



Environmental Impact Study (EIS) Peer Review

Overview

Introduction

As part of the Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for Phase 5 – Lakeside Village Community (herein referred to as the “2019 Applications”), an Environmental Impact Study (EIS) and supporting documents were submitted by the AON Inc., 2107401 Ontario Inc., Penryn Park Estates Inc., and Penryn Mason Homes Inc. (“Applicant”).

The Municipality retained North-South Environmental Inc. (NSE) to undertake a peer review to provide a third party, science-based review of the Applicant’s Environmental Impact Study (EIS). The purpose of the peer review is to ensure that an objective, professional analysis of the EIS and related information be completed to help inform the preparation of the requisite professional opinions by planning staff and other professionals as to whether or not the 2019 Applications meet the required tests for good planning including the Provincial Policy Statement 2020, relevant Provincial Guidelines, applicable Official Plan policies, etc.

The NSE peer review took into consideration the accepted standards which an EIS should fulfill to ensure that a development application conforms with applicable natural heritage policies and legislation. General guidance in undertaking an EIS, to inform and further enable a development proposal to conform with the Provincial Policy Statement, can be found in Section 13.0 of the Province’s Natural Heritage Reference Manual (NHRM 2010).

Municipality of Port Hope Official Plan (OP) EIS Policy

The Municipality of Port Hope provides specific direction for completing an EIS under Section C20.3 of the OP. Staff notes that the comments provided in the NSE peer review report primarily relate to the review of the EIS (Niblett, September 2019) submitted in support of the 2019 Applications as well as any supporting documentation related to the 2019 submission.

NSE Comments on the Applicant’s Bifurcation/Deferral Proposal

A revised draft subdivision plan was proposed by the Applicant (referred to as the “Bifurcation/Deferral Proposal”) in 2020. NSE reviewed the plan and other subsequent documentation to determine if the responses to previously provided comments (i.e., those provided by the Municipality of Port Hope, the County of Northumberland and the Ganaraska Region Conservation Authority) would adequately satisfy the comments regarding the EIS.

Staff’s and NSE’s understanding is that the Applicant’s Bifurcation/Deferral Proposal divides the 2019 Application’s Subject Lands into **Phase 5A** and **Phase 5B** (refer to [Figure 1](#): 2020 Bifurcation-Deferral Proposal):

- **Phase 5A excludes** from development the woodlands and adjacent lands (i.e. a 120 m. minimum a buffer (zone) area immediately west of the woodland on the subject lands).
- **Phase 5B includes** the woodland and adjacent lands located on the eastern side of the subject lands.

Based on NSE and Staff's understanding of geographic location of the subject lands area - referred to as **Phase 5A** in the Applicant's Bifurcation/Deferral Proposal - should the Applicant choose to only proceed with a Phase 5A residential subdivision development at this time, then **an EIS or a revision** of the Applicant's 2019 Application **EIS would not be required**.

Official Plan: Natural Heritage Feature

OP Section 5.2 Natural Heritage Feature Outside of the Oak Ridges Moraine, Table 1 (page 42) the boundary of a Woodland is defined as:

"In addition to the Significant Woodlands shown on Schedule B and Woodlands shown on Schedule B-1, all woodlands 4 hectares or greater in area and all woodlots of any size straddling or immediately adjacent to a watercourse will be considered significant woodlands."

The woodland in the subject lands is shown in Schedule B1 of the OP as a Significant Woodland. Table 1 in the OP also identifies the extent of adjacent lands, which need to be considered in an EIS as being 120 metres. Since there is not a Natural Heritage Feature or adjacent lands as defined by the OP in what staff understands to be Phase 5A of the Bifurcation/Deferral Proposal, an EIS is not required if the Applicant limits the subdivision development application to Phase 5A.

However, if the Bifurcation/Deferral Proposal, as is understood by NSE and Staff, is not pursued and the Applicant proceeds with the development in all or any part of the woodland and/or within 120 m of the woodland on in the subject lands, it is NSE's (the peer reviewer's) recommendation that the EIS be revised and resubmitted, prior to any approval of the original 2019 Applications. An addendum to the original EIS would not be sufficient given the extent of comments and lack of adequate information.

The revised 2019 Applications EIS report should contain all of the relevant content as outlined in Section C20.3 of the Port Hope Official Plan and address the comments in this peer review report and of those previously provided by the County, Port Hope and the GRCA. This will be necessary to allow review agencies to better evaluate the conclusions of the EIS and determine if the EIS should be approved as part of the development application, which includes the lands containing the woodland and/or lands within 120 m of the woodland.

Figure 1: 2020 Bifurcation-Deferral Proposal

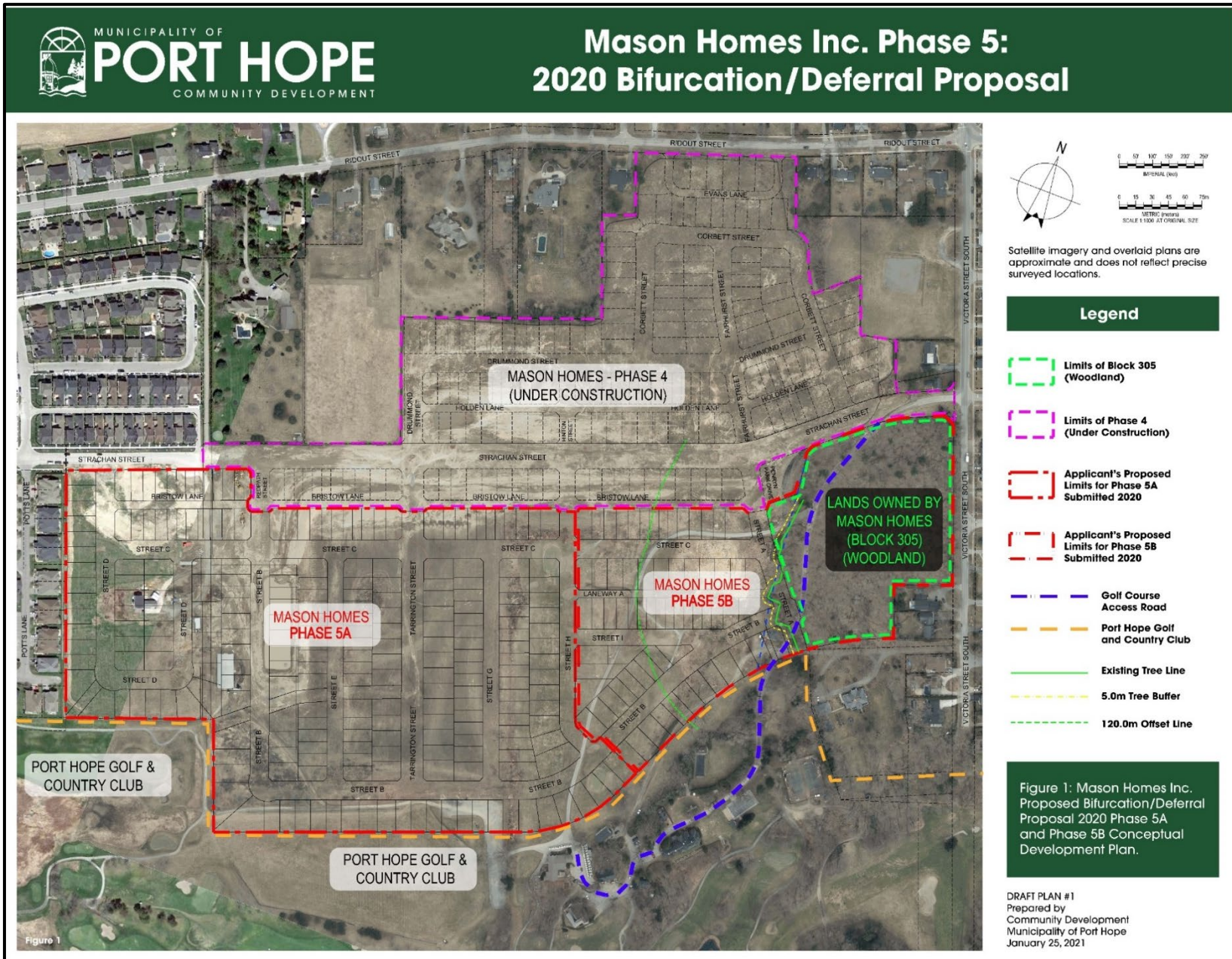


Figure 1

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March 16, 2021

Peer Review of Environmental Impact Study for a Residential Development in Port Hope, Ontario

Prepared for

Municipality of Port Hope



Participating Staff

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Introduction

The Municipality of Port Hope is currently reviewing an application for a Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment [herein referred to as the “2019 Applications”]. As part of the 2019 Applications an Environmental Impact Study (EIS) and supporting documents were submitted. The Municipality has retained North-South Environmental Inc. (NSE) to undertake a peer review to provide a science-based objective review of these reports. In this regard, we understand that the purpose of the peer review will be to ensure that an objective analysis of the EIS and supporting documents is undertaken in order to provide an opinion that is defensible and provides municipal staff with confidence in making a decision on 2019 Applications.

This peer review of the EIS submitted as part of the 2019 Applications has been undertaken in consideration of the standards by which an EIS should fulfill certain requirements to ensure that a development application will conform with applicable natural heritage policies and legislation. General guidance for undertaking an EIS to determine if a development proposal conforms with the Provincial Policy Statement can be found in Section 13.0 of the Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005, Second Edition (Ontario Ministry of Natural Resources 2010) [NHRM 2010]. The Municipality of Port Hope provides specific direction for completing an EIS in Port Hope, as outlined in the Official Plan under Section C20.3. This policy identifies that the purpose of the EIS is to “determine whether a proposed development or infrastructure undertaking within or adjacent to lands identified as Natural Heritage on Schedules B or B1 or Natural Hazards on Schedules B2 or B1 will result in negative impacts to the feature or its ecological function and to determine whether a particular development is appropriate and to recommend necessary mitigation measures where development is deemed to be appropriate in accordance to the policies of this Plan”. The scope of an EIS is in part based on the scale of the proposed development and potential for impacts, as determined in consultation with the GRCA. The peer review of the EIS submitted in support of the 2019 Applications has been undertaken with consideration of the “matters to address” and the purpose of an EIS as outlined in Section C20.3 of the Port Hope OP, to determine if the EIS prepared for Penryn Mason Homes Inc. is adequate to assess conformity with relevant natural environment policies and legislation.

In order to support the peer review a site visit was conducted on November 3rd, 2020 with representatives from Penryn Mason Homes Inc., Chris Ellingwood of GHD (formerly with Niblett Environmental Associates Inc), the ecological consultant for the proponent, Lindsay Champagne, Watershed Biologist with Ganaraska Region Conservation Authority (GRCA), and Theodhora Merepeza, Planning Manager with the Municipality of Port Hope.

The following documents submitted in support of the 2019 Applications were reviewed:

- Plan of Subdivision – Part Lot 9 and 10, Concession 1, Municipality of Port Hope, Northumberland County – Scoped Environmental Impact Study. Prepared for Penryn Mason Homes Inc. Prepared by Niblett Environmental Associates Inc., September 2019.
- Tree Inventory and Preservation Plan – Penryn Mason Homes – Port Hope Phase 5, Port Hope, ON. Prepared for Penryn-Mason Homes Ltd. Prepared by Treescape Certified Arborists, October 10, 2019.
- Draft Plan of Subdivision – WND Associates, July 15, 2019.

The comments provided in this peer review report primarily relate to the review of the EIS (Niblett, September 2019) submitted in support of the 2019 Applications as well as any supporting documentation related to the 2019 submission. In addition to the review of the documents submitted in support of the 2019 Applications and in recognition of a revision to the draft plan proposed by the Owner [herein referred to as the “Bifurcation/Deferral Proposal”] and other subsequent documentation, the following documents were also reviewed:

- Draft Plan of Subdivision – WND Associates, revised May 7, 2020.
- Subdivision Application-Phase 5, Part Lot 9 And 10, Concession 1, Township of Port Hope, Northumberland County – Environmental Impact Study-Addendum. Submitted to Ms. Ashley Mason of Mason Homes Ltd. Submitted by Niblett Environmental Associates Inc., May 8, 2020
- Tree Inventory and Preservation Plan – Penryn Mason Homes – Port Hope Phase 5, Port Hope, ON. Prepared for Penryn-Mason Homes Ltd. Prepared by Treescape Certified Arborists, revised May 12, 2020.
- Comment Matrix to Application Comments – Mason Homes Phase 5, Municipality of Port Hope. Last Updated on May 13, 2020.
- Environmental Impact Study – Addendum – Landbird Migration Stopover Surveys. Submitted by GHD, dated 18 August 2020, received November 9, 2020.

These additional documents were reviewed to determine if the responses to previously provided comments (i.e., those provided by the Municipality of Port Hope, the County of Northumberland and the GRCA) would adequately satisfy the comments regarding the EIS provided in this peer review report.

The comments provided below have been divided into “general comments” and “specific comments” that refer to a specific section or statement in the EIS submitted in support of the 2019 Applications. Following these sections, comments are also provided on the Bifurcation/Deferral Proposal.

General Comments

1. The EIS is not well organized and does not follow a logical order, like that provided in Section C20.3 of the Port Hope Official Plan.
2. There are references to figures that are missing and information in the figure that is missing.
3. The description of vegetation communities and classification according to Ecological Land Classification guidelines is insufficient and not appropriately applied.
4. The assessment of features and functions is insufficient to support the findings and does not adequately allow for a determination if the proposed development and ensuing impacts to the natural heritage features and areas conform with relevant natural heritage policies.
5. Significant Wildlife Habitat (SWH) assessment should provide a screening of all types to identify potential/candidate SWH, which would inform what further studies are required. For example, these could include Migratory Landbird Area habitat.
6. The impact assessment should consider the impacts to adjacent lands, which are considered to be within 120 m of lands continuous to a natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. There is a larger woodland block (labelled as East Woodlands) on Figure 1 of the EIS within 120 m of the woodland that is continuous within the study area. Impacts to the East Woodlands should be assessed.
7. The EIS is lacking sufficient information and assessment to support the conclusions of the report.

Specific Comments

8. Figure 1: Vegetation Communities
 - a. The delineation of Ecological Land Classification (ELC) communities includes some “ELC types” that were assessed as not natural and so were not given ELC classifications (e.g., disturbed golf course edges). Missing from the list of ELC types is the community labeled as “Maintained Black Walnut” - this community should be classified according to proper ELC nomenclature and classification and included in the table of the legend listing the code and description of the community.

- b. The delineation of ELC communities on the figure is coarse and appears to be excluding some woodland, in particular the narrow extension of deciduous forest, mainly comprised of native tree species, on the steep slope south of feature mapped as “Maintained Black Walnut”. The ELC mapping should be revised and updated to better reflect the delineation of features and appropriately code the vegetation communities.
 - c. The 2019 Applications seek to remove the woodland from the subject property. For a proposal that contemplates development that will result in a removal of any part of a feature found to be significant, it is recommended that as part of the EIS a feature staking be undertaken with appropriate staff from the municipality and/or GRCA. This is necessary to accurately illustrate the dripline/limit of the woodlands within the subject property on mapping in the EIS, to more accurately characterize and assess the significance of the woodland (in particular to apply criteria related to size thresholds for significant woodland and significant wildlife habitat), and to more fully describe and assess the impacts to the woodland resulting from the proposed development. This will allow for a more accurate delineation of woodlands, calculation of woodland area, and assessment of impacts with sufficient mitigation proposed where necessary.
9. Section 1.3.2 - Local and Other Regulatory Bodies - Northumberland County Official Plan (2016)
- a. The policy referenced in the Northumberland County Official Plan only refers to lot creation related to the Urban Area designation. There are other policies in the County Official Plan that should be referenced related to natural heritage, such as policy D1.5, D1.7, D1.9.2, D1.9.3.1 and D1.9.3.2.
10. Section 1.3.2 - Local and Other Regulatory Bodies - Municipality of Port Hope
- a. It appears that the policies referenced in this section are those of the Northumberland County OP. The natural heritage policies of Section C5.2 of the Port Hope Official Plan should be accurately referenced, as well as policy C20.3, related to Environmental Impact Studies.
11. Section 1.4 Other Resources Referenced
- a. There is no reference to a request for information regarding records of Species at Risk (SAR) from the Ministry of Environment, Conservation and Parks (MECP). While the Natural Heritage Information Centre (NHIC) does provide records of SAR, there may be other records that are either considered sensitive (e.g., Blanding’s Turtle) or are not available by searching the NHIC website. An information request should be made to MECP for any records of SAR within the vicinity of the subject property that could

inform the need for field surveys. The reply from the MECP should be included in a revised EIS.

12. Section 1.5 – Description of Development

- a. The description of the development should provide more detail related to servicing and storm water management.
- b. The EIS should include a figure of the draft plan of subdivision, as well as a figure that overlays the development footprint on the ELC mapping in order to support the analysis of impacts to natural heritage features and any identified locations where mitigation is proposed.

13. Section 1.6 – Scope of Report

- a. While one of the outcomes of an EIS is to supplement existing reports, it is not the main objective. The main objectives of an EIS are identified in both the County OP and Port Hope OP, which should be referenced and considered in any revisions undertaken to this EIS.
- b. The EIS refers to correspondence with the GRCA (dated May 2019, as indicated in Section 2.1) regarding the preliminary discussions related to the scope of work to be completed as part of a complete EIS. However, the GRCA comment and the response to Agency Comment #121 acknowledges that no formal scoping was undertaken. Formal scoping should have been undertaken. In the event there is to be a revised EIS, formal scoping with the GRCA should be undertaken to inform the requirements of a revised EIS that adequately fulfills the requirements of an EIS as outlined in the Port Hope Official Plan under Section C20.3.
- c. It is stated on p. 7 of the EIS that the results of the field work are intended to “indicate that the proposed development will not negatively affect the functions of natural features on the subject property”. The purpose of field work completed for an EIS is not to support an outcome that may be preferred by an applicant; rather, the approach to completing field surveys should be to provide site-specific information that allows for a science-based and objective evaluation of significant features, areas and functions and inform the assessment of the sensitivity of features and areas to the impacts associated with the proposed development.
- d. The scope of the EIS should have included a screening for candidate Significant Wildlife Habitat (SWH), which is required to be undertaken to inform which species-specific / habitat-specific surveys are required to determine if SWH is present within or adjacent to the study area.

14. Section 2.1 - General Approach

- a. This section described “three phases” under which the EIS was completed. It is suggested that the “third phase” of the EIS included “specific mitigation measures for protecting the woodland, sensitive species and other natural features on or adjacent to the study site”. There is no discussion of mitigation measures other than avoiding removal of vegetation to coincide with requirements of the Migratory Bird Convention Act and the Endangered Species Act. In particular, there was no discussion on the ecological functions that would be impacted and what measures were proposed to mitigate the impacts. Additional comments are provided later in this peer review report.
- b. This section refers to a figure that “illustrates the location of vegetation communities and recommended buffers/setbacks”. There is no figure in the EIS that illustrates the buffers proposed between the natural heritage features and the proposed development. There is no discussion on buffers in the EIS.

15. Section 2.2.2.3 - Wildlife

- a. This section identifies that incidental observations of wildlife were recorded. However, earlier in the EIS there is reference to the GRCA requiring specific wildlife surveys, in particular breeding bird surveys. While it is acknowledged that these appear to have been completed, this section should identify the protocols that were followed to complete the breeding bird surveys, and the qualifications of the personnel involved in the surveys.

16. Section 2.2.2.4 Woodlands

- a. Please note that the reference to Section D1.8 related to woodlands is not contained in the Port Hope Official Plan; rather Section D1.8 is a policy found in the County Official Plan. Please correct the reference to policies and/or official plans related to direction for identifying woodlands.
- b. It is stated in the EIS that “provincial policies for significant woodlands were also reviewed”. The provincial policies, in particular the Provincial Policy Statement do not contain criteria to evaluate the significance of a woodland. The following sentence in the EIS refers to a technical document prepared in support of the Oak Ridges Moraine Conservation Plan as well as the Natural Heritage Reference Manual, which provide criteria to support the identification of significant features. It is recognized that the first sentence was actually intended to state that the technical reports related to other provincial plans were reviewed (rather than the policies) to support the assessment and

identification of significant woodlands. That said, please advise how the technical documents and the criteria (e.g., NHRM 2010) contained within each were used to inform the assessment of woodland significance.

17. Section 3.0 – Survey Results

- a. The introductory paragraph to this section states that information pertaining to the background review and review of other sources of information would be presented and discussed in Section 4.0 – Discussions and Analysis. The information obtained from the background review should be included in the results section (Section 3.0). This allows the reader to consider this information as it pertains to the results of field surveys completed in the study area.

18. Section 3.2.1.2 ELC Code Descriptions

- a. Within this section there are descriptions of the “three vegetation communities” identified in the study, but only one of the areas described is an actual vegetation community that warrants an ELC community code and description. The “Golf Course Unmanaged Edges/Disturbed Portions (No Applicable ELC code)” (Community 1) should not be included in this section. The description of this area would more appropriately be used to describe the adjacent lands to the natural features, which are not natural in area and are not ELC vegetation communities. However, the description of community 1 in part sounds like a cultural meadow. If this area described as “regenerating” contains the species listed in the paragraph, it should be delineated as a cultural meadow.

Community 2 is a vegetation community that is appropriately given an ELC code. However, “Norway Maple and Sugar Maple Forest” is not the full name of FOD5. Please revise the title of this community to reflect the correct ELC community name.

Community 3 is not a separate ELC vegetation community that warrants its own description – it is too small and is not distinctly different from the surrounding forest (FOD5) to be considered as a separate community. Based on the observations from the site visit on November 3rd, this area has evidence of historical disturbance, but is not a separate or distinct vegetation community. There is an opening in the canopy where a large tree had fallen allowing more light to penetrate and support early successional herbaceous species. These types of openings in the canopy are common in woodlands containing older trees and they should not be referred to as a separate vegetation community.

The “Maintained Black Walnut” vegetation community does not have a community description. This community is described as a woodland community in the report and should therefore have the appropriate ELC code applied as well as a fulsome description of this community within this section of the EIS.

- b. In general, the descriptions alone do not describe the ELC communities in sufficient detail to determine if the classification was appropriately applied. For example, there is no description on percent canopy cover for each of the vegetation layers (i.e., canopy, understory, shrub layer, ground cover). There is also no information on presence of snags and downed woody debris and any other elements of habitat that are generally present in woodlands and are part of determining the ELC community type. This information is necessary to inform the characterization, including age, regenerating species, habitat characteristics, and general ecological health.
- c. During the site visit on November 3rd, it was observed that there is a distinct vegetation community on the southern extent of the study area that extends along a steep slope south of the Black Walnut vegetation community. It also appears this native deciduous forest community extends north along the slope into what is currently mapped as the “Maintained Black Walnut” vegetation community. This vegetation community should be accurately characterized and accurately delineated on Figure 1.
- d. In order to fully characterize and verify the ELC codes, please provide the full ELC data sheets completed during the field surveys.

19. Section 3.2.3.1 - Introduction and Level of Effort (Birds)

- a. This section refers to the methodology outlined in Section 2.2.2.2, which does not describe the methods or protocols followed to conduct the breeding bird survey. See comment # 16 above requesting this protocol be described in the methodology section.

20. Section 3.2.3.2 - Breeding Bird Surveys

- a. This section refers to survey stations. These survey stations should be identified on a figure.
- b. This section refers to Appendix II for observations documented during the surveys. Please include the breeding evidence of the species observed during the surveys.

21. Section 3.2.5 - Woodland

- a. This section states that a woodland was identified on the subject property, specifically referring to the FOD5 vegetation community. There is no mention in this section of other woodlands or that the FOD5 vegetation community is part of a continuous woodland within or beyond the study area - whether this be the Black Walnut woodland or the native deciduous woodland that follows the steep slope on the edge of the Black Walnut vegetation community. The description of the woodland in other sections of the report (section 4.2, p 18; section 5.1, p. 20) alludes to other woodlands that are described as being continuous/contiguous with the FOD5 vegetation community. These woodlands should be further described in Section 2.3.5.
- b. Woodland statistics should be provided, based on accurately delineated woodland boundaries in order to inform the evaluation of significance and impact assessment.
- c. It should be noted that the Natural Heritage System Plan for Northumberland County (North-South Environmental Inc. and Meridian Planning, June 2020) has recommended criteria for Significant Woodlands in urban areas. These criteria were based on a detailed assessment of woodland cover using GIS, in various land use types (i.e., rural, agricultural, and urban), with recommendations for size criteria as informed by the Natural Heritage Reference Manual (OMNR 2010). The criteria recommended in the Northumberland Natural Heritage System Plan identify woodlands 1 ha or larger in size in urban areas as significant woodlands. The June 2020 "Natural Heritage System Plan for Northumberland County" was endorsed by Council resolution in July 2020 and an amendment to the County Official Plan has been prepared to implement the Plan into the County's Official Plan for presentation to County Council in the spring of 2021.

22. Section 4.1.3 - Other Wildlife

- a. There is reference to "enhancement areas" proposed to be located south-west of the proposed subdivision within the adjacent golf course lands, as described in the Geoprocess R.A, Nov 2018. Please provide a description and corresponding figure of the enhancement lands proposed as part of the compensation for the removal of bat habitat. Please also confirm that the landowner of the golf course has agreed to this enhancement.

23. Section 4.2 - Woodland

- a. In order to undertake an adequate review of impacts to the woodland and the associated ecological functions, and to assess the potential for negative impacts on the natural features or their ecological functions, there must be a thorough review of the ecological functions of the woodland. This is particularly important considering the 2019 Applications propose to remove 3.15 ha of woodland. The potential for impacts

is substantially greater when a development proposed to remove a feature (or part thereof), therefore, the evaluation of ecological functions and assessment of impacts should be more thorough.

The “degraded” character of a woodland or impacts resulting from historical disturbance should not diminish the need for a fulsome characterization and evaluation of ecological functions of the woodland. In southern Ontario, many of the woodlands have been or continue to be impacted by disturbance; however it is important to recognize the higher ecological value of these woodlands as a result of the lower woodland cover; this is widely accepted by way of criteria that have a lower size threshold for significant features in areas where there is lower natural cover (e.g., urban areas), or where the proximity of smaller features to ecologically significant areas (e.g., close proximity to the shoreline of the Great Lakes) are considered more significant. While the quality of the woodland, amount of historical disturbance and presence of invasive species factors into the sensitivity of the woodland, the review of the ecological functions of the woodland should at a minimum consider the following:

- The contribution of this woodland to the overall function of the larger continuous woodland to which it is functionally connected.
 - A discussion of wildlife (observed and expected) and characterization of the habitat functions associated with the woodland, including its function as habitat for migrating wildlife (e.g., stopover habitat for birds) and maternity roosting habitat for bats.
 - Ecological functions related to ground water recharge/infiltration, nutrient cycling, carbon sequestration, etc.
 - Stepping stone functions related to the proximity of this woodland to the lake shore. This should be considered in the context of the high ecological value of natural features and areas in close proximity to the Lake Ontario shoreline.
- b. The mapping should clearly delineate the continuous woodland areas described in this section, as determined through staking of the features with reviewing agencies. As previously mentioned, statistics related to woodland size should be provided to support the description of the woodland.
- c. The description of the Black Walnut Woodland as “hardly a woodland” is not an ecological qualifier for woodlands. It either is or is not a woodland as determined from woodland definitions (e.g., Forestry Act) and ELC classification (based on canopy cover). A characterization of the Black Walnut Woodland may very well identify the

degraded nature or impeded ecological function of this woodland. Please remove the qualifier “hardly” from the statement. Furthermore, please provide evidence of the trees having been “planted”.

- d. The response to Agency Comment #70 notes that the “woodlot area is not a provincially significant woodlot in the context of the Provincial Policy Statement”. This statement is not correct. According to the Provincial Policy Statement, significant means, “in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry”. The Natural Heritage Reference Manual (OMNR 2010) acknowledges planning authorities have the ability to develop a set of evaluation criteria in order to identify a woodland as significant, in the context of the Provincial Policy Statement in order to appropriately protect significant features and functions and ensure conformity with the PPS.

24. Section 5.1 – Significant Woodland (Impact Assessment and Recommendations)

- a. The characterization of the woodland and assessment of significance should have been included in Section 4.2, Woodlands. Section 5.1 should focus on impacts and recommendations to mitigate impacts.
- b. Section 5.1 does not elaborate on the functions associated with the woodlands within the study area, nor the contribution of those woodlands to ecological functions of continuous features or those on adjacent lands. These ecological functions should be fully characterized, regardless of “limitations”. This is particularly relevant given the proposal to remove a portion of the feature.
- c. The natural heritage policies require that the adjacent lands are considered in the evaluation of functions and significance, as well as the assessment of impacts to adjacent lands. In this case, that would include the woodlands located within 120 m of continuous features (i.e., woodlands) within and beyond the study area (including the “East Woodland”). This fulsome assessment of ecological functions should be included in the previous section describing the woodlands in the study area, continuous with the study area, and those identified on adjacent lands.
- d. The woodland proposed for removal is cited as being 3.15 ha in size. What is the total area of continuous woodland, and what percentage of woodland area will this removal

represent? This calculation should in part form the discussion on impacts, since the size of the woodland is identified as one of the primary criteria triggering the status as significant woodland.

- e. This section provides a characterization of the woodland, particularly the type of disturbances to the woodland and the abundance of invasive species. However, there is little to no discussion on the ecological functions this woodland does provide. This is important in order to fully characterize the ecological functions and assess the impacts to these functions resulting from the proposed development. Please provide a more fulsome discussion of the ecological functions of the woodland in the previous section (i.e., not within the impact assessment section).
- f. Table 3 provides a summary of functions that appear in part to be based on the Natural Heritage Reference Manual. This table conflates broad ecological functions as they pertain to evaluating the “significance of a woodland” with other ecological functions related to specific types of SWH, such as bat habitat. A table that evaluates criteria to determine the “significance” of the woodland should be included in the previous section assessing significance of features and should not be included in the impact section.
- g. The final paragraph in this section that concludes the removal of 3.15 ha of canopy cover would not “pose a significant impact to the overall diversity of the area” is insufficiently supported by the previous assessment and discussion. Furthermore, the “area” is not defined. A more thorough evaluation of the ecological functions associated with the woodland, and the delineation of the woodland is required to adequately assess impacts to the woodland to determine if there is a threat to the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.
- h. The response to Agency Comment #32 provided by the landowners’ consultants acknowledges that woodland compensation may be difficult to accomplish on the adjacent private property. At this time, there has not been a viable plan put forward that would sufficiently mitigate the impact of removal of 3.15 ha of woodland from the subject property. A more detailed plan that is achievable and sufficiently mitigates impacts resulting from the removal of 3.15 ha is required in order to meet the test of no negative impact.
- i. The response to Agency Comment #66 suggests that offsetting for the removal of trees will be achieved by planting trees “elsewhere on Mason Homes or adjacent lands”. Any proposal for planting trees to mitigate impacts resulting from tree clearing should be described in the EIS with mapping indicating the location of tree planting and species

proposed for planting. It is recommended a planting plan be prepared by a certified OALA landscape architect, with sufficient detail provided in the plan to support any discussion on mitigation for tree removal.

25. Section 5.3 – Significant Wildlife Habitat

- a. A significant wildlife habitat (SWH) screening should have been completed prior to field surveys in order to identify candidate SWH and inform the full extent of wildlife surveys necessary to determine if any habitats meet the criteria as SWH. Undertaking this SWH screening would have identified candidate SWH on the subject property that would have informed field studies that should be undertaken as part of a complete EIS. The results of the field surveys are required to assess if SWH is present and determine if the proposed developed will have a negative impact on SWH.
- b. Addressing requirements of the Endangered Species Act related to Species at Risk (SAR) bats is described in the EIS with reference to correspondence with the MNRF related to SAR bats; however, there is little discussion on impacts to SWH for Bat Maternity Colonies. The response to Agency Comment #33 notes that bat maternity colonies were not confirmed but assumed to be present. Please identify what mitigation measures are proposed, in addition to timing related to vegetation removal, to avoid a negative impact to this SWH type. Please provide details and mapping for any proposed mitigation measures (e.g., type of bat boxes, numbers, locations, type and location of foraging habitat, etc.).
- c. The response to Agency Comment #33 notes that “Table 1: Significant Wildlife Habitat Criteria and those relating to the Subject property” (NEA Letter dated January 16, 2020) will be submitted to the Municipality”. Please provide this table.
- d. A letter, titled “Environmental Impact Study – Addendum – Landbird Migration Stopover Surveys” was provided outlining surveys completed on the subject property to assess the potential for Significant Wildlife Habitat - Landbird Migratory Stopover Areas. The Significant Wildlife Habitat Criteria Schedules for Eco-Region 6E (OMNRF 2015) identifies candidate habitat for this SWH as including FOC, FOM, FOD, SWC, SWM and SWD ecosites; the woodlot needs to be greater than 10 ha in size and within 5 km of Lake Ontario, where woodlands within 2 km are considered more significant. Studies are intended to determine if the woodland meets a certain threshold of species and individuals within a set timeframe. The following comments pertain specifically to this letter and are provided in consideration of the criteria identified in the Eco-Region 6E schedule:

- i. This letter states that surveys were required to be conducted “within the approximately 2 ha woodlot in the east portion of the study area”. The EIS refers to a woodland that is 3.15 ha in size proposed for removal, not 2 ha as referred to in this letter. Mapping of continuous woodland which qualifies as candidate SWH for Landbird Migratory Stopover Area, including size statistics, would help clarify this confusion and clearly delineate the candidate SWH.
- ii. The entirety of the continuous woodland, not just a 2 ha portion, should be surveyed to adequately determine if the thresholds for numbers of species and individuals is met to evaluate the significance of this SWH.
- iii. The table in the letter that identifies the dates and results of species and abundance should include the time during which the surveys were completed as well as weather conditions.

26. Table 4 – Impact Assessment Recommendation Summary

- a. This table does not adequately consider the impacts to the ecological functions associated with the woodland or to adjacent lands. The impact to ecological functions, both within the study area and to adjacent lands needs to be discussed more fully.
- b. The proposed mitigation only addresses regulatory requirements related to the Migratory Bird Convention Act and the Endangered Species Act (related to maternity roosting habitat). Mitigation should address impacts to ecological functions, which should be more fully assessed and discussed.

27. Section 6.0 – Policies and Legislative Compliance

- a. In general, this section is brief and does not refer to relevant natural heritage policies of the various plans. The EIS does not contain an adequate assessment of natural heritage features and associated ecological functions in order to support the conclusions related to policy compliance with the PPS, County OP and Port Hope OP.
- b. The designation of an area as “urban” or “residential” does not preclude a development application from being subject to the relevant natural heritage policies of the PPS, the County OP and the Port Hope OP. There is still a requirement that these policies be met, including providing sufficient support for concluding that the development will meet the test of no negative impact.
- c. As a minor note, this section refers to this report as an “ESA”; this should be revised to accurately refer to this report as an EIS.

28. Section 7.1 – General Recommendations

- a. This section is missing the requirement that vegetation removal occur outside of the maternity bat roosting period (April 1st to September 30th).

29. Section 8.0 – Conclusions

- a. Based on the review of the EIS and preceding comments, it is the opinion of this peer reviewer that the EIS does not contain a satisfactory evaluation of natural heritage features and functions, nor sufficient mitigation to address impacts to support the assertion in the conclusions of the EIS that the proposed development (i.e. based on the 2019 Applications), including the removal of the 3.15 ha of woodland, will not result in a negative impact. Furthermore, due to the extent of content missing or lacking in the EIS compared with the expected content of an EIS as identified in policy C20.3, the EIS should be revised to address the shortcomings of the EIS including the comments provided in this peer review report and from those of the County, Municipality of Port Hope and the GRCA. This revised EIS should be resubmitted for review by the County, Municipality and GRCA.

Comments on the Bifurcation/Deferral Proposal

- 30. The Bifurcation/Deferral Proposal is proposing to exclude from development the woodlands and adjacent lands (i.e. 120 m a buffer (zone) area immediately west of the woodland on the subject lands). However, if the Bifurcation/Deferral Proposal is not pursued and it is proposed to have development in all or any part of the woodland and/or within 120 m of the woodland on the subject lands, it is our recommendation that the EIS be revised and resubmitted, prior to any approval of the original 2019 application. An addendum to the original EIS would not be sufficient given the extent of comments and lack of adequate information. The revised EIS report should contain all of the relevant content as outlined in Section C20.3 of the Port Hope Official Plan and address the comments in this peer review report and of those previously provided by the County, Port Hope and the GRCA. This will be necessary to allow review agencies to better evaluate the conclusions of the EIS and determine if the EIS should be approved as part of a development application, which includes the lands containing the woodland and/or lands within 120 m of the woodland.