

April 29, 2022  
File: 160900954 - Task 208

**Attention: Sarah Dilamarter, Junior Planner**  
Municipality of Trent Lakes  
760 Peterborough County Road 36  
Trent Lakes, ON K0M 1A0

Dear Sarah Dilamarter,

**Reference: Peer Review of 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 - Municipality File No.: ZBA File No. 21-08**

Stantec Consulting Ltd. (Stantec) was retained by the Municipality of Trent Lakes (the Municipality) to peer review an Environmental Impact Study (EIS; no date) prepared by GHD in support of Zoning Bylaw Amendment (ZBA) in support the redevelopment and rezoning of an existing cottage resort. This letter has been prepared to provide comments to Municipality on the EIS and includes Stantec's opinion and comments on the following analysis:

- **Purpose and Scope of the EIS** – Is the purpose to conduct the EIS and the scope clearly defined?
- **Background Review, Field Studies and Potential Impacts** – Are there potential deficiencies in the field methods used and/or desktop sources consulted during the collection of baseline data to determine potential natural heritage features which could be impacted as a result of the proposed development and are significant/key features appropriately identified?
- **Conformity to the Municipality's Official Plan (OP) Requirements, the Provincial Policy Statement (PPS) the Growth Plan for the Greater Golden Horseshoe (GPGGH), etc.** – Does the application conform to the PPS, OP and the GPGGH and/or other legislation?
- **Impact Assessment and Mitigation Measures** – Have potential pathways for environmental impacts been identified, does the EIS propose appropriate mitigation measures to address the potential impacts, and did the authors complete a suitable review to identify potential residual concerns?
- **Summary** – Does the EIS generally meet the requirements and standards for an EIS under municipal and provincial policies and guidelines, are residual impacts expected on significant features as defined under provincial policies and does Stantec agree with the conclusions of the report?

Stantec has conducted this peer review in keeping with the standard practice for peer reviews established under our retainers with the Municipality and Peterborough County. We have formed our opinions and made our comments based on a review of the EIS as presented. Stantec has not conducted a site visit nor replicated the background data collection or analyses that are reported in the EIS. 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 EIS, we have stated our assumptions.

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## **PURPOSE AND SCOPE OF THE EIS**

The purpose of the EIS is outlined in Section 1.1:

*“GHD has been retained by 11923811 Canada Inc. to complete an Environmental Impact Study (EIS) for a proposed cottage at 16 Fire Route 94A on Part Lot 16, Con 13, Municipality of Trent Lakes and County of Peterborough.*

*The main trigger for the EIS, was the proximity of the redevelopment to the shoreline of Pigeon Lake. The development application for the site requires the completion of an EIS, as per the Municipality of Trent Lakes Official Plan.”*

Furthermore, the EIS states in Sections 1.5 and 1.6:

*“The proposed development is for the removal of 5 existing (decrepit) cabins and the renovation and improvements to, another 5 existing cabins. In addition, a new build of a single-family cottage on the property will also take place. A Waterloo biofilter septic system will be constructed at the base on the peninsula in land from the shoreline. The existing driveway off Fire Route 94A will be utilized for access to the site. (Figure 1.1).”*

*“The main focus of this EIS report is to confirm the extent of any natural heritage features; assess the ecological functions and natural features, Species at Risk, and develop appropriate buffers and mitigation measures to prevent/minimize impacts of the development and construction on these features..”*

The report is to support an application to redevelop an existing resort property which had been abandoned. As part of the overall scope of the EIS, the assessment included regulatory context for the proposed development, a desktop background review, site visits to the property to conduct field surveys (breeding bird surveys, aquatic assessment, ecological land classification [ECL] communities, habitat for species at risk [SAR]), a review of significant wildlife habitat, wetlands, woodlands, etc.

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 or the EIS should be sufficient for supporting the application as no specific deficiencies were identified.

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

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 Centre (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.

The field visits included a review of site conditions, botanical species inventory, aquatic assessment, ELC,

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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.

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.

### **Vegetation and Wetlands**

During field visits, an ELC (including wetland) and a botanical inventory were completed during spring conditions which appeared appropriate for the scope of the EIS. The site was previously disturbed and overgrown since it was abandoned. No vegetation SARs or species of conservation concern were identified or required consideration. 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.

### **Species at Risk**

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.

GHD did not note any habitat for avian SARs within the site and no SARs were observed during breeding bird surveys.

Vegetation species were also screened to determine whether there are vegetation SARs in the area which did not identify any botanical SARs.

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.

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### **Significant Wildlife Habitat**

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.

### **Aquatic Assessment**

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.

### **CONFORMITY TO OP REQUIREMENTS, THE PPS, THE GPGGH AND OTHER LEGISLATION**

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.

### **MIGRATORY BIRD CONVENTION ACT AND FISHERIES ACT**

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

### **ENDANGERED SPECIES ACT**

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.

### **GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE**

Section 1.3.2 of the EIS provides the following context in the EIS:

*“A Place to Grow: Growth Plan for the Greater Golden Horseshoe, came into effect on May 16, 2019, replacing the Growth Plan for the Greater Golden Horseshoe, 2006 (OMMAH, 2017). The recent revisions include minor changes to the natural heritage system policies and removing the provincial NHS mapping layers.*”

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*The 2019 Growth Plan for the Greater Golden Horseshoe is a long-term plan that works with the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan to provide a framework for growth management in the region (OMMAH, 2019).*

*The subject property is not within an urban settlement area; however it is within ecoregion 6E therefore all policies apply. Features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St Mary's River,), habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest. (PPS, 2019)."*

Section 6.0 of the EIS addresses conformance with the GPGGH by indicating:

*"As the subject property is within ecoregion 6E, significant woodland is covered under this policy. The proposed building envelope is not located within a significant woodland, as such the project is in compliance with the Growth Plan for the Greater Golden Horseshoe."*

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.

## **PETERBOROUGH COUNTY AND MUNICIPALITY OFFICIAL PLANS**

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.

Finally, on page 28 of the EIS indicates the following from the municipality OP was quoted:

*"c) The shorelines of the Kawartha Lakes are identified as a significant natural feature within the Township. Special measures should be considered when the Municipality is reviewing development proposals along the shoreline to minimize potential negative impacts on the water quality of the Lakes. These may include measures such as development setbacks, maintaining the natural vegetation and physical characteristics of the shoreline, and effective stormwater management.*

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However, 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.

## **SUMMARY**

Some more context is suggested to determine how it meets the GPGGH, Peterborough County’s and the Municipality’s OPs as the discussion does not appear to indicate conformance and/or are just statements on what applies. Also there appears to be mistakes in Section 6.0 and Stantec is unsure of the statements and some of the discussion. Stantec recommends that Trent Lakes determine if a development proposal with the proposed setback is permitted under the GGHGP and the Municipality OP.

## **IMPACT ASSESSMENT AND MITIGATION MEASURES**

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

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## SUMMARY

The following concerns have been identified by Stantec during the review which should be addressed/ further discussed:

1. Further analysis of presence / absence of SWH Turtle Nesting Areas.
2. Further discussion on conformance with the GPGGH, Municipality and Peterborough County OP as the discussion in Section 6.0 does not appear to indicate conformance and there appears to be mistakes which are confusing for the author. Also, discussion should be provided regarding conformance to Section 4.2.4.5 of the GPGGH.
3. The Municipality would determine if the reduction of the VPZ are permitted under the GPGGH and/or the Municipality OP is appropriate.
4. Consultation and/or review of the CA policies regarding potential permitting implications/constraints.
5. Some additional discussion on SARs (Blanding's turtle, eastern hog-nosed snake and SAR bats) is recommended including mitigation measures if warranted and ESA permitting considerations.

Should GHD provide the additional supporting discussion for the items noted above and the Municipality confirms conformance with the GPGGH and the Municipality OP, Stantec has no outstanding issues or residual concerns with the details of the EIS.

## CLOSURE

This letter has been prepared as per the Contract between the Municipality 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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