



PARTNERS IN
ENGINEERING, PLANNING &
ENVIRONMENTAL SERVICES

September 13, 2023

1090 4th Line Road South
Douro-Dummer, ON
K0L 3A0

Via email: waybackfarm@nexicom.net

Attention: Peter Smith and Wendy Smith

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

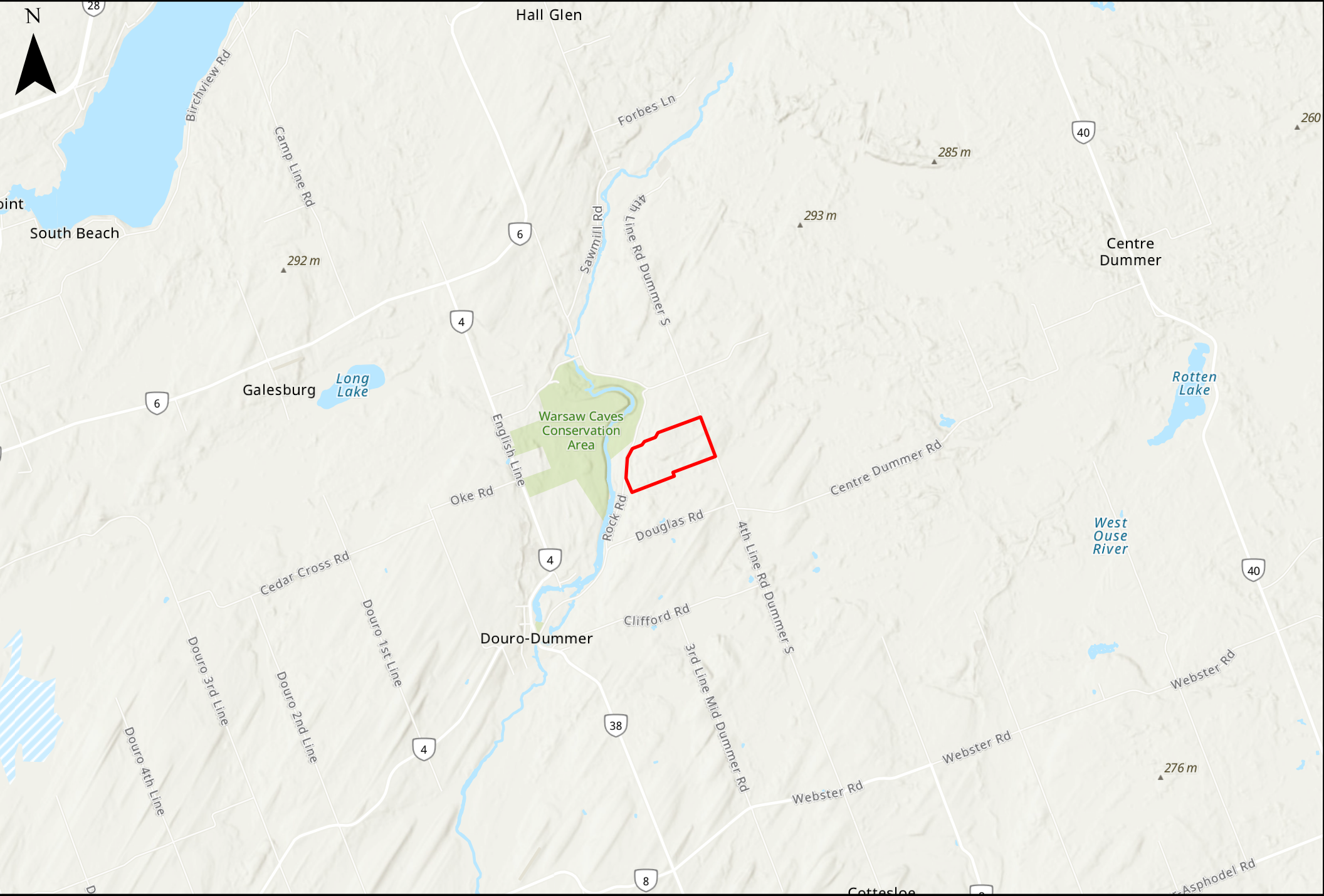
At the request of Peter and Wendy Smith (Client), D.M. Wills Associates Limited (Wills) has completed a Species at Risk (SAR) Evaluation (Evaluation) as part of the severance of a lot for the purposes of developing a residential house located at 1090 4th Line Road South, Lot 14, Concession 3 (Subject 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.





Legend

 Subject Property

Figure 1 - Site Location

SAR Evaluation Report

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



D.M. Wills Associates Limited
150 Jameson Drive
Peterborough, Ontario
Canada K9J 0B9

P. 705.742.2297
F. 705.741.3568
E. wills@dmwills.com

Drawn By	TD	Scale	1:70,000
Checked		Date	8/08/23
Project No.	85104	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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150 Jameson Drive
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Drawn By	TD	Scale	1:10,000
Checked		Date	8/08/23
Project No.	85104	Drawing File No.	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 |  CUM1 |
|  Proposed Severance |  FOC2 |
|  Area of Assessment |  SWC1 |

Figure 3 - ELC Map

SAR Evaluation Report

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



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Project No.	85104	Drawing File No.	Figure 3



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Subject Property
Proposed Severance



Breeding Bird Survey Locations

SAR Evaluation Report
1090 4th Line Road South, Douro-
Dummer



D.M. Wills Associates Limited
150 Jameson Drive
Peterborough, Ontario
Canada K9J 0B9

P. 705.742.2297
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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 (<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 (<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 (<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 (<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 (<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 (<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 (<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 (<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 (<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 (<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 (<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 (<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 (<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 (<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 15th to September 30th**.
 - 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 30th** 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,

A handwritten signature in black ink, appearing to read 'S Filteau'.

Shawn Filteau, B.Sc.
Natural Sciences Group Leader

Appendix A

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](#)

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 4th 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

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 4th 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

D.M. Wills Associates Limited

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