, including access to floating docks intended for non-motorized water craft, access to observation platforms, and trails (provided they are 15 m removed from the wetland). It is recommended that a 30 m buffer to the PSW be considered a constraint and that uses be limited to those permitted under the Zoning By-Law to the satisfaction of the County and Quinte Conservation. As there are additional wetlands on the property that are not part of the PSW, buffers to these wetlands should also be considered a constraint. For the purposes of this analysis, we recommend that a precautionary buffer of 30 m be applied to the other wetlands, and that their appropriateness and final dimensions be determined through the updated EIS. |
| Woodlands | The subject property supports several forest and swamp communities that collectively form two wooded blocks. One along the northern property limit and another to the southwest. The wooded communities overlap with wetlands, wetland buffers and shoreline setbacks and therefor are not mapped as constraints. |
| Endangered and Threatened Species | <p>The subject property has been confirmed to support habitat for three threatened species including Bobolink, Eastern Meadowlark, and Least Bittern, as well as potential habitat for endangered bats.</p> <p>Under the Ontario Endangered Species Act (ESA), it is an offence to harm the habitat of endangered and threatened species. The ESA provides legal protection to the habitat of Endangered and Threatened species. Under subsection 17(1) of the Act, the Minister may issue a permit that authorizes a person to engage</p> |

| Constraint | Description of Constraint and Considerations |
|------------|---|
| | <p>in an activity that would otherwise be prohibited by subsection 9(1) or 10(1) provided the applicable legislative requirements of subsection 17(2) are satisfied. In July 2013, Ontario Regulation 176/13 (to amend O. Reg. 242/08) came into effect to simplify the process for addressing activities that can potentially damage or destroy the habitats of certain listed species, including Bobolink and Eastern Meadowlark. As a result of this regulation, an Overall Benefit Permit is not needed if the Registry process as described in the regulation is followed, although habitat replacement and monitoring are still required.</p> <p>While the presence of habitat for Bobolink and Eastern Meadowlark does present a constraint to development, it is recognized that the habitats of these species are maintained by farming practices (haying and pasturing) and can change from year to year. For this reason, the regulations allow for habitat to be removed and replaced elsewhere. While the extent of the species habitat has been identified and delineated on the constraint map, it is possible that the habitat conditions have changes since 2017 and this will be verified through additional field work. In terms of constraint to the proposed Site Plan, it is confirmed that suitable habitat is present, that you retain as is feasible as part of the development design and compensate for any habitat removals offsite.</p> <p>With respect to Least Bittern, there are presently no regulations for this species, and therefore, it is subject to the general habitat protection provisions of the Act. It is recommended that for the purposes of this constraint analysis that a 50 m buffer be applied to ELC Unit 33 which supports breeding habitat for this species as mapped on Figure 3.</p> <p>The appropriateness of this protection measure, as well as permitted uses in the buffer will however need to be confirmed with MECP.</p> <p>In additions to the three confirmed threatened species, there are four species of bat that are listed as endangered in Ontario. While there have been no surveys completed for bats, it is assumed that the more mature wooded communities could support habitat for these species. In this regard, the forest and treed swamp communities should be considered development constraints and studies undertaken to confirm the presence of endangered bats. Should tree removals be required from wooded features that have been confirmed to support habitat for listed bats, then a permit shall be required from MECP.</p> <p>The subject property and adjacent lands support other types of significant wildlife habitat, however these primarily overlap with the wetlands, woodlands, beach and dune habitats that are already identified as constraints. The remaining areas of unconstrained lands are limited to farmed lands and cultural communities, which are not likely to support significant wildlife habitat.</p> |

| Constraint | Description of Constraint and Considerations |
|--|--|
| <p>Significant Wildlife Habitat</p> | <p>As summarized in the key findings, the subject property supports several ecological communities that are ranked as provincially rare and could be considered Significant Wildlife Habitat (SWH). These include several beach, sand dune and thicket swamp communities. Development and site alteration should generally not occur within provincially rare communities. On the subject property, these communities overlap with the shoreline setback or wetlands which are already identified and mapped as constraints.</p> <p>The subject property and adjacent lands also support other types of significant wildlife habitat, and these mainly overlap with the wetlands, woodlands, beach and dune habitats that are already identified as constraints. The remaining areas of unconstrained lands are limited to farmed lands and cultural communities, which are not likely to support significant wildlife habitat, however supplemental studies will need to be completed to confirm habitats such as snake hibernacula, turtle nesting areas, etc.</p> |

Summary

This Environmental Constraint Analysis is based on information provided in an EIS that was completed by Niblett Environmental Associates Inc. in support of a similar site plan application in 2001 as well as information gathered through more recent ecological investigations of the subject property and adjacent lands in 2017.

The natural heritage constraints identified through this analysis were used to inform the design of the proposed Site Plan and identify potential future development limits. In reviewing the proposed Site Plan, we can confirm that the various constraints summarized above have been respected in establishing the proposed development limits.

This analysis has identified the key natural heritage constraint associated with the subject property to confirm that the lands can accommodate the proposed Site Plan in a manner that avoids key natural heritage features and their associated protective buffers, as well as natural hazards.

Going forward, it is recommended that additional ecological surveys be completed later this year and throughout 2022, and that this information be used to update the EIS. As part of these next steps, we recommend consulting with the County and Quinte Conservation to establish scope of studies necessary to support the updated EIS. Additionally, to address constraints related to habitats of threatened and endangered species, it is recommended that MECP also be consulted.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,
Beacon Environmental



Ken Ursic
Senior Ecologist

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(Last revised January 2017).