

## Plan Review and Permitting Services Memo

**To:** Matt Wilkinson  
**From:** Jasmine Gibson  
**CC:** File  
**Date:** January 27, 2020  
**Subject:** Ecology Review of the EIA for 668 Fourth Line Road South, Dummer  
**Roll #:** 1522 020 001 03900  
**File:** PPLD-2116 (B-72-19)

The Otonabee Region Conservation Authority (Otonabee Conservation) Plan Review and Permitting Services technical staff have reviewed the October 2019 'Environmental Impact Assessment' (EIA) prepared by Niblett Environmental Associates Inc. (NEA, PN 19-067) and the 'Planning Justification Report' prepared by EcoVue (Ref. No. 19-1894) in support of a Consent Application to create a new farm parcel.

According to provincial mapping, and the EIA, the Dummer Swamp Provincially Significant Wetland (PSW), several pockets/fingerlings of unevaluated wetlands, a significant woodland and watercourse associated with the PSW, and potential habitat for several species at risk (SAR) and significant wildlife (SWH) traverse the subject lands. The new farm parcel severs the PSW and its associated 30m vegetation protection zone (VPZ/buffer), the significant woodland and potential habitat.

Technical staff reviewed the information provided in consideration of the 2017 Growth Plan for the Greater Golden Horseshoe (GPGGH) policies for hydrological features, 2014 Provincial Policy Statement (PPS) policies for natural heritage and water, and Otonabee Conservation policies, mandates as well as our technical advisory role to Peterborough County on matters of natural heritage.

### 1. Key Hydrological Features

According to the EIA, the boundary of the PSW appears to align with existing provincial mapping with the exception of a fingerling wetland traversing Community 3 (FOD5-1) and a small wetland pocket fronting Mid-Dummer 3<sup>rd</sup> Line Road identified in the field by NEA. Based on 2018 aerial photography and LiDAR mapping from the web-based Peterborough County GIS, staff note other wetland pockets to the north of Community 1 (MAS2-9) and a drainage feature traversing Community 2 (CUM1-1) along the easterly lot line proposed for the severed parcel, which NEA did not discuss.

As per Appendix 1, there are wetland indicator plants listed for Communities 2, 3 and 5. Staff note that Communities 3 (FOD5-1) and 5 (FOC4-1) represents communities with variable soil moisture based on topographical location along a slope, and include bottomlands or seepage areas. Based on contours and LiDAR mapping, the wetland indicator plants within these communities could be located within the lowland areas, drainage features/areas associated with poorly drained soils and seasonally high ground water tables, e.g., headwater watercourses and forested wetlands. Staff recommends further investigation of these features in spring to confirm absence of seepage areas/wetlands for policy consistency.

According to provincial plans, the intent of natural heritage and water/key hydrological feature (wetlands, watercourses and ground water seeps/springs) policies are to reduce habitat fragmentation from land division and/or land conversion. In consideration of PPS policies 2.1.4 a) and 2.1.8 and GPGGH policies 4.2.3, 4.2.4.1 c) and 4.2.4.3, these policies do not permit development including lot creation (e.g., land division) or construction of buildings/structures and site alteration (land conversion) within a wetland or the 30m VPZ/buffer. Based on the Consent application and Figure 1 in the EIA, lot configuration of the farm parcels proposes to fragment the wetland and VPZ/buffer, which is not consistent with provincial policies.

## **2. Significant Woodland**

Staff concur with NEA that the communities 3 (FOD5-1), 4 (SWC1-1) and 5 (FOC4-1) meet the provincial criteria for woodland significance given its size, proximity to hydrological features, and associated habitat for species at risk and significant wildlife. While provincial policies permit development within significant woodlands provided there are no negative impacts resulting from the proposal, given the multiple layers of features/areas of provincial interest within the woodland, staff concur with NEA's recommendation to exclude development from the significant woodland and its associated 30m VPZ/buffer.

## **3. Species at Risk (SAR) and Significant Wildlife Habitat (SWH)**

Based on the Ministry of Natural Resources and Forestry Make-a-Map website, and the EIA, there are bobolink and eastern meadowlark (threatened) and eastern wood-pewee and wood thrush (special concern/SWH) within 120m of the proposal, and NEA observed barn swallow (threatened) within Community 2 (CUM1-1). Given Community 2 is dominated by grass species, and the fields have been left to fodder, these fields have the potential to support bobolink and eastern meadowlark. While NEA only observed barn swallows, staff note that a fulsome breeding bird survey, including targeted species surveys, was not completed or at the appropriate time. Staff also note that Community 3 (FOD5-1) supports optimal habitat for two endangered plants (American Ginseng and Butternut), which were not discussed in the EIA, and if present may require other management/protection considerations prior to approvals.

Given the potential habitat on site, if the applicant reconfigures the lot lines of the farm parcels to be consistent with provincial policies associated with the PSW/key hydrological features, staff recommends a reassessment of habitat potential for species at risk, which may require additional mitigation measures/recommendations to be consistent with PPS 2.1.7.

Staff note that the Endangered Species Act (ESA) protects threatened and endangered species and their habitat. The ESA is a proponent-driven legislation, which means the proponent is ultimately responsible for ensuring compliance with the ESA prior to commencement of work regardless of previous planning decisions. Staff refers the landowner to the following web-based resource(s) for additional ESA information: <https://www.ontario.ca/page/species-risk-guides-and-resources>.

If you have any questions, please contact the office.

Sincerely,



Jasmine Gibson  
Planning Ecologist