



AWS Environmental Consulting Inc.
(Operating as Aquatic and Wildlife Services)

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December 21, 2021

County of Wellington
Planning and Development Department
74 Woolwich Street
Guelph, ON
N1H 3T9

Attention: Mr. Curtis Marshall
Manager of Development Planning

RE: NRSI- Peer Review of 2017 Natural Heritage Environmental Impact Assessment
Sunvale Homes - Mount Forest Residential Subdivision
Part Lot 2 OSR, Geographic Township of Arthur

Dear Mr. Marshall

On behalf of Sunvale Homes, I am providing the County a response to the natural heritage issues raised by Natural Resource Solutions Inc (NRSI) in their peer review letter dated November 19, 2021.

To begin with we found this review process to be very misleading and contradicting to what we were told and discussed during the September 29/21 on-site visit. That day Mr. Jack Richard stated to all “For clarity we are here to examine and review the proposed 1.5m setback to the western treeline only”, you than reiterated to all “Correct, we have accepted the Saugeen Valley Conservation Authority review response to all other natural heritage aspects, we are here to look at and discuss the proposed 1.5m buffer zone to the westerly forest edge”. This peer review and costing has now morphed into something much more extensive and for all intensive purposes impractical given the on-site discussion of that day and the peer review comments.

That being said, I am providing below a technical response to disputed or unsubstantiated summarized NRSI comments in a similar sequential order as their letter.

Characterization of Vegetation Communities

- NRSI comments that the westerly wetland could not be assessed due to limited property access.

Response: Correct, this is other inaccessible private property lands as discussed on the Sept site visit, and as such was limited in review under the EIA.

- NRSI however than goes on to state : “ The EIA does identify a Red Maple-Conifer Mineral Mixed Swamp west of the subject property, however does not provide comments on the condition of this wetland feature, despite it being depicted on.....

Response:

Again, that is correct, this is other private property. The EIA provides a review of the 120m adjacent lands (Site Lands in the EIA) which can be accessed on lands owned by the applicant, then through roadside, tree line edge observations and an air photo review of those adjacent lands which cannot be accessed. Thus this off-site wetland feature must be depicted as a feature within 120m to the Study Land. This is the accepted approach to all natural heritage assessments in Southern Ontario and is consistent with EIS/EIA guidelines. How does one do an assessment on the ‘condition’ of the wetland when one has no access? This was the same as the on-site field review we had in September and an approach that NRSI is well aware of, but is misleading to the County in this peer review. I do not trespass on other private property. There is sufficient separation distance from the Development Lands to this wetland feature that no negative impacts to this wetland feature will occur, as per the EIA.

- NRSI then goes on under the same pretence of access to other private property lands issue by stating
 - EIA does not include a description of how the wetland and woodland boundaries were delineated

Response: On-site accessible features were mapped through GPS, as per stated in the EIA. Additionally the western tree line limit was surveyed in as part of the Site Plan development by COBIDE Eng. Off-site inaccessible features are delineated through available Land Use mapping, Ontario Base Mapping and through air photo interpretation, as per the EIA. No further action is required

- Wetland and woodland boundaries in proximity (*i.e. off site*) to development should typically be surveyed with a high level of accuracy

Response: No they are not typically done off-site through high-accuracy GIS mapping. This again is other private lands, and when it can be shown there is no negative impact to off-site wetlands or woodlands, this is neither required nor needed nor in most cases can not be done on other private lands. No further action is required.

Wildlife and Habitat Inventories

- NRSI discussion relating to Bat habitat.

Response: MNRF bat survey protocols were followed at the time of the EIA undertaking. Hedgerows are not candidate maternity roost habitat areas as per Provincial protocols. SAR bat habitat falls under ‘Species & General Habitat Protection’ for the Endangered Species Act, 2007. Confirmation of habitat use is only required if tree removal is proposed during the active roosting period, thus an ESA Authorization to negatively impact/destroy habitat during the active roosting period would be required. The EIA data collected is in accordance to the MNRF Significant Wildlife Habitat manual and provincial guidelines. Acoustic surveys are not mandatory, can be unreliable and not the only method of survey acceptable to MNRF-MECP. Acoustic surveys do not directly correlated bat roosting activity to that of on-site habitat, acoustic detection could be from a ‘fly-by’ forage activity and do not confirm the presence of active habitat use on-site. Based on the habitat characterization, very small woodland size (0.45ha), woodland feature open to winds/predation on all four treeline sides, negligible cavity trees recorded, AWS stands by its findings and conclusion in this matter. That being said to expedite this mater and for the applicant to avoid unnecessary costs and development time, as per the NSRI final comment here

and typical MECP direction in addressing possible or even confirmed bat roosting habitat, the following amendment to tree cutting activity shall be incorporated into the Site Plan.

- Action: the Site Plan shall be revised to restrict tree cutting activity only to October 1st to March 31st.

Assessment of Significance

1) Significant Woodlands

- Urban System woodlands over 1ha are considered significant.

Response: The two distinct and fragmented on-site woodlands have been mapped as vegetation community 1: the northeast corner woodlot near the Hedgerow (vegetation community 3) is 0.45ha and the southeast corner woodlot is 0.34ha. Both below the threshold size for significance determination. Figure 5 in the EIA demonstrates that the off-site woodlands are deemed significant under the County of Wellington Official Plan and similarly the two on-site woodlands do not meet significance determination. No further action is required.

2) Aquatic Resources

- No concerns

Review of Impact Assessment

1) Significant Woodlands

- Off-site southeast woodlot, no concerns
- Off-site westerly woodlot. NRSI satisfied with the 1.5 m buffer zone
 - The westerly tree line has been surveyed as part of the Site Plan design development.
 - Action item: Said Buffer Zone shall be shown delineated on the COBIDE Eng. Site Plan.
- NRSI two recommendations:
 - Installation of an improved vegetative buffer or rear yard use condition that would serve to further protect this features edge be considered.

Response: Considered be respectfully not deemed necessary, constraint for fill deposition and grading impacts are in place, improved vegetated buffer within an already highly impacted and alter agricultural field in not necessary. No further action required.

- Assessment of hazard trees or hazardous parts of any trees located within the falling distance of any residential blocks or other priority features within the subject property.

Response: The westerly tree limit is on other private lands, not applicable. Remaining trees within the subject property that are adjacent to development blocks will be the responsibility of the construction contractor under their Health and Safety protocols and the Ministry of Labour. No further action is required.

2) Additional Treed Areas

- NRSI comment: Impacts to these treed communities (northeast corner woodlot and Hedgerow) and individual trees, mitigation measures to reduce the number of required tree removal, or proposed compensation for the required tree removals have not been provided within the EIA's impact assessment.

Response: Correct as no significance has been assessed to the northeast woodlot or hedgerow or individual trees on-site no impact assessment is required. The SVCA does not require 'compensation' for tree removal within non-significant woodlands or hedgerows within their watershed and no such compensation measures are within the County of Wellington Official Plan. No further action is required as no mitigation or compensation is required.

3) Aquatic Resources

- NRSI, no concerns mentioned.

Response: No action required.

4) No Negative Impacts Test

- NRSI states policies, and in their opinion the EIA impact assessment component does not meet the 'no negative impacts'.

Response: Respectfully disagree the EIA identified significant features, other features and ecological functions within the Study Land with recommended Buffer Zones/Development setbacks, which for the most part NRSI has agreed to up to this point, but now wishes to 'muddy the waters' so to speak. In the opinion of AWS Environmental, the EIA sufficiently addresses natural heritage policies and meets the test of 'no negative impacts. Through feature analysis, on-site data collection, delineation of natural heritage features and recommended mitigative measures to maintain 'no negative impacts' and compliance with applicable Land Use policies under Natural Heritage have been met based on the Site Land features and degree of development proposed. Additionally the SVCA environmental planners accepted the EIA review and mitigation noting that the EIA meets the requirements of the PPS and similar land use policies.

Recommendations

- 1) Response: Respectfully disagree. An 'Arborist Report and Tree Preservation Plan' are not required. Additionally we find this 'Arborist Report' recommendation to be self-serving, that no other qualified profession can undertake such works, even though not required. The EIA mitigation measures for Buffer Zones etc shall be depicted on the Site Plan. Other than the adjustment of the Tree Cutting window in accordance to MECP for potential bat roosting habitat. No additional further action is required.
- 2) Response: Additional woodland size areas within the Study Lands have been provided above. As per the EIA Figure 5 from the County Official Plan, no woodlots within the Study Land meet significance determination and those adjacent woodlands within the Site Lands are significant based on the County OP. No further action is required.
- 3) Response: The Site Plan by COBIDE Eng already includes the 'surveyed in' westerly tree line. Required Action, the EIA Buffer Zone to be shown on the Site Plan.
- 4) Response: As noted above under the NRSI 'no negative test;' response. We respectfully disagree with this comment or request. Additionally reiterate that the SVCA Environmental Planners have agreed that the EIA met the PPS and applicable Land Use policy requirements for 'no negative impacts' in their review. Which is also consistent with what was said by yourself (see opening comment) on the day of the September 2021 site visit.

Additional Recommendations for Draft Approval

- 1) NRSI recommends a fulsome tree inventory.... In a formal Arborist Report and TPP

Response: This is the same as the above recommendation (1) above. Analysis of individual trees to be removed is not a requirement under the PPS or the County OP or a requirement to address 'no negative impacts'. Again, we find this recommendation to be self-serving (from an Arborist, insinuating that no other profession is qualified to do such work even when it is required?).

- 2) Tree removal compensation plantings into a Landscape or Planting Plan.

Response: This is not a requirement to address 'no negative impacts' for this development proposal. AWS has implemented such works when 'Significant Woodlands' are negatively impacted or lost due to development activities, with a 2:1 native planting plan within the SVCA watershed. But again, this to the best of my knowledge is not required nor undertaken for non-significant woodlands or even individual trees as implied by NRSI.

Action: If the County of Wellington wishes to engage in 'tree compensation' discussions with the applicant, we are open to such discussions if deemed required.

- 3) Buffer Management Plan

Response: The southeast corner woodlot and its buffer zone are delineated within a No Development area. The westerly tree line buffer zone is within an already disturbed/alter landscape (tilled open field), as such this buffer zone with its constraints for fill & grading will either be left 'as is' to naturalize or be part of a grassed back yard environment with no negative impacts to the westerly woodland feature (as per the EIA already recognized by NRSI review) be part of either a natural environment. Additionally, many Counties and Municipalities are staying away from this type of Land Use restriction as it becomes impractical in the long run and Municipalities/Counties do not have the Staff to enforce the restrictions that could be recommended in a 'Buffer Management Plan'.

- 4) Hazard Tree Assessment

Response: Adamantly disagree. This cannot be implemented on 'other' private lands nor should it be within the Study Land as there are too many unknown variables /uncontrollable aspects of climate change (droughts, floods, high wind forces), diseases (no cankers etc coming into Ontario every year), insects (Emerald Ash Borer impacts are expanding and future unknown for other insect damages). Preparing a Hazard Tree report now, when individual Lot development may be years away will be redundant at that time of construction or even post-construction. This aspect falls upon the qualified building contractors to address at that time, not the subdivision developer.

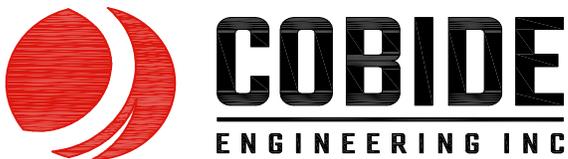
- 5) Recommendations of the SVCA shall be addressed by the applicant.

Yours Truly



John Morton, President
AWS Environmental Consulting Inc.

Att: COBIDE Eng showing westerly surveyed tree line incorporated into the Site Plan design



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Client/Project
 SUNVALE HOMES SUBDIVISION
 TOWNSHIP OF WELLINGTON NORTH

Figure No.
 1

Title
 SURVEYED TREELINE