

Government Services Building
22 Winookeedaa Road
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045
Fax: 705.657.8708
www.curvelakefirstnation.ca

December 19, 2022

Treat Hull, B.A. (Hon), M.A.Sc. (Management)
Broker of Record
Treat Hull & Associates Ltd., Brokerage
8 Jasper Avenue
Picton ON K0K 2T0
e: treat@treathull.ca
m: 613-503-0027

Delivered by Email

Dear Mr. Hull,

RE: CLFN's Lakeside Estates Subdivision Review

On behalf of our Consultation Department at Curve Lake First Nation (CLFN), we are writing to provide the review of the Lakeside Estates Subdivision.

Our Consultation Department has reviewed and accepted the report provided by 4 Directions of Conservation Consulting Services for environment. Please refer to Appendix A for details on the review of the Lakeside Estates subdivision.

In addition, CLFN has reviewed the archaeological report and had the following comments:

There are no initial concerns and everything seems up to standards. There is little to no prehistoric write up, but this report was written in 2018 and has already been sent into the Ministry. CLFN would usually request that oral history be added to the document, however the report is filed. For future reference, please include CLFN's review prior to filing with the Ministry.

Our Consultation Department has emphasized that environmental protection and sustainability is an integral component of the future of the Curve Lake First Nation. Working with Curve Lake to develop project concept, design, planning, assessment, potential and actual impacts, monitoring, etc. are necessary steps in our process. All plans and activities must be viewed through the lens of environmental protection and sustainability. These requirements ensure that Curve Lake First Nation's interests and rights are being protected within our territory; that we are able to protect the ability to exercise our rights as a people – physically, culturally, and spiritually; that we are able to foster sovereignty, cultural identity, and sustainable succession. This is central to all relationships being progressed with various regulators and proponents.

Curve Lake First Nation is the steward and caretaker of the lands and waters within our territory in perpetuity, as we have been for thousands of years, and we have an obligation to continue to steadfastly

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maintain this responsibility to ensure their health and integrity for generations to come. Protection, conservation, and sustainable collaborative management are priorities for Curve Lake First Nation.

Curve Lake's vision statement must be central to development in the territory: "Upon the foundation of community values and vision that promotes and preserves our relationship with mother earth, which has defined and will continue to define our identity and culture as Anishnaabe People, the Consultation Department will build and secure the framework for our First Nation lands by putting into place ways and laws that will provide both the protection and the freedom for each person, their family, and the whole community to fulfill their potential. Each way and law will be given the consideration to its importance for our next seven generations."

We thank you, and Lakeside Estates project team for working with us to understand and incorporate our comments into this Project. We thank you for working with us to finalize our agreement as it will help support our relationship building effort over the coming years.

We do this work to uphold our responsibilities to care for the earth and waters, for our people, our nation, and for all our relations. Our foundational belief is balance; our values and principles are built upon the respect, care, and nurturing of all life as part of an interconnected whole and necessary for the balance and harmony required for Mino-Bimaadiziwin now and for future generations.

Sincerely,

On behalf of the Curve Lake First Nation Consultation Department

Gary Pritchard
Representing Curve Lake First Nation
CEO & Indigenous Conservation Ecologist
4 Directions of Conservation Consulting Services

Francis Chua
Support to CLFN Consultation Department

cc:

Chief Keith Knott, Curve Lake First Nation
Katie Young-Haddlesey, Chief Operating Officer, CLFN
Kaitlin Hill, Lands & Resources Consultation Liaison, CLFN
Tiffany McLellan, Archaeology Program Administrator, CLFN
Paige Williams, Consultation Clerk, CLFN

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Appendix A Lakeside Estates Subdivision Environmental Review



Environmental Impact Study Lakeside Estates in the County Subdivision Prince Edward County Drive Review

Prepared for:

Curve Lake First Nation,
Consultation Department

4 Directions Reference No:
22-120
© December 2022





December 2022

Attn: **Consultation Department**
Curve Lake First Nation
22 Winookeeda Road,
Curve Lake ON K0L1R0
P: (705) 657-8045

CC: **Francis Chua**

RE: Environmental Impact Study Lakeside Estates in the County Subdivision Prince Edward County Drive Review

4 Directions File No: 22-120

4 Directions of Conservation Consulting Services (4 Directions) is pleased to present our review and recommendations regarding documents prepared by The Greer Galloway Group Inc. (GGG). These documents were presented to Curve Lake First Nation (CLFN) from 2798640 Ontario Inc. under their Duty to Consult and Accommodate. 4 Directions' review of the report, "*Environmental Impact Study Lakeside Estates in the County Subdivision Prince Edward County Drive*", is broken down into two main sections. Relevant statements, questions and concerns are identified in the following document under their respective headings:

- Concerns Regarding Michi Saagiig Inherent and Treaty Rights
- Concerns Regarding the Environment

Although it should be noted that 4 Directions acknowledges that the two above-mentioned topics are inextricably linked, the review has been organized under these section headings for clarity purposes. After these sections, 4 Directions provides a brief summary of identified recommendations for 2798640 Ontario Inc., followed by closing remarks.





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Background

2798640 Ontario Inc.'s report, titled *“Environmental Impact Study Lakeside Estates in the County Subdivision Prince Edward County Drive”*, was reviewed under the provided context:

“The Greer Galloway Group was retained by 2798640 Ontario Inc. to prepare an Environmental Impact Study (EIS) report in support of a residential subdivision and rezoning of Part of Lot 105, Concession 4, Ameliasburgh Ward, County of Prince Edward. Figure 1, Site Location Plan, shows the location of the property.”

(Pg. 1, Environmental Impact Study, GGG, 2021).





1.0 Concerns Regarding Michi Saagiig Rights

1.1 Williams Treaty (2018)

1.1.1 Quotation

“This report has been prepared to satisfy requirements of the Quinte Region Conservation Authority and the County of Prince Edward. Quinte Conservation and the County require an EIS as an unevaluated wetland is within the property where the subdivision is proposed.”

(Pg. 1, Environmental Impact Study, GGG, 2021).

1.1.1.1 Statement

The Environmental Impact Study (EIS) was composed from a western science and settler perspective. As such, it lacks integration of Indigenous worldviews and knowledge systems. The EIS does not identify the importance of proponents and consultants having relationships with the land, a value that the Michi Saagiig have had since time immemorial. The creation of mitigation measures and accommodation measures under the EIS process diminishes the relationship with the land to a task to check off from a checklist. To protect the environment, the proponents and consultants need to go beyond the EIS protocol and understand their own relationship to the land, how the land supports them and how they can better protect it.

1.1.1.2 Question

Are GGG and 2798640 Ontario Inc. aware that the EIS does not account for Michi Saagiig Culture nor Michi Saagiig Inherent and Treaty Rights?

1.1.1.3 Recommendation

4 Directions staff recommend the inclusion of Michi Saagiig Knowledge Systems within the environmental reporting for the project. GGG and 2798640 Ontario Inc. should reflect on their relationship to the land and how they can go beyond this EIS process to protect the natural environment and Michi Saagiig Treaty Rights.





1.1.2 Quotation

“The property is located within the jurisdiction of Prince Edward County. The County’s Official Plan (1998) describes the planning policies for the land use and their application to meet the specific needs of the communities. The property is within the Hamlet of Consecon. The predominant uses of land in the Hamlets are a mix of low-density residential uses, community facilities such as parks, schools, and community centres, dry commercial uses that service the needs of surrounding residents and tourists as well as home businesses and dry industrial uses.”

(Pg. 3, Environmental Impact Study, GGG, 2021).

1.1.2.1 Statement

The Study Area falls under the jurisdiction of the Williams Treaty First Nations who had their rights to their territory reaffirmed in 2018 (see CIRNAC, 2018). There is no mention in the report of the Crawford’s Purchase (1783; where the proposed subdivision and existing site are located) and the treaty’s protection of watercourses.

1.1.2.2 Question

How are GGG and 2798640 Ontario Inc. upholding the Treaty Rights of the Michi Saagiig?

1.1.2.3 Recommendation

Clearly state that the project is in the Crawford’s Purchase, provide an explanation on how the project will affect Indigenous land Rights, and create a plan with the Williams Treaty First Nations to mitigate any impacts to these rights to land and the protection of watercourses.





1.1.3 Quotation

“There are areas within the property subject to ponding. Ponded water was observed along the east and north side of the west agricultural field. North of the east field, there is a wet area not used to grow crops. Also, a wet area is present north of the west field.”

(Pg. 4, Environmental Impact Study, GGG, 2021).

1.1.3.1 Statement

Under the Williams Treaty, all wetlands are significant and are afforded protections, regardless of the provincial designation. Furthermore, under the 2008 Water Declaration: “First Nations in Ontario have our own territories that includes the waters, which include the rain waters, waterfalls, rivers, streams, creeks, lakes, mountain springs, swamp springs, bedrock water veins, snow, oceans, icebergs, and the seas”. The Michi Saagiig have rights and responsibilities to these wetlands on their territory and should therefore set the protections and regulations for working within these wetlands.

1.1.3.2 Question

How are GGG and 2798640 Ontario Inc. upholding the Treaty Rights of the Michi Saagiig?

Why are there no further details regarding the significance of the ponded habitat within the property?

1.1.3.3 Recommendation

Further discussion between CLFN and 2798640 Ontario Inc. is necessary regarding the protection of all wetlands, Michi Saagiig Treaty Rights, and to determine the seasonal re-occurrence of the standing ponded water identified on the property. This could be important breeding habitat or refugia for amphibian species.





1.1.4 Quotation

“There is a wetland on adjacent lands. The wetland is within the Conservation Authority-regulated area. Conservation Authority Regulation states that for other wetlands and wetlands less than 2 ha, a minimum 15 m setback is applied from the wetland boundary.”

(Pg. 11, Environmental Impact Study, GGG, 2021).

1.1.4.1 Statement

GGG identified a non-provincially significant wetland on adjacent lands north of the site. The ecological significance of this wetland was not assessed, and the proposed 15m setback is below the required 50 m setback outlined in Prince Edward County’s Official Plan.

Additionally, under the Williams Treaty, all wetlands are significant and are afforded protections regardless of the provincial designation. All wetlands, therefore, receive a 120 m buffer. Developing within this 120 m buffer is infringing upon the Treaty Rights of the Michi Saagiig. Any alteration, damage, or impact to these wetlands, regardless of classification, will infringe Williams Treaty First Nations Inherent Rights to the landscape.

1.1.4.2 Question

Does GGG recognize this and understand the significance of all wetlands to the Michi Saagiig?

1.1.4.3 Recommendation

In the future, since all wetlands are significant under the Williams Treaty, any future proposed sites with wetlands occurring on them or within 120m (such as the case with the swamp located north of the site), regardless of their significance or wetland classification, should also be afforded protection. This protection should include adequate buffer zones, mitigation measures and monitoring plans.





2.0 Concerns Regarding the Environment

1.2 Cultural Keystone Species

1.2.1 Quotation

“The natural features were evaluated through field surveys. Field surveys were carried out to determine the existing conditions of the natural features, document breeding birds and other wildlife, and determine the general characteristics of the study area.”

(Pg. 3, Environmental Impact Study, GGG, 2021).

1.2.1.1 Statement

The EIS did not include compiling any Cultural Keystone Species of the Michi Saagiig. Cultural Keystone Species are critical to the Michi Saagiig culture, knowledge system, and to environment. Not including Cultural Keystone Species in the project review makes it significantly more likely that this project will infringe on Treaty Rights.

1.2.1.2 Question

How can GGG adequately provide mitigation measures when the Cultural Keystone Species of the Michi Saagiig were not included in the assessment?

1.2.1.3 Recommendation

GGG should include the specific identification of the Cultural Keystone Species of the Michi Saagiig in the environmental impact assessment and specify mitigation measures to protect them.





1.2.2 Quotation

*“FOD7-1 – Fresh-Moist Ash Lowland Deciduous Forest[...:] This community is mapped along the fence line separating the fields and in the north and east part of the property. The dominant species are Green Ash (*Fraxinus pennsylvanica*) and Common Buckthorn (*Rhamnus cathartica*). Other species found include Black Ash (*Fraxinus nigra*), American Elm (*Ulmus americana*), Black Cherry (*Prunus serotina*), Manitoba Maple (*Acer negundo*), Norway Maple (*Acer platanoides*), and White Oak (*Quercus alba*). Eastern Red Cedars (*Juniperus virginiana*) are found on the edge of this vegetation. Ground species found within the forest and on the edges include Mayapple (*Podophyllum peltatum*), Woolly Blue Violet (*Viola sororia*), Spotted Touch-me-not (*Impatiens capensis*), Wild Black Currant (*Ribes americanum*), Yellow Trout-lily (*Erythronium americanum*), Wild Strawberry (*Fragaria virginiana*), Wild Mustard (*Sinapis arvensis*), Garlic Mustard (*Alliaria petiolata*), Dame’s Rocket (*Hesperis matronalis*), Field Pennycress (*Thlaspi arvense*), Creeping Charlie (*Pilea nummulariifolia*), Bristly Crowfoot (*Ranunculus pensylvanicus*), Poison Ivy (*Toxicodendron radicans*), grasses, and several species of moss.*

*CUT1 – Red Cedar – Dogwood Cultural Thicket [...:] This community is the youngest community found in the property. It is dominated by Eastern Red Cedar, Red-osier Dogwood (*Cornus sericea*), and Common Juniper (*Juniperus communis*). Other species found include Green Ash and Common Buckthorn saplings, Crack Willow (*Salix fragilis*), Eastern White Cedar (*Thuja occidentalis*), and Common Buckthorn seedlings, Tartarian Honeysuckle (*Lonicera tatarica*), Wild Parsnip (*Pastinaca sativa*), Common Dandelion (*Taraxacum officinale*), Tall Goldenrod (*Solidago altissima* var. *altissima*), Canada Goldenrod (*Solidago canadensis*), Wild Strawberry, Tufted Vetch (*Vicia cracca*), Black Medic (*Medicago lupulina*), Wild Black Currant, Virginia Creeper (*Parthenocissus quinquefolia*), Riverbank Grape (*Vitis riparia*), sedges, grasses, and mosses.*





WM-Wet Meadow [...] The wet meadow located in the north-east part of the property is periodically “soaked” or ‘wet” as a result of flat topography and soil composition. Species found include Early Goldenrod (Solidago juncea), Wild Carrot (Daucus carota), Tall Goldenrod, Canada Goldenrod, Common Dandelion, Wild Strawberry, Wild Teasel (Dipsacus fullonum), Purple Loosestrife (Lythrum salicaria), White Willow, Woolly Blue Violet, Common Milkweed (Asclepias syriaca), Philadelphia Fleabane (Erigeron philadelphicus), Red Clover (Trifolium pratense), Silverweed (Potentilla anserina), Flower-of-an-Hour (Hibiscus trionum), Eastern Cottonwood seedlings (Populus deltoides), horsetail (Equisetum sp.), grasses, and mosses. Common Reed (Phragmites australis) and few Narrow-leaved Cattails are observed on the edge between the meadow and the agricultural field.”

(Pg. 6-7, Environmental Impact Study, GGG, 2021).

1.2.2.1 Statement

GGG does not include any Cultural Keystone Species within the ELC community delineation, in part due to the lack of preparation in compiling Michi Saagiig Cultural Keystone Species. The ELC communities have Cultural Keystone Species and traditional medicines used by the Michi Saagiig. The possible negative impacts and/or destruction of these species and medicines is a direct infringement upon the Michi Saagiig Treaty Rights to freely harvest on their territory.

1.2.2.2 Question

How will GGG and 2798640 Ontario Inc. protect the Cultural Keystone Species and traditional medicines of the Michi Saagiig?

1.2.2.3 Recommendation

GGG should include the specific identification of Cultural Keystone Species of the Michi Saagiig in the ELC community inventory to protect these species through the project’s mitigation measures adequately.





1.3 Technical Accuracy

1.3.1 Quotation

“Specific Wildlife surveys were not conducted as part of this study. However, all the observed species were documented, including birds, reptiles, amphibians and mammals. Any sightings or signs (i.e., scat, tracks, vocalizations) indicating potential use of the site by wildlife were documented.”

(Pg. 4, Environmental Impact Study, GGG, 2021).

1.3.1.1 Statement

The function of the EIS is to describe potential impacts and to provide information for municipal and conservation authority staff to make decisions about which development impacts are acceptable or not. The desktop assessment and field studies, including wildlife surveys, should be more comprehensive. This will ensure that the reported absence of a species can be more confidentially attributed to it not using the habitat, rather than an issue of not detecting its presence in the study area.

1.3.1.2 Question

Why were taxa-specific surveys not conducted as part of the study?

1.3.1.3 Recommendation

4 Directions recommends that GGG and 2798640 Ontario Inc. conduct more comprehensive studies for SAR that are identified during the desktop assessment stage of the EIS. These studies should coincide with industry standards outlining the active time periods for surveying the relevant taxa. For example, breeding bird surveys should occur within the peak of the breeding season, which in Southern Ontario is 24 May – 10 July, anytime between half an hour before sunrise and five hours after sunrise (Birds Canada, 2021).





1.3.2 Quotation

“Species at Risk (SAR) included those species listed in the ESA and the SARA. An assessment was conducted to determine presence and potential habitat for SAR in the study area. An initial desktop review for potential Species at Risk (SAR) was conducted. The MNRF online NHIC map was consulted to identify the SAR likely to be present in the property and adjacent land. Available information was reviewed for additional records of SAR. No species-specific surveys were conducted for SAR. SAR were recorded as part of the surveys performed in the site.”

(Pg. 4, Environmental Impact Study, GGG, 2021).

1.3.2.1 Statement

The desktop assessment should not be restricted to only the Ontario NHIC. For a more comprehensive desktop review, other databases should be consulted, including Ontario Breeding Bird Atlas, Ontario Amphibian and Reptile Atlas, and the Department of Fisheries and Oceans (DFO) Aquatic Species at Risk Map.

1.3.2.2 Recommendation

The Ontario Reptile and Amphibian Atlas, Ontario Breeding Bird Atlas, and the DFO Aquatic Species at Risk Map should also be consulted during the desktop review for a more comprehensive understanding of species records in the Study Area. Targeted, species-specific surveys should be conducted that coincide with the active time periods for each relevant taxa identified during the desktop review.





1.3.3 Quotation

*“No amphibians were observed during the site visits; it is likely that Northern Leopard Frogs (*Lithobates pipiens*) are present around the property.”*

(Pg. 8, Environmental Impact Study, GGG, 2021).

1.3.3.1 Statement

While no amphibians were observed during the three site visits conducted by GGG, it is difficult to confidently confirm their absence from the site and/or the suitability of the site due to the incidental nature of their survey effort.

Amphibian surveys should be conducted during appropriate weather conditions, with each survey starting one half hour after sunset and end before midnight. A site should be surveyed at least three times during the spring and early summer to ensure monitoring captures the optimum breeding periods of Ontario's amphibian species.

1.3.3.2 Recommendation

Natural wetlands can be scarce in landscapes dominated by agricultural areas, such as this site. Given the presence of ponding on the property and a wet area north of the western field, we recommend more targeted amphibian surveys.





1.3.4 Quotation

*“Visual observations of reptiles were completed during each site visit. In the forest area, logs and other objects were randomly lifted and inspected. No snakes were observed; however, it is likely that the Eastern Garter Snakes (*Thamnophis sirtalis*) are present as the habitat is suitable.”*

(Pg. 8, Environmental Impact Study, GGG, 2021).

1.3.4.1 Statement

While no reptile species were observed during the three site visits conducted by GGG, it is difficult to confidently confirm their absence from the site and/or the suitability of the site due to the incidental nature of their survey effort.

A minimum of 10 surveys are required to determine absence of Ontario snakes (OMNRF, 2016), and 3-5 surveys for Ontario turtle species (OMNRF, 2015).

1.3.4.2 Recommendation

Future studies should adhere to the minimum provincial guidelines regarding survey effort for taxa of interest.





1.3.5 Quotation

“Adult butterflies were not observed in the vegetation around the agricultural fields; however, plants and wildflowers are present. As the milkweed is found around the agricultural fields, there is potential for adult butterflies to be disturbed/affected during clearing of vegetation. Mitigation measures should be applied to prevent harm to caterpillars and adult butterflies.”

(Pg. 10, Environmental Impact Study, GGG, 2021).

1.3.5.1 Statement

Given the presence of the larval food plant, milkweed, Monarch butterflies are likely to be present. Typically, Monarch larvae can be found on host plants from mid-June to late August.

1.3.5.2 Question

Similar to previous comments, why were surveys for this species not conducted during the appropriate growing season for the larval plant?

1.3.5.3 Recommendation

Due to potential removal of Monarch habitat/forage, 4 Directions recommends all persons with any on site role should be given information on the species at risk present, and trained to identify the species, including how to distinguish them from non-target species in the vicinity of the site. In addition to these measures, GGG and 2798640 Ontario Inc. are recommended to ensure post-construction planting and landscaping efforts include native vegetation species. Development of the planting plans and seed mix selection should be done in consultation with CLFN to ensure biocultural species are represented.





1.3.6 Quotation

“The property is within the settlement area of the Village of Cosecon and has been subject to agricultural practices in the past and present. The property is important as wildlife is using the property; however, due to its location and current conditions and the lack of significant natural features, the property does not provide significant wildlife habitat.”

(Pg. 11, Environmental Impact Study, GGG, 2021).

1.3.6.1 Statement

Very little discussion is present in the report on potential candidate Significant Wildlife Habitats. It is important for Western practitioners to know,

“even though the probability of occurrence is low for a species at risk, further examination should be completed to rule out its occurrence or use of the site. By this western logic, all animals or living beings only occupy high-quality, optimal habitats. Then why is this not observed in human populations? If this was the case, there would be no unhoused people and we would all live in large upscale homes.”

(Gary Pritchard- lecture: Indigenous ways of Knowing.)

By using a justification of probability, it allows Western science the ability to justify environmental degradation and destruction.

1.3.6.2 Recommendation

To reiterate previous comments, 4 Directions suggests that further study is required. Without formal amphibian, reptile, breeding bird, and species at risk surveys being performed for the current EIS, it is difficult to conclude the suitability or use of the present habitat confidently.





1.3.7 Quotation

“Removal of invasive species as a result of construction activities will result in an opportunity to prevent the spread of these invasive species to other natural features and/or abandoned fields.”

(Pg. 11, Environmental Impact Study, GGG, 2021).

1.3.7.1 Statement

Removal of invasive species during vegetation clearing for the project should be done with great care, following industry standards for proper removal and disposal of the identified species.

1.3.7.2 Question

How is GGG planning to manage invasive species during construction and post-construction?

1.3.7.3 Recommendation

Physical site disturbance by persons working on the site may increase the likelihood that non-native and/or invasive flora species will be introduced to the surrounding vegetation communities. In order to effectively manage invasive species at the site level, invasive species removal should be coupled with natural feature enhancements (e.g., re-plantings with native species to increase native species diversity and ecological integrity of the area) during the post-construction phase. Development of the planting plans and seed mix selection should be done in consultation with CLFN to ensure biocultural species are represented.





1.3.8 Quotation

“Workers must be vigilant and check work areas for the presence of breeding birds and nests containing eggs and/or young. If breeding birds and/or nests are encountered, works should not continue in the location of the nest until after July 31st (or as soon as it has been determined that the young have left the nest). Please note that the breeding bird season in the subject area extends from April 15th to August 31st. Therefore, works should commence after August 31st if practical.”

(Pg. 11, Environmental Impact Study, GGG, 2021).

1.3.8.1 Statement

As per the *Migratory Bird Convention Act*, 1994, regardless of perceived practicality by the proponent, vegetation removal should not take place during the established core local breeding bird season.

If vegetation clearing must occur during this season, a qualified biologist will be required to conduct nest searches 48 hours prior to any clearing activities.

1.3.8.2 Recommendation

Given that birds are most sensitive during breeding and nesting, and that no formal breeding bird studies were completed, 4 Directions recommend that vegetation clearing should only occur outside of the local breeding bird season.





3.0 Concerns from Site Visit

A site visit was conducted on Tuesday, November 9th, 2022, by two ecologists from 4 Directions and Treat Hull. 4 Directions and CLFN appreciate the well-received site visit and hope to continue this relationship. 4 Directions have the following additional concerns from the site visit:

1. The main concern from 4 Directions perspective based on the site visit is regarding the proposed buffer for the deciduous swamp located along the northern boundary of the property. The EIS developed by Greer Galloway Group proposed a 15 m buffer (which below the minimum 50 m buffer required by the County); however, under the Williams Treaty, reaffirmed in 2018, all wetlands are afforded rights and protection which included a 120 m buffer. As mentioned before, wetlands are incredibly important areas that are critical to the Michi Saagiig culture.
 - a. Both the proposed 15 m buffer and the required 50 m buffer as per the County Official Plan do not respect the Michi Saagiig Treaty Rights and will have to be changed to 120 m to respect these Rights.
2. Regarding any trees harvested during the subdivision development, 4 Directions recommends compensation for CLFN, such as sharing wood products from the site with those interested.
3. A detailed post-construction planting and landscaping plan will need to be generated by CLFN and the proponent to ensure seed mixes include appropriate native vegetation that will both facilitate enhancing the local ecological integrity of green spaces within the subdivision and ensuring the presence of biocultural species.





4.0 Summary of Recommendations

- All sections of this report need to be addressed in good faith between GGG, 2798640 Ontario Inc. and CLFN to address their (CLFN) level of environmental concern. GGG and 2798640 Ontario Inc. needs to communicate this to CLFN and in a subsequent document outline a formal response to questions, recommendations or action items arising from this peer review.
- Contractors working on behalf of proponents in CLFN territory should undergo mandatory Cross-Cultural Awareness training lead by the First Nations.
- GGG and 2798640 Ontario Inc. should show they have an adequate understanding of the Williams Treaty (2018) and how it relates to this project. GGG should include the Williams Treaty and known cultural background information of the study area within their assessment to uphold the Michi Saagiig Treaty Rights. GGG and 2798640 Ontario Inc. should assess their own relationship to the land and how they can go above and beyond this EIS process to protect the natural environment and Michi Saagiig Treaty Rights.
- Clearly state that the project is in the Crawford's Purchase, provide an explanation on how the project will affect Indigenous land Rights and create a plan with the Williams Treaty First Nations to mitigate any impacts to these rights to land and the protection of watercourses.
- GGG should include the specific identification of Cultural Keystone Species of the Michi Saagiig in the Environmental Impact Study, including data form the desktop review and field investigations, and specify mitigation measures to protect them.
- GGG should include the specific identification of Cultural Keystone Species of the Michi Saagiig in the ELC community inventory in order to adequately protect these species through the project's mitigation measures.





- There should be further discussion between CLFN and 2798640 Ontario Inc. regarding wetland protection, Michi Saagiig Treaty Rights, and determining the seasonal re-occurrence of the standing ponded water identified on the property. This ponding habitat could be important breeding habitat or refugia for amphibian species.
- The main concern from 4 Directions perspective based on the site visit is regarding the proposed buffer for the deciduous swamp located along the northern boundary of the property. The EIS developed by Greer Galloway Group proposed a 15 m buffer (which below the minimum 50 m buffer required by the County); however, under the Williams Treaty, reaffirmed in 2018, all wetlands are afforded rights and protection which included a 120 m buffer. As mentioned before, wetlands are incredibly important areas that are critical to the Michi Saagiig culture.
 - Both the proposed 15 m buffer and the required 50 m buffer as per the County's Official Plan do not respect the Michi Saagiig Treaty Rights and will have to be changed to 120 m to respect these Rights.
- In the future, since all wetlands are significant under the Williams Treaty, any future proposed sites with wetlands occurring on them or within 120m (such as the case with the swamp located north of the site), regardless of their significance or wetland classification, should also be afforded protection. This protection should include adequate buffer zones, mitigation measures and monitoring plans.
- In addition to the Ontario NHIC database consulted during the desktop review led by GGG, the Ontario Breeding Birds Atlas, DFO Aquatic Species at Risk map and the Ontario Amphibian and Reptile Atlas should also be consulted for a more comprehensive understanding of species records in the Study Area.





- 4 Directions recommends that GGG and 2798640 Ontario Inc. conduct more comprehensive monitoring for SAR that were identified during the desktop assessment stage of the EIS. These studies should coincide with industry standards outlining the active time periods for surveying the relevant taxa. For example, breeding bird surveys should occur within the peak of the breeding season, which in Southern Ontario is 24 May – 10 July, anytime between half an hour before sunrise and five hours after sunrise (Birds Canada, 2021).
- Given that birds are most sensitive during breeding and nesting, and that no formal breeding bird studies were completed, 4 Directions recommend that vegetation clearing should only occur outside of the local breeding bird season.
- Physical site disturbance by persons working on the site may increase the likelihood that non-native and/or invasive flora species will be introduced to the surrounding vegetation communities. In order to effectively manage invasive species at the site level, invasive species removal should be coupled with natural feature enhancements (e.g., re-plantings with native species to increase native species diversity and ecological integrity of the area) during the post-construction phase.
- 4 Directions agrees with GGG's recommendation that all persons with any on-site role should be provided information/trained on species at risk present, what these species are, what these species look like, and how to distinguish them from other species potentially found in the vicinity of the site.
- A detailed post-construction planting and landscaping plan will need to be created by CLFN and the proponent. This will ensure seed mixes include appropriate native vegetation that will facilitate enhancing the local ecological integrity within the subdivision and ensure the presence of biocultural species.
- Regarding any trees harvested during the subdivision development, 4 Directions recommends compensation for CLFN, such as sharing wood products from the site with those interested.





5.0 Closing Remarks

4 Directions staff are generally satisfied with the information provided within the report titled “*Environmental Impact Study Lakeside Estates in the County Subdivision Prince Edward County Drive*”. As noted in the summary of recommendations, 4 Directions encourages 2798640 Ontario Inc. to provide further clarity regarding how Indigenous Inherent and Treaty rights are upheld throughout the environmental impact assessment and mitigation measures for this project.

We trust that this information aids in your engagement process and the next steps forward. If you have any questions, please do not hesitate to contact us.

Miigwetch,

A handwritten signature in black ink that reads "Jeffrey Driscoll".

Jeffrey Driscoll, BSc., MSc., M.Env.Sc.

Terrestrial Ecologist

4 Directions of Conservation Consulting Services.

(e): jdriscoll@4directionsconservation.com

A handwritten signature in blue ink that reads "Courtney Robichaud".

Courtney Robichaud, PhD

Senior Ecologist

4 Directions of Conservation Consulting Services.

(e): crobichaud@4directionsconservation.com





Works Cited

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Appendix 1: Site Photos

Photo Site 1 – N43.999 W77.517

