

March 27, 2023  
File: 160900933 - Task 269

**Attention: Malini Menon, Planner**  
County of Peterborough  
470 Water Street  
Peterborough, ON K9H 3M3  
Via Email: mmenon@ptbocounty.ca

Dear Malini,

**Reference: Peer Review of a Natural Heritage Evaluation – Wetlands Delineation of 53 Fire Route 400 (Plan 45R-4583 Part 3), County of Peterborough, Ontario (County File No. B-6-23)**

Stantec Consulting Ltd. (Stantec) was retained by Peterborough County (the County) to peer review the *Natural Heritage Evaluation – Wetlands Delineation (NHE) of 53 Fire Route 400 (Plan 45R-4583 Part 3)* by D.M. Wills Associates Limited (Wills) in support of a one-lot severance (County File No. B-6-23) located at Lot 17 and 18, Concession A, Township of Trent Lakes - Harvey, County of Peterborough, Ontario. This letter has been prepared to provide comments to the County on the NHE and includes Stantec's opinion and comments on the following analysis:

- **Purpose and Scope of the NHE and Conformance with the Preliminary Severance Review (PSR)** – Is the purpose to conduct the NHE clearly defined and was the scope appropriate to address the PSR and NHE requirements?
- **Conformity to Peterborough County Official Plan (OP) Requirements, the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe (GPGGH)** – Does the application conform to Peterborough County's OP, the PPS and the GPGGH?
- **Background Review, Field Studies and Potential Impacts** – Are the field methods used and/or desktop sources consulted during the collection of baseline data appropriate to determine potential natural heritage features which could be impacted as a result of the proposed development?
- **Impact Assessment and Mitigation Measures** – Have potential pathways for environmental impacts been identified, does the NHE propose appropriate mitigation measures to address the potential impacts, and is the analysis of residual concerns appropriate?
- **Summary** – Does Stantec agree with the conclusions of the report and what are the outstanding concerns with the NHE?

This review considered the following documents:

1. *Preliminary Severance Review (Lot 17&18, Concession A, Trent Lakes, Galway Ward, August 3, 2022)*
2. *Natural Heritage Evaluation – Wetlands Delineation - 53 Fire Route 400 (Plan 45R-4583 Part 3) (Wills; no date provided)*
3. *Application for Consent (File No. B-6-23; Received January 18, 2023)*

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Stantec has conducted this peer review in keeping with the standard practice for peer reviews established under our retainer with Peterborough County. We have formed our opinions and made our comments based on a review of the documents as presented. Stantec has not conducted a site visit nor replicated the background data collection or analyses that are reported in the NHE. The summary of background data and field results are taken at face value as presented by the authors. Where assumptions were required to interpret the results of the NHE, we have stated our assumptions.

## **PURPOSE AND SCOPE OF THE NHE AND CONFORMANCE WITH THE PSR**

The NHE is in support of a one-lot severance from the existing legal lot of record at Part Lot 17/18, Concession A, Township of Trent Lakes - Galway, County of Peterborough, Ontario as per the Application for Consent. The PSR identified the property as having potential for Key Hydrologic Features (KHF; wetlands), and Key Natural Heritage Features (species at risk [SAR], significant wildlife habitat [SWH] and significant woodlands. Specifically, the PSR stated the following:

- *Since the severed and retained parcels are located within 120 metres of the above key hydrologic features, a natural heritage evaluation and/or hydrologic evaluation is required. Evaluations undertaken in accordance with policy 4.2.4.1 will identify any additional restrictions to be applied before, during and after development to protect the hydrologic and ecological functions of the feature.*
- *A portion of the subject property is traversed by an area identified for habitat of endangered species and threatened species, as shown on the attached sketch. Policy 2.1.7 of the PPS prohibits development and site alteration, including lot creation, within habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. Species at Risk Data available to the County indicates that there have been no observations of species at risk on or adjacent to the proposed severed lot. Therefore, a Species at Risk Assessment is not required.*
- *A portion of the subject property is traversed by an area identified as significant wildlife habitat as shown on the attached sketch. Policies 2.1.5 (d) and 2.1.8 of the PPS prohibits development, including lot creation, and site alteration within and adjacent to significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. In accordance with the County's significant wildlife habitat screening protocol, the deer wintering area identified is considered a Stratum II Deer Yard and the proposed development does not appear to limit access to the Stratum I Core Area. The Natural Heritage Evaluation (i.e. Environmental Impact Study) is not required to address this feature.*
- *Section 2.1.5 (b) of the PPS states that development and site alteration shall not be permitted in significant woodlands in Ecoregions 6E and 7E unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The subject lands are located in Ecoregion 6E; however, the Township or County has not identified any significant woodlands in their Official Plans. The NHE referenced above should assess whether the woodland identified on the property meets the criteria to be deemed significant and demonstrate no negative impacts by offering appropriate prevention/mitigation measures for future development.*

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- *It is the responsibility of the landowner to identify endangered and threatened species and their habitat on the property prior to undertaking work, and to ensure that the work/activity will not result in negative impacts. Landowners are encouraged to consult with the Ministry of Environment, Conservation and Parks (MECP) if they have questions about the Endangered Species Act, 2007 (ESA). Any sightings of a threatened or endangered species during development and construction on the property must be reported in accordance with the ESA.*

KHF (wetlands) was the only feature that was reviewed as part of the NHE. Discussion on Significant Woodlands, SAR and SWH was not included in the NHE and except for the review of significant woodlands, was not requested by the County as per the PSR. The scope of the NHE just included a wetland delineation of a wetland on the severed parcel and a proposed suitable building lot location on the retained parcel.

## **CONFORMITY TO PETERBOROUGH COUNTY OP REQUIREMENTS, THE PPS AND THE GPGGH**

The NHE did not discuss policy context, regulations, acts, etc., which may affect the proposed development, nor did the EIS comment on whether the NHE and/or wetland delineation addresses provisions within the PPS, County OP or the GPGGH.

It is Stantec's opinion that without an SAR review, it could not be determined that the application met policy 2.1.7 of the PPS:

*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

2.1.8 of the PPS also states:

*Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

Without a review of KHF and KNHF, Stantec could not determine whether the proposal meets these requirements under the PPS. In addition, Stantec was not provided consultation with the County to scope down the NHE to only include the wetland delineation.

Stantec notes that the proposed severance along Fire Route 400 appear to intersect with the vegetation protection zone (VPZ) for the wetland. However, as an existing lot line occurs along the edge of the road allowance, it appears the proposal does conform with the GPGGH regarding development within existing VPZs for wetlands. Because no other information was provided in support of the NHE, Stantec could not determine if the proposed development was in conformance with other provisions within the GPGGH.

## **BACKGROUND REVIEW, FIELD STUDIES AND POTENTIAL IMPACTS**

The NHE did not include desktop data collection in support of the NHE. In addition, the study area and/or area of assessment was not defined. Stantec assumes that the area within the figures were assessed but could not be certain. Some additional context of what was studied is recommended as it appears that only the severed property was assessed and potentially part of the retained property. Without a defined study area for the proposal, and/or an acknowledgement of what areas were assessed, Stantec could not

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determine that the scope of the assessment was appropriate. County of Peterborough mapping appeared to be accessed and provided on figures with the locations of provincially significant wetlands (PSW), locally significant wetlands (LSW) and non-evaluated wetlands which appear to dominate the eastern extent of the subject property on County of Peterborough mapping and the PSR.

Stantec assumed that the severed property has existing buildings that will be retained as part of the severance and that the evaluated suitable building location will be the proposed development area on the retained lot.

Field surveys only included the delineation of the wetland; however, there are no methods described in the NHE. Based on discussion within the report, it appears that the wetland was delineated on August 31 which would be a suitable time of year to complete the assessment. No ecological land classification (ELC) was completed in support of the NHE and no surface water and drainage feature boundary mapping was conducted. An ELC drawing would help the peer reviewers determine which areas were assessed as part of the application. No other surveys were completed in support of the NHE.

No potential impacts were discussed in the NHE and only the wetlands and 30 m VPZ were delineated on the figures on the proposed severed property. Wills provided a location of an evaluated suitable building location, but without additional context of ELC communities, Stantec is not able to confirm the appropriateness of the chosen location and what area was included as part of the assessment. Although Stantec notes that the proposed building location appears to be within 30 m of mapped non-evaluated wetlands and may encroach into that wetland's VPZ.

## **IMPACT ASSESSMENT AND MITIGATION MEASURES**

No impact assessment or mitigation measures were included as part of the NHE.

## **SUMMARY**

The NHE provided a wetland delineation of the wetland with the proposed severed property. It is not clear to the reviewer what areas were assessed and whether the location of the evaluated suitable building location is appropriate. It does appear that the wetland will cross existing property lines and that no new severance lines will need to be created to accommodate the proposed severance; however, Stantec defers to Peterborough County to make that final determination. Also, without a defined study area, it could not be determined if the evaluated suitable building location does not encroach near to other wetlands on the east side of the property except for some communication included with the NHE which appears to state that there.

Please note that the report shall be considered a wetland delineation and not a full NHE since no other details were provided. Some further discussion on whether the site should be considered to have Significant Woodland should also be considered as per the County's PSR.

March 27, 2023  
Malini Menon, Planner  
Page 5 of 5

**Reference: Peer Review of a Natural Heritage Evaluation – Wetlands Delineation of 53 Fire Route 400 (Plan 45R-4583 Part 3), County of Peterborough, Ontario (County File No. B-6-23)**

## **CLOSURE**

This peer review has been prepared as per the Contract between Peterborough County and Stantec Consulting Ltd. Should you have any questions or concerns regarding the information detailed herein, please do not hesitate to contact the undersigned.

Sincerely,

**STANTEC CONSULTING LTD.**

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