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**Municipality File No:** ZBA File No. 21-08  
**Our ref:** 12588915

**September 02, 2022**

**Adele Arbour**  
**Temporary Manager of Building and Planning**  
**Municipality of Trent Lakes**  
**760 County Road 36**  
**Trent Lakes, ON K0M 1A0**

**Response to Peer Review Comments on an Environmental Impact Study in Support of a Zoning Bylaw Amendment on an Existing Lot of Reference on Fire Route 94A, Pigeon Lake in the Municipality of Trent Lakes and the County of Peterborough**

Dear Katherine Van Beek,

Please find enclosed our responses to Stantec Consulting Ltd. (Stantec). Their comments appear below and are followed by our response and notes about where any additional text or changes have been made to the report or figure. Responses are to comments outlined in April 29, 2022 letter from Chris Revak and Andrew Taylor of Stantec Consulting Ltd. to Sarah Dilamerter, Junior Planner, Municipality of Trent Lakes.

Please contact our office if you have any questions or require further project support.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Ellingwood".

**Chris Ellingwood**  
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A handwritten signature in blue ink, appearing to read "Kari Van Allen".

**Kari Van Allen**  
Terrestrial and Wetland Biologist  
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1. **Comment:** *In consideration that the proposed development is in support of potential redevelopment application, the stated purpose of the EIS is clear and provides the appropriate context for the reviewer. The scope of the EIS should be sufficient for supporting the application as no specific deficiencies were identified.*

**Response:** Noted

2. **Comment:** *The data collection in support of the EIS included a review of background material from a series of provincial databases and three site visits on May 29, 2020 (breeding bird/ELC), June 16, 2020 (breeding bird) and July 10, 2020 (aquatics, surface water quality). Although the Natural Heritage Information (NHIC) Make a Map Tool was accessed as part of the EIS, Stantec replicated the NHIC search and observed Blanding's turtle (*Emydoidea blandingii*) in 17QK0238. In addition, the search did not appear to include the Ontario Reptile and Amphibian Atlas which also identified Blanding's turtle and eastern hog-nosed snake (*Heterodon platirhinos*) potentially occurring at the site. Blanding's turtle is a provincially threatened and nationally endangered species and should have been discussed in the report.*

**Response:** GHD has confirmed that square 17QK0238 includes records of Blanding's turtle. Our biologists did not find the suitable habitat for breeding/nesting Blanding's turtles on, or adjacent to the subject property. Nevertheless, additional text has been added to Section 4.1 relating to the potential presence of Blanding's turtle in the study area.

3. **Comment:** *The field visits included a review of site conditions, botanical species inventory, aquatic assessment, ELC, SAR habitat identification, significant wildlife habitat (SWH) assessment and breeding bird surveys. The site visits occurred during both preferred seasonal timeframes and appropriate times during the day to meet survey standards.*

**Response:** Noted.

4. **Comment:** *No regulatory consultation appears to have been completed in support of the EIS including the conservation authority nor the Ministry of the Environment, Conservation and Parks (MECP) regarding species at risk.*

**Response:** As part of the Phase One Environmental Site Assessment, Toronto Inspection Limited submitted a request to the Ministry of The Environment, Conservation and Parks (MECP) Freedom of Information (FOI) and Privacy Office. A response had not been received as of September 9, 2020. GHD has sent a follow-up request for preliminary screening to MECP. There is no Conservation Authority with jurisdiction over the study area.

5. **Comment:** *Overall, the assessment of the vegetation communities and wetland delineation appears appropriate. It was acknowledged that GHD indicated that the site was not considered a significant woodland to which Stantec has no concerns.*

**Response:** Noted.

6. **Comment:** *The EIS referenced several provincial databases to develop a list of species occurrences and avian SARs which may inhabit the Study Area. It's unsure if the Ministry of the Environment, Conservation and Parks (MECP) 2019 Draft Client's Guide to Preliminary Screening for Species at Risk was followed to determine species potentially in the area. Some species (see above) did not appear to have been identified during screening.*

**Response:** MECP's draft Guide to Preliminary Screening for Species at Risk was followed. A request for information has been made to [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca).

7. **Comment:** *Stantec assumes that there is potential for Blanding's turtle to inhabit the area and it should be determined whether the property contains Category 1, 2 and/or 3 habitat as well as Endangered Species Act, 2007 (ESA) permitting requirements. SAR bats are also expected to occur in the Study Area, with mature trees and/or the buildings on site providing potential roost habitat. The potential for*

*SAR bats should be considered in the report. MECP can be consulted in required protocols to assess presence of SAR bat habitat.*

*Stantec also is unsure if correspondence with the MECP has been initiated including whether an Information Gathering Form (IGF) is recommended to be filed with the MECP or if any correspondence has otherwise occurred.*

**Response:** While Terrestrial and Wetland biologists were on-site, a search was made for nesting bats and/or swallows. No cavities or snags were identified during field investigations and there was no evidence of nesting in any of the buildings. The absence of bat maternity colonies was mentioned under Table 4.1. Additional text has been added to clarify this in Section 3.2.

Suitable habitat for Blanding's turtles breeding/nesting was not found on site. The overwintering of turtles could not be confirmed. As a result, we assumed that there was probable winter hibernation habitat in the adjacent Pigeon Lake (Category 1). This is discussed under Significant Wildlife Habitat (Table 4.1), Section 5.3, Section 5.4 and Table 5.1. Exclusion fencing should be installed around the perimeter of the development envelope prior to the active turtle season (April-October) to protect any potential turtles from entering the construction zone. The proposed development will be located no closer to the Lake than the foundation of the existing buildings.

8. **Comment:** *The EIS identified the following as potential SWH on the property: area sensitive bird breeding; waterfowl stopover and staging areas (aquatic); bat maternity colonies; turtle wintering area; and bald eagle and osprey nesting, foraging and perching habitat. Only a turtle wintering area was identified within the lake adjacent to the subject property that might be considered (but not confirmed) SWH. Discussion on turtle nesting areas as a potential SWH was not included in the report. With the occurrence of northern map turtles identified during field studies and midland painted (*Chrysemys picta marginata*), snapping (*Chelydra serpentina*) and Blanding's turtle identified on the ORAA and the NHIC, further discussion as to the omission is recommended. A summary matrix was not provided although the assessment appears reasonable.*

**Response:** Refer to responses 2 and 7.

9. **Comment:** *The aquatic assessment was conducted along the shoreline and within the lake to document habitat zones and attributes adjacent the subject property. Water sampling was also completed on July 10, 2022. Overall, the assessment appeared appropriate and sufficient for the proposal.*

**Response:** Noted.

10. **Comment:** *Regulatory context is provided in Section 2.0 and carried over into Section 6.0 of the EIS and describes how the Migratory Bird Convention Act, Fisheries Act, PPS the GPGGH applies to the project. Compliance with the conservation authority regulations was not discussed in the EIS. It was also noted that the dates in Section 6.0 for this legislation does not match the dates in Section 2.0.*

**Response:** Updates have been made to Section 6.0. The project area was not within a Conservation Authority jurisdiction therefore the regulation does not apply.

11. **Comment:** *The recommendations provided in the EIS appear sufficient to conform to requirements within the Migratory Bird Convention Act and the Fisheries Act.*

**Response:** Noted.

12. **Comment:** *Regarding the ESA, the EIS indicated that "No provincial endangered or threatened species were identified on the subject property therefore the project complies." Additional discussion on Blanding's turtle and SAR bats is recommended to be included in the EIS.*

**Response:** Please refer to comments 2 and 7 (above).

13. **Comment:** *Stantec considers the assessment incomplete and considers the above conclusion insufficiently supported as there were concerns, other than woodlands, that were not addressed including adhering to the 30 m setback which is conceded to not be met in the report (page 35).*

*Conformance with Section 4.2.4 of the GPGGH should also be reviewed as part of the EIS, specifically how/if the proposal conforms to Section 4.2.4.5 regarding infill development, redeveloped and resort development of shoreline areas of inland lakes.*

**Response:** Noted. Compliance with Section 4.2.4 of the GPGGH is now discussed in Section 6.2. Additionally, Section 4.2.4.5 of the GPGGH recommends the establishment or increase of buffer width to 30 meters from the shoreline. Given the narrow width of the piece of land, the establishment of a 30-meter buffer was not possible. The buildings however will not exceed the distance from the shoreline of the existing dwellings.

14. **Comment:** *Section 6.3 provides the following context regarding the Peterborough County and the Municipality's OP:*

*The County of Peterborough Official Plan designates the subject property as rural The County of Peterborough Official Plan indicates that most of the property is designated as Seasonal Residential and Rural with some Environmental Constraint area (Peterborough County-Public GIS, 2019). The proposed development will include two additional single family dwellings. The dwellings and the severance will be outside of the Environmental Constraints area as designated by the Peterborough County GIS. The EIS addresses any impacts that may occur as a result of the proposed development. The proposed development is in compliance with the Peterborough County Official Plan.*

*Stantec does not understand the references above and assumes it is in error since there as the proposed developments were not as introduced in the report and there was no severance introduced.*

**Response:** Thank you. Corrections have been made to this section.

15. **Comment:** *the following OP requirement was not discussed in the EIS.*

*"For the purpose of this Plan and the implementing Zoning By-law, all new development on a lot shall be set back a minimum of 30 metres from the established high water mark of water bodies and watercourses."*

*Finally, the EIS states the following:*

*"The EIS includes recommendations regarding setbacks from the lakeshore, mitigation measures and protection of natural features, as well as the water quality of Pigeon Lake."*

*There is confusion for the reviewer whether the statement in the EIS above is demonstrating conformance with the Municipality's OP.*

**Response:** Under Section 7.1, GHD indicated that the new cottage would not be constructed any closer to the water than the current foundation of the southernmost building.

16. **Comment:** *Section 7.0 of the EIS provides a summary of recommendations. Overall, the mitigation measures generally appear comprehensive for what was discussed for the proposed development; however, the following is a list of potential concerns:*

- 1. Some discussion with respect to the regulatory context of the wet slip boathouse is recommended. ? The boathouse is not mentioned other than on the figure in Appendix IV and/or other permitting requirements.*

**Response:** Appendix IV is a concept plan, not a site plan. To our knowledge, in-water works are not proposed at this time. The proposed boathouse is located upland as a dry slip. We have recommended that the final site plan be reviewed by a professional biologist and that if in-water or near water works are proposed (i.e., marine railway) than the EIS must be updated and additional permitting requirements may be required (by Trent-Severn Waterway, the Ontario Ministry of Natural Resources

and Forestry and the Department of Fisheries and Oceans). The EIS have been updated to reflect the dry slip boathouse as part of the site plan. The boathouse is a new development, however, it is permitted under the current zoning and therefore planning permissions for the boathouse are not being pursued.

*2. No dates were provided on the in-water MNR timing windows and should be included.*

**Response:** These dates have been included in Section 7.3.

*3. No discussion on turtles nesting on the property or mitigation measures were provided for turtles which were identified during the site visits.*

*4. No mention of Blanding's turtle or other herptiles that may carry out their life cycles on the property as well as no consideration of SAR bat habitat within the old structures. There may be implications within the ESA if they are identified since disturbance to Blanding's turtle and/or SAR bat habitat may require an overall net benefit permit under the ESA.*

**Response:** As mentioned previously, there was not SAR bat habitat found within the old structures, nor was there suitable nesting habitat for Blanding's turtle on the subject property. Mitigation measures, such as setbacks from the water will protect any potential overwintering habitat in the area. The erection of exclusion fencing around the development envelope prior to the active season for turtles (May to October) will prevent any turtles from entering the construction zone.