



PARTNERS IN  
ENGINEERING, PLANNING &  
ENVIRONMENTAL SERVICES

# Opinion Letter

|                      |  |
|----------------------|--|
| <b>To:</b>           | Peter and Wendy Smith  |
| <b>From:</b>         | Shawn Filteau, B.Sc., Natural Sciences Group Leader<br>D.M. Wills Associates Limited |
| <b>Date:</b>         | September 13, 2023   |
| <b>Project Name:</b> | 1090 4 <sup>th</sup> Line Road South, Dummer   |
| <b>Project No.:</b>  | 85104  |
| <b>Subject:</b>      | Opinion Letter   |

## 1.0 Introduction

D.M. Wills Associates Limited (Wills) was retained by Peter and Wendy Smith (Client) to complete an Opinion Letter to address any potential environmental impacts associated with a proposed lot severance and eventual development (Project) at 1090 4<sup>th</sup> Line Road South, Lot 14, Concession 3, in the Township of Douro-Dummer (Subject Property). Specifically, the Subject Property encompasses approximately 76.2 ha of land and includes a proposed 0.45 ha lot severance, with the remaining land being retained. See **Figure 1** and **Figure 2**.

The County of Peterborough (County) indicated that an Opinion Letter would be sufficient to address any environmental concerns with the severance as the Area of Natural and Scientific Interest (ANSI), which triggered the request, is across a road to the west, and provincially mapped wetlands are greater than 120 m away.

The purpose of the Opinion Letter is to demonstrate that there will be no negative impacts on the ANSI or its ecological function as well as ensure the Project is in compliance with municipal and provincial policies including but not limited to: the *Planning Act* (R.S.O. 1995), the *Conservation Authorities Act* (R.S.O. 1990), the *Provincial Policy Statement* (2020), and *A Place to Grow: Growth plan for the Greater Golden Horseshoe* (2020) (Growth Plan).

Wills' biologists undertook one field investigation to collect information on existing conditions.



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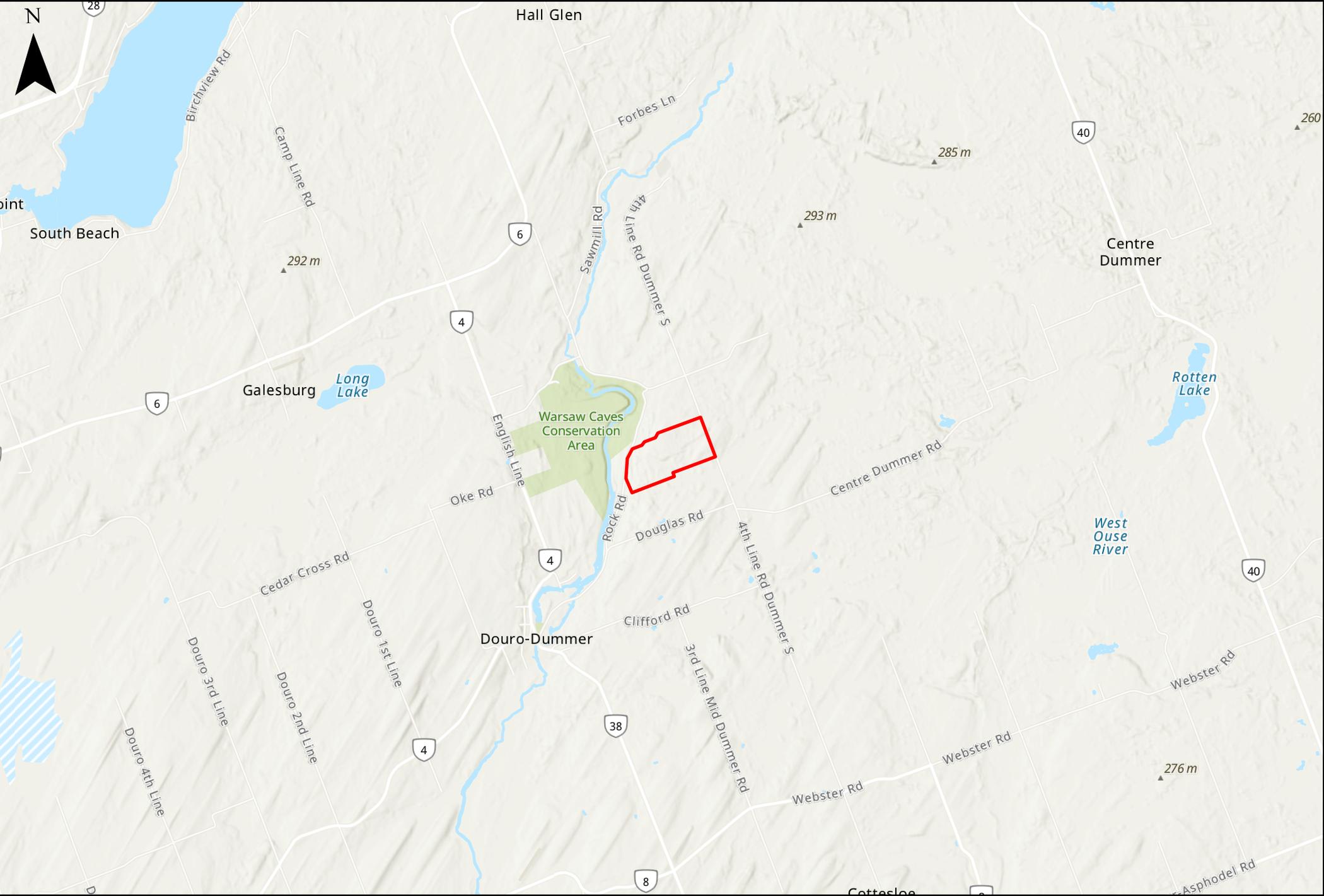
- An existing conditions background review.
- A summary of the observations made during the field investigation.
- Description of the potential impacts of the Project.
- Recommended measures to mitigate impacts of the Project.

An Opinion Letter and Species at Risk (SAR) Evaluation Report were completed for the severance lot directly to the north in 2021. The field work completed for these reports was used for this Project.

### **1.1 Subject Property**

The Subject Property encompasses approximately 76.2 ha of land located at Lot 14, Concession 3, in the Township of Douro-Dummer. The area surrounding the Subject Property is made up of agricultural lands, unevaluated wetlands, Provincially Significant Wetlands, an unevaluated woodland, and a rural residential building.

The Project includes the severance of the Subject Property into two parcels of land. The proposed severance area will be approximately 0.45 ha, with the remaining 75.8 ha parcel being retained. The lot is being severed for the purpose of building a residential house on the property. The details of the development have not been determined.



|   |                  |
|---|------------------|
| <b>Legend</b>   |                  |
|  | Subject Property |

**Figure 1 - Site Location**  
 Opinion Letter  
 1090 4th Line Road South, Township of Douro-Dummer, Ontario



D.M. Wills Associates Limited  
 150 Jameson Drive  
 Peterborough, Ontario  
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| <b>Drawn By</b>    | TD    |
| <b>Checked</b>     |       |
| <b>Project No.</b> | 85104 |

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| <b>Scale</b>            | 1:70,000 |
| <b>Date</b>             | 8/08/23  |
| <b>Drawing File No.</b> | Figure 1 |



**Legend**

-  Subject Property
-  Proposed Severance

**Figure 2 - Subject Property**

Opinion Letter

1090 4th Line Road South, Township of Douro-Dummer, Ontario



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| Project No. | 85104 | Drawing File No. | Figure 2 |

## **2.0 Background Review**

### **2.1 Natural Heritage Features and Areas**

A review of the Ministry of Natural Resources and Forestry (MNR) natural heritage/resources data obtained through the Natural Heritage Information Centre (NHIC) database was completed to identify the presence or absence of any natural heritage features identified under the Provincial Policy Statement (2020) as well as other features of local or federal interest including Federal Parks, Environmental Sensitive Landscapes or Areas, such as significant woodlands, locally significant wetlands or otherwise natural heritage features identified for conservation.

#### **Areas of Natural and Scientific Interest**

One ANSI, (Life Science, Warsaw Caves) was identified on neighbouring lots to the west of the Subject Property. The ANSI is approximately 15 m to the west of the proposed severance.

#### **Conservation Reserves**

No Conservation Reserves are located on, or within 120 m of the Subject Property.

#### **Provincial Parks**

No Provincial Parks are located on, or within 120 m of the Subject Property.

#### **Significant Wildlife Habitat**

No Significant Wildlife Habitat (SWH) records were identified through background review.

#### **Provincially Significant Wetlands**

No Provincially Significant Wetlands (PSW) were identified on, or within, 120 m of the Subject Property based on background review. The nearest PSW is (Warsaw Caves Wetland), is located approximately 280 m to the west of the proposed severance area.

#### **Woodlands**

NHIC mapping indicates woodlands as being present within the Subject Property and the proposed severance area.

### **Other Wetlands**

According to NHIC mapping, an unevaluated wetland of approximately 0.73 ha is located 130 m to the northwest of the proposed severance across Rock Road.

## **3.0 Existing Conditions**

### **3.1 Biophysical Environment**

#### **3.1.1 Topography**

The Subject Property contains small rolling hills, with the general topography sloping down, towards the west.

#### **3.1.2 Soils**

The Subject Property falls within Ecoregion 6E (Lake Simcoe, Rideau), a region underlain by carbonate rich Paleozoic bedrock, and dominated by a wide variety of deep glacial deposits (Ecological Stratification Working Group, 1996).

#### **3.1.3 Hydrology**

Groundwater and surface water is expected to flow along the natural topography of the Subject Property towards the west.

### **3.2 Field Investigations**

A field investigation took place on June 28, 2023, to evaluate existing ecological conditions within the Subject Property. The field program included the following surveys:

- Species at Risk Evaluation
- Confirm presence/absence of hydrological features (wetlands, watercourses, seeps, springs) and delineate their boundaries
- Ecological Land Classification (ELC)

In addition, two breeding bird surveys were completed in 2021 as part of the Opinion Letter and SAR Evaluation Reports that were completed for the previous severance.

### 3.2.1 Breeding Bird Surveys and Species at Risk Assessment

Two breeding bird surveys were completed on June 4 and June 23, 2021, in general accordance with Ontario Breeding Bird Atlas (OBBA) standard procedures and protocols to assess for the presence/absence of any SAR avifauna on the Subject Property. No SAR avifauna were observed during either survey.

During the site visit on July 28, 2023, one SAR, an Eastern Wood-Pewee (Special Concern) was observed. Full results and mitigation measures can be found in the *Species at Risk Evaluation Report* (Wills, 2023) (**Appendix A**).

### 3.2.2 Hydrologic Features

Hydrologic features were delineated within the Area of Assessment as shown in **Appendix B**.

Two wetlands and two drainage features were identified to the south of the proposed severance. The first drainage feature, situated approximately 52 m south of the proposed severance, serves as a channel for ephemeral surface water run-off connecting the two wetlands. The second drainage feature carries ephemeral surface water flowing from north to south out of the larger wetland.

### 3.2.3 Ecological Land Classification

ELC mapping was confirmed in the field using the *Ecological Land Classification for Southern Ontario* (Lee, 1998) protocols within the Area of Assessment as shown in **Figure 3**.

Three ELC units were identified within the Area of Assessment on the Subject Property:

1. Mineral Cultural Meadow (CUM1)

This ELC Ecosite was dominated by ground vegetation consisting of Smooth Bromegrass (*Bromus inermis*), Evening Primrose (*Oenothera biennis*), Vipers Bugloss (*Echium vulgare*), Daisy Fleabane (*Erigeron annuus*), Common Yarrow (*Achillea millefolium*), Oxeye Daisy (*Leucanthemum vulgare*), Timothy Grass (*Phleum pratense*), Musk Thistle (*Carduus nutans*), Birdsfoot Trefoil (*Lotus corniculatus*) and Cinquefoil (*Potentilla recta*). Sparse shrubs were found throughout this area and include Common Juniper (*Juniperus communis*) and Prickly Gooseberry (*Ribes cynosbati*).

2. Dry – Fresh Cedar Coniferous Forest (FOC2)

The habitat surrounding the agricultural fields is classified as a Dry – Fresh Cedar Coniferous Forest. This community is dominated by Eastern White Cedars, with the occasional Green Ash (*Fraxinus pennsylvanica*), White Spruce (*Picea glauca*), and Gray Dogwood (*Cornus racemosa*). The vegetation species found within the community were Poison Ivy (*Rhus radicans*), Virginia Creeper (*Parthenocissus quinquefolia*), Broad Leaved Helleborine (*Epipactis helleborine*), and Bracken Fern (*Pteridium aquilinum*).

3. White Cedar Mineral Coniferous Swamp (SWC1)

The canopy is comprised primarily of Eastern White Cedar (*Thuja occidentalis*). The sub canopy contained both Eastern White Cedar and American Elm (*Ulmus americana*). The understory includes Red-Osier dogwood (*Cornus sericea*), Round leaved dogwood (*Cornus rugosa*), Willow sp. (*Salix* sp.), Black Spruce (*Picea mariana*), and Eastern White Cedar. The ground cover contains Orange Jewelweed (*Impatiens capensis*), Rosy Sedge (*Carex rosea*), Fowl Mannagrass (*Glyceria striata*), Sensitive Fern (*Onoclea sensibilis*), Stinging Nettle (*Urtica dioica*), Water Horsetail (*Equisetum fluviatile*), Retrose Sedge (*Carex retrorsa*), Enchanters Nightshade (*Circaea canadensis*), American Bugleweed (*Lycopus americanus*), Riverbank Grape (*Vitis riparia*), and Virginia Creeper (*Parthenocissus quinquefolia*).

## 4.0 Regulatory Context

### 4.1 Provincial Policy Context

The *Provincial Policy Statement 2020* (PPS) is a consolidated statement of the government's policies on land use planning. The PPS was issued under section 3 of the Planning Act and came into effect May 1, 2020. It replaces the PPS issued April 30, 2014.

The PPS states:

*Section 2.1.5*

*Development and site alteration shall not be permitted in:*

*a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;*

*b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River) 1;*

- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River) 1;*
- d) significant wildlife habitat;*
- e) significant areas of natural and scientific interest; and*
- f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)*

*Section 2.1.8*

*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.*

**The Subject Property is within 120 m of the Warsaw Caves ANSI. However, given that Rock Road is between the proposed severance and the ANSI, it is not anticipated that the development will have any impact on this feature.**



**Legend**

- Subject Property
- Proposed Severance
- Area of Assessment
- CUM1
- FOC2
- SWC1

**Figure 3 - ELC Map**

Opinion Letter

1090 4th Line Road South, Township of Douro-Dummer, Ontario



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| Project No. | 85104 | Drawing File No. | Figure 3 |

## 4.2 Provincial Plans

### 4.2.1 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

*A Place to Grow: Growth Plan for the Greater Golden Horseshoe' (2020)* was developed to ensure for growth and development within the Golden Horseshoe of Ontario, in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life.

Relative to the Subject Property, the following is applicable:

#### *Section 4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features*

1. *Outside settlement areas, a proposal for new development or site alteration within 120 metres of key natural heritage features within the Natural Heritage System for the Growth Plan or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone, which:*
  - a) *Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change;*
  - b) *Is established to achieve and be maintained as natural self-sustaining vegetation; and*
  - c) *For key hydrologic features, fish habitat, and significant woodlands, is no less than 30 metres measured from the outside boundary of the key natural heritage feature.*
2. *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 function and ecological functions of the feature.*
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.*

**The proposed severance is situated within the Natural Heritage System and is adjacent to two unevaluated wetlands to the south. A 30 m buffer has been proposed for the unevaluated wetlands. Further mitigation has been provided in Section 4.0 to address the Growth Plan policies as they pertain to KHF.**

### 4.3 Migratory Birds Convention Act, 1994

The *Migratory Birds Convention Act, 1994* (MBCA) was developed to protect migratory birds, their nests and eggs anywhere they are found in Canada. Relative to the Subject Property, the following is applicable:

#### *Prohibitions*

5(1) A person must not engage in any of the following activities unless they have a permit that authorizes them to do so or they are authorized by these Regulations to do so:

- (a) capture, kill, take, injure or harass a migratory bird or attempt to do so;
- (b) destroy, take or disturb an egg; and
- (c) damage, destroy, remove or disturb a nest, nest shelter, eider duck shelter or duck box

#### *Exceptions*

(2) However, the following may be damaged, destroyed, removed or disturbed without a permit:

- (a) a nest shelter, eider duck shelter or duck box that does not contain a live bird or a viable egg;
- (b) a nest that was built by a species that is not listed in a Table to Schedule 1 if that nest does not contain a live bird or a viable egg; and
- (c) a nest that was built by a species that is listed in a Table to Schedule 1 if the following conditions are met:
  - (i) the person who damages, destroys, removes or disturbs that nest provided a written notice to the Minister a number of months beforehand that corresponds to the number of months set out in column 3 of the relevant Table to that Schedule for the species, and
  - (ii) the nest has not been used by migratory birds since the notice was received by the Minister.

**As nesting birds are probable on the Subject Property, the requirements to ensure that the Project complies with the MBCA are outlined in Section 5.0.**

## **5.0 Impact Assessment and Mitigation**

Any future site development works including building erection, grading, and pavement development have the potential to incur adverse impacts on the surrounding environment including natural heritage features, particularly concerning works in undeveloped natural landscapes. Locally specific mitigation measures are implemented to prevent or mitigate impacts to these features.

To address any potential impacts to the existing natural features or any protected wildlife species which may reside in the area, the mitigation measures below should be implemented.

### **5.1 ANSI**

The Warsaw Caves, an ANSI as identified by NHIC mapping, is located approximately 15 m west of the proposed severance. The presence of Rock Road has caused a fragmentation to adjacent habitat, limiting species movement. Furthermore, the majority of the habitat in the area of the proposed severance is heavily impacted and is being utilized for cattle grazing. Therefore, it is anticipated that any future development would not negatively impact the ANSI.

### **5.2 Wetlands**

Two unevaluated wetlands were identified during the June 28, 2023, site investigation. The edge of these wetlands, located south of the proposed severance area and east of Rock Road, are greater than 30 m from the lot line. The wetland boundaries are approximately 32 m and 34 m from the closest edge of the proposed severance area, meeting the minimum distance for a Vegetation Protection Zone (VPZ), as required under the Growth Plan. It is anticipated that the proposed severance and any potential future development will not negatively impact the wetlands due to the 30 m VPZ.

To ensure the VPZ is maintained, it is recommended that prior to any site development and lot creation, the wetlands should be staked in the field.

### **5.3 Migratory Birds**

Habitat for migratory birds protected under the MBCA is located within the area of the proposed severance. To ensure no migratory bird species are impacted during any future construction, additional mitigation measures are required:

Birds listed on Schedule 1 of the MBCA construct nests that are utilized year over year either by the same individual, or individuals of another species and

are therefore granted more protection than other bird species. To ensure compliance with the MBCA, the following mitigation measures are required:

- A nest sweep for all species listed on Schedule 1 of the MBCA must be conducted within the FOC2 area as shown in **Figure 3**, prior to vegetation removal. If a nest, or suspected nest, from a species on Schedule 1 is identified, monitoring for a specified time (typically 1 to 3 years) is required to determine if that nest is currently being utilized. Of particular concern would be nests of Pileated Woodpeckers (*Dryocopus pileatus*).
- Any vegetation clearing must occur outside of the breeding bird season of **April 15 to August 31**.
  - If this time period is unavoidable, alternatively, a nest sweep for birds must be conducted by a qualified biologist, prior to any clearing of vegetation on-site.
  - Following a bird nest sweep, vegetation removal must be completed within 72 hours. If it is not completed within this time period, an additional sweep is required.
  - If, during a nest sweep, any bird nests are encountered, all construction activities should cease, and a buffer should be placed around the location until after the chicks have left the nest as determined by a biologist. The size of the buffer will be dependent on the species and should be consulted with the Ministry of Environment, Conservation and Parks (MECP) or Environment and Climate Change Canada.

#### **5.4 Erosion and Sediment Control**

Although the proposed severance is greater than 30 m from the wetlands, it is recommended that an Erosion and Sediment Control measures be implemented to minimize the risk of sedimentation into the drainage features and wetlands during all phases of development.

The mitigation measures should include:

- Installation of sediment fence around the entire site before construction activities commence to prevent soil deposition into the drainage features and wetlands.
- Inspection and maintenance of sediment fencing should take place during the course of construction.
- Sediment fencing should be repaired, if damage occurs.
- Sediment fencing is to remain in place until all disturbed ground has been permanently stabilized.

- An emergency spill response kit, including the appropriate absorbency materials, will be on site at all times. Proper containment, clean up and reporting, in accordance with provincial requirements, is required.

## 6.0 Conclusions

Given the results of the background review and on-site investigations, long-term adverse impacts to natural heritage features, associated habitat, and local wildlife populations are not anticipated to be resultant from the Project and any potential future development. Appropriate implementation of the above will ensure that the proposed severance does not conflict with the natural heritage policies set out by the Province of Ontario (Provincial Policy Statement, 2020) or the Growth Plan (2020).

If you have any further questions, please do not hesitate to contact the undersigned.



Shawn Filteau, B.Sc.  
Natural Sciences Group Leader

TD/SF/jh

## 7.0 References

- Committee on the Status of Species at Risk in Ontario (COSSARO). Last accessed, July 2023; <https://www.ontario.ca/page/how-species-risk-are-listed>
- Crins, W.J.; Gray, P.A.; Uhlig, P.W.C; Wester, M.C. 2009. The Ecosystems of Ontario, Part 1: Ecozones and Ecoregions. Ontario Ministry of Natural Resources Science and Information Branch. Technical Report SIB TER IMA TR-01.
- Government of Canada. Species at Risk Act S.C. 2002, c. 29., last amended on April 23, 2021. Accessed via: <http://laws-lois.justice.gc.ca/eng/acts/s-15.3/>
- Government of Ontario. Endangered Species Act, S.O. 2007, c. 6. Accessed via: <https://www.ontario.ca/laws/statute/07e06>
- Lee, H. 1998. Ecological Land Classification for Southern Ontario. First Approximation and Its Application. Ministry of Natural Resources.
- Ministry of Natural Resources (MNR). 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. Second Edition. Queen's Printer for Ontario.
- Ontario Ministry of Natural Resources and Forestry Make a Map: Natural Heritage Applications. <https://www.ontario.ca/page/make-natural-heritage-area-map>. Accessed July 2023.

# Appendix A

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Species at Risk Evaluation Report





September 13, 2023

1090 4<sup>th</sup> Line Road South  
Douro-Dummer, ON  
K0L 3A0

**Via email:** [waybackfarm@nexicom.net](mailto:waybackfarm@nexicom.net)

**Attention:** Peter Smith and Wendy Smith

**Re: Species at Risk Evaluation Report  
1090 4<sup>th</sup> Line Road South, Lot 14, Concession 3,  
Township of Douro-Dummer, County of Peterborough  
D.M. Wills Associates Project No. 85104**

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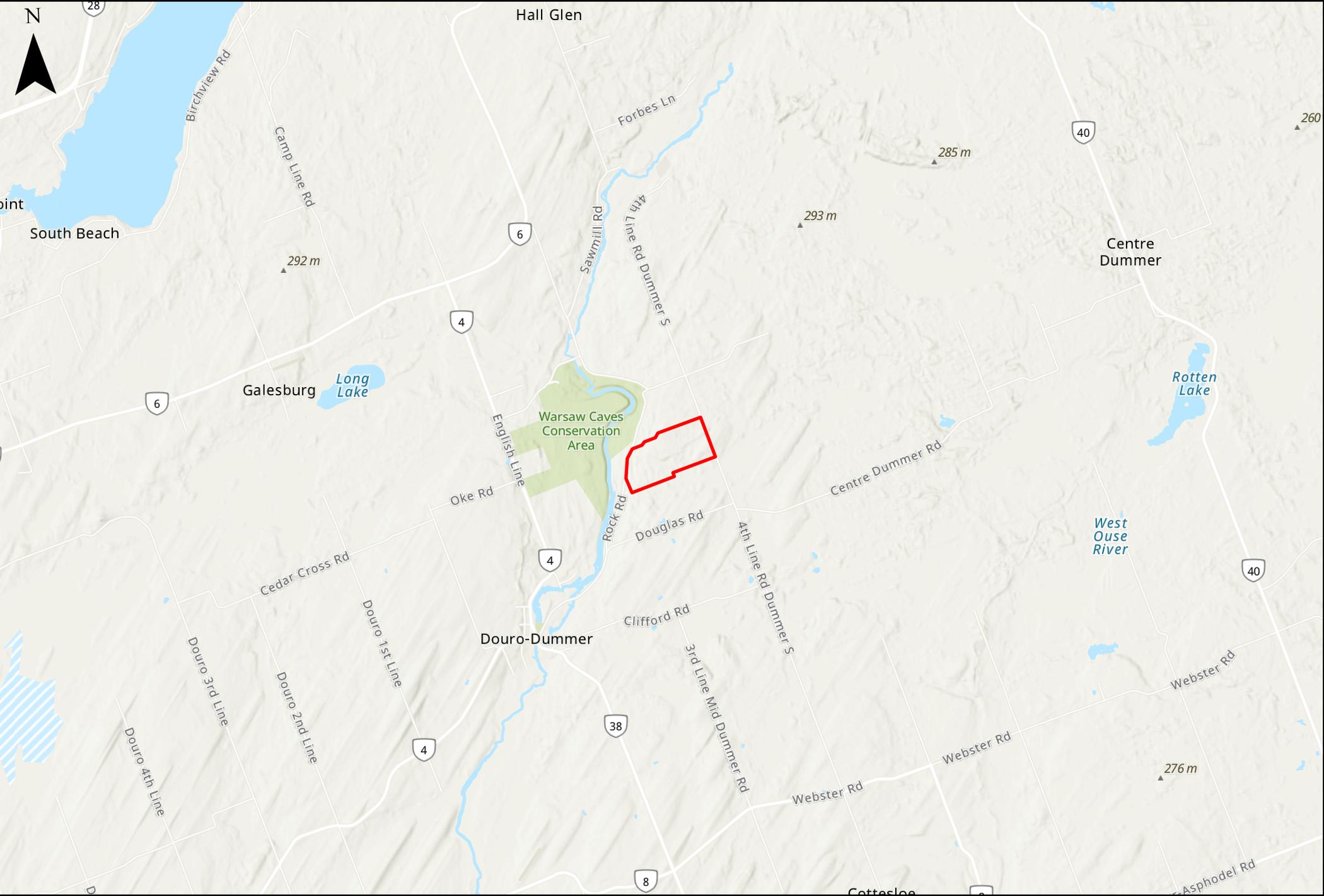
At the request of Peter and Wendy Smith (Client), D.M. Wills Associates Limited (Wills) has completed a Species at Risk (SAR) Evaluation (Evaluation) as part of the severance of a lot for the purposes of developing a residential house located at 1090 4<sup>th</sup> Line Road South, Lot 14, Concession 3 (Subject Property), in the Township of Douro-Dummer, County of Peterborough. See **Figure 1** and **Figure 2** for details on the location of the Subject Property and the location of the proposed severance.

The purpose of this Evaluation is to identify any SAR or SAR habitat on, or adjacent to the proposed severance. An assessment of habitat has been completed with respect to any constraints to development that need to be considered with regards to the *Endangered Species Act, 2007 (ESA, 2007)*.

The scope of this report provides the following:

1. A review of background information.
2. Consultation with the Ministry of the Environment, Conservation and Parks (MECP).
3. A SAR Evaluation that outlines the results of the Breeding Bird Surveys (Surveys), Ecological Land Classification (ELC), and SAR Assessment.
4. Necessary mitigation measures to offset any impacts to SAR or SAR habitat.





|   |                  |
|---|------------------|
| <b>Legend</b>   |                  |
|  | Subject Property |

**Figure 1 - Site Location**  
 SAR Evaluation Report  
 1090 4th Line Road South, Township of Douro-Dummer, Ontario



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| Project No. | 85104 |

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| Drawing File No. | Figure 1 |



**Legend**

- Subject Property
- Proposed Severance

**Figure 2 - Subject Property**

SAR Evaluation Report

1090 4th Line Road South, Township of Douro-Dummer, Ontario



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| <b>Drawn By</b>    | TD    | <b>Scale</b>            | 1:10,000 |
| <b>Checked</b>     |       | <b>Date</b>             | 8/08/23  |
| <b>Project No.</b> | 85104 | <b>Drawing File No.</b> | Figure 2 |

## 1.0 Policy Review and Relevance to the Subject Property

The *Endangered Species Act, 2007* has been reviewed with respect to the Subject Property and the proposed severance area.

The following is a summary of the *Endangered Species Act, 2007* and where it applies.

### 1.1 Endangered Species Act, 2007

The *Endangered Species Act, 2007* (ESA) was implemented to protect threatened and endangered species in Ontario. An independent body, the Committee on the Status of Species at Risk in Ontario (COSSARO), was developed to classify native plants or animals into one of four categories of at risk status:

**Extirpated:** lives somewhere in the world, and at one time lived in the wild in Ontario, but no longer lives in the wild in Ontario

**Endangered:** lives in the wild in Ontario but is facing imminent extinction or extirpation

**Threatened:** lives in the wild in Ontario, is not endangered, but is likely to become endangered if steps are not taken to address factors threatening it

**Special Concern:** lives in the wild in Ontario, is not endangered or threatened, but may become threatened or endangered due to a combination of biological characteristics and identified threats

Species at Risk in Ontario (SARO) are provided by the Ministry of Environment, Conservation, and Parks (MECP) who administer the ESA regulations for SAR in Ontario. The ESA applies to native species that have been proven to be in danger of becoming extinct or extirpated from Ontario. The ESA provides protection of both the species and their habitat, as well as provides a recovery strategy and stewardship program for those SAR.

Section 9(1) of the ESA prohibits a person from killing, harming, harassing, capturing, or taking a member of a species listed as endangered, threatened, or extirpated on the SARO list. In addition, Section 10(1) of the ESA prohibits the damage or destruction of habitat of a species listed as threatened, endangered, or extirpated on the SARO list.

A permit from MECP would be required under Section 17(2)(c) of the ESA for any proposed work to be completed within the habitat of species listed as threatened or endangered.

## 2.0 SAR Screening Assessment

### 2.1 Ecological Land Classification

To assist in identifying potential SAR habitat, the area of the proposed severance was assessed to determine Ecological Land Classification (ELC) communities using the *Ecological Land Classification for Southern Ontario* (Lee, 1998). From this, three ELC units were identified.

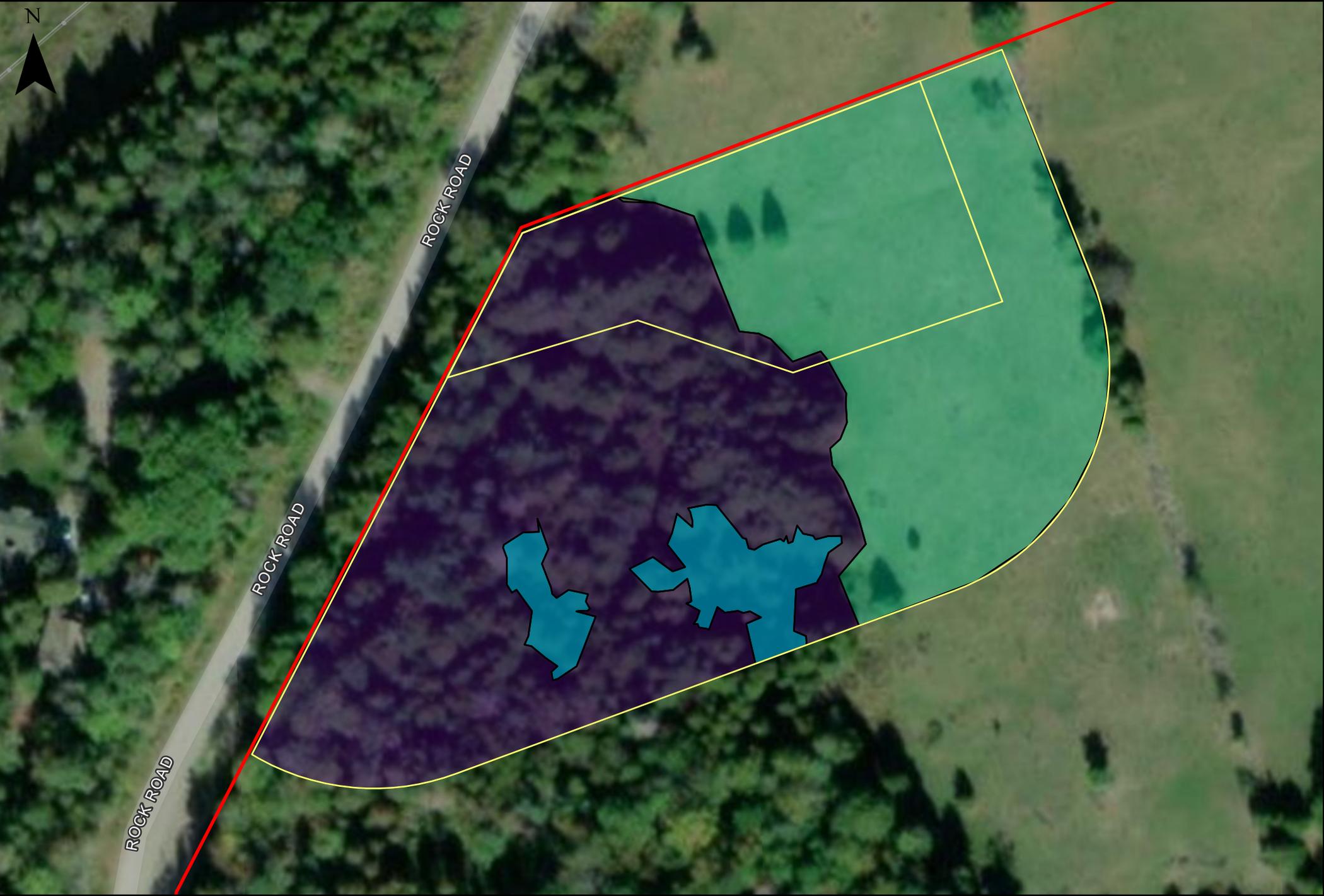
1. Mineral Cultural Meadow (CUM1)
2. Dry – Fresh Cedar Coniferous Forest (FOC2)
3. White Cedar Mineral Coniferous Swamp (SWC1)

See **Figure 3** for details on the ELC communities surrounding the proposed severance area.

### 2.2 Breeding Bird Surveys

As part of the previous lot severance, Surveys were completed to identify the presence/absence of any SAR avifauna. These surveys took place on June 4 and June 23, 2021, and were completed in general accordance with the *Ontario Breeding Bird Atlas* Protocol. See **Figure 4** for the point count locations used during the Surveys.

No SAR were observed during the 2021 Surveys. However, during the 2023 site investigation, an Eastern Wood-Pewee (*Contopus virens*; Special Concern) was observed in the forested area, approximately 125 m to the south. **Table 1** shows the results of the 2021 Surveys.



**Legend**

- Subject Property
- Proposed Severance
- Area of Assessment
- CUM1
- FOC2
- SWC1

**Figure 3 - ELC Map**

**SAR Evaluation Report**

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Google Earth

100 m



**Legend**

- Subject Property —
- Proposed Severance —

**Breeding Bird Survey Locations**

SAR Evaluation Report  
 1090 4<sup>th</sup> Line Road South, Douro-Dummer



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|             |       |                  |               |
|-------------|-------|------------------|---------------|
| Drawn By    | SF    | Scale            | See Scale Bar |
| Checked     |       | Date             | Sept 2023     |
| Project No. | 85104 | Drawing File No. | Figure 4      |

**Table 1 – Breeding Bird Survey Results**

| Species   | June 4, 2021 |      | June 23, 2021 |      |
|---|--------------|------|---------------|------|
|   | BB01         | BB02 | BB01          | BB02 |
| Brown-headed Cowbird ( <i>Molothrus ater</i> )            |              |      | X             | X    |
| American Robin ( <i>Turdus migratorius</i> )              | X            | X    | X             | X    |
| Black-capped Chickadee ( <i>Poecile atricapillus</i> )    |              |      | X             |      |
| Field Sparrow ( <i>Spizella pusilla</i> )                 |              | X    |               |      |
| American Redstart ( <i>Setophaga ruticilla</i> )          |              | X    |               |      |
| Blue Jay ( <i>Cyanocitta cristata</i> )                   | X            |      | X             | X    |
| American Crow ( <i>Corvus brachyrhynchos</i> )            | X            | X    |               |      |
| Hairy Woodpecker ( <i>Leuconotopicus villosus</i> )       | X            |      |               |      |
| American Goldfinch ( <i>Spinus tristis</i> )              | X            |      |               |      |
| White-breasted Nuthatch ( <i>Sitta carolinensis</i> )     | X            |      |               |      |
| Red-winged Blackbird ( <i>Agelaius phoeniceus</i> )       |              |      | X             |      |
| European Starling ( <i>Sturnus vulgaris</i> )             |              |      | X             | X    |
| Black-and-White Warbler ( <i>Mniotilta varia</i> )        |              |      | X             |      |
| Rose-breasted Grosbeak ( <i>Pheucticus ludovicianus</i> ) |              |      | X             |      |
| Red-eyed Vireo ( <i>Vireo olivaceus</i> )                 |              |      |               | X    |
| Gray Catbird ( <i>Dumetella carolinensis</i> )            |              | X    |               |      |

### 2.3 SAR Screening Assessment

**Table 2** outlines the likelihood of SAR to be found in the area of the proposed severance, based on their specific habitat needs. Only Threatened and Endangered species are afforded protection in Ontario and therefore have only been included in the assessment.

The results of the 2021 Surveys have been incorporated into **Table 2**.

A SAR information request was sent to MECP on January 22, 2021, and a response was received from on September 17, 2021. The results of the information request have been incorporated into **Table 2**. See **Appendix A** for correspondence records.

**Table 2 – SAR Screening Assessment**

| Species  | Provincial ESA Status | Federal SARA Status | Habitat Requirements   | Likelihood of Occurrence | Site Area Suitability/ Observations   |
|--|-----------------------|---------------------|--|--------------------------|---|
| Bank Swallow<br>( <i>Riparia riparia</i> )           | Threatened            | Threatened          | The bank swallow breeds in a wide variety of natural and artificial sites with vertical banks, including riverbanks, lake and ocean bluffs, aggregate pits, road cuts, and stockpiles of soil. Sand-silt substrates are preferred for excavating nest burrows. Breeding sites tend to be somewhat ephemeral due to the dynamic nature of bank erosion. Breeding sites are often situated near open terrestrial habitat used for aerial foraging. Large wetlands are used as common nocturnal roost sites during post-breeding, migration, and wintering periods (COSEWIC, 2013). | Negligible               | Habitat requirements not present. No vertical faces were observed within the proposed severance area. No Bank Swallows were detected during field investigations or Breeding Bird Surveys in 2021.  |
| Barn Swallow<br>( <i>Hirundo rustica</i> )           | Special Concern       | Threatened          | Terrestrial open and man-made structures. Barn Swallow nesting sites include the use of a variety of artificial structures (e.g. beams, posts, light fixtures, ledges over windows and doors) that provide either a horizontal nesting surface or a vertical face, often with some sort of overhang that provides shelter. Often nesting sites are associated with open barns, sheds, garages, and docks.  | Low                      | Habitat requirements are present within the Subject Property; however, they are not present within the proposed severance area. No suitable nesting structures or Barn Swallows were detected during field investigations and Surveys in 2021.  |
| Blanding's Turtle<br>( <i>Emydoidea blandingii</i> ) | Threatened            | Threatened          | Blanding's Turtles live in shallow water, usually in large wetlands and shallow lakes with lots of aquatic plants. It is not unusual, though, to find them hundreds of metres from the nearest water body, especially while they are searching for a mate or traveling to a nesting site. (MNR, 2018).   | Low                      | Habitat requirements not present. Although wetland communities exist to the south of the severance area, the limited open-water habitat observed during field investigations suggests that this species is unlikely to use these habitats. Suitable habitat for this species is expected to be found within the Indian River and PSW (Warsaw Caves Complex), located approximately 350 m and 280 m west of the proposed severance area, respectively. |
| Bobolink<br>( <i>Dolichonyx oryzivorus</i> )         | Threatened            | Threatened          | Bobolink prefers tall grass prairies, but is also known to nest in forage crops (e.g. hayfields and pastures dominated by a variety of species such as clover, Timothy, Kentucky Bluegrass, and broadleaved plants).   | Low                      | Habitat requirements are present within the proposed severance within the CUM1 ecosite on the property. However, no Bobolink were detected during the Surveys in 2021 or the field investigation in 2023.   |

| Species  | Provincial ESA Status | Federal SARA Status | Habitat Requirements  | Likelihood of Occurrence | Site Area Suitability/ Observations   |
|--|-----------------------|---------------------|---|--------------------------|---|
| Butternut<br>( <i>Juglans cinerea</i> )                    | Endangered            | Endangered          | In Ontario, Butternut usually grows alone or in small groups in deciduous forests. It prefers moist, well-drained soil and is often found along streams. It is also found on well-drained gravel sites and rarely on dry rocky soil. This species does not do well in the shade, and often grows in sunny openings and near forest edges (MNRF, 2018)   | Medium                   | Habitat requirements are present within the FOC2 ecosite. No Butternuts were observed during field investigations. However, an assessment of all trees was not completed as part of the field investigations.       |
| Common Nighthawk<br>( <i>Chordeiles minor</i> )            | Special Concern       | Threatened          | Traditional Common Nighthawk habitat consists of open areas with little to no ground vegetation, such as logged or burned-over areas, forest clearings, rock barrens, peat bogs, lakeshores, and mine tailings. Although the species also nests in cultivated fields, orchards, urban parks, mine tailings and along gravel roads and railways, they tend to occupy natural sites (MNRF, 2018).   | Low                      | Habitat requirements are minimal within the areas of the proposed severance.  |
| Eastern Meadowlark<br>( <i>Sturnella magna</i> )           | Threatened            | Threatened          | Native grasslands, pastures and savannahs. Eastern meadowlark also uses a wide variety of other anthropogenic grassland habitats, including hayfields, weedy meadows, young orchards, golf courses, restored surface mines, grassy roadside verges, young oak plantations, grain fields, herbaceous fencerows, and grassy airfields. Eastern Meadowlarks occasionally nest in crop fields such as corn and soybean, but these crops are considered low-quality habitat.   | Low                      | Habitat requirements are present within the proposed severance within the CUM1 ecosite on the property. However, no Eastern Meadowlark were detected during the Surveys in 2021 or the field investigation in 2023. |
| Eastern Small-footed Myotis<br>( <i>Myotis leibii</i> )    | Endangered            | Not at Risk         | In the spring and summer, eastern small-footed bats will roost in a variety of habitats, including in or under rocks, in rock outcrops, in buildings, under bridges, or in caves, mines, or hollow trees. These bats often change their roosting locations every day. At night, they hunt for insects to eat, including beetles, mosquitos, moths, and flies. In the winter, these bats hibernate, most often in caves and abandoned mines. They seem to choose colder and drier sites than similar bats and will return to the same spot each year (MECP, 2021). | Low                      | Habitat requirements are limited on the Subject Property. No suitable snags were observed within the forested community within the area of the proposed severance.  |
| Eastern Whip-poor-will<br>( <i>Caprimulgus vociferus</i> ) | Threatened            | Threatened          | The Eastern Whip-poor-will is usually found in areas with a mix of open and forested areas, such as savannahs, open woodlands or openings in more mature,   | Negligible               | Habitat requirements conditions not present. The proposed severance area is characterized by a CUM1 ecosite associated with anthropogenic   |

| Species  | Provincial ESA Status | Federal SARA Status | Habitat Requirements  | Likelihood of Occurrence | Site Area Suitability/ Observations  |
|--|-----------------------|---------------------|---|--------------------------|--|
|  |                       |                     | deciduous, coniferous and mixed forests. It forages in these open areas and uses forested areas for roosting (resting and sleeping) and nesting. It lays its eggs directly on the forest floor, where its colouring means it will easily remain undetected by visual predators (MNRF, 2018).  |                          | disturbance, which does not provide a high-quality habitat for this species. Preferred habitat is expected to exist within forested clearings on the Subject Property southeast of the proposed severance area. No Eastern Whip-poor-will were detected during the 2023 field investigation or the Surveys in 2021.  |
| Least Bittern<br>( <i>Ixobrychus exilis</i> )                  | Threatened            | Threatened          | In Ontario, the Least bittern is found in a variety of wetland habitats, but strongly prefers cattail marshes with a mix of open pools and channels. This bird builds its nest above the marsh water in stands of dense vegetation, hidden among the cattails. The nests are almost always built near open water, which is needed for foraging. This species eats mostly frogs, small fish, and aquatic insects (MNRF, 2019).   | Negligible               | Habitat requirements not present. Suitable habitat for this species is expected to be found within the Indian River and PSW (Warsaw Caves Complex), located approximately 350 m and 280 m west of the proposed severance area, respectively.   |
| Little Brown Myotis<br>( <i>Myotis lucifugus</i> )             | Endangered            | Endangered          | Bats are nocturnal. During the day they roost in trees and buildings. They often select attics, abandoned buildings and barns for summer colonies where they can raise their young. Bats can squeeze through very tiny spaces (as small as six millimetres across) and this is how they access many roosting areas. Little brown bats hibernate from October or November to March or April, most often in caves or abandoned mines that are humid and remain above freezing (MECP, 2021). | Low                      | Habitat requirements are limited on the Subject Property. No suitable snags were observed within the forested community within the area of the proposed severance.   |
| Olive-sided Flycatcher<br>( <i>Contopus cooperi</i> )          | Special Concern       | Threatened          | The Olive-sided flycatcher is most often found along natural forest edges and openings. It will use forests that have been logged or burned if there are ample tall snags and trees to use for foraging perches. Olive-sided flycatchers' breeding habitat usually consists of coniferous or mixed forest adjacent to rivers or wetlands. In Ontario, Olive-sided flycatchers commonly nest in conifers such as White and Black Spruce, Jack Pine and Balsam Fir (MNRF, 2019).            | Low                      | Habitat requirements are present within the Subject Property; however, they are not present within the proposed severance area. It is anticipated that potential habitat may exist in the adjacent mixed forest south of the proposed severance area or along edge habitat on the Subject Property. No Olive-sided Flycatchers were detected during the 2023 field investigation or the Surveys in 2021. |
| Red-headed Woodpecker<br>( <i>Melanerpes erythrocephalus</i> ) | Endangered            | Threatened          | The Red-headed Woodpecker lives in open woodland and woodland edges, and is often found in parks, golf courses and cemeteries. These areas typically have many dead trees, which the bird uses for nesting and  | Low                      | Habitat requirements not present. The proposed severance area lacks open woodland habitat with dead trees within the FOC2 ecosite.   |

| Species  | Provincial ESA Status | Federal SARA Status | Habitat Requirements   | Likelihood of Occurrence | Site Area Suitability/ Observations  |
|--|-----------------------|---------------------|--|--------------------------|--|
|  |                       |                     | perching. The Red-headed Woodpecker is found across southern Ontario, where it is widespread but rare (MNRF, 2019).  |                          |  |
| Wood Thrush<br>( <i>Hylocichla mustelina</i> ) | Special Concern       | Threatened          | During the breeding season, the Wood Thrush is found in moist, deciduous hardwood or mixed stands, often previously disturbed, with a dense deciduous undergrowth and with tall trees for singing perches (Gauthier and Aubry 1995; Friesen et al. 1999; Holmes and Sherry 2001; Friesen 2007; Evans et al. 2011; Suarez-Rubio et al. 2011). It is noted that in southern Ontario, the Wood Thrush prefers second-growth over mature forests (Peck and James, 1987). | Low                      | Habitat requirements are anticipated to be present within the Subject Property; however, are absent within the proposed severance area. Potential habitat may exist in the adjacent mixed forest south of the proposed severance area or along edge habitat on the Subject Property. |

SARA: Species at Risk Act

### 3.0 Impact Assessment and Mitigation Measures

#### 3.1 Butternuts

Butternut trees are classified as Endangered species and require protection under both the provincial ESA and federal SARA. While field investigations identified the presence of habitat which has the potential of supporting Butternut trees within and adjacent to the proposed severance, no Butternuts were observed during site investigations.

Since development activities are proposed to occur within the FOC2 ecosite, it is recommended that a detailed inspection of the proposed development footprint should be conducted by a qualified biologist or arborist prior to construction activities to confirm the presence or absence of Butternuts within the impacted habitat. Should the presence of a butternut be confirmed, a Butternut Health Assessment should be completed by a Butternut Health Expert to determine if the tree is a hybrid as well as determine the health of the trees and whether they can be removed or not, if necessary.

#### 3.2 Birds and Bats

While the likelihood of occurrence was low, habitat for various SAR bird and bat species was identified as being present within the area of the proposed severance. As such, the following mitigation measures are required:

- Any vegetation clearing must occur outside of the breeding bird and bat roosting season of **April 15<sup>th</sup> to September 30<sup>th</sup>**.
  - If this time period is unavoidable, alternatively, a nest sweep for birds and an assessment of bat roosting activity must be conducted by a qualified biologist, prior to any clearing of vegetation on-site.
  - Following a bird nest sweep and a roosting survey, vegetation removal must be completed within 72 hours. If it is not completed within this time period, an additional sweep is required.
  - If, during a nest sweep or roosting survey, any bats or bird nests are encountered, all construction activities should cease and a buffer should be placed around the location until after the bird chicks have left the nest or after **September 30<sup>th</sup>** for bat habitat. The size of the buffer will be dependent on the species and should be consulted with Environment and Climate Change Canada (ECCC) and/or MECP.

- MECP should be contacted immediately if any SAR species are found.

## 4.0 Conclusions

Given the results of background review and on-site investigations, long-term adverse impacts to SAR are not anticipated to be resultant from the proposed severance and eventual development, provided that the environmental protection/mitigation measures outlined herein are implemented. Appropriate implementation of the mitigation measures outlined herein will ensure that proposed activities do not conflict with the ESA.

Respectfully Submitted,



Shawn Filteau, B.Sc.  
Natural Sciences Group Leader

# Appendix A

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## Correspondence Records



**From:** [Species at Risk \(MECP\)](#)  
**To:** [Ben Radford](#)  
**Subject:** RE: 1090 4th Line - Douro SAR Information Request  
**Date:** September 17, 2021 10:02:14 AM  
**Attachments:** [image001.jpg](#)

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Good morning Ben,

A review of our best available information includes the same species you have listed. We also have the following additional species observations in the area of 1090 4<sup>th</sup> Line. The species are:

- Butternut
- Monarch

We note that SAR bats may also be found on the parcel of land if suitable habitat is present. This list should not be considered complete. Site surveys may be required to confirm the presence of species at risk and/or their habitat and to help determine if there will be potential impacts associated with the project.

Please let me know if you have any questions.

***Monique Charette***

Management Biologist  
Ministry of the Environment, Conservation and Parks  
Permissions and Compliance Section  
Species At Risk Branch  
(613) 583-3162

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**From:** Ben Radford <BRadford@dmwills.com>  
**Sent:** January 22, 2021 3:36 PM  
**To:** Species at Risk (MECP) <SAROntario@ontario.ca>  
**Subject:** 1090 4th Line - Douro SAR Information Request

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good afternoon,

My name is Ben Radford from D.M. Wills Associates in Peterborough. We have been contracted to complete a SAR assessment on a parcel of land located at 1090 4<sup>th</sup> Line in Douro (see attached figure). Through background research, the following SAR have the potential of being found on the Subject Property:

- Least Bittern (Threatened)
- Black Tern (Special Concern)
- Common Nighthawk (Special Concern)
- Eastern Whip-poor-will (Threatened)
- Red-headed Woodpecker (Special Concern)

- Olive-sided Flycatcher (Special Concern)
- Eastern Wood-pewee (Special Concern)
- Bank Swallow (Threatened)
- Barn Swallow (Threatened)
- Wood Thrush (Special Concern)
- Grasshopper Sparrow (Special Concern)
- Eastern Meadowlark (Threatened)
- Canada Warbler (Special Concern)
- Bald Eagle (Special Concern)
- Bobolink (Threatened)
- Snapping Turtle (Special Concern)
- Northern Map Turtle (Special Concern)
- Eastern Musk Turtle (Special Concern)
- Blanding's Turtle (Threatened)
- Common Five-lined Skink (Special Concern)

If you could please confirm/add to this list, that would be greatly appreciated.

Thanks,  
Ben



**Ben Radford, B.Sc.** · Project Biologist

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## **Appendix B**

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### **Wetland Location Map**





**Legend**

-  Subject Property
-  Proposed Severance
-  Area of Assessment
-  Delineated Wetland
-  Wetland Buffer (30 m)
-  Drainage Feature

**Figure B1 - Wetland Location**

Opinion Letter

1090 4th Line Road South, Township of Douro-Dummer, Ontario



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|-------------|-------|------------------|-----------|
| Drawn By    | TD    | Scale            | 1:1,000   |
| Checked     |       | Date             | 8/08/23   |
| Project No. | 85104 | Drawing File No. | Figure B1 |