



Ainley Graham & Associates Limited  
139 Front Street, Unit 100, Belleville, Ontario K8N 2Y6  
Tel: (613) 966-4243 • Fax: (613) 966-1168  
E-mail: [belleville@ainleygroup.com](mailto:belleville@ainleygroup.com)

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File No.: 18538-1

Mr. James Griffin  
Planner  
The Corporation of the County of Prince Edward  
332 Picton Main Street  
Picton, ON, K0K 2T0

Ref: **Environmental Impact Study for the Proposed Cressy Bayside Estates  
Ainley Response to EIS Review Comments**

Dear Mr. Griffin:

Ainley Group is in receipt of the EIS review comments pertaining to the Environmental Impact Study (EIS) for the proposed Cressy Bayside Estates, as provided to the County of Prince Edward (PEC) by GHD and Quinte Conservation Authority (QCA). The review comments are dated October 12, 2021 and August 11, 2021, from GHD and QCA, respectively. Ainley Group appreciates the comments received, and provides the following responses. These responses are to be read in conjunction with the revised EIS (attached).

#### **GHD Comments and Ainley Group Response**

**Comment #1: In consideration that the proposed development is in support of potential development application, the stated purpose and scope for the EIS is clear and provides the appropriate context for the reviewer.**

No response required.

**Comment #2: Vegetation surveys were conducted in the early spring and early summer. The dates are appropriate for this site that is relatively open with bare soils, where summer plants would prevail.**

No response required.

**Comment #3: The section 2.0 second paragraph states that “The scope of work for this investigation was completed per the Official Plan of the County of Prince Edward, with consultation from the Quinte Conservation Authority (QCA) – Planning Department. Pre-consultation was held with the County of Prince Edward Planning Department and QCA to confirm the scope of work.”**

- a. Was a Terms of Reference prepared and submitted to QCA and the County. If so, the report would benefit by attaching the TOR and listing the key elements in this section of the report. I would like to review that document.**
- b. If a TOR was not required or submitted, the key QCA comments should be added to the report.**
- c. Was there a specific request for amphibian surveys? If not include rationale.**
- d. Was there a specific request for a 2 season or 3 season vegetation survey from QCA?**

A Terms of Reference was not prepared and submitted to QCA and the County. The scope for the studies was discussed during phone conversations. There are no key comments to be added to the report, nor was there any specific requests in regards to amphibian surveys, or 2 season or 3 season vegetation surveys. Based on the former activities at the site (i.e. aggregate operations), a 2-season vegetation assessment was considered appropriate, which has been confirmed through Peer Review Comment #2. Amphibian surveys were not interpreted to be necessary based on the lack of wetland features on the site, and the exposed nature of the shoreline.

**Comment #4: During my site visit on August 26<sup>th</sup>, 2021, a few fall plants and later blooming species were observed. One species, slender gerardia was found at several locations. Can the biologists comment on the species status and if the presence poses any constraints to development of the site. Found in turtle nesting area and equisetum area of former aggregate pit. That area contained large dense stand of common scouring rush and some other species representative of wetter conditions. Can the biologist provide additional discussion on that vegetation?**

Slender Gerardia (*Agalinis tenuifolia*), also known as Slender-leaf False Foxglove, is not listed as a Species at Risk within Ontario. The species is ranked S4S5 provincially, indicating that it is considered to be common to widespread in Ontario. The species is noted to have a Coefficient of Wetness (CoW) of -3. Literature (CVC; 2015) notes that a CoW between -2 and -4 indicates that a species is usually found in wetlands; however, Slender-leaf False Foxglove is not considered to be a wetland indicator within the MNRF *Ontario Wetland Evaluation System* manual (MNRF, 2013).

In regards to vegetation species found within the former aggregate pit, in particular Common Scouring Rush, the CoW for this species is 0. Species with a CoW ranging from -1 to 1 can be found on uplands or in wetlands. The average CoW of the species observed within this community (former extraction area) was 1.5, suggesting that the community is more consistent with upland habitat. The report has been updated to include this discussion.

The presence of this species is not anticipated to pose any constraints to development on the subject property, and the areas observed are not interpreted to represent wetland conditions.

**Comment #5: Wildlife surveys were designed based in part on the general list provided by MNRF in their response. The wildlife section of the methods states specific attention re SAR species.**

**Additional details on the timing of visits (day, time of day, and season) and type of survey completed is requested. Were specific searches for gravid female turtles, nesting, basking and habitat assessment completed?**

Wildlife surveys were completed in conjunction with surveys completed for other intended purposes, and species-specific surveys were completed for those having habitat profiles overlapping the site conditions (i.e. grassland SAR birds). Species specific surveys, and dates are provided in Section 4 of the EIS, and all site visit timing was completed in accordance with species specific survey protocols (i.e. dawn to 9 a.m.) for grassland birds. The dates of site visits have been also added to Section 6.5.2.

Species specific surveys were not targeted for turtles, as nesting evidence and presence was noted during site visits from May to July 2018. During those site visits, the species observed in the nesting area was the Northern Map turtle, which are listed as a Special Concern species and are not afforded protection under the *ESA*. The observed presence and nesting area was discussed with MNRF with respect to the context of Significant Wildlife habitat, and the conclusions were documented in the report (not determined to be significant). Mitigation measures, and creation of offsetting nesting habitat has been incorporated to minimize impacts to this species to the extent possible.

**Comment #6: Specific targeted surveys for eastern meadowlark and eastern whip-poor-will were stated in the methodology. The only mention subsequently is in the SAR table in the appendix. Result of the surveys and lack of habitat/observations should have been included in the report.**

Section 6.6.1 of the report has been updated to include the results of the Eastern Meadowlark and Eastern Whip-poor-will surveys.

**Comment #7: The bird list includes mostly terrestrial species. Was the shoreline and lakeshore inventoried during surveys for waterfowl, herons and gulls/terns offshore or along the shoreline?**

Targeted surveys for waterfowl, herons and gulls/terns offshore or along the shoreline were not conducted; however, species were recorded based on incidental observations during a review of the shoreline and other site visits. Background data sources indicate the potential for a variety of bird species to be present; however, no significant populations of waterfowl, herons, gulls, or terns were observed during site visits.

It is noted that a mixed wader nesting colony was identified within the background data from NHIC; however, the specific location of the mixed wader nesting colony is not apparent based

on the background data (i.e. colony is identified within a 3 km x 3 km area centred over the subject lands).

This colony is typically considered Significant Wildlife Habitat and is associated with the criteria for Colonially Nesting Bird Breeding Habitat (Trees/Shrubs). Habitat for a mixed wader nesting colony typically includes nests in live or dead standing trees in wetland, lakes, islands, and peninsulas, with most nests found in trees 11 to 15 m from the ground and near the top of the tree. Defining criteria for confirmed Significant Wildlife Habitat includes the presence of five (5) or more active nests of Great Blue Heron, Black-crowned Night-heron, Great Egret, or Green Heron. No active nests were observed on or adjacent to the subject property, and as such, the mixed wader nesting colony is not interpreted to be in proximity to the development or will be impacted as a result of the undertaking.

The EIS has been updated to include a discussion of the identified mixed wader nesting colony.

**Comment #8: Existing Conditions section describes ELC communities and details on findings re Species at Risk, as well as the fish habitat, substrates and water depths in the littoral zone studied.**

- a. **The descriptions do not include a list of plants, vegetation/wetland communities along the shoreline or the specific tree species that are present on the shore.**
- b. **Characterization of littoral zone should include in-water vegetation (submergent, emergent, floating vegetation), if present.**
- c. **Aquatic section includes discussion regarding setbacks, fisheries permitting and docks. This information is reiterated in the recommendations. A 30 m setback from Adolphus Reach shoreline is recommended by Ainley. Further details on the use of the buffer on privately owned lots and methods of preventing vegetation removal, installing structures (sheds, fire pits, gardens, sitting areas, gazebos) should be included in the discussion and recommendations.**
- d. **Page 16 bottom paragraph notes that water access will likely be a part of each shoreline lot and a possible dock. More detailed assessment of the shoreline and if certain sections are more sensitive to docks and if having multiple docks and boat movement will impact any habitat along the shore, not just for Species at Risk but other fish species.**

No wetland communities were identified along the waters edge of the subject property, and the ELC community was noted as a Dry – Fresh White Birch Deciduous Forest community (FODM2-4; Section 6.3.4) along the shoreline. Additional information has been added to the EIS describing specific tree species along the shoreline.

The littoral zone along the subject property, including in-water vegetation, was reviewed during field investigations completed by Ainley Group. Five (5) evenly spaced transects of the nearshore area (within 10 m of the shoreline) along the subject property shoreline were completed by Ainley Group to determine the nearshore depth profile. The transects indicated a consistent profile with water depths ranging from 0.8 m to 0.9 m at a distance of 10 m from the shoreline. During field reviews at the subject property, the Adolphus Reach shoreline was

observed to be dominated by coarse substrate (gravel, cobble, and boulder). No aquatic vegetation was observed. The EIS has been updated to include this information.

With the exception of a potential walking pathway leading to the shoreline, it is intended that the 30 m vegetated buffer as well as 6 m amenity setback will be protected and have no intended uses. The report has been updated to include recommendations pertaining to potential protection methods that may be utilized.

Sections 6.4 and 8.1.8 of the report has been updated to include a review of potential impacts to fish habitat from the installation of docks, as well as to provide recommendation of potential methods which should be explored for the protection of the vegetated buffer. The report notes that comments from Quinte Conservation Authority indicate that they are unable to support any permanent docking structures within the floodplain, suggesting that only cantilever type docking systems would be permitted. The use of cantilever docks is consistent with landowner resource information prepared by the MNRF (2000) whereby it is recommended that docking systems such as cantilever or floating that do not disturb the lake bed or obstruct water circulation be used. Radomski *et al.* (2010) note that one frequent cumulative effect of the installation of docks is the resulting reduction in aquatic vegetation around the docks. Areas of dense aquatic vegetation are a frequently used habitat type by juvenile fish for cover and protection. As noted above, the shoreline of Adolphus Reach at the subject property is very exposed, was not observed to have any significant quantities of aquatic vegetation. As such, the installation of docks at the proposed lots (if completed) is not anticipated to have a significant impact on juvenile fish potentially using the littoral zone. If installed, it is recommended that each lot only have a single dock, and that installation / removal of the docks reflect the requirement for no vegetation removal with the 30 m buffer area.

**Comment #9: Butternut trees (29) were found on the subject property with 6 being Category 2 or retainable. An overlay of the site plan on Figure 2 would be helpful to clearly show the location of the trees relative to the road pattern. Recommendations on possibly excluding trees from lots or the building envelope should be included.**

The proposed road pattern in relation to the six (6) retainable Butternut trees on the subject lands is shown on Figure 4 in the report. None of the retainable trees, or their associated 25 m setback, overlap the proposed road pattern.

Section 8.1.6 of the report notes that where possible, development should respect a 25 m setback from any of the retainable Butternut trees. If this is not possible and development may impact the retainable Butternut trees, then the works should be completed in accordance with Section 23.7 of *O. Reg. 242/08*.

**Comment #9 v2: Section 6.6.5** The section describes the SWH criteria and the candidate habitats that were assessed. The presence of turtle nests indicates extensive use of the disturbed sandy areas. The ELC codes for shoreline wetlands do not meet the criteria for SWH, re significant turtle nesting area. However the authors do comment on mitigation measures for nest sites. The presence of northern map turtle, a Species of Concern does meet the SWH criteria of Species of Conservation Concern, and measures should be included to protect nesting areas.

Criteria for confirmed significant wildlife habitat are provided in *Significant Wildlife Habitat Criteria Schedules For Ecoregion 6E* (OMNR, 2015). In regards to Northern Map Turtle, there are a number of criteria that include this species (i.e. criteria for turtle nesting, criteria for Species of Conservation Concern). It is interpreted that it is not appropriate to rule out significant wildlife habitat - turtle nesting areas under one criteria only to have further assessment required under the Species of Conservation Concern criteria. Further, the observation of nesting Northern Map Turtles was discussed with the Ministry of Natural Resources and Forestry, with confirmation of the approach taken within the EIS (i.e. area is not significant wildlife habitat). Regardless, recommendations for mitigation measures for nesting turtles have been incorporated in the EIS. In addition, the majority of the identified turtle nesting area is located within the 30 m buffer, and will not be part of the development footprint.

**Comment #10: Section 6.6.6** The County policies discuss escarpments and slope stability specifically. While this report states this was outside of the scope of their work and no slope stability report was completed, a road access will be required to the lots. This will involve cutting of forest vegetation, significant site grading and impacts on the slope.

Further direction from the authors would assist in the design of that road and how to limit impacts on the natural and ecological functions. The alignment and feasibility of using the existing farm lane should be discussed. The report notes a 30 m buffer is typically recommended from the top of bank; however, the access road from the County road to the lots will cross the escarpment feature.

Access to the lots is proposed to utilize an existing roadway that is adjacent / crosses the escarpment feature. No further rock removal of the escarpment is anticipated as a result of the proposed undertaking.

Section 6.6.6 of the report has been updated to note that no further rock removal of the escarpment is anticipated.

**Comment #11: The section outlines their recommendations regarding setbacks, permitting, timing windows and mitigation measures for several items including grading, sediment and erosion control, vegetation, Species at Risk, SWH, fish habitat and surface water contamination.**

**The section should be a more detailed discussion of the impacts on each of those natural features, impacts from road construction, site grading, excavation, servicing and site occupancy of the lots.**

These sections of the EIS have been updated as applicable.

**Comment #12: Shoreline plans of condominiums provide flexibility in their design, use of common elements and communal amenity areas. In particular a layout that includes the full protection of the 30 m shoreline setback outside of the lot (unit) boundaries should be examined. The cumulative impact on the shoreline from 8 individual lot owners and methods to protect that buffer from being cleared, being mowed lawn or used for the lot owners should be assessed. In addition the potential for 8 individual docks on the shoreline should be assessed in terms of impacts compared to the option of a common element of parkland on the entire shoreline buffer with a seasonal communal dock assessed. Recommendations from the biologists could provide some direction on the final design of the condominium.**

Sections 6.4 and 8.1.8 of the report has been updated to include a review of potential impacts to fish habitat from the installation of docks, as well as to provide recommendation of potential methods which should be explored for the protection of the vegetated buffer. The report notes that comments from Quinte Conservation Authority indicate that they are unable to support any permanent docking structures within the floodplain, suggesting that only cantilever type docking systems would be permitted. The use of cantilever docks is consistent with landowner resource information prepared by the MNRF (2000) whereby it is recommended that docking systems such as cantilever or floating that do not disturb the lake bed or obstruct water circulation be used. Radomski *et al.* (2010) note that one frequent cumulative effect of the installation of docks is the resulting reduction in aquatic vegetation around the docks. Areas of dense aquatic vegetation are a frequently used habitat type by juvenile fish for cover and protection. As noted above, the shoreline of Adolphus Reach at the subject property is very exposed, was not observed to have any significant quantities of aquatic vegetation. As such, the installation of docks at the proposed lots (if completed) is not anticipated to have a significant impact on juvenile fish potentially using the littoral zone. If installed, it is recommended that each lot only have a single dock.



**Comment #13: The presence of turtle nesting on the site, woodlands, areas of sand ridges, 30 m shoreline buffer and protection of butternut trees, should be examined in terms of showing clearly defined building envelopes on each lot on the site plans. Lots 6, 7 and 8 in particular have turtle nesting, woodland and some sand ridges where a defined building envelope outside of those areas could be beneficial.**

Constraints to development are outlined on Figure 4 and described in Section 8.0 of the EIS. Lot specific areas for development are not interpreted to be necessary. It is anticipated that homeowners will protect vegetation on individual lots to provide separation from adjacent properties. Further, mitigation measures to limit the potential for impacts to the identified constraints, as well as to limit potential impacts to vegetation have been included within Section 8.0 of the report.

**Comment 14: The site will not have municipal services and will use septic beds for each lot. The impact on the lake water quality is discussed in the report. A recommendation in the EIS regarding setback distance minimums from the lake for septic system and general location of a septic (in front of house or behind) should be discussed. The impact of the proposed grassed swales adjacent to multiple septic systems should also be discussed.**

Section 6.4 of the report includes setback requirements for septic systems from lake features (15 m). This has been carried forward to Section 8.0 of the EIS, and is consistent with Ontario Building Code requirements. It should be noted that a stand-alone hydrogeological report has been completed for the subject lands and provides additional discussion of septic placement. Reference to the stand-alone reports has been added to the EIS.

**Comment #15: The report discusses level spreader berms, swales between lots and other aspect of the development. Inclusion of a site plan drawing or preliminary grading plan would assist the reader in reviewing the EIS report.**

The report has been updated to include a site plan which shows the location of the level spreader berms and other features (i.e. easement) on the property. The site plan is included in Appendix E.

**Comment #16: The report includes possible DFO permitting for any docks, no requirement for ESA permit and required permit from Quinte Conservation.**

No response required.

**Comment #17: Mitigation measures include incorporating artificial turtle nesting habitat at the level spreader berms. Further description of the design of those features should be included and how they would be protected (maintained on private lots or in common element blocks) should be included.**

Recommendations for material (mineral soils) and depth (minimum of 30 cm) were included in Section 6.6.5 of the report and have been carried forward to Section 8.1.6.



Protections for these features will be incorporated with protection of the level spreader berms in general, which will be included in the site plan agreement for the proposed development. It should also be noted that the majority of the turtle nesting area is located within the 30 m buffer area and will not be part of the development footprint.

**Comment #18: The internal access road from the county road and the internal road network are bordering two areas of common elements. Further discussion of any enhancement, restoration or uses of those blocks should be included. Particularly where grading of the sandy slopes may require stabilization through plantings. Edge management or planting recommendations should be included.**

As the internal access road and internal road network will be utilizing an existing access road on the subject property, extensive grading with roads is not anticipated to be required. The EIS recommends that vegetation removal be limited to the extent possible. As such, vegetation surrounding the existing access road is anticipated to be maintained. No planting recommendations are anticipated to be warranted.

The report has been updated to indicate that no vegetation planting recommendations are anticipated to be warranted.

**Comment #19: Section 5.2.1 and 5.2.2 outline the section of the County of Prince Edward Official Plan that are applicable. The EIS was prepared prior to the release of the new 2021 PEC Official Plan that includes identification and protection of natural heritage features and content of an EIS report.**

**As such the policies of the 2006 OP do not outline specific requirements. The content of this EIS would have followed the Terms of Reference submitted to the County and Quinte Conservation. Specific conformity to the OP should be included in the report.**

The report has been updated to include specific conformity to the land use designation identified for the subject property within OP.

**Comment #20: The EIS outlines the natural heritage features included in the PPS in section 5.1 of the EIS. Section 6.6 of the EIS covers each of those features. The report concludes (section 9.0) there will be impact on several identified natural features and states: *The proposed development is not anticipated to have any impacts on other natural heritage features.* A clearer statement on compliance with the PPS should be included.**

Section 9.0 of the EIS has been updated to provide clarity on compliance of the development with the PPS.

**QCA comments and Ainley Group response**

**Comment #1: Due to the existing steep slopes and erosion, staff recommend that the 36 m setback extend from the top of the bank rather than the high water mark.**

The high-water mark, top of bank, and 100 year flood line have been reviewed. In an effort to provide the most conservative approach, and further to discussions with the project drainage engineers, the EIS has been updated to recommend that that 36 m setback extend from the 100 year flood line.

**Comment #2: Staff from this office cannot issue permits for new permanent structures within the floodplain. Further much of this shoreline is steep and eroding. Therefore, typically only a cantilever type docks would be permitted. A slope stability analysis may be required.**

The EIS has been updated to reflect this information.

We trust the above and attached addresses, and/or provides an approach to address, the identified concerns.

Sincerely,



David Davison, B.Sc. (Env)  
Environmental Planner



Scott Reynolds, B.Sc.(Env), EP  
Manager of Environmental Planning

## REFERENCES

Credit Valley Conservation (CVC). 2015. *Plant Selection Guideline*. Version 1.3 – May, 2015.

Ministry of Natural Resources and Forestry (MNR). 2013. *Ontario Wetland Evaluation System*. Southern Manual. 3<sup>rd</sup> Edition, Version 3.2.

Ministry of Natural Resources (MNR). 2000. *Extension Notes: Protecting Fish Habitat*. ISSN 1198-3744. 2000, Queen's Printer for Ontario.

Radomski, P., L.A. Bergquist, M. Duval, and A. Williquett. 2010. *Potential Impacts of Docks on Littoral Habitats in Minnesota Lakes*. Fisheries – American Fisheries Society. Volume 35, No. 10, October 2010.