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February 7, 2025

c/o Sean McGregor  
Campfire Circle  
464 Bathurst St.  
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**VIA EMAIL: Sean@copegroup.ca**

**RE: Campfire Circle, requested inputs:  
Response to the Environmental Advisory Committee (EAC) and Prince Edward  
County Field Naturalists (PECFN) for rezoning submission purposes**

This cover letter is in relation to the EAC and the PECFN responses to the previously submitted review response matrix dated 08-Nov-2024. We will be responding to individual points made in the latest EAC and PECFN response submissions but felt it would be helpful for this cover letter to assess the development on a higher level in relation to conformity with the Prince Edward County Official Plan and consistency with the Provincial Policy Statement.

**Site Conditions:** The development is primarily proposed within farmland that has been in active farm use for almost 200 years. The development lands also include an existing recreational shoreline that includes lawn that extends back from the lake at least 120 m and is mowed to the water's edge. This recreational shoreline also includes cottage structures and older septic systems closer than 30 m to the lake. These will all be removed. It also includes a woodlot that has a long history of cultural use including past maple syrup tapping, wood harvesting, materials storage, and road and trail construction. This historical [land use] has limited the area proposed for development from having a high potential for containing significant or sensitive ecological features.

**Scale:** The primary purpose of the Campfire Circle development is to create a medically supported overnight camp experience for children experiencing serious illness. The peak season will be in the summer, with programs running weekly through July and August. Similarly, it will offer about 30 days of weekend camp experience during the school year, but running at about 1/3 capacity. It will also offer other groups a camp program experience during the school year for an estimated 55 days of use, again at about 1/3 capacity. In summary, the camp is expected to run at, or near, full capacity for about 16% of the year, at about 1/3 capacity at about 23% of the year, and remain mostly dormant (except for maintenance staff) for the rest of the year. Most campers will arrive by bus, which will reduce vehicle footprints. Unlike a housing development, the structural coverage of the camp for zoning purposes is proposed to be ~7.5% of the developable area.

**Natural Heritage:** Most significant natural heritage features associated with the proposed camp are within the adjacent lands and include fish habitat, provincially significant wetland, provincially significant ANSI, and habitat for Species at Risk. The existence of many of these features was established prior to the EIS work, and they were confirmed during the production of the April 22, 2024 EIS (which was peer-reviewed). The main conclusion of the EIS was that development would be possible, with listed mitigation and compensation caveats, without having a negative impact to adjacent significant natural heritage features. As part of the EIS process that involved consultation with PEC staff, and the development review process, modifications to initial development concept plans were made to alleviate impact concerns. Future consultation with the MECP may also result in changes to the development plans, and we anticipate further refinements at the Site Plan Control phase.

**Setbacks:** The EIS process concluded that a 30 m setback from natural heritage features at this site would be appropriate to mitigate negative impacts, though development is proposing setbacks greater than 30m in several instances. The adjacent land distance in the Official Plan for most significant natural heritage features is 120 m. It is important to note that this is not a “no-development” buffer, but a zone of consideration for possible negative impacts, and this is noted in the Official Plan and the Natural Heritage Reference Manual, the accompanying document of the Provincial Policy Statement. Thirty meters is a minimum distance, which can be equated to a buffer. A purpose of the EIS is to determine an appropriate setback distance and this is noted in the Official Plan. The distance is determined on a site-specific basis, and in our EIS work, we have recommended many different setback widths as based on the biology of the site, including some more than 120 m.

**Adjacent Lands:** Regarding adjacent natural heritage features at this site, there is a distinct ecological separation between the development lands and the adjacent significant natural heritage features. This primarily stems from the historical cultural use of the development lands, which has resulted in minimal ecological interactions between the development lands and the adjacent natural heritage features. This minimal ecological interaction allows for a lesser setback (e.g. 30 m) because there will be minimal movement of significant species between the development lands and the adjacent natural heritage features for life cycle completion needs. Setback distances also help reduce off-site movement of negativity, such as with stormwater sediments. The 30 m distance is an accepted distance to achieve this in both policy (e.g., OP's and the Natural Heritage Reference Manual) and Regulations (e.g., 41/24) if site conditions warrant it, such as for the shoreline along West Lake of this property, and if the recommended shoreline mitigation planting is applied.

**Core Areas:** The development lands are within the South Bloomfield Natural Core Area. This core area includes provincially significant wetland, non-significant wetland, coastal wetland, the Waring's Creek subwatershed, woodland, and ANSI. With a few exceptions, there is a reasonable level of ecological connectivity to these listed natural heritage features across the core area despite the existence of roadways, existing development, cash crop farmland, and mineral aggregate operations. Most importantly, none of the above listed ecological features are present within the proposed development lands with

the exception of limited development proposed within the woodland area. The camp development will not have a negative impact on the core functionality or connectivity of these identified features within the South Bloomfield Core Area.

**Negative Impact:** All human activity can impact the environment, and given this, all existing and future development in the County would be in conflict if “no impact” was the metric for decision making. The Official Plan considers a “*negative impact*” to be an impact that could measurably degrade the features and/or functions of a significant natural heritage feature to the point where the feature/function would no longer be significant. For example, using the Significant Wildlife Habitat categories, there are threshold numbers of species required to reach significance. If a development caused that number to go below the threshold level to non-significance, it would constitute a negative impact.

Aside from this policy driven approach, various provincial regulations directly protect significant natural heritages from harm, such as Regulation 41/24 that provides protection to water bodies and wetlands from direct intrusion, and prescribes minimal setback distances (primarily 30 m).

In our experience of completing EIS efforts, impacts are more commonly related to concerns with adjacent features, such as with this proposed development. However, given that there is minimal ecological interaction between the development lands and the adjacent significant features, and there is minimal off-site movement of potential negativity anticipated, the concern for a negative impact is greatly reduced. One off-site movement of potential negativity that might be in people’s minds is related to septic management. However, these concerns would be alleviated because the camp will be required to meet provincial regulations through the Environmental Compliance Approvals process in consultation with the MECP, and the two camp septic systems will be more than 120 and 85 m from the open water of West Lake, and the intervening distance of this latter system will be fully vegetated with no intervening structures

Respectfully submitted,



Rob Snetsinger  
Ecological Services

Matrix Responses to EAC comments received on January 8<sup>th</sup>, 2025.

ORIGINAL COMMENT	PROPONENT RESPONSE	EAC FOLLOWUP	PROPONENT 2 <sup>ND</sup> RESPONSE
<p><b>Matt Coffey</b>- PJR must address Environmental Policies of OP. Overlay Area F on Schedule B (South Bloomfield Area). How will the Interim Control By-law be addressed?</p>	<p><b>FOTENN</b> – [1] While Schedule B, Overlay Area F (South Bloomfield Area) is not publicly available on the County’s website, it is understood by the project team that this schedule indicates that the site is subject to Interim Control By-law Z7- 23. The Interim Control By-law Z7-23 was initiated by the municipality, affecting various locations within Prince Edward County, and seeks to give the municipality time to conduct a review of areas where the shoreland designation overlaps with natural heritage features. The review is currently undergoing public circulation. Should the interim control by-law not be lifted before the end of its legislative period, May 2025, the project team may seek an exception for the subject site to be removed from the Interim Control Bylaw, provided all technical matters are resolved to the satisfaction of the County. [2] As extensive field work has been completed on the site by professional ecologists, the natural heritage boundary has been clearly identified, thereby resolving conflict between the shorelands designation and environmental features on the site. The proposed development respects the findings of the ecological impact study and has been thoughtfully designed to minimize and mitigate any impact on the ecological function of the surrounding natural heritage features.</p>	<p>[1] Schedule B has been available on the County’s website for years. It clearly identifies the borders of Natural Core Areas which require special attention under the OP. It also maps specific features like PSWs, ANSIs and the Waring Creek sub watershed shown on the blown up graphic below</p> <p>[2] This reference demonstrates that the proponent still does not understand the overlay for Natural core Areas. Section 3.1.3 3) reads as follows:</p> <p>3) <b>Schedule ‘B’: Natural Features &amp; Areas</b> identifies collectively and individually the key components of the County’s <i>Natural Heritage System</i>, including the <i>natural heritage features</i> that comprise the <i>Environmental Protection</i> designation identified on <b>Schedule ‘A’: Land Use Designations</b>, as well as:</p> <p>a) Wetlands – Other; including unevaluated <i>wetlands</i> and <i>wetlands</i> evaluated as ‘other significance’  b) <i>Areas of Natural and Scientific Interest (ANSIs)</i> – <i>Significant</i> and <i>Candidate</i>;  c) Natural Core Areas;  d) Natural Core Area Linkages;  e) Waring’s Creek Sub-<i>Watershed</i>; and  f) Woodlands.</p> <p>The proponent has seemed satisfied to deal with only certain specific features like wetlands and woodlands while failing to appreciate the collectivity which comprises a Natural Core Area.</p>	<p><b>ES</b> – [1] On The County Website relative to the 2021 Official Plan Schedule B refers to various secondary plan maps, but also refers to other Schedule B maps denoting Natural Features and Areas. We were aware of this mapping when conducting the EIS, showing natural heritage features such as ANSI’s, wetlands, and linkages. This map also shows the Natural Core areas, of which “F” refers to the South Bloomfield Core Area. However, even without the mapping we were aware of most of these features as we have been conducting ecological surveys in the County for almost 40 years, and the designation of some of these features extends from our past work.</p> <p><b>ES</b> – [2] In the EIS we determined that the significant natural heritage features that denote the South Bloomfield Natural Core Area would not be negatively impacted by the proposed development. In a subsequent submission we reiterated this point.</p> <p>The proposed camp will also not negatively impact the ecological connectivity or integrity of the known significant natural heritage features within the South Bloomfield Core Area.</p>

**EAC** - Our first, and perhaps overarching comment is that this application is premature and should not be considered at this time because the property lies squarely in the South Bloomfield Natural Core Area as identified in Schedule B of the 2021 Official Plan. As such, the property is subject to the Interim Control Bylaw which currently governs properties where Natural Core Areas and Shoreland designation intersect. That bylaw will be in place until May 22, 2025. None of the proposal documents recognize the fact of the property being in the Natural core Area.

**FOTENN** - As identified in the planning justification report, Schedule A-3 of the Official Plan does identify parts of the site and the surrounding waterbody as being designated "Environmental Protection", which includes PSW's and SCW's, as well as areas of natural and scientific interest. Schedule B further refines the mapping and identifies the water area as a SCW and part of the South Bloomfield Area Natural Core Area. Section 4.4.3.2(3) of the OP acknowledges that the boundaries of PSW's and SCW's are generalized and their limits are to be determined through the preparation of an EIS, in consultation with the QCA. [1] The Environmental Impact Statement identified the boundaries of the provincially significant wetland through ground truthing. As such, the boundaries of the Environmental Protection Area designation on Schedule 'A' and the boundaries on Schedule 'B' are proposed to be refined without amendment to the Official Plan (as per Section 4.4.3.2.2 of the OP), to reflect the confirmed boundaries. No development is proposed within the identified boundaries of the natural heritage feature, with the possible exception of a floating dock, which will be subject to permits from the Conservation Authority. The intention of the Interim Control By-law was to give the municipality time to review properties where Natural Core Areas and Shoreland designation intersect. Given the ecological field work that has been conducted on the site, and the professional assessment regarding the proposed development, the project team will be seeking an exemption from the interim control by-law.

Again, the proponent and its EIS consultant focus only on individual features and not the purpose of Natural core Areas. No assessment has been made of the overall impact on biological connectivity which is required under the NCA concept.

**ES** – In the OP, Natural Core Areas are considered a Schedule B Natural Feature. Connectivity of extant natural heritage features listed in the OP primarily refer to connections between known areas of ecological significance (e.g., significant wetlands, fish habitat, ANSI's). In contrast, the development lands are predominately farmland with an ~ 200 year history of cultural use that has resulted in a distinct ecological separation between the development lands and the adjacent significant natural heritage features. The EIS work investigated and determined that there was not a significant ecological connectivity of the development land to the adjacent significant natural heritage features within the core area. As such, the development will not negatively impact the connectivity of the listed natural features that were prescribed for the South Bloomfield Core Area.

<p><b>EAC</b> - Throughout the report the authors are reliant on the work to be proposed/carried out by others with no comments on absolute requirements. For example “The management and assessment of septic and stormwater development are not covered in any detail in this report, and instead will be provided by Jewell Engineering, and it is assumed that this will be dealt with to the satisfaction of the relevant agencies”</p>	<p><b>Ecological Services</b> - A Natural Heritage EIS focuses on the natural heritage features outlined in the Official Plan. As ecologists our role is to identify whether significant natural heritage features are present, and if present, will they be at risk of a negative impact, and whether mitigation or compensation can ameliorate that negative impact. We have no groundwater or septic expertise and therefore it would be unprofessional of us to assess these in our reports. Indeed, we have been told in the past by more than one Conservation Authority and the MECP not to do so. Having said that, we are aware that SWM is held to certain standards by the MECP, and it will be up to the applicants to meet those standards.</p>	<p>Indeed, we wouldn't expect these questions to be answered by the EIS consultant, but the proponent must make firm commitment to deal with the issues raised to be dealt with by others.</p>	<p><b>ES</b> – It is our understanding that the septic needs for the camp will have to meet the requirements of the Environmental Approvals Compliance (EAC), through consultation with the MECP. Although it is our understanding that offsets are not part of the EAC calculations in the compliance process, the overall septic impact of the two proposed septic systems of the camp will be lessened as a result of:</p> <ol style="list-style-type: none"> <li>1. The ending of pesticide and nutrient applications to the proposed development farm fields.</li> <li>2. The significant reduction in the use of the Garratt Island campsite.</li> <li>3. The removal of two older existing septic systems that are closer than 30 m to the lake (one of which is functioning poorly, thus having a greater impact).</li> <li>4. The two camp septic systems will be more than 120 and 85 m to fish habitat, and the intervening land for the latter system will be fully vegetated with no intervening development structures.</li> </ol> <p>Furthermore, the development will go through further review stages through the Site Plan Process in consultation with appropriate authorities (PEC, MECP, QCA, etc.), which will provide opportunities for further enhancement.</p>
<p><b>Muncaster peer review –</b> The requirements for an Environmental Impact Study, as established in Section 2.1.6 of the Provincial Policy Statement and the County Official Plan, including Sections 3.1 and 5.1.9, are met by the Ecological Services EIS, with recommendations outline below for modifications to some of the wetland and fish habitat setbacks.</p> <p>However, a re-assessment is required for the wetland and aquatic habitat setbacks which are currently less than 15 metres.</p>	<p><b>Ecological Services – Noted</b></p> <p>Ecological Services – Plan has been adjusted to 30 m setbacks</p>	<p>This statement that all requirements of the County's OP regarding how to carry out an EIS is simply not true. As indicated above, there is complete failure to recognize the existence and rules around the Natural Core Area. Appendix B of the OP requires:</p> <ul style="list-style-type: none"> <li><i>Background</i></li> <li><i>Identity of proponent and professional(s)</i></li> <li><i>Site plan of existing conditions</i></li> <li><i>Location map</i></li> <li><i>Land use history</i></li> <li><i>Relevant policies and regulations</i></li> </ul> <p>We submit that the last bullet for relevant policies and regulations has not been met.</p> <p>On the second point, again, the assumption (made throughout the EIS and in Muncaster's peer review) that a 30 m setback from PSCW and ANSI is acceptable is not backed up with any evidence. The consultant should explain how they have concluded that 30m guarantees no adverse ecological impacts. Statements like “in our professional opinion” without any explanation are not adequate. The 120m OP requirement is there for a reason and any deviation must be explained.</p>	<p><b>ES</b> – We were aware of Appendix B from the OP that provides a list of items required for EIS work. Although the EIS did not include the one-page summary checklist as presented on Page 4 of Appendix B, nor is including it an EIS requirement, we did consider all of the items from the checklist in the production of the EIS.</p> <p>Our role in EIS work is to provide a professional opinion, and this is also what is asked of us at hearings such as the Ontario Land Tribunal, so we don't make opinion statements in this regard lightly. For me (Rob Snetsinger) as the primary author of the EIS, my opinion is supported by a Master's Degree in Biology, and more than 40 years of biological working experience that was applied to the quantitative and qualitative data collected for the site and analyzed through the lens of PPS consistency and OP conformity.</p> <p>In our EIS work, setbacks are determined on a case-by-case basis, depending on the ecological conditions of a site. In past work, we have recommended a range of setback distances for negative impact conformity, including some distances greater than 120 m.</p> <p>The minimum setback prescribed for the development is 30 m, although greater setbacks are being employed for different portions of the development.</p> <p>From an EIS perspective, the breadth of setback is dependent on several factors. One consideration is the degree of ecological interaction between the development area and the adjacent significant natural heritage feature. A lesser setback is possible when there is little to no ecological interaction. The EIS work assessed the degree</p>

			<p>of ecological interaction at the site including the 31 different categories of wildlife habitat outlined in the Ecoregion Criteria Schedule, and that we are required to review. We determined the interaction was minimal and therefore a lesser setback was acceptable for negative impact purposes. This minimal interaction largely stems from the land use and ecological history of the development lands (primarily mowed lawn and agricultural land), whereby few organisms from the adjacent lands seek out life cycle opportunities in the development lands.</p> <p>The breadth of the setback is also dependent on the sensitivity of the adjacent natural heritage features, where greater setbacks are required for features that are more sensitive to impacts. As was noted in the EIS, the adjacent significant natural heritage features are mostly dominated by robust non-native species that are able to thrive in proximity to cultural activity.</p> <p>The breadth of setback is also dependent on the offsite movement of negativity from the development lands into the adjacent significant natural heritage feature. Many of these fall under the purview of the consulting engineers (Jewell and Groundworks) as they are related to hydrological issues (stormwater and septic systems), which will be required to meet the parameters of Environmental Approvals Compliance with the MECP.</p>
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## **Responses to PECFN Comments Received on January 17, 2025**

**February 9, 2025**

### **COMMENT 4.7**

**PECFN:** *As noted in our previous comments the property at 565 Wesley Acres Rd. has significant archaeological significance. re: PECFN Comment 4.11 below, noting over 5,000 artifacts requiring a stage 4 archaeological assessment.*

*Please identify the "hazard" on the Wellington property. Has this hazard been discussed with PEC Planning staff?*

*As no details are provided, we have no way of knowing what the zoning constraints on the Wellington property are. That said, however, there are zoning constraints on the property at 565 Wesley Acres Rd which is zoned RU2 and EP-W.*

*It is important to note that there are additional constraints to developing on the Subject Property in the Official Plan, including:*

*1. Environmental Constraints: Development is restricted in environmentally sensitive areas, such as wetlands, shorelines, and Natural Core Areas to protect these valuable ecosystems (eg. the Official Plan only permits limited residential development via severances (consent) in Natural Core Areas. Major development (commercial or industrial) which requires an Official Plan Amendment is not permitted (Official Plan, Part 4.5.4(3)) 2. Land Use Designations: Specific land use designations dictate where different types of development can occur (note that the Shoreland designation process is still ongoing at this time); 3. Buffer Zones: Buffer zones established around sensitive areas to provide additional protection from development impacts (eg. no buffer zones have been established for the two Significant Woodlands on the Subject Property). These constraints in the Official Plan (and others) are not discussed in the EIS or in the Planning Justification Report.*

**ES & Fotenn Response:** The following response to these comments was provided by both Fotenn and Ecological Services.

As per the Stage 4 Archaeological Assessment, the site has been cleared of archaeological resources. Extensive archaeological work was completed to clear the site's cultural heritage value, in accordance with Provincial guidelines and in close consultation with local First Nations. As required by law, should any undiscovered archaeological remains be identified through future construction activities, the consulting archaeologist, the County, and the Ministry of Citizenship and Multiculturalism must be notified immediately.

Regarding the Wellington property, at this time the island property is not suitable for camp operations for a variety of reasons including safety, access, and significant renovations required due to flood damage. A detailed review of the island site is ongoing to assess opportunities for potential camp use in the future. It is expected to have a much smaller impact footprint than has existed in the past. In the meantime, the Wesley Acres site offers a mainland location to support the diverse and unique needs of the camp and its campers. Primarily, the subject site offers an

opportunity for year-round camp activities on a site that is sufficiently sized and suitably accessible to meet the needs of the camp.

The proposed development has been reviewed in detail against the applicable provincial and municipal policy and regulatory framework to determine the appropriateness of the proposal. With regards to natural heritage policies, an EIS and extensive additional correspondence has been prepared to address questions and concerns raised through the application review process. A third-party peer-review of the EIS was also completed by the County, which concurred with the majority of assessments and associated conclusions of the EIS. The peer-review included suggestions and recommendations, which have been implemented in the revised concept plan - notably including a minimum 30-metre setback from natural heritage features.

As per Section 4.5.4.3 of the County Official Plan, development is permitted within Natural Core Areas. This is evidenced by the fact that the designation applies to a broad geographic area which includes a wide range of land uses, including natural heritage features, settlement areas, agricultural uses, commercial uses, industrial uses, rural residential areas, aggregate resources, and more. Specifically, the Official Plan (4.5.4.3) permits residential development, as well as major development (i.e.: commercial or industrial uses). Major Development outside of settlement areas is only prohibited when an Official Plan Amendment is required. It is our professional opinion that (based on a detailed review of the applicable policy and regulatory framework, the findings of supporting expert materials, and extensive consultation with County Planning Staff) the proposed development does not trigger an Official Plan Amendment and is therefore permitted within the Natural Core Area as per Section 4.5.4.3 of the Official Plan.

#### **COMMENT 4.8**

***PECFN:** The response given by the Applicant does not address our comment. Simply put, our comment is that none of the project documentation (including the EIS), makes any mention of the South Bloomfield Natural Core Area. We consider this a serious oversight. Natural Core Areas are one of the key components of the County's Natural Heritage System (re Schedule B in the Official Plan). Natural Core Areas and Linkages are identified in the Official Plan as "broad protection areas within the County which contain an abundance of important natural features and functions. . ." (Official Plan, Part 3.1.3(8))*

*In regards to the EIS, the Official Plan makes clear that the County is required to review new development applications with consideration of (among other things) "identified significant natural heritage features and areas and their associated ecological functions". (italics added) The Applicant may find it helpful to reference Part 2.5(f) of the Official Plan, which states that new development applications shall be reviewed by the County with consideration of the following criteria." The applicable criteria in the context of this Application is found in section v: "Identified significant natural heritage features and areas and their associated ecological functions shall be protected from any negative impact related to the proposed development." As noted in Official Plan Policy 3.1.3(7): "In protecting the Natural Heritage System, it is important that it be evaluated comprehensively". An EIS must demonstrate that the Natural Core Area*

*and its associated ecological functions will be protected from negative impacts related to the proposed development. Part 4.5.4 of the Official Plan helps to clarify why Natural Core Areas (and Linkages) need to be considered in their entirety: "A Natural Core Area is a broad zone in which there is a concentration of natural features which are critical to the ecological health of the County as a whole. The purpose of identifying Natural Core Areas is to maintain, and where possible improve, the ecological integrity of that area, and its contribution to the ecological health of the County". (italics added)*

*To sum up, the approach taken in the EIS to assess individual natural heritage features is too narrow to meet the requirement to protect significant natural heritage features and areas and their associated ecological functions.*

*The Applicant proposes to refine the boundaries of the South Bloomfield Natural Core Area. We fail to see how this is relevant given that the entire Subject Property is located in this Natural Core Area.*

**ES Response:** Please note that the EIS approach that we have taken for the Campfire Circle project is one we have successfully used in past projects throughout the region, including within Prince Edward County. We have also successfully defended our approach at the Mining and Lands Commission, the Ontario Municipal Board and the Ontario Land Tribunal. However, as scientists, we always consider our work to be open ended and are aware of the importance of the review process. In this regard, we do not consider the April 28, 2024 EIS to be the end of the EIS process. The EIS process also includes discussion through peer review, responses to the County via the response matrix on November 8, 2024, this response to the PECFN, contributions for the Site Plan Control, and consultation with the MECP as it pertains to Species at Risk.

It is not our intention to refine the boundary of the South Bloomfield Natural Core Area (SBNCA). Aside from the established significant natural heritage features, such as the PSW, it also contains numerous cultural features such roadways, farmland, residential areas, and development areas. The proposed development will not occur within any of the significant natural heritage features, and will not negatively impact the ecological connectivity or integrity of the known significant natural heritage features within the SBNCA.

#### **COMMENT 4.10**

**PECFN:** *We would like to clarify our earlier comment. In addition to Provincially Significant Wetlands (120m) and Provincially Significant Coastal Wetlands (120m), the EIS fails to consider Adjacent Lands in the context of Significant Wildlife Habitat (120m) , Fish Habitat (120m), the Regionally Significant Life Science ANSI (120m), and Significant Woodlands (120m). Not only does the EIS fail to consider Adjacent Lands in the context of Significant Woodlands, the EIS proposes development directly within Significant Woodlands. Indeed, according to Section 7.5 in the EIS: "Development is allowed in significant woodlands, if it can be shown that the development will not cause a negative impact to those features that impart significance." According to the EIS, a lodge will "slightly intrude into eastern edge of the larger woodland, and*

*will be about 40 m from the lake edge." Other structures in the Significant Woodland include a Tree House, a Flex residence for temporary visitors and an boardwalk.*

**ES Response:** If we understood correctly, this comment appears to suggest that adjacent land impacts were not considered for several natural heritage features with the EIS. We note that in the April 28, 2024 EIS, adjacent lands for various natural heritage features were presented as follows:

**Fish Habitat:** Please see EIS Section 7.3, where most of the discussions concerned proposed adjacent land activity impacts.

**Significant Wildlife Habitat (SWH):** Please see EIS Section 7.6, where the presence of significant wildlife habitat features were determined on and within 120 m, and where discussions on possible impacts of SWH was discussed.

**Significant Wetland:** Adjacent land discussions are provided in EIS Section 7.1.

**Coastal Wetland:** Not discussed under a specific section in the EIS, although the Significant Wetland discussed in Section in 7.1 was acknowledged as also being a Coastal Wetland. The designation of a coastal wetland is primarily based on geography (i.e., location), and that there is no unique designation of "significant coastal wetland" in the OWES manual, where it is simply described as "coastal wetland". Wetland significance that is derived from the OWES manual is based on a set of scoring criteria, and if the evaluated wetland that is scored as significant happens to be a coastal wetland, then it can be considered a significant coastal wetland. Therefore, the discussions of adjacent lands for the Significant Wetland (i.e., Section 7.1) would apply to its coastal wetland status as well.

**ANSI:** Please see EIS Section 7.2. ANSI's are designated differently than all other natural heritage features, with representation being the most important of the 5 designating criteria, and from our 2001 study, representation is noted as "*best example of a wetland on an inland coastal lake (West Lake).*" The key note here is that the intended designation was for wetland, and therefore all discussions of wetland impacts in Section 7.1 of the EIS , including adjacent land considerations, also apply to ANSI's.

**Significant Woodlands:** Please see EIS Section 7.5 where the primary focus was on determining the nature of the woodland significance. The procedure taken meets the defining criteria for significant woodlands in the provincial Natural Heritage Reference Manual (NHRM). We are assuming the PECFN comment refers to adjacent land impacts as they apply to the woodland itself. The first of the two features that we determined designated woodland significance was the Proximity feature. This feature refers to those portions of the woodland adjacent to the PSW, and the Proximity feature's significant function is as a setback buffer to the wetland. The notion being that the woodland buffer will provide a functional erosion buffer, but also for potential riparian functionality. Thirty meters is the nominally prescribed distance for Proximity buffering, although greater distances are prescribed for portions of the woodland that is located within the development property. Adjacent lands to the Proximity feature will primarily include the wetland itself and more woodland.

The second significant feature is based on the number of large trees within the woodland, which are mostly found in the interior of the woodland where development is not occurring and on the two PSW facing slopes (well away from development). We determined that the threshold number of trees requiring to meet significance in the main woodland was 45. It was determined to contain 160, and therefore it surpassed the threshold number needed for significance. To avoid a negative impact, which would occur if more than 115 of the large trees were removed, the location of the camper residences selected would only require the removal of two of these trees, and therefore woodland significance for tree size will be maintained. All other woodland structures (boardwalk, tree house, seasonal cabins) can be easily located to avoid the loss of any large trees. We note that large trees are able to thrive in urban parkland and urban cityscapes, signifying a tolerance for human activity. As a result, we have no concerns about impacts, and note that large trees are able to thrive in urban parkland and urban cityscapes, signifying a tolerance for adjacent development.

#### **COMMENT 4.10 [CONTINUED]**

*PECFN: Official Plan, Part 3.1.4 7) Development shall not be permitted within woodlands identified in Schedule 'B': Natural Features & Areas or any significant woodlands identified during the planning process through criteria in the Ministry of Natural Resources and Forestry's Natural Heritage Reference Manual.*

**ES Response:** We noted in 2023 that this significant woodland wording provided in the PECFN comment was inconsistent with the significant wording of the PPS and with all the significant woodland wording of other municipalities that we have dealt with in the province, in that it did not contain the "unless" provision. As a result, inquiries by the development planners were made to PEC staff to determine if this was an oversight in the production of the 2021 OP. It is our understanding that this was the case and that the OP wording will be changed to include the standard caveat about development within woodland to meet something like the provincial standard as follows: *"unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions."*

Our EIS work was based on the concept of this standard policy wording, and we determined that those features that impart significance to the woodland will not be negatively impacted.

#### **COMMENT 4.12**

*PECFN: We stand by our comment that the EIS fails to identify and address negative impacts as required by the Official Plan. Below are some examples:*

*The EIS states that "Adjacent lands do not necessarily apply to species at risk habitat. Impact assessment is based on a species basis in accordance with provincial requirements." (EIS, p. 9) However, the Official Plan does in fact specify an Adjacent Land Width of 120 metres for Significant Wildlife Habitat. (Part 5.3 Glossary of Terms) We would further note that impact assessments that are done on a species basis run the risk that some species or important*

*habitats might not receive the attention they need. We note, for example, that only Blanding's Turtles and Snapping Turtles are identified in the EIS although in all likelihood other turtle species are found on the property. We further note that all turtle species in Ontario are listed as species at risk.*

**ES Response:** In standard EIS work, Species at Risk (SAR) are assessed on a species-specific basis and setbacks are determined accordingly in consultation with the MECP. For some SAR, General Habitat Descriptions (GHD) are available and these provide guideline distances, some of which are greater than 120 m, although again, this is to be determined in consultation with the MECP on a case-by-case basis. For those species that do not have prescribed GHD's, consultation with the MECP is undertaken to determine an appropriate course of action, which can include setback distances.

For EIS purposes, species that are designated as Threatened or Endangered are discussed under the heading of Species at Risk. If they are found to be present, consultation with the MECP who administer the Endangered Species Act (ESA) is undertaken. This process continues as part of the Site Plan Control process, and that the camp layout may require revisions as a result of MECP consultations.

It is important to note that it is only the MECP, and not the municipality, who determines an appropriate course of action for SAR. The municipalities' role is to ensure that the MECP consultation does take place.

Significant Wildlife Habitat (SWH) is a separate category from Species at Risk. Species that are designated as Special Concern, S1, S2, or S3 are not protected under the ESA, and instead are discussed under the heading of SWH. It should be noted that this SWH criterion is intended to protect the habitat of these species, and not the specific individuals. This is different than for SAR, where the ESA is intended to protect both the individual species and their habitat. It is also important to note that destroying SAR habitat or killing SAR species can be a violation of the ESA and can result in criminal proceedings, and in contrast, there are no direct regulations protecting SWH from landowner activities.

#### **COMMENT 4.12 [CONTINUED]**

**PECFN:** *The EIS fails to consider that Tourist commercial development "has a greater potential for adverse impacts on the natural environment" re: 3.1.3 (6)(c) (Natural Heritage System Policies) in the Official Plan:*

*6) The natural environment is one important consideration in the determination of how development can proceed. The Plan promotes the following general approaches:*

*c) Tourist commercial development, industrial development and other major developments, have a greater potential for adverse impacts on the natural environment. Such development can be properly located within the Countryside and can be planned to ensure that there are no negative impacts on the natural environment.*

**ES Response:** Relative to the first point of comment, we want to make sure there is no misunderstanding about the intent, and that Tourist Commercial is not considered the most egregious type of impact. The full wording (later provided in this PECFN comment) is:

*Tourist commercial development, industrial development and other major developments, have a greater potential for adverse impacts on the natural environment.*

The EIS and follow up submissions did not make a distinction about the development category (i.e., tourist, industrial, or major development), and instead focused specifically on the unique nature of the development, as is required for EIS work. If a residential development was proposed, we would focus on the unique associated impacts, and likewise if an industrial development was proposed, we would focus on the specific aspects associated with that development type. The intent of Section 3.1.3 appears to be cautionary, such that any of these three could have greater impacts and therefore warrant consideration. It is important to note that the level of impact of these three would be relative to scale. For example, a single small industrial building with little to no outputs could have little to no impact, whereas several industrial large buildings that emit registered pollutants could.

From the perspective of Tourist Commercial, it is our understanding that the maximum lot coverage allowed is 30%. The proposed project has a lot coverage of 7.5%. We also note that this camp will primarily operate only in summertime (i.e., reduced impact), and the abilities of the campers (children with serious illness) can limit their activities for a potentially individual smaller impact footprint. From the perspective of septic systems, the camp will only need two, with one being considerably more than 120 m from the open water of the lake and one being about 85 to the lake. For this latter septic system, the intervening space will be fully vegetated with no development structures. Some of the requirements for approvals will include regular septic monitoring and maintenance. Traffic impacts will also be minimized as most campers will be brought to the site by bus.

Groundwork Engineering has recommended the use of advanced treatment systems to minimize the areas of dispersal beds, to allow for discharge to meet or exceed acceptable levels. While not included in the Area of Concern for the Bay of Quinte Remedial Action Plan, Groundwork has conservatively used the guidelines for the Bay of Quinte in calculating the nitrate and phosphorous removal requirements. This reflects the shallow depth and low flow in West Lake. Removal requirements are calculated to be 90.5% for nitrate and 98.2% for phosphorous.

#### **COMMENT 4.12 [CONTINUED]**

*PECFN: The EIS fails to consider impacts identified in Appendix D of the Official Plan relating to the construction of buildings and roads and installation of services (eg. increase in water contamination by oils, gasoline, grease; roads and parking lots; increased use of pesticides and fertilizers; increased lighting and noise that may affect sensitive wildlife species and result in loss of linkages between habitats.*

**ES & Jewell Response:** These impact features were not disregarded during the deliberations of the EIS, because we would always agree that oils, grease, pesticides, and fertilizers should be

controlled and efforts should be made to minimize off-site movement. The impact assessment of these features falls under the purview of the project engineers (Jewell and Groundwork) who have recommended quality control measures (e.g., rain gardens, enhanced grass swales, vegetated filter strips, soil enhancement, other best practices, etc.) in order to meet or exceed an enhanced level of protection according to the 2003 MOE Stormwater Planning and Design Manual. The proper implementation of these measures and other stormwater management controls will mitigate the impact from development to natural heritage features present on and adjacent to the site, which could occur from stormwater runoff to a standard that the ministry states is acceptable. The details will be part of the Site Plant control stage.

It is our understanding that the camp will be dark sky friendly, and as part of site plan approval process, there will be a lighting study required. All exterior lights will be focussed and shielded for minimum spillage past property lines, including aquatic areas, and to confirm to dark sky compliance to minimize any light pollution from our site. The details will be part of the Site Plant control stage.

Research on impacts from artificial light at night (ALAN) for a comparable situation as the proposed camp is lacking. Research is also lacking that would indicate a negative impact to many of the animal receptors that would be present here, and at the low light levels expected of the camp, including for freshwater turtles. Much of the current research that shows significant lighting impacts involves experiments where test subjects are removed from their natural environment, held in isolation and directly exposed to high light intensities, and while the research is illuminating, its transference to a natural low light situation should be viewed with caution. There are some research efforts *in situ* that suggest possible impacts in certain situations, but again none are comparable to the low light situations expected of an Ontario kids camp or for the *in situ* species that are present here.

We never discount sound impacts as there is research that has shown where extreme sound levels can have impacts. In our own work, we have observed where songbird numbers calling in woodlands next to Hwy. 401 was lower in comparison to woodlands further away, presumably due to this high noise environment. Research has also shown that anurans can also be affected by traffic sounds from busy highways, although interestingly, we have observed significant amphibian breeding calls in ponds next to Hwy. 401. For this development, noise impacts were not discussed because the sound levels expected of a kids camp were not expected to have any significance. There will be no large motors running, no crushing machines, and no high-speed traffic.

#### **COMMENT 4.12 [CONTINUED]**

***PECFN: The EIS fails to consider impacts identified in Appendix D relating to recreational activities and seasonal development (eg. improved access to sensitive sites which can result in vandalism and loss of system integrity; trampling of vegetation and soil compaction which affects vegetation communities; removal of vegetation causing loss of wildlife habitat and reduced biodiversity; disturbance of wildlife species.***

**ES Response:** The nature of the camp, and camp activities were considered during the EIS process. Most of the site ecology and that of the surrounding PSW are comprised of robust species that are tolerant to adjacent human activity.

Trampling and soil compaction would only be relevant where sensitive ecological features were at risk. The bulk of the camp will be within existing non-sensitive farmland. In general, walking within the woodland will be limited to designated trails and it is in the best interests of the camp to discourage random movements outside of the trails as a supervised activity. Further, Campers and Staff will not be entering the wetland areas adjacent to site.

The potential disturbance of campers to wildlife species that are deemed significant was also considered to be low during the Significant Wildlife Habitat deliberations presented in Section 7.6 of the EIS.

#### **COMMENT 4.12 [CONTINUED]**

*PECFN: The EIS does not identify / address Impacts to the South Bloomfield Natural Core Area.*

**ES Response:** The April 28, 2024 EIS did not directly address the South Bloomfield Natural Core Area, although it was discussed in the review matrix on Nov. 8, 2024. This core area is an amalgam of interconnected significant natural heritage features mixed within cultural features (e.g., roads, residential areas, farmland), and as such the core area is not a single natural heritage feature in itself. As a result, the EIS focused on the significant natural heritage features (e.g., Wetland, ANSI) that made up the South Bloomfield Natural Core Area and that were within 120 m of the proposed development.

#### **COMMENT 4.12 [CONTINUED]**

*PECFN: The EIS fails to demonstrate that the proposed use will have no negative impact on wildlife habitat. Development is proposed only 30 metres from PSWs and Provincially Significant Coastal Wetlands. In our view, the impacts from lighting and noise alone (eg. the campitheatre and the boardwalk) will inevitably lead to a net loss of wildlife habitat over time.*

**ES Response:** For PPS consistency and OP conformity purposes, it is only Significant Wildlife Habitat (SWH) and not simply wildlife habitat that has potential planning significance. As such, it is the purpose of the EIS to go through the 31 different SWH categories of the 6E Ecoregion Criterion Schedule to determine which ones reach the threshold for significance, which would then result in deliberations for negative impact purposes. This was undertaken in Section 7.6 of the April 28, 2024 EIS and it was determined that three categories met SWH status, and these were subsequently discussed with respect to negative impacts in Section 7.6.

A minimum 30 m shoreline setback is prescribed in the EIS for the West Lake shoreline, although most of the PSW setbacks will be greater than this.

It is our understanding that the camp will be dark sky friendly, and as part of site plan approval process, there will be a lighting study required. All exterior lights will be focussed and shielded

for minimum spillage past property lines, and to confirm to dark sky compliance to minimize any light pollution from our site.

Research on impacts from artificial light at night (ALAN) for a comparable situation as the proposed camp is lacking. Research is also lacking that would indicate a negative impact to many of the animal receptors that would be present here, and at the low light levels expected of the camp, including for freshwater turtles. Much of the current research that shows significant lighting impacts involves experiments where test subjects are removed from their natural environmental, held in isolation and directly exposed to high light intensities, and while the research is illuminating, its transference to a natural low light situation should be viewed with caution. There are some research efforts *in situ* that suggest possible impacts in certain situations, but again none are comparable to the low light situations expected of an Ontario kids camp or for the *in situ* species that are present here.

We don't discount sound impacts as there is research that has shown where extreme sound levels can have impacts. In our own work, we have observed where songbird calling in woodlands next to Hwy. 401 was lower in comparison to woodlands further away, presumably due to this high noise environment. Research has also shown that anurans can also be affected by high traffic sounds, although interestingly, we have observed significant amphibian breeding calls in ponds next to Hwy. 401. For this development, noise impacts were not discussed because the sound levels expected of a kids camp were not expected to have any significance. There will be no large motors running, no crushing machines, and no high speed traffic.

#### **COMMENT 4.12 [CONTINUED]**

***PECFN:** The EIS fails to demonstrated that the proposed use will have no negative impact on fish habitat. At least some impacts to fish habitat are unavoidable when a major tourist commercial development is surrounded on three sides by a PSW and a Provincially Significant Coastal Wetlands and when development is proposed 30 metres from their boundaries.*

**ES Response:** Fish habitat is largely confined to the open water areas of West Lake. The dominant emergent wetland vegetation that comprises the bulk of the PSW adjacent to the proposed development does not contain fish habitat because of a lack of standing water resulting from the dense vegetation. There are some exceptions within the dense cattail zones where standing water is present, but these are well away from any development influence, and will be buffered by the intervening dense emergent wetland vegetation.

It was determined that the fish habitat portion of West Lake offshore of the development is primarily used as a foraging area, and it is known that foraging fish are tolerant of nearby development. As one example, we have done underwater surveys of areas where children splash and play and observe that fish are tolerant of this activity and will even exploit the stirred-up sediment around children's feet, in their foraging for food items.

#### **COMMENT 4.12 [CONTINUED]**

**PECFN:** *The EIS fails to demonstrated that the proposed use will have no negative impact on the Significant Woodlands. Impacts to these Woodlands and to plants growing in the Woodlands are unavoidable when campers are going to be hiking through them.*

**ES Response:** Please see Section 7.5 of the April 28, 2024 EIS where the focus was on determining the nature of the woodland significance. The procedure taken meets the defining criteria for determining woodland significance in the provincial Natural Heritage Reference Manual. The first of two features that met the criteria for woodland significance was the Proximity feature, and the second was that the number of large trees within the woodland surpassed the required significance threshold numbers. The significance threshold number for the main woodland was 45 trees, and it contained about 160. For this latter point, the location of the camper dwellings was selected to minimize large tree losses, with potentially only two needing to be removed, and so threshold numbers for woodland significance would easily be maintained. All other woodland structures (boardwalk, tree house, seasonal cabins) can be easily located to avoid the loss of any large trees. We note that large trees are able to thrive in urban parkland and urban cityscapes, signifying a tolerance for human activity.

Forest activity by campers will not affect the Proximity feature, as the woodland will continue to exist in the proximity zone and the steep slopes wherein much of this Proximity applies is not expected to be traversed for safety reasons as most woodland activity will be confined to trails.

#### **COMMENT 4.12 [CONTINUED]**

**PECFN:** *The EIS fails to demonstrate that the proposed use will have no negative impact on breeding and migratory waterfowl populations in the South Bloomfield Natural Core Area. According to the Snetsinger Report, there is a significant breeding and migratory waterfowl population in the Bloomfield Creek Wetland. The EIS does not indicate that surveys were done to determine the presence of waterfowl, waterfowl stopover and staging habitat.*

**ES Response:** This comment appears to suggest there is a combined waterfowl breeding/staging Significant Wildlife Habitat 6E (SWH) category, which is not the case. It might be helpful to note that waterfowl breeding is covered in the Ecoregion Criteria Schedules for Region 6E-15 under a separate section entitled Waterfowl Nesting Area. The area required to be investigated for this criterion would be the development uplands within 120 m of the PSW. If nesting is present in the development uplands, then SWH is met if the criterion threshold quantitative numbers of listed species are found to be nesting. Accordingly, we conducted waterfowl breeding surveys in the uplands and no listed waterfowl were found to be nesting, and therefore SWH status was not met for this criterion.

In contrast to breeding, migratory/stopover use associated with the wetland is assessed under a non-breeding category, and one example covered in the SWH manual is entitled Waterfowl Stopover and Staging Areas (Aquatic). Like all SWH criteria, it requires certain ELC types and certain quantitative threshold numbers of listed species to be present in order to award SWH status. We are not sure which “*Snetsinger Report*” the PECFN is referring to, but SWH

threshold numbers for the offshore areas from the development were not met for this this criterion.

Bird Studies Canada lists only one wetland area in PEC with significant waterfowl stopover/staging numbers and it is the one associated with Presquile Provincial Park. However, in our opinion, as based on our past studies in West Lake and based on past waterfowl numbers posted by various birders, parts of West Lake have met the threshold for SWH status for waterfowl stopover and staging. In our experience, and with posted numbers, the stopover/staging areas for SWH status in West Lake are found between Garrett Island and the Wesley Acres Retreat Centre, and in association with the east side of the lake between Winns Dr. and Williams Lane. We also point out that these threshold numbers were met in areas of human habitation and this lends credence to waterfowl stopover/staging tolerance to nearby human activity. There are many examples of significant waterfowl staging use in Lake Ontario wetlands next to dense urban areas, and a good example is Elevator Bay in Kingston, where staging/stopover waterfowl can be seen loafing in close proximity to the very busy four lane King St.

While it is our opinion that parts of West Lake have Waterfowl Staging and Stopover SWH status, the open water areas within 120 m of the proposed development are not known as a favored spot, nor did we observe the numbers needed for SWH status for this part of the lake.

#### **COMMENT 4.12 [CONTINUED]**

***PECFN:** The EIS does not demonstrate that the proposed use will have no negative impact on the migration corridor provided by Bloomfield Creek that connects West Lake to more upland areas. This goes to our previous point that the South Bloomfield Natural Core Area, and its ecological functions, must be included in the Environmental Impact Study.*

**ES Response:** We note that the migration corridor of Bloomfield Creek is more than 120 m from the proposed development, and therefore an EIS discussion as it relates to corridor functionality impacts is not required.

#### **COMMENT 4.13**

***PECFN:** We stand by our comment that the EIS does not follow the recommended approach in the Official Plan, which requires that: "The EIS shall demonstrate that the proposed use will have no negative impact on significant natural heritage features and areas and their associated ecological functions." .*

*As has been previously pointed out, the entire focus of the EIS is on evaluating significant natural heritage features on the Subject Property. The South Bloomfield Natural Core Area is not mentioned in the EIS at all. In the same way, the EIS focuses on significant natural heritage features associated with the ANSI, not on identifying potential negative impacts to the ANSI itself.*

*We totally disagree with the Applicant's interpretation of the Official Plan that "areas" is a term that is used for organizing natural heritage features. We point to the definition of "Natural heritage features and areas", the definition of "Natural heritage system" and the definition of "Negative Impacts", all of which are found in Part 5.3 "Glossary of Terms". For example, Negative impacts. . . c) In regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.*

**ES Response:** All human activity can impact the environment, and given this, all existing and future development in the County would be in conflict if "no impact" was the metric for decision making. This was understood during the early stages of EIS formulation more than 50 years ago, and it has resulted in "negative impact" having a specific meaning in Official Plans. The Official Plan considers a "negative impact" to be an impact that could measurably degrade the features and/or functions of a significant natural heritage feature to the point where the feature/function would no longer be significant. As an example, using the Significant Wildlife habitat categories, there are threshold numbers of species required to reach significance. If a development caused that number to go below the threshold level to non-significance, it would constitute a negative impact.

#### **COMMENT 4.15**

***PECFN:** We disagree with the proponent's approach in the EIS. This approach is based on rating ANSIs on how deserving they are of protection. A better approach would be to recognize that all ANSIs should be protected, and to keep development to a minimum so that their former ecological integrity and biodiversity can be restored.*

*The Official Plan states as follows: Life Science ANSIs are areas identified to provide high quality habitat or a high diversity of habitats, or which provide important representation of features which may be uncommon within the broader landscape. Some of these are Provincially Significant, whereas others have been identified as being of Regional Significance. It is important that all such ANSIs receive the highest level of protection; section 3.1.3(1)(b)*

*Regardless of how they score on a pointing system, ANSIs are protected in order to preserve their ecological integrity and their biodiversity.*

*While some ANSIs are located on privately-owned land, development in these areas is subject to strict regulations to protect their natural values. In our view, permitting a major tourist-recreational development in the Bloomfield Creek Wetland ANSI violates the spirit and intent of the Official Plan to afford ANSIs the highest level of protection.*

**ES Response:** Please note that there will be no development within the Bloomfield Creek Wetland ANSI.

The designation of ANSI's is somewhat subjective, as the authors of the ANSI reports are tasked with designating an area that in their opinion (i.e., a judgement call) best represents a particular ecological feature. There has not been a great deal of quantitative or qualitative analysis undertaken for the ANSI selections in 6E-15. An example of what is involved in the decision

making would involve the many significant coastal wetlands within 6E-15, extending from PEC to Kingston. They are all ecologically valuable, and all are significant, but question facing the ANSI designation makers would be which one should be selected as the one for ANSI designation.

Many of the 6E-15 ANSI's were first presented by Ian Macdonald in 1985. However, this effort was primarily based on his field work with the International Biological Programme undertaken in the early 1970's. Our ANSI work in 2001 was mostly done for confirmation purposes. Since the early 1970's there have been changes to the ecology of coastal wetlands (often negative via invasive species) and we currently have much more quantitative and qualitative information available for assessment purposes.

The ANSI designations and linkage to policy protections are important. However, with respect to wetlands, this importance is less impactful compared to when the ANSI's were first designated. We now have wetland evaluations, wetland policy and wetland related regulations that have resulted in greater protections that are more impactful than that prescribed by ANSI status.

#### **COMMENT 4.16**

**PECFN:** *We stand by our comment. According to the EIS: "Biodiversity in the ANSI has continued to be in decline since 2001 due to the spread of invasive wetland species and the portions of the ANSI wetland adjacent to the development are dominated by invasive species. As such, a reduction in biodiversity is not expected as it is already low."*

*As we have pointed out, it's simply not believable that biodiversity in this ANSI has declined to the point where it can no longer be negatively impacted by development. This ANSi is described in the report referenced in the EIS as a "huge 980 ha site, located at the mouth of Bloomfield Creek in the northeastern quarter of West Lake".*

**ES Response:** All human activity can impact the environment, and given this, all existing and future development in the County would be in conflict if "no impact" was the metric for decision making. This was understood during the early stages of EIS formulation more than 50 years ago, and it has resulted in "negative impact" having a specific meaning in Official Plans. The Official Plan considers a "negative impact" to be an impact that could measurably degrade the features and/or functions of a significant natural heritage feature to the point where the feature/function would no longer be significant. As an example, using the Significant Wildlife habitat categories, there are threshold numbers of species required to reach significance. If a development caused that number to go below the threshold level to non-significance, it would constitute a negative impact.

The bulk of the PSW (which is also designated as an ANSI) next to the development is dominated by non-native species of a type that results in a lowering of both plant and animal wetland biodiversity. These species will not be supplanted by native species, and unless human intervention occurs in the form of wetland restoration, they will continue to dominate the wetland to its detriment. These invasive wetland species are very tolerant of nearby development and are largely immune to negative development impacts from adjacent lands. Some examples of their tolerance are seen in their use in sewage treatment wetlands, and where they are seen to

thrive in areas of extreme contamination. They can also be often observed carrying on their life cycle activities with little to no buffering beside development areas and roadways.

#### **COMMENT 4.16 [CONTINUED]**

***PECFN:** The section of the EIS on the ANSI is very clearly intended to downplay the significance of the Bloomfield Creek Wetland ANSI. The "evaluation" itself is unprofessional, for example in applying the same criteria used to evaluate the entire Bloomfield Creek Wetland ANSI (this "huge 980 ha site") to the Subject Property. If every property in this ANSI was evaluated in the same way, there would be no ANSI left to protect.*

*In our view, the Applicants have already harmed the ecological integrity of the ANSI. In 2022, the Applicants initiated a boundary change with the MNRF "in order to remove the two FOD5-1 (Significant) woodlands from the ANSI mapping as they do not contain wetland habitat." (FOD 5-1 refers to the two woodlands on site, the larger one is about 4.5 ha. in size, the smaller one at the west end of the property is about 2.2 ha. in size".*

*We note that the evaluation in the EIS is based on a single document source: a 2001 study by Ecological Services, the same company used to prepare the EIS.*

*The Applicant does not appear to have made any attempt to gather together data on biodiversity, for example by consulting with the NHIC, Ontario Nature or local field naturalists.*

**ES Response:** We note that the ANSI consideration for this site got its start in the early 1970's under the International Biological Programme with work undertaken by Ian Macdonald who later provided a more formal ANSI designation in 1985. Our work in 2001 was largely intended to confirm Macdonald's work. ANSI designation is based on 5 criteria, and it was apparent to us that Macdonald only intended the Bloomfield wetland for ANSI designation. We had not visited the development property in 2001 and had assumed that the woodlands within the property that were evident in air photos available to us in 2001, were swamp wetland, and that Macdonald had been aware of this. However, it quickly became apparent after our first visit that this was not the case, and that there was no wetland within the property woodlands and they were therefore incorrectly included within the ANSI boundary. Accordingly, we consulted with the MNRF via the PAM 2.08 process and the new ANSI boundary was approved to more accurately represent the intentions of the ANSI designation.

#### **COMMENT 4.17**

***PECFN:** We stand by our comment. The discussion in the EIS is focused on identifying issues regarding the ANSI designation. To put this another way, there is little or no discussion in the EIS on the impacts of development on the ANSI itself.*

*It would be helpful to know how other ANSIs in the County have fared in comparison during the past 25 years.*

**ES Response:** The ANSI's in 6E-15 that PEC is part of have been designated under a variety of different "best" representations, and not all have a wetland representation, such as that prescribed for the Bloomfield Creek ANSI. Other ANSI representations in 6E-15 include forest, islands, cliffs, beach bars, and alvar.

From the perspective of other PSW wetlands in PEC, the same loss of biodiversity experienced with the Bloomfield Creek wetland that has been caused by invasive species has occurred. Wetland restoration efforts in some of these wetlands has been undertaken to help reduce the biodiversity loss impacts.

EIS impact discussions for ANSI's need to focus on the 5 designation criteria. Please see Section 7.2 of the April 28, 2024 EIS.

#### **COMMENT 4.18**

***PECFN:** We do not understand how direct intrusion into the wetland via filling would represent a negative impact, but fillinng in a dug farm pond does not represent a negative impact. According to the EIS: "There are plans to drain and fill the pond to accommodate a future parking area. In our opinion, the dug pond does not qualify as SWH, but draining and filling the pond will require permitting."*

**ES Response:** Filling in a provincially significant wetland is prohibited under both provincial policy and regulation. These protections do not apply to man-made ponds.

It might be helpful to note that the MNRF does not consider man-made ponds for SWH purposes, and the DFO does not consider them as fish habitat. The filling of the pond will require consultation with MECP, but also permitting from the MNRF to ensure no harm comes to any species that might be found there. In the past 15 years we have undertaken eight man-made pond filling projects, and were able to successfully translocate fish, turtles, and amphibians in each case to nearby natural aquatic systems.

#### **COMMENT 4.19**

***PECFN:** In our view, the key point is that ANSIs are supposed to receive the highest level of protection.*

**ES Response:** We agree that ANSI's should be protected and the purpose of the EIS was to show that this was the case.

#### **COMMENT 4.20**

***PECFN:** There is nothing interesting about this for the simple reason that this provision (i.e. "development shall not be permitted" was not intended to be attached to ANSIs.*

*ANSIs are protected from development by Policies for the Countryside (Part 4.4) as follows:*

4.4.3.2(3): *Where new development is proposed within 120 metres of any identified PSW/ANSIs life science ANSIs, or within 50 metres of earth science ANSIs, more precise definition of the feature and required buffer limits will be established through the preparation of an Environmental Impact Study (EIS), subject to the approval of the County, in consultation with Quinte Conservation and any agency having jurisdiction.*

*This policy permits (or may permit) new development within 120 metres of a Life Science ANSI. In our opinion, what this policy doesn't say is as important as what it does say, i.e., new development is not encouraged in or near ANSIs.*

*Two other policies apply to the Countryside:*

*According to 4.4.3.2*

*5) Development shall not be permitted in the Environmental Protection designation.*

*6) Notwithstanding 5) above, no policy in this Section of this Plan is intended to limit the ability of existing agricultural uses to continue.*

**ES Response:** Please note that no development is proposed to occur with the ANSI and that buffering setbacks are prescribed for the wetland that the ANSI is designated for.

It is interesting to note from Section (6) above that farmland gets a pass. From an ecological perspective, farmland is known as a potentially destructive activity to the environment, and farming activity is allowed to kill some provincially Species at Risk without violating the ESA and risking legal consequences. Farming related runoff impacts to the two main watercourses in the South Bloomfield Core area are discussed in a 2023 Quinte Conservation report. Agriculturally dominated watersheds across Southern Ontario were also shown to have higher nitrate and phosphorous levels of runoff in a 2024 Science of the Total Environment research paper.

#### **COMMENT 4.21**

**PECFN:** *We referenced several issues in our previous comments. They were as follows:*

*Similarly, the EIS shows little or no concern for potential negative impacts to the West Lake PSW (Provincially-Significant Wetland):*

*The EIS makes note of a proposal to build structures within 30 m of the PSW but goes on to note that: "Given the nature of the existing habitat, and the robustness of the adjacent PSW habitat, we have no concerns about a negative impact."*

*Likewise, the EIS proposes putting structures within 30 m of fish habitat, yet has no concerns in doing so. According to the EIS: "(t)he current 30 m area does not contribute to fish habitat and has no natural heritage significance."*

*The proponent also appears to have no concerns, at least from a natural heritage perspective, with locating a parking lot closer than 30 m to the PSW.*

*The EIS also makes note of a proposal to construct a “cul-de-sac” next to West Lake “to provide vehicle access to the lake.” (diagram below) The proponent notes that this feature will be closer than 15 m to the lake edge. In the context of the EIS, it’s arguably more accurate to say that this feature is less than 15 m from West Lake PSW.*

*The EIS does at least note the potential for negative impacts on fish habitat if there is a need to drain the swimming pool: “there are potential impacts to the adjacent fish habitat that will need to be considered such as with chlorine, bromine, copper, pH, and temperature.” However, instead of demonstrating that the proposed use will have no negative impact on fish habitat as required in the OP, the EIS passes off the problem to Jewell Engineering to develop a proper protocol to ensure no negative impacts to the fish habitat associated with pool management.*

*In our view, the proponent needs to go back to the drawing board, to begin to address the potential negative impacts from vegetation removal and site grading – including negative impacts to riparian areas ; negative impacts to wildlife from lights and noise; negative impacts during construction of buildings and roads and the installation of services and the negative impacts associated with recreational and seasonal development. In the process of addressing potential impacts, the EIS needs to focus on the fact that the PSW surrounds the subject property on three sides.*

*To sum up, the EIS tries to demonstrate that the proposed use will have no negative impact on the West Lake PSW and on the Provincially Significant Coastal Wetland and on their ecological function. Potential negative impacts are repeatedly minimized or passed on to others. In several places in the EIS an opinion is given that there will be no negative impact. We also find it very telling that there is no mitigation plan in the EIS, which leads us to conclude that mitigation will be on an ad hoc basis, and on the fly.*

**ES Response:** The purpose of an EIS is to assess the existing site features for significance, as well as for sensitivity. Prior to our work, significance was already established for some natural heritage features, such as with the designation of the PSW, but field visits allowed us to provide a greater level of assessment, such as with the 31 different wildlife categories.

The sensitivity of the significant features to impacts is considered when determining the level of mitigation (e.g., setbacks, timing restrictions). Since the bulk of the PSW immediately adjacent to the development property is dominated by robust species that are not sensitive and are tolerant to nearby human activity, less stringent mitigation levels are sufficient to avoid a negative impact.

The level of off-site movement of negativity from a development, such as with pollutants, also helps inform the required mitigation levels. In many cases, these fall under provincial regulation, such as with stormwater and septic management, and it is up to the experts in these areas (i.e., Jewell Engineering and Ground work Engineering) to ensure regulations are met. It is our understanding that protective conditions will far exceed the regulation minimums, but again we defer to the experts to relay that quantitative information.

The main part of the development will occur on lands that are either farmed or are in use as recreational waterfront. This latter activity extends ~120 m from the lake. This existing recreational use has buildings and septic systems closer than 30 m to the lake, and has mowed

lawn extending from the lake edge and up to 120 m from the lake, and this provides minimal riparian functionality. The proposed development will remove the recreational buildings and the old septic systems, one of which is failing, and increase shoreline naturalization resulting in a greater level of riparian functionality. The cash crop farmland undertaken here requires the use of higher levels of pesticide and fertilizer than any that might be prescribed for the lawn areas of the development. In both these respects, the development will be providing an improvement to the status quo.

#### **COMMENT 4.22**

**PECFN:** *Our point was that the EIS refuses to take negative impacts seriously on a consistent basis.*

#### **ES Response:**

All human activity can impact the environment, and given this, all existing and future development in the County would be in conflict if “no impact” was the metric for decision making. This was understood during the early stages of EIS formulation more than 50 years ago, and it has resulted in “negative impact” having a specific meaning in Official Plans. The Official Plan considers a “*negative impact*” to be an impact that could measurably degrade the features and/or functions of a significant natural heritage feature to the point where the feature/function would no longer be significant. As an example, using the Significant Wildlife habitat categories, there are threshold numbers of species required to reach significance. If a development caused that number to go below the threshold level to non-significance, it would constitute a negative impact.

#### **COMMENT 4.23**

**PECFN:** *In our view, the development proposal should comply with the adjacent land width of 120 m for fish habitat. The recommended width of 120 meters for adjacent lands around fish habitats is based on guidelines from the Ministry of Natural Resources and Forestry's Natural Heritage Reference Manual. This distance is considered necessary to protect the ecological integrity of fish habitats and ensure that development activities do not negatively impact these sensitive areas. The 120-meter buffer helps maintain water quality, provides space for natural vegetation, and reduces the risk of habitat fragmentation. A lot of development is proposed up to 30 m of the West Lake Coastal Wetland and the PSW, including the parking lot, and the swimming pool that will be draining into the wetland.*

**ES Response:** The provincial planning does not prescribe a 120 m buffer. The Natural Heritage Reference Manual (NHRM) considers the 120 m as a “*distance from feature for considering potential negative impacts*” and this is consistent with the wording in the OP. This is not a buffer. The main concerns for fish habitat in the NHRM that would apply to this development would be for Increased Nutrient Inputs and Sediment Discharge, both of which will be regulated through Site Plan Control and this will be required to be dealt with via provincial Regulations. Also, please note that one of the communal septic systems will be located significantly more than 120 m from

fish habitat, and the second one will be located about 85 m from fish habitat. For this latter septic system, the intervening land will be fully vegetated, and contain no development structures.

#### **COMMENT 4.24**

**PECFNs:** *In our view, a parking lot with the capacity to hold 300+ vehicles approximately 30 from a PSW is not an improvement. The parking lot can be enclosed with fencing but a road will be needed into the parking lot. If the road consists of compressed gravel, there is a potential for female Blanding's turtles to nest on the roads. Several turtle nests have been spotted in the Millenium Trail in a number of areas, including in Wesley Acres Road and Barker's Lane Provincially Significant Coastal Wetland." .Turtles and snakes will use the road as a basking site.*

*Turtles and snakes are attracted to hard and exposed surfaces in order to bask in the sun, i.e., roads, swimming pool.*

**ES Response:** The parking has been reduced to 257 spots. We agree to the potential risks and this was expressed in the EIS. These concerns will be part of the discussions with the MECP whose responsibility will be to determine an appropriate level of protection for the Blanding's Turtles that may use this site from time to time. The efforts extending from these discussions will also benefit non-SAR herptiles. It might be helpful to note that the parking has been moved more than 50 m from the PSW and reduced in size in the revised concept plan.

#### **COMMENT 4.25**

**PECFN:** *If the Applicant has no intention of respecting the required adjacent land widths for fish habitat, they need to provide a detailed rationale and mitigation plan in the Environmental Impact Study (EIS). This includes: Justification, Impact Assessment, Alternative Solutions, Compensation Measures and a Monitoring Plan. These steps are crucial to ensure that the development is carried out responsibly and in compliance with environmental regulations.*

**ES Response:** Please note that the 120 m is not a buffer but a consideration distance for negative impact potential. The main concerns for fish habitat in the NHRM that would apply to the development are for Increased Nutrient Inputs and Sediment Discharge, both of which will be regulated through Site Plan Control in consultation with the County, Ministry, QCA, and peer-review consultants as may be required. The septic systems in particular will require review and monitoring as part of the detailed design process, and both will be located more than 120 m from fish habitat.

#### **COMMENT 4.26**

**PECFN:** *Note our comment above [comment 4.25].*

**ES Response:** Please see the response to comment 4.25

#### **COMMENT 4.27**

**PECFN (Comment 149):** *The subject property is surrounded on three sides by Provincially Significant Wetlands and Provincially Significant Coast Wetlands. The property is located in a Regionally Significant Life Sciences ANSI, and in the middle the South Bloomfield Natural Core Area. It is for good reason that the Official Plan recommends locating major development, including tourist commercial development in the Countryside for the purpose of protect the County's Natural Heritage System. The Official Plan recommends that tourist commercial development and major industrial development in the Countryside. According to the Official Plan, these developments "have a greater potential for adverse impacts on the natural environment. Such development can be properly located within the Countryside and can be planned to ensure that there are no negative impacts on the natural environment."*

**ES Response:** There appears to be a typo with these comments, in that it appears to suggest that PEC wants to encourage industrial and major tourist development in The Countryside. Nevertheless, we agree that development should be planned to ensure no negative impacts, and through their consultation with PEC, the proponents have shown that this is also their intention.

#### **COMMENT 4.28 & 4.29**

**PECFN:** *Comment numbers 150 [4.28] and 151 [4.29] say they apply to PECFN comment 148 [4.27].*

**ES Response:** Please refer to the response to comment 4.27.

#### **COMMENT 4.30**

**PECFN:** *The County's GIS viewer shows a tributary flowing in an easterly direction into the pond. The same tributary is shown in a diagram in the EIS (p. 29). According to the EIS this is a dug farm pond, that will be drained and filled in to accomodate the parking lot. The Snetsinger Report refers to numerous small ponds throughout the Bloomfield Creek Wetland ANSI. How was it confirmed that this is a man-made pond when it's the end point of a tributary? Are there plans to redirect the tributary?*

**ES Response:** The previous owner of the property confirmed the man-made nature of the pond, and this included digging of the drainage channel (referred above as a tributary in the PECFN comment) flowing under the access road, via a culvert, to the wetland. Filling in the pond would eliminate the need of the drainage channel. On page 12 of the EIS the current location of the farm pond is outlined with a red circle on the provided 1952 aerial image, which at that time can be seen was part of a farm field. It can also be seen that there is no drainage channel. Also at that time, the previously dug farm pond was located at the eastern side of the property, and that pond was subsequently filled in.

#### **COMMENT 4.31**

*PECFN: Since all over-wintering sites for Blanding's turtles are considered core habitat, we are unable to make sense of this.*

*In the context of our concern, which is that Blanding's turtles may be over-wintering in the dug farm pond, mitigation is irrelevant. According to the plans, the dug farm pond is to be filled in.*

*We are confused about your statement that it will be up to the MECP to decide what is allowable here. Have you discussed your plan to fill in the pond with the MECP?*

*According to our source on Significant Wildlife Habitat Mapping, man-made ponds such as sewage lagoons or storm water ponds should not be considered SWH. However, this dug farm pond appears to be neither of those (note out comment in 153 above).*

**ES Response:** Overwintering sites typically occur within core habitat areas. Core habitat areas are where Blanding's Turtles typically conduct key life cycle features, such as with mating, basking, and feeding. Since Blanding's Turtles were never observed in the dug pond, and it is small enough that they could easily be observed from shore, we determined that is unlikely to operate as a core habitat area, and therefore unlikely to provide overwintering. Furthermore, we were informed that the pond water levels vary considerably from year to year, and that in some years there would be insufficient water to provide the depths needed for overwintering. Although we could not confirm it, we suspect the ponding areas within the PSW north and west of the main farm field does operate as a core area. Their distance from potential development disturbance is 90 and 100 m respectively, and they will be buffered by dense intervening emergent wetland vegetation.

It might be helpful to note that the MNRF does not consider man-made ponds for SWH overwintering potential, and the DFO does not consider them as fish habitat. The filling of the pond will require consultation with MECP, but also permitting from the MNRF to ensure no harm comes to Blanding's Turtles. In the past 15 years we have undertaken eight man-made pond filling projects, and were able to successfully translocate fish, turtles, and amphibians in each case to nearby natural aquatic systems.

#### **COMMENT 4.32**

*PECFN: Even if this site does not always provide sufficient water for over-wintering, juvenile Blanding's turtles would not know that. In years that there is sufficient water, Blanding's turtles could be using it for over-wintering. These turtle frequently over-winter in seasonal pools or small excavated areas within standing water.*

**ES Response:** The concern we have with variable water levels in the ponds would be that winter conditions in certain seasons could result in mortality of turtles who are attracted to the ponds during the Oct/Nov overwintering movement period and then die overwinter due to unfavorable overwintering conditions.

#### **COMMENT 4.33**

*PECFN: We are not optimistic about the survival rate of Blanding's turtles or for that matter, of any turtle species, if this proposal goes ahead.*

**ES Response:** The concerns are noted and expressed in the EIS, which is why the MECP Registration process will be necessary to insure protections. There are currently no mitigation protections in place for the current farming and recreational site activities, and so we expect the MECP consultations will result in an improvement to the status quo.

#### **COMMENT 4.34**

*PECFN: If you've been assessing Blanding's turtles for that long, then you know that Blanding's turtles have been known to travel considerable distances during their active season. This extensive movement helps them find mates, suitable nesting sites, foraging areas, and habitats for their different life stages. Their long-distance travels emphasize the importance of maintaining connected and unfragmented habitats to support their ecological needs.*

*You would also know that the Blanding's turtle is hard to spot due to their cryptic coloration. Their dark carapace with tan or yellow flecking can blend into the natural surroundings.*

*We wish we were as confident that Blanding's turtles are not using the shoreline area of the property and the lake margins.*

**ES Response:** It is true that Blanding's Turtles are known to travel long distances, but these are parallel and in close proximity to core habitat areas and not perpendicular to them.

In our experience, Blanding's Turtles are the easiest turtles to identify in this region with their high dome and bright yellow chin coloration. The West Lake shoreline area had excellent site lines for turtle viewing, as it consisted of mowed lawn extending back over 120 m from the waters edge, and if Blanding's Turtles had been on site they would have been observed.

#### **COMMENT 4.35**

*PECFN: It's well known that Blanding's turtles tend to move along natural features like wetlands and water bodies, which supports the idea that their travels are generally parallel to their core habitat. That said, the subject property is surrounded on three sides by wetlands. In our view, the entire area, including the subject property, is Blanding's turtle habitat. The subject property could very well provide specialized habitat for Blanding's turtles, i.e., over-wintering and spring foraging habitat.*

**ES Response:** Overwintering occurs within water bodies, and aside from previous discussions about the man-made pond, there are no water bodies within the development lands. Potential overwintering areas would be off-shore within the open water areas of West Lake and two ponding areas within the PSW to the north, with one about 90 m from any development disturbance area and one about 100 m from any development disturbance area. Both wetland

ponding areas are buffered by dense emergent wetland vegetation, although once in the water, overwintering turtles are largely immune to negative human activity.

The density of much of the emergent wetland vegetation within the PSW would hinder turtle movements through any non-watered parts of the wetland, and these dense areas would not provide for basking or feeding opportunities.

#### **COMMENT 4.36**

***PECFN:** Our concern is the increased traffic on the roads in the area. Apparently this is your concern as well - in the section on Blanding's turtles, the EIS states as follows: "The main concern is a greater risk of vehicle strikes on the main access road, due to an anticipated greater traffic use on the access road."*

**ES Response:** Habitat loss concerns have been greatly reduced as a result of increased protections for wetlands, including Provincial Regulation 41/24. In our opinion the greatest risk to turtles in the province is from road mortality. This is why it will be necessary to register the development with the MECP for Endangered Species Act purposes, and why some sort of mitigation/compensation measures will likely be required, and this will continue to be reviewed and addressed through the detailed design process and Site Plan Control.

#### **COMMENT 4.37**

***PECFN:** As noted in the EIS, "We can't discount that Blanding's nesting never occurs on the side of the access road as it does for Snapping Turtles, but no nests were confirmed on the road via depredated nest eggs, nor was active nesting observed after completing more than the required number of survey visits as per MNRF (2015c)." If Snapping Turtles are nesting on the side of the access road, that is reason enough to expect that Blanding's turtles are doing so as well.*

*Blanding's Turtles typically nest in open areas close to wetlands, such as beaches, shorelines, meadows, forest clearings, or rocky outcrops. They will also nest in human influenced sites, such as gardens, fields, gravel roads, and road shoulders. Most of these features are found on the subject property and there are plans for a garden.*

**ES Response:** We agree, which is why it will be necessary to register the development with the MECP for Endangered Species Act purposes, and why some sort of mitigation/compensation measures will likely be required.

#### **COMMENT 4.38**

***PECFN:** We do not agree that there are no SAR snakes in PEC. Prince Edward County is home to at least two species at risk snakes: Eastern Hog-nosed Snake (Th) (these snakes have been recorded in Sandbanks Provincial Park) and Eastern Milksnakes (SC). There is no indication in the EIS of efforts to confirm (or disconfirm) the potential for snakes to be using the property and*

*surrounding area (eg. NHIC, MECP, Ontario Nature and local field naturalists). But even if there are no SAR snakes, we suggest that more effort should have been made in identifying the potential for snakes to be present, with an emphasis on preserving their habitats and mitigating threats such as road mortality and habitat loss and fragmentation.*

**ES Response:** To clarify, the ESA for SAR only applies to Threatened or Endangered species, and not to Special Concern species. In Ontario, the status of the Eastern Milksnake was downgraded such that it is no longer considered a Special Concern species by the province. The NHIC which lists the element occurrences of SAR has no records of the Eastern Hog-nosed Snake within Sandbanks Provincial Park, nor within PEC. We also undertook a large-scale animal survey for Sandbanks Park on behalf of the MNR and no Hog-nosed snakes were found. A more recent Sandbanks Park Facebook post also notes that they have not been recorded for the park.

#### **COMMENT 4.42**

**PECFN:** *We stand by our comment that negative impacts have not been fully considered. To give one example among many: Species at Risk:*

*The EIS considers that only five Species at Risk are associated with this property: Bobolink, Blanding's Turtle, Little Brown Myotis, Tri-Coloured Bat, Pugnose Shiner. We expected more at-risk species would be associated with this property, given its' location in a Life Science ANSI.*

*We understand that there is a dearth of information on the ANSI (the Snetsinger Report indicated the need for more field studies, as noted in the EIS).*

*However local field naturalists have done marsh monitoring at 565 and 568 Wesley Acres Road for some years, during which time they have observed Black Tern (SC); Red-headed Woodpecker (EN); Lesser Yellowlegs (TH); Eastern Meadowlark (TH); Barn Swallow (SC); Least Bittern (TH).*

*The Snetsinger Report (referenced in the EIS) notes that: "The waters are reported to provide good spawning and feeding habitat for several rare fish species, including the Grass Pickerel (S3), Northern Hog Sucker (S4), and Tadpole Madtom (S2)."*

*We also reviewed the East Lake Stewardship Plan (June, 2015) for information on Species at Risk. The Stewardship Plan lists the following known Species at Risk:*

*Reptiles and Amphibians: Blanding's Turtle, Eastern Musk Turtle, Northern Map Turtle, Snapping Turtle, Eastern Hognosed Snake, Milksnake, Western Chorus Frog.*

*Birds and Mammals: Least Bittern, Barn Swallow, Black Tern, Red-Headed Woodpecker, Bobolink, Little Brown Bat.*

*Fish: Lake Sturgeon, Pugnose Shiner, Bridle Shiner, Spotted Gar.*

*Based on our own data, negative impacts to Species at Risk have not been adequately reported in the EIS.*

**ES Response:** With respect to EIS purposes the focus was for Species at Risk (SAR) was on species that may be in proximity to the development area.

To clarify, the ESA for SAR only applies to Threatened or Endangered species. From the list provided in the PECFN comment above we note that Barn Swallow, Black Tern, Eastern Musk Turtle, Northern Map Turtle, Snapping Turtle, Milksnake, and Bridle Shiner are not SAR. Except for the Milksnake, all of these non-SAR are considered Special Concern in the province and their habitat could be afforded some protections via the planning process under the Special Concern Significant Wildlife Habitat criterion. Several of these Special Concern species are discussed in the EIS.

Western Chorus Frog is an interesting point as recent genetic information and conclusions by various amphibian and government affiliated organizations consider the Chorus Frogs in our region as the Boreal Chorus Frog, which is not a SAR or Special Concern species.

ESA applicable SAR from the lists would include Lesser Yellowlegs, Blanding's Turtles, Eastern Meadowlark, Spotted Gar, Lake Sturgeon, Bats, Least Bittern, Red-headed Woodpecker, and Bobolink.

EIS field work confirmed the presence of SAR bats, Blanding's Turtles and Bobolinks associated with the property.

No Least Bittern, Eastern Meadowlark, Lesser Yellowlegs, or Red-headed Woodpecker were observed. A particular effort was made for the Least Bittern, as was discussed in the EIS, as they are known to West Lake wetlands. Eastern Meadowlark, a field bird, are a relatively easy bird to discern during the breeding season and we are confident that they were not present during the surveys. Red-headed woodpeckers were also not observed. It is conceivable they could find their way to the development lands, as they are predominately considered a wooded parkland bird (e.g., golf courses), with a tolerance for nearby human activity. Accordingly, we would have few concerns about their future success within the property once it is developed because wooded parkland will still be present, and they are often seen in city edge residence properties. Lesser Yellowlegs is a shorebird, and the West Lake open water shoreline lacks the sand or mud flats that these birds forage in, and no shorebirds were ever observed along this shoreline.

Spotted Gar are only reported for East Lake and not for West Lake.

We know of no recent records of Lake Sturgeon in West Lake and they are not reported as being present here in either the NHIC listings or the Department of Fisheries and Oceans Species at Risk listings.

#### **COMMENT 4.44**

**PECFN:** *Amy Bodman, Vice President, PECFN has been marsh monitoring since 2012 at two sites on Wesley Acres Rd - one just .03km from the entrance to 565 Wesley Acres Rd. Consequently, Amy has some familiarity with the wetland areas around the subject property and*

*the biodiversity the area supports. Ms. Bodman's comments were previously submitted to you for comment, but for some reason they are not included in this comment-response-matrix.*

*In her comments, Ms. Bodman noted that over the years the biodiversity has differed according to the conditions. For instance, in 2017 when the water levels were quite high, there was a breeding pair of Black Tern in the wetland that borders the east of the 565 entrance way. On the wetland just across the street, to the west of the entrance way, breeding pairs of Pied-billed Grebes have been observed many years. Ms. Bodman noted that there is quite bit of open water in that wetland, it is not completely dominated by cattail, despite what the EIS states.*

*In addition, Ms. Bodman notes that the whole area, including the subject property, is very important as staging ground for migration – one of the reasons why it is identified as a Natural Core Area.*

*Please note that this is only a brief summary. We respectfully request that you review and respond to all Ms. Bodman's comments.*

**ES Response:** We reviewed Ms. Bodman's comments, and although they were not observed by us during the field season, the two potential areas where Black Tern and Pied Billed Grebe could be found in proximity to Wesley Acres Road are the two natural ponding areas within the PSW. One is about 90 m from any new development disturbance area and one is about 100 m from any new development disturbance area. Both pond areas are buffered by dense emergent wetland vegetation. At these distances, and with the buffering, we have no concerns for a negative impact to the habitat of these birds.

Migration staging applies to many different species. For EIS purposes, it applies to four Significant Wildlife Habitat (SWH) birding criteria: two Waterfowl criteria, a Shorebird criterion, and a Landbird Stopover area criterion. All four were considered for potential SWH status during the EIS work and while staging/stopover do occur here, none meet the quantitative thresholds needed for SWH status, and therefore the requirement for negative impact considerations is not met.

It appears that the wetlands that Ms. Bodman undertook marsh monitoring efforts were south of Wesley Acres Road. These are considered PSW and therefore are strongly protected from development intrusion by Regulation 41/24 that is administered by Quinte Conservation. As PSW, this wetland is also protected from development intrusion under the Planning Act.

This PSW is one of the significant natural heritage areas that define the South Bloomfield Core Area, which further strengthens their protection.

There is a flooded field/wetland area north of Wesley Acres Road that is visible from near the entrance of the property and it has been observed to be rich in avian species, including SAR. It also likely contains many of the species noted by Ms. Bodman in her marsh monitoring efforts. We are unfamiliar with her specific route, and so this area may also be part of her study area. This area north of Wesley Acres Road is more than 120 m from the development, but if assessed, would also likely be protected by Regulation 41/24. It is also part of the PSW, and is also within the South Bloomfield Core Area.

#### **COMMENT 4.45**

**PECFN [original]:** *Appendix B in the OP (Terms of Reference and Submission Standards for Proponents and their Consultants) notes "The potential for Alvar (a provincially significant vegetation community that has been found in Prince Edward County) should be specifically assessed through surveys at the appropriate time of the year." Apparently the proponent considered that alvar surveys were unnecessary: Table 5 in the EIS notes that the "Site and adjacent natural areas are common habitat types in the region".*

*Nevertheless, alvar should be specifically assessed through surveys, as required.*

**ES [original]:** It was obvious to all ecological team members that there is no alvar on site, but further confidence was supplied by Dale Kristensen. He was one of the Ecological Services staff conducting field studies for this site and is a recognized alvar expert, often called upon by government and NGO's to consult on alvar matters.

**PECFN [17-JAN-2025]:** *Noted. However our point was - and still is -that this information should be provided in the EIS, as required by Appendix B in the Official Plan (Terms of Reference and Submission Standards for Proponents and their Consultants).*

**ES [Follow-up Response]:** We were aware of Appendix B from the OP that provides a list of items required for EIS work. Although the EIS did not include the one page summary checklist as presented on Page 4 of Appendix B, nor is including this checklist an EIS requirement, we did consider all of the items from the checklist in the production of the EIS.

#### **COMMENT 4.46**

**PECFN:** *When the Official Plan was approved, PECFN and other groups celebrated the fact that removing the threat of major commercial and industrial development from Natural Core Areas would give ANSIs, PSWs, Coastal Wetlands and Significant Woodlands a second chance, where they would be allowed to rehabilitate themselves over the long term and return to a more natural state. This would also occur with Cultural meadows i.e., their ecological potential would be more fully realized. This will never happen on the subject property if this rezoning application from RU2 to Tourist-Commercial is approved.*

**ES & Fotenn Response:** The development will not occur within ANSI, PSW, Coastal Wetland, and Cultural Meadow, and will not negatively impact features that prescribe woodland significance.

Sadly, we note that once a wetland has been taken over by an invasive species, its ability to rehabilitate naturally by itself is unlikely. This is the nature of invasive species, which is one of the major recognized causes of worldwide losses in biodiversity.

To better address the planning implications of the development in the core areas we requested input by the planning consultants from Fotenn who have provided the following:

"The Natural Core Area designation in the County's Official Plan does not prohibit commercial and industrial uses (4.5.4.3). Rather, the Natural Core Area policies note that major development

(commercial or industrial) which is "outside of Settlement Areas AND which requires an Official Plan Amendment" shall not be permitted. The wording of the policy is plainly to ensure that any commercial or industrial development within Natural Core Areas is only located in areas where the Official Plan permits such uses, and all other Official Plan policies are satisfied (including all policies relating to protection of natural heritage features, where applicable). It is our professional opinion that (based on a detailed review of the applicable policy and regulatory framework, the findings of supporting expert materials, and extensive consultation with County Planning Staff) the proposed development does not trigger an Official Plan Amendment and is therefore permitted within the Natural Core Area as per Section 4.5.4.3 of the Official Plan."

#### **COMMENT 4.48**

*PECFN: It doesn't appear that any attempt was made to follow Appendix B, Terms of Reference and Submission Standards for Proponents and their Consultants. Are you even aware of it?*

**ES Response:** We were aware of Appendix B from the OP that provides a list of items required for EIS work. Although the EIS did not include the one page summary checklist as presented on Page 4 of Appendix B, nor is including this checklist an EIS requirement, we did consider all of the items from the checklist in the production of the EIS.

#### **COMMENT 4.51**

*PECFN: Proponents are required to contact MECP early in the process to identify documentation, including historical records, of species found in and near the proposed development, and report this information in the EIS. This is the first EIS PECFN has ever reviewed where this was not done.*

**ES Response:** The MECP does not respond directly to inquires for pre-screening for EIS purposes, and stated in 2019 that they would not do so. Prior to that, it was largely the MNR that one would consult with for pre-screening, but this ended when the MECP took over the management of the Endangered Species Act. Since 2019, MECP expects EIS consultants to apply follow their 2019 screening protocol document. We did so, and this was mentioned in the Methods section of the EIS.

#### **COMMENT 4.52**

*PECN: Your response is not supported by the Official Plan, Part 3.1.3(6)(c): "Tourist commercial development, industrial development and other major developments, have a greater potential for adverse impacts on the natural environment."*

**ES Response:** The EIS and follow up submissions did not make a distinction about development category, and instead focused on the specific nature of the development, as is required for EIS work. If a residential development was proposed, we would focus on the specific associated impacts, and likewise if an industrial development was proposed, we would focus on the specific

aspects associated with that development type. The intent of Section 3.1.3 appears to be cautionary, such that any of these three could have greater impacts and therefore warrant consideration. It is important to note that the level of impact of these three would be relative to scale. For example, a single industrial building with little to no outputs would be much less impactful several industrial buildings that emit registered pollutants.

From the perspective of Tourist Commercial, it is our understanding that the maximum lot coverage allowed is 30%, and it is our understanding that the expected lot coverage for the camp will be well below this at about 7.5%. We also note that this camp will primarily operate only in summertime (i.e., reduced impact), and the abilities of the campers (Sick Kids) can limit their activities for a potentially individual smaller impact footprint.

From the perspective of Tourist Commercial, the maximum lot coverage allowed is 30%. The proposed project has a lot coverage of 7.5%. We also note that this camp will primarily operate in summertime (i.e., reduced impact), and the abilities of the campers (kids with serious illness) can limit their activities, resulting in a potentially smaller impact footprint. From the perspective of septic systems, the camp will only need two septic systems, and both will be more than 120 m from the open water of West Lake. Regulation requirements for approvals will include regular septic monitoring and maintenance. Traffic impacts will also be minimized as most campers will be brought to the site by bus.

Groundwork Engineering has recommended the use of advanced treatment systems to minimize the areas of dispersal beds, to allow for discharge to meet or exceed acceptable levels. While not included in the Area of Concern for the Bay of Quinte Remedial Action Plan, Groundwork has conservatively used the guidelines for the Bay of Quinte in calculating the nitrate and phosphorous removal requirements. This reflects the shallow depth and low flow in West Lake. Removal requirements are calculated to be 90.5% for nitrate and 98.2% for phosphorous.

#### **COMMENT 4.53**

*PECFN: Your response does not address our comment, which specifically concerns the deficient mapping in the EIS.*

**ES Response:** We respectfully disagree. The EIS contained several annotated satellite mapping images including the development concept plan and the Ecological Land Classification mapping.

#### **COMMENT 4.54**

*PECFN: Please refer to Official Plan 4.4.3.2 Policy 8(d) as follows:*

*d) Under no circumstances, provide a minimum buffer area adjacent to PSW and/or ANSIs features that is less than 30 metres;*

**ES Response:** It is the intent of the developer to honor a 30 m buffer although greater distances are being used in parts of the development. Redesign efforts, in consultation with PEC have been undertaken to achieve this. It is our understanding that a minimum 30 metre setback will

also be noted in the zoning (which is currently only noted in the OP) to further ensure this requirement is carried forward in a clear and consistent manner.

**COMMENT 4.55**

*PECFN: As these comment, and our previous comments show, the proponents and their consultants have not done due diligence.*

*We recommend that the consultants that prepared the EIS review Appendix B in the Official Plan, which is essentially a model to follow to ensure due diligence.*

**ES Response:** Please note that Appendix B was reviewed.