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Barrie, Ontario
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November 23, 2018

Council Elect
Town of Collingwood
97 Hurontario Street
Collingwood, ON
L9Y 3Z5

RE: Peer Review - EIS Update for Proposed Cranberry Estate and Living Waters Expansion, Town of Collingwood, prepared by the Hensel Design Group Inc., November 17, 2017

Council,

Birks Natural Heritage Consultants Inc. (Birks NHC) has been retained on behalf of SOS Collingwood to undertake a peer review of the '[Environmental Impact Study] EIS Update for Proposed Cranberry Estate and Living Waters Expansion, Town of Collingwood' prepared by the Hensel Design Group Inc. dated November 17, 2017 (2017 EIS Update). In the completion of the review, Birks NHC has considered the following documents:

- Scoped Environmental Impact Study Cranberry Resort, Bear Estate, Town of Collingwood prepared by Gartner Lee (August 2007);
- Clarification of Comments to SOS Collingwood prepared by Hensel Design Group Inc., (August 9, 2018);
- Arborist Report prepared by Arboreal Tree Care Professionals (May 22, 2018);
- Nottawasaga Valley Conservation Authority review comments (July 17, 2018);
- Stormwater Management Report Addendum prepared by C.C. Tatham & Associates Ltd. (February 2018)

Birks NHC has also completed an on-site assessment of lands adjacent to the subject site, to develop an understanding of the ecological framework of the area, and the subject site's contribution within that framework.

It is our understanding that the proposed development will involve the removal of the existing vegetation (identified as CUW1 on Figure 4 of the 2007 EIS), to allow for the construction of 2 multi-story buildings with elevated and additional ground level parking spaces.

Current provincial and municipal planning policies relating to natural heritage, require that an EIS study assess the impact of the proposed development on the natural heritage features and functions within the subject lands, as well as those adjacent to the site. Specific items for consideration are presented below.

POLICY FRAMEWORK

As outlined in Section 1 of the 2017 EIS Update, applicable policy at the federal, provincial and municipal levels including federal and provincial Species at Risk (SAR) legislation, the County of Simcoe (County) Official Plan, the Town of Collingwood (Town) Official Plan and the Nottawasaga Valley Conservation Authority (NVCA) regulation have been considered. Given that the Town is located within the plan area of the Greater Golden Horseshoe, the policies outlined within the “Growth Plan for the Greater Golden Horseshoe” (MMAH, 2017) should also be considered in the context of this application.

SIGNIFICANT WILDLIFE HABITAT

The Section 4.3 of the 2017 EIS Update has stated that the “potential for significant wildlife habitat on the subject lands is limited to non-existent” but provides minimal justification to support this statement. Further, the report, does not consider the function of adjacent lands. Features such as wetland and open water habitat are known to contribute to significant habitat function, dependant upon the size and diversity of fauna populations utilizing the habitat. It is recommended that the author update this section to include a review of the Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (January 2015), as prepared by the Ministry of Natural Resources and Forestry (MNRF) to thoroughly assess potential SWH natural heritage impacts relating to the proposed development.

SPECIES AT RISK AND ASSOCIATED HABITAT

The 2017 EIS Update provides a high-level assessment of Species at Risk (SAR), considering those species that have been recorded as element occurrences within the Natural Heritage Information Centre (NHIC) which is updated infrequently. A comprehensive SAR assessment of the property and adjacent lands should occur to ensure that all at-risk species potentially affected by the proposal are considered.

For example, it is understood that the proposed site alterations will result in the removal and/or alteration of the Bear Estates Hall and a portion of the Cultural Woodland (CUW1). These features may provide habitat for Barn Swallow (Threatened) and Bat species including Little Brown Myotis, Northern Myotis, and Tri-coloured Bat (all are Endangered). In addition to this, the adjacent PSW and Collingwood Harbour may provide habitat for at-risk species including, but not limited to, Black Tern (Special Concern), American White Pelican (Threatened), Bald Eagle (Special Concern), Northern Map Turtle (Special Concern). There has been no consideration of these species within the 2017 EIS Update, and many of these species were not protected at the time of publication of the 2007 EIS.

SILVER CREEK PROVINCIAL SIGNIFICANT WETLAND

The Town's Official Plan (2015) identifies wetland as a Category 1 - Natural Heritage Resource Area. Policy 4.13.12.1 states that one of the primary objectives of the Town's Official Plan is the preservation of Category 1 features and to provide a 'heightened level of control over future land use activity'. Through this policy, development is permitted adjacent to Category 1 features, provided that appropriate environmental mitigations are implemented to negate impact on those features. This includes the creation of a 'naturally vegetated buffer'. Policy 4.1.3.13 of the Town's Official Plan recommends the application of a 30m buffer from the edge of Category 1 features, though the "precise nature of the buffers and their dimensions shall be determined on a site-by-site basis". The proposed plan calls for the application of a 10-15m setback from Silver Creek Provincially Significant Wetland (PSW), with 5m and 10m of that to be vegetated. There have been instances where 10-15m setbacks to PSWs have been permitted within Settlement Areas, however, it has not been comprehensively demonstrated within the 2007 EIS or the 2017 EIS Update that partial vegetation of the feature setback would protect adjacent natural heritage features (including Significant Wildlife Function, SAR Habitat and PSW), as the characterization of those features has not been thoroughly investigated at this time. The photographic record provided in Appendix A of the 2017 EIS Update shows that the current vegetated setback is ornamental (Picture 2) or completely lacking (Picture 7). These locations should be converted to a naturalized, self-sustaining buffer that is comprised of native vegetation, in keeping with the Town's policies relating to setbacks and buffers. The letter response provided by Hensel Design Group on August 9th, 2018 indicates that there is intent on the behalf of the proponent to undertake this work. We request that a planting and management plan for the setback be prepared and circulated for review. A planting and management plan would assist in the evaluation of the proposed setback/buffer as a method of protection of the natural heritage features and functions associated with the Silver Creek PSW.

It was not clear within the 2017 EIS Update whether the site investigation included confirmation of the limit of the Silver Creek PSW; this was later addressed within the Hensel Design Group letter response provided August 9th, 2018. The confirmed limit should be transcribed on all drawings associated with the proposal, to ensure accuracy in the application of the wetland setbacks and development limit. Further, the MNRF, the designated authority regarding PSW's and their evaluation, should be contacted to confirm that they are satisfied with the wetland limit as drawn, or if an updated delineation exercise is required for this application.

The Southern Ontario Wetland Evaluation System manual (MNRF, 2014) specifies that evaluation of the significance of wetlands should include consideration for social benefits of the wetland, including accessibility to settlements, recreational activities that the PSW provide and landscape aesthetics. Silver Creek PSW is easily accessed by the Town's residents through the existing pedestrian pathways and Collingwood Harbour and thus is regularly utilized for nature appreciation, fishing and by recreational paddlers. Arguably, construction of a large multistory building in the proposed location would considerably increase anthropogenic pressure upon the wetland, alter shoreline sightlines and enjoyment of the PSW. Therefore, it is recommended that the 2017 EIS Update consider development impact to the PSW as it relates to recreational use.

FISH HABITAT

There has been no consideration of impact to Fish Habitat within the 2017 EIS Update and supporting documents. Although not mapped within the Town's Official Plan, Silver Creek PSW and the marina provide fish

habitat, as defined within the federal *Fisheries Act*, 1985. Fish habitat is defined as “spawning grounds and any other areas, including nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes”. Thus, development impacts, as they relate to Fish Habitat, should be considered within the 2017 EIS Update to ensure that the project does not contravene the *Fisheries Act*, 1985.

TREE REMOVAL

We note that an arborist report has been prepared for the site; it is assumed that this report will be utilized in the application of the Town’s Tree Protection By-law #2012-084. Section 7.3 of the By-law speaks to the requirement for tree compensation, the nature of which is to be determined at the discretion of the Town. Given that the plan calls for the removal of many of the property trees, intensification of human use, and hardening of the majority of the remaining green space, there is certain expectation that tree compensation will be such that, at a minimum, the current ecological function of the treed habitat will be maintained on site. As noted above, the cultural woodland community could provide SAR habitat, however, this function has not been assessed. At a minimum, the woodland and trees provide ecological functions such as carbon sequestering, air purification, stormwater quantity and quality control and micro-climate control. The proposed development should strive to maintain these ecological functions through consideration of alternative ‘green’ designs and site plan configurations.

MITIGATION MEASURES

Mitigation Measure #1 in section 5 of the 2017 EIS Update states that a portion of the setback may be measured from the top-of-bank. The top-of-bank has not been clearly delineated on the supporting drawings and figures. This should be rectified. If the determination of Top-of-Bank is not pertinent to this application, reference to this feature should be removed to avoid confusion in the establishment of development setbacks.

Mitigation measures 3 through 5, as outlined within the 2017 EIS Update, refer to the treatment of stormwater during and post construction. The 2017 EIS Update should include a thorough review of the Stormwater and Sediment and Erosion control measures, and an assessment of potential impact on adjacent natural heritage features, including Silver Creek PSW, Significant Wildlife Habitat, Fish Habitat and Habitat of Endangered and Threatened Species.

REPORT FIGURES AND APPENDICES

The report utilizes a combination of text, the NVCA’s updated aerial photography, vegetation community mapping from the 2007 EIS figure set, and the proposed tree removal site plan (DWG SC-1) to demonstrate the footprint and extent of the new development. We find that that this presentation does not effectively illustrate the extent and intensity of the development, and thus find it difficult to interpret the affected area, and therefore potential impact of the development. To rectify this, we suggest that an additional figure be included within the report, comprised of the vegetation community mapping and the proposed site plan overlaid on current aerial photography. In addition to this, if natural heritage features are determined to be present through

the additional analysis requested herein, these features should also be mapped on current aerial photography and included within the figure set of the report.

CLOSURE

In summary, the 2017 EIS Update provides a very high-level site characterization of the proposed development and the assessment of impact to adjacent natural heritage features is generally lacking. In our opinion, the following items are necessary to complete a thorough ecological impact assessment of the proposal:

- Completion of a SAR assessment that considers all potential SAR utilizing the subject site and adjacent lands;
- Completion of a Significant Wildlife Habitat Assessment utilizing the Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (January 2015);
- A setback planting and management plan for the setback to Silver Creek PSW should be prepared and circulated for review;
- The impact assessment of Silver Creek PSW should consider the impact of the development upon the existing and anticipated recreational use of the feature;
- Confirmation of the wetland limit should be obtained from the MNRF. This limit should be transcribed to all associated figures and drawings related to the development;
- Fish Habitat should be identified and consideration of potential impacts to the feature should be incorporated into the report;
- The ecological function of the tree resources on site should be determined and assessed, and appropriate tree compensation should be incorporated into the site plan design, including consideration of green design alternatives and alteration of the proposed footprint;
- Consideration of the Stormwater and Sediment and Erosion control plans and the impact to natural heritage features should be included within the assessment of impacts relating to the proposed development; and
- The figure set should be updated to include vegetation community mapping, natural heritage features and the proposed development overlaid upon current aerial photography.

We trust that the Town will give due consideration of this correspondence as the application proceeds through the municipal review process. If you have any questions or concerns regarding this correspondence, please do not hesitate to contact me.

Birks Natural Heritage Consultants Inc.



Melissa Fuller
Ecologist, Consulting Arborist

REFERENCES

Ministry of Municipal Affairs and Housing (MMAH). 2017. Growth Plan for the Greater Golden Horseshoe.

Town of Collingwood Official Plan (OP). Office Consolidation December 2015.

Ministry of Natural Resources and Forestry (MNRF). 2014. *Ontario Wetland Evaluation System Southern Manual*. 3rd Edition, version 3.3. Queen's Printer for Ontario.