



23 Herrell Ave
Barrie, Ontario
L4N 6T5

February 15, 2023

Briarwood Development Group
636 Edward Street, Suite 14
Richmond Hill, Ontario
L4C 0V4

Attention: Mr. Fausto Saponara

Re: Environmental Impact Study – 1st Submission Comments Response
Hillsburgh Heights Inc. – 5916 Trafalgar Road North, Town of Erin
Birks NHC File: 02-016-2021

Dear Mr. Saponara:

As you know, an Environmental Impact Study (EIS) was completed by Birks Natural Heritage Consultants, Inc. (Birks NHC) for the proposed development of a new residential subdivision within the Hillsburgh Urban Area.

Site specific data was collected by Birks NHC staff during the 2021 field season following a site meeting with the project team and reviewers from the Credit Valley Conservation Authority on July 16, 2021. The EIS report, submitted November 2021, outlined the process by which features were considered for their natural heritage function and value and potential impacts associated with the proposed activity were assessed. Further, mitigation measures were proposed in the EIS to reduce potential impacts that could result to the natural features and functions identified.

Following submission of the EIS, natural heritage comments were received on January 11, 2022 from Greg Scheifele, Ecologist/Forester, GWS Ecological & Forestry Services Inc. and the Credit Valley Conservation Authority on March 9, 2022. The received comments were generally positive and in agreement with the field work conducted and the assessment of natural features



and functions discussed in the EIS. A response to comments was provided in July 2022 following which two additional comments were received on November 1, 2022.

As requested, the following information is provided as a response to those comments received for consideration and incorporation into the Comment Matrix Document being prepared by Maria Jones and Candevcon Limited Consulting Engineers and Planners. The original comments received from the CVC are included in Bold.

Ecology Comments – EIS

- 1. The intent of the previous CVC comment related to grasshopper sparrow was to address significant wildlife habitat (SWH) as it pertains to Habitat for Special Concern Species (*i.e.* potential Grasshopper sparrow) which has no size threshold. In the absence of studies CVC generally recommends the precautionary approach to SWH. It is agreed that protecting smaller areas of marginal habitat located within an urban matrix is not ideal. However, the “lands to be retained” are of adequate size to both attract (> 6ha) and establish territory (0.3 – 1.4 ha) for Grasshopper sparrow and other grassland species. High quality grassland habitat and grassland birds are in general decline. If the applicant wishes to purpose good watershed stewardship the “lands to be retained” would make for a good candidate for a grassland restoration site, provided a proper management plan was implemented.**

Acknowledged. In speaking with the proponent, we understand that the “lands to be retained” are intended to be made available for gardens to be used by residents within the new subdivision. With this in mind, there is still the expectation that this area could benefit from grassland restoration. We understand that the proponent will agree to work with us, in the interest of good watershed stewardship, to implement a restoration strategy for portions of those lands. Notwithstanding, previous comments related to a potential increase in bird mortality, we agree that the restoration can focus on plantings that could be utilized by Grasshopper Sparrow and other grassland breeding birds and community awareness related to the importance of these habitats.

- 2. Please provide correspondence with the MECP regarding potential permitting requirements under the Act for Species at Risk habitat.**

The recent update to Ontario Regulation 230/08: Species at Risk in Ontario List moved Barn Swallow from Schedule 3 to Schedule 4. This means that, as of January 25, 2023, Barn Swallow has been downlisted from Threatened and is now considered Special Concern. As a result, the habitat is no longer classified as Habitat for Threatened or Endangered Species.



Notwithstanding, the Barn could still be considered as providing nesting habitat for Species of Special Concern, and thus as Significant Wildlife Habitat. Given the prevalence of nesting habitat (specifically barns and buildings) in the area there is no expectation that the removal of structures on the property would not be expected to reduce the long-term health and survival of the species that depend on these features within the area.

Further, mitigation has been discussed with the proponent and they have agreed that appropriate habitat compensation in a manner similar to that required by the exemption previously enforced under Ontario Regulation 242/08 can be created within the “lands to be retained” in a manner similar to the restoration outlined in the response to Comment 1 above. To that end, should the barn removal be necessary, creation of structures intended to promote Barn Swallow Nesting are expected to be included in restoration areas associated with the property.

Please Note: While it appears that Barn Swallow is no longer specifically protected under Ontario’s *Endangered Species Act*, timing windows outlined in Section 6.2.3 of the original Birks NHC EIS dated November 2021 remain important in protecting Barn Swallow and avoiding contravention of other legislation including the *Migratory Birds Convention Act*, 1994.

Closure

We trust the information provided above will be sufficient to address the comments received regarding the EIS. The information provided herein should be considered in conjunction with the EIS report dated November 2021, Response to Comments dated July 2022 and background information submitted to date.

If you have any questions, please do not hesitate to contact us.

Yours truly,
Birks Natural Heritage Consultants, Inc.

Brad Baker
Ecologist