ORE
Oakridge Environmental Limited
Environmental and Hydrogeological Services

November 5th, 2021

Gallery on the Lake
65 Gallery on the Lake Road
Buckhorn, Ontario
K0L 1J0

Attention: Esther Inglis, Property Owner

Re: Response to County Peer Review Comments -
Scoped Natural Heritage Evaluation (*s*NHE)
Proposed Severance, Lower Buckhorn Lake
65 Gallery on the Lake Road
Part of Lot 10, Concession 7 (Harvey)
Municipality of Trent Lakes, County of Peterborough
ORE File No. 20-2858

Dear Ms. Inglis:

Oakridge Environmental Ltd. (ORE) is pleased to provide this response to address the August 17th, 2021 - Peer Review Comments provided by Stantec Consulting Limited ("Stantec") on behalf of the County of Peterborough regarding the April 2021 - Scoped Natural Heritage Evaluation (sNHE) for your proposed severance at 65 Gallery on the Lake Road, Part of Lot 10, Concession 7 (Harvey), Municipality of Trent Lakes, County of Peterborough.

The following section outlines Stantec's comments (italicised), followed by our response.

2.0 Review Comments

1. Reviewer's Comment:

Comment copied from the Significant Wildlife Habitat section of the Peer Review:

"On Page 26 of the sNHE, it indicates:

The length of road should be shortened to only what is necessary as this would retain the majority of the herp hibernaculum and upland woodland SWH for woodland related avian."

Stantec is concerned with this statement regarding retaining the majority of the herp hibernaculum and whether partial disturbance may result in making the hibernaculum no longer function as required to protect hibernating species. Further discussion and the potential for future herptile surveys should be discussed."

Comment copied from the Summary section the Peer Review:

"*2. Stantec suggests that additional context on how the integrity of the potential hibernacula could be maintained if it is partially removed. Additional field surveys are suggested to confirm the potential for this natural heritage feature.*"

ORE Response:

The statement on Page 26 of the sNHE regarding the majority of the potential herp hibernaculum being retained refers to the good quality habitat being retained, while the marginal to non hibernaculum habitat areas being fractionally impacted by the proposed road access. It is doubtful that the fractures atop the rock ridge would be accessed by many herps in the open rock barren habitat when there is an abundance of fractured rock towards the base of the bedrock ridge slopes. The fractures toward the base of the bedrock ridge occur beneath densely covered vegetated areas, which allows the herptiles to enter the hibernaculum and avoid predator detection. If they were to enter the fractures atop the bedrock ridge in the open (less vegetated habitat), it would subject them to predators such as birds overlooking this area. In addition, entering the fractures towards the base of the ridge would allow them to more easily access those hibernacula near or at the water table.

Therefore, our reference to the majority of the habitat being retained refers to 100% of the good quality fractured zones towards the base of the slopes being retained while the less used/less abundant marginal habitat openings being covered by the proposed road materials atop the ridge. That being said, the access road would be better situated atop the ridge where the bedrock is more competent. This condition, in addition to the road being within metres of the existing Gallery building (an existing human use - foot traffic zone) which as already somewhat sterilized the wildlife use in this area, would reduce the likelihood of herps to use the upper bedrock ridge surface to access the bedrock in the upper portion of the ridge feature. Herps would be aware of the residual use alongside the gallery building and try to avoid this area.

No additional surveys of the habitat were completed as the above mentioned details regarding the potential habitat should have been included in the sNHE for clarification purposes.

Ultimately, the proposed road location is the best possible option to retain as much of the natural vegetation on the property and inherently retain as much of the wildlife use/corridors on the site as well.

2. Reviewer's Comment:

The following comment was copied from the Peer Review directly in the Conformity to OP Requirements, the PPS and the GPGGH section of the Peer Review:

"The sNHE must also discuss and address the conformance to the definition to Site Alteration (as per policy 4.2.4.2) in particular with respect to the proposed road in the VPZ. Is the proposed road considered 'site alteration" by GPGGH definition? The sNHE should provide more detail on how the proposed lane conforms to the related policies of the GPGGH or address if the proposal is considered not to be applicable to these policy Sections using references in the GPGGH."

Comment provided in the Peer Review Summary section:

"*1. Conformance to the GGHGP policies with respect to Site Alteration should be addressed and if conformance can not be met, alternatives to development and site alteration be adopted that are consistent with the policies of the GGHGP.*"

ORE Response:

According to Section 4.2.4.3 of the Growth Plan:

"3. Development or site alteration is not permitted in the vegetation protection zone, with the exception of that described in policy 4.2.3.1 or shoreline development as permitted in accordance with policy 4.2.4.5."

Section 4.2.3.1 states the following:

"e) expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into the key hydrologic feature or key natural heritage feature or vegetative protection zone unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;"

Consequently, the newly proposed access road to the residence would be considered an expansion to the existing residential use on-site (which is an expansion to a building or structure). Without the new road access to the existing residence, the newly proposed lot would not conform to the Growth Plan and local planning requirements as the existing road and parking area passes beneath the gallery building and is a shared access. Even if the property owner wanted to sever the gallery building, and keep the residence, the existing road would not conform to local planning requirements. The shared access road beneath the gallery buildings potentially creates all kinds of issues from a legal perspective, such as maintaining the only access to the residence, if significant maintenance or construction is required. Therefore, the new laneway between the gallery and residence is the only way to separate the uses on-site that

makes any sense.

We can only presume this not only makes sense from a planning and legal perspective, it also makes sense from an environmental perspective as it appears to meet the criteria to be an exception under section 4.2.3.1 e) of the Growth Plan:

- Able to avoid the key hydrologic feature entirely and maintain a safe distance from this feature on higher ground;
- Only require minor vegetation removal in the VPZ (several trees, which can be compensated for);
- Be the only alternative that avoids entering into the HSF to create a separate serviceable road to the existing residence, and
- Remain in close geographical proximity to the existing Gallery structure, so as not reduce/remove any more highly naturalized areas of the VPZ.

Considering all of the criteria have been met under section e), it remains our opinion that the proposed laneway is exempt from having to remain outside the VPZ, and is considered a permitted site alteration under Section 4.2.3.1 e) of the Growth Plan.

3. <u>Reviewer's Comment:</u>

The following comment was copied from the Summary Section of the Peer Review:

"*3. The development of the laneway through potential Category 2 Blanding's Turtle habitat should be discussed including potential implications under the ESA.*"

<u>ORE Response:</u>

The wooded swamp habitat may be considered Category 2 habitat as it is a wetland feature that extends from Buckhorn Lake to wetlands to the north (PSW) whereby a Blanding's Turtle could migrate through the property to access these other waterways.

However, to be clear, the wooded swamp habitat on-site is not habitat that Blanding's Turtle would reside within during the spring, summer or overwintering periods. It is only suitable for migration purposes.

That being said, the proposed laneway will not enter or impact the wetland whatsoever, thus retaining the intermittent/seasonal migratory use of the Category 2 habitat.

In addition to the laneway avoiding the Category 2 habitat, the laneway would occur towards the top of a steep bedrock slope that would prevent turtles from accessing the laneway during the construction. This natural steep slope barrier, plus the installation of the turtle exclusion fence would prevent potential Blanding's Turtle from entering onto the road surface either during construction or in the post construction period.

Furthermore, the proposed laneway will be located on the south side of the bedrock's drainage divide which will naturally drain both runoff and potential eroded sediments in the construction and post construction period towards either the gallery building, or towards the parking area directly east of the existing residence. Even the minor sediments from the road will not enter the wooded swamp feature, thus keeping the HSF fully intact.

Therefore, the proposed laneway would not trigger an ESA permit as the Category 2 habitat would remain unaltered both during construction and into the post construction era. Provided a Blanding's Turtle is not observed in this area against the fence or within the wooded swamp during the construction activities, the species would not be harmed, harassed or culled by the construction of the laneway and the Blanding's Turtle could continue to migrate between watercourses, without impediment or adverse impact.

4. Reviewer's Comment:

The following comment was copied from the Summary Section of the Peer Review:

"4. Additional discussion on SARs bat habitat is recommended including surveys mitigation measures if warranted."

ORE Response:

Considering only six (6) to eight (8) healthy mature White Pine and Sugar Maple trees will have to be removed in the proposed access road corridor, the impact to any SAR roosting bat habitat would be undetectable.

ORE staff reviewed the trees with binoculars and none would be considered "good quality" bat snags according to the Guelph MNRF criteria as the trees are healthy with no significant cavities or openings. The only SAR bat that tends to use the bark or leaves to roost within during the daylight hours is Tri-colored Bat (*Perimyotis subflavus*). This species would find the mature White Pine bark to be attractive. As for the Sugar Maples, it may use the underside of leaves during the spring and summer periods during the daytime.

Therefore, to compensate for the tree removal within the corridor, the property owner shall install two (2) bat houses on each parcel. The property owner can either purchase the houses or construct the bat houses from a set of plans. The houses can be installed in a tree overlooking the waterway (east lot down there the waterfront and west lot in a tree overlooking the wooded swamp). This type of mitigation is consistent with the measures outlined in the Little Brown Myotis, Northern Myotis and Tri-colored Bat Recovery Strategy on the Species at Risk Ontario website.

The above mentioned should be sufficient to mitigate tree loss with respect to

communal bat roosting on-site.

3.0 Closure

We trust that the preceding will meet your immediate needs. If you have any questions or concerns, we would be pleased to discuss those at your convenience.

Yours truly,
Oakridge Environmental Ltd.

Rob West, HBSc., CSEB
Senior Environmental Scientist