

Kemptville District

District de Kemptville

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Tue. Feb 13, 2018

Bernie Muncaster
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Attention: Bernie Muncaster

Subject: Information Request - Developments
Project Name: Navan Road and Brian Coburn Boulevard Proposed Residential Development
Site Address: Navan Road and Brian Coburn Boulevard
Our File No. 2018_GLO-4413

Natural Heritage Values

The Ministry of Natural Resources and Forestry (MNRF) Kemptville District has carried out a preliminary review of the above mentioned area in order to identify any potential natural resource and natural heritage values.

The following Natural Heritage values were identified for the general subject area:

- Municipal Drain, James Blais Drain (Non-Sensitive)
- Unevaluated Wetland (Not evaluated per OWES)

Municipal Official Plans contain information related to natural heritage features. Please see the local municipal Official Plan for more information, such as specific policies and direction pertaining to activities which may impact natural heritage features. For planning advice or Official Plan interpretation, please contact the local municipality. Many municipalities require environmental impact studies and other supporting studies be carried out as part of the development application process to allow the municipality to make planning decisions which are consistent with the Provincial Policy Statement (PPS, 2014).

The MNRF strongly encourages all proponents to contact partner agencies and appropriate municipalities early on in the planning process. This provides the proponent with early knowledge regarding agency requirements, authorizations and approval timelines; Ministry of the Environment and Climate Change (MOECC) and the local Conservation Authority may require approvals and permitting where natural values and natural hazards (e.g., floodplains) exist.

As per the Natural Heritage Reference Manual (NHRM, 2010) the MNRF strongly recommends that an ecological site assessment be carried out to determine the presence of natural heritage

features and species at risk and their habitat on site. The MNRF can provide survey methodology for particular species at risk and their habitats.

The NHRM also recommends that cumulative effects of development projects on the integrity of natural heritage features and areas be given due consideration. This includes the evaluation of the past, present and possible future impacts of development in the surrounding area that may occur as a result of demand created by the presently proposed project.

In Addition, the following Fish species were identified: bluntnose minnow, brook stickleback, central mudminnow, common shiner, creek chub, fathead minnow, finescale dace, golden shiner, Iowa darter, johnny darter, longnose dace, northern redbelly dace, Unidentifiable, white sucker.

Wildland Fire

MNRF woodland data shows that the site contains woodlands. The lands should be assessed for the risk of wildland fire as per PPS 2014, Section 3.1.8 "*Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards*". Further discussion with the local municipality should be carried out to address how the risks associated with wildland fire will be covered for such a development proposal. Please see the Wildland Fire Risk Assessment and Mitigation Guidebook (2016) for more information.

Significant Woodlands

Section 2.1.5 b) of the PPS states: *Development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.* The 2014 PPS directs that significant woodlands must be identified following criteria established by the Ontario Ministry of Natural Resources and Forestry, i.e. the Natural Heritage Reference Manual (NHRM), 2010. Where the local or County Official Plan has not yet updated significant woodland mapping to reflect the 2014 PPS, all wooded areas should be reviewed on a site specific basis for significance. The MNRF Kemptville District modelled locations of significant woodlands in 2011 based on NHRM criteria. The presence of significant woodland on site or within 120 metres should trigger an assessment of the impacts to the feature and its function from the proposed development.

Significant Wildlife Habitat

Section 2.1.5 d) of the PPS states: *Development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.* It is the responsibility of the approval authority to identify significant wildlife habitat or require its identification. The MNRF has several guiding documents which may be useful in identification of significant wildlife habitat and characterization of impacts and mitigation options:

- Significant Wildlife Habitat Technical Guide, 2000
- The Natural Heritage Reference Manual, 2010
- Significant Wildlife Habitat Mitigation Support Tool, 2014
- Significant Wildlife Habitat Criteria Schedule for Ecoregion 5E and 6E, 2015

The habitat of special concern species (as identified by the Species at Risk in Ontario list) and Natural Heritage Information Centre tracked species with a conservation status rank of S1, S2 and S3 may be significant wildlife habitat and should be assessed accordingly.

Water

The Ministry of Natural Resources and Forestry (MNRF) has established timing window guidelines to restrict in-water work related to an activity during certain periods. These restricted periods are identified in order to protect fish from impacts of works or undertakings in and around water during spawning and other critical life stages. A suite of appropriate measures should be taken for projects involving in-water works to minimize and mitigate impacts to fish, water quality and fish habitat, and include:

- avoiding in-water works during the timing guidelines;
- installation of sediment/erosion control measures;
- avoiding the removal, alteration, or covering of substrates used for fish spawning, feeding, over-wintering or nursery areas; and
- debris control measures to manage falling debris (e.g. spalling).

Timing guidelines are based on species* presence and are therefore subject to change if new information becomes available. Timing guidelines in Kemptville District are:

| Waterbody (and applicable geography or Fisheries Management Zone) | Timing Guidelines (no in-water works) |
|--|---|
| ○ St. Lawrence River (FMZ 20) | March 15 – July 15 (Spring spawning species) |
| ○ Ottawa River – Lac Des Chats (FMZ 12) | October 1 to July 15 (Spring and fall spawning species, including Lake Trout and Lake Whitefish) |
| ○ Ottawa River – Lac Deschenes (FMZ 12) | October 15 to July 15 (Spring and fall spawning species, including Cisco) |
| ○ Ottawa River – Lac Dollard des Ormeaux (FMZ 12) | January 1 to July 15 (Winter and spring spawning species, including Burbot) |
| ○ Big Rideau Lake (South Burgess and South Elmsley Twps) ○ Charleston Lake (Lansdowne and Escott Twps) | October 1 to June 30 (Spring and fall spawning species, including Lake Trout) |
| ○ Bass Lake (South Elmsley Twp) ○ Lower Rideau Lake (South Elmsley Twp) ○ Bob's Lake (South Sherbrooke Twp) ○ Christie Lake (South Sherbrooke Twp) ○ Crow Lake (South Crosby Twp) ○ Dalhousie Lake (Dalhousie Twp) ○ Davern Lake (South Sherbrooke Twp) ○ Farren Lake (South Sherbrooke Twp) ○ Grippen Lake (Leeds Twp) ○ Indian Lake (South Crosby Twp) ○ Little Long Lake (Lansdowne Twp) ○ Millpond Lake (South Burgess) ○ Otter Lake (South Elmsley, South Burgess and Bastard Twps) ○ Otty Lake (North Burgess and North Elmsley Twps) | October 15 to June 30 (Spring and Fall spawning species, including Lake Whitefish and Cisco) |

| | |
|---|---|
| <ul style="list-style-type: none"> ○ Pike Lake (North Burgess Twp) ○ Silver Lake (South Sherbrooke Twp) ○ Redhorse Lake (Lansdowne Twp) ○ Tay River (South Sherbrooke, Bathurst, Drummond and North Elmsley Twps) ○ Wolfe Lake (North Crosby Twp) | |
| <ul style="list-style-type: none"> ○ Bennett Lake (Bathurst Twp) ○ Crosby Lake (North Crosby Twp) ○ Big Rideau Lake (South Burgess, Bastard and South Elmsley Twps) ○ Gananoque River (Leeds Twp) ○ Lac Georges (Plantagenet and Alfred Twps) ○ Gillies Lake (Lanark Twp) ○ Little Crosby Lake (North Crosby Twp) ○ McLaren Lake (North Burgess Twp) ○ Mississippi Lake (Drummond, Beckwith and Ramsay Twps) ○ Mississippi River (Beckwith, Ramsay, Pakenham and Fitzroy Twps) ○ Raisin River below Martintown dam (Charlottenburgh Twp) ○ Rideau River (Woford, Oxford, Montague, Marlborough, South Gower, North Gower, Osgood, Nepean and Gloucester Twps) ○ South Lake (Leeds Twp) ○ South Nation River below Plantagenet weir (Plantagenet Twp) ○ Upper Rideau Lake (North Crosby Twp) ○ Westport Sand Lake (North Crosby Twp) | January 1 – June 30 (Winter and spring spawning species, including Burbot) |
| <ul style="list-style-type: none"> ○ Small rivers and streams (denoted on 1:50,000 National Topographic System maps as being one lined) ○ All other waterbodies in FMZ 18 | March 15 to June 30 (Spring spawning species) |

**Please note: Additional timing restrictions may apply as they relate to endangered and threatened species for works in both water and wetland areas. Timing restrictions are subject to change, depending on species found in a given waterbody.*

In addition to adhering to the above timing guidelines, a work permit from the MNRF may be required depending on the nature and scope of work. No encroachment on the bed or banks of a waterbody/watercourse (e.g. abutments, embankments, etc.) is permitted without MNRF approval. Additional information regarding work permits may be found online at <https://www.ontario.ca/page/crown-land-work-permits#section-2>.

The MNRF does not have any water quality or quantity data available. We recommend that the Ministry of the Environment and Climate Change be contacted for such data along with the local Conservation Authority. For further information regarding fish habitat and protocols, please refer to the following interagency, document, *Fish Habitat Referral Protocol for Ontario* at: http://www.web2.mnr.gov.on.ca/mnr/ebr/fish_hab_referral/protocol_en.pdf.

Additional approvals and permits may be required under the Fisheries Act and the Species at Risk Act; please contact Fisheries and Oceans Canada to determine requirements and next steps. There may also be approvals required by the local Conservation Authority or Transport Canada, and these agencies should be contacted directly to determine requirements. As the MNRF is responsible for the management of provincial fish populations, we request ongoing involvement in such discussions in order to ensure population conservation.

Species at Risk

A review of the Natural Heritage Information Centre (NHIC) and internal records indicate that there is a potential for the following threatened (THR) and/or endangered (END) species on the site or in proximity to it:

- Bank Swallow (THR)
- Barn Swallow (THR)
- Bobolink (THR)
- Butternut (END)
- Eastern Meadowlark (THR)
- Henslow's Sparrow (END)
- Sensitive Species (END)

All endangered and threatened species receive individual protection under section 9 of the ESA and receive general habitat protection under Section 10 of the ESA, 2007. Thus any potential works should consider disturbance to the individuals as well as their habitat (e.g. nesting sites). General habitat protection applies to all threatened and endangered species. Note some species in Kemptville District receive regulated habitat protection. The habitat of these listed species is protected from damage and destruction and certain activities may require authorization(s) under the ESA. For more on how species at risk and their habitat is protected, please see: <https://www.ontario.ca/page/how-species-risk-are-protected>.

If the proposed activity is known to have an impact on any endangered or threatened species at risk (SAR), or their habitat, an authorization under the ESA may be required. It is recommended that MNRF Kemptville be contacted prior to any activities being carried out to discuss potential survey protocols to follow during the early planning stages of a project, as well as mitigation measures to avoid contravention of the ESA. Where there is potential for species at risk or their habitat on the property, an Information Gathering Form should be submitted to Kemptville MNRF at sar.kemptville@ontario.ca.

The Information Gathering Form may be found here:

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&ENV=WWE&NO=018-0180E>

For more information on the ESA authorization process, please see:

<https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization>

One or more special concern species has been documented to occur either on the site or nearby. Species listed as special concern are not protected under the ESA, 2007. However, please note that some of these species may be protected under the Fish and Wildlife Conservation Act and/or Migratory Birds Convention Act. Again, the habitat of special concern species may be significant wildlife habitat and should be assessed accordingly. Species of special concern for consideration:

- Common Nighthawk (SC)
- Eastern Wood-Pewee (SC)
- Snapping Turtle (SC)
- Wood Thrush (SC)

If any of these or any other species at risk are discovered throughout the course of the work, and/or should any species at risk or their habitat be potentially impacted by on site activities, MNRF should be contacted and operations be modified to avoid any negative impacts to species at risk or their habitat until further direction is provided by MNRF.

Please note that information regarding species at risk is based largely on documented occurrences and does not necessarily include an interpretation of potential habitat within or in proximity to the site in question. Although this data represents the MNRF's best current available information, it is important to note that a lack of information for a site does not mean that additional features and values are not present. It is the responsibility of the proponent to ensure that species at risk are not killed, harmed, or harassed, and that their habitat is not damaged or destroyed through the activities carried out on the site.

The MNRF continues to strongly encourage ecological site assessments to determine the potential for SAR habitat and occurrences. When a SAR or potential habitat for a SAR does occur on a site, it is recommended that the proponent contact the MNRF for technical advice and to discuss what activities can occur without contravention of the Act. For specific questions regarding the Endangered Species Act (2007) or SAR, please contact MNRF Kemptville District at sar.kemptville@ontario.ca.

The approvals processes for a number of activities that have the potential to impact SAR or their habitat have recently changed. For information regarding regulatory exemptions and associated online registration of certain activities, please refer to the following website: <https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization>.

Please note: The advice in this letter may become invalid if:

- The Committee on the Status of Species at Risk in Ontario (COSSARO) re-assesses the status of the above-named species OR adds a species to the SARO List such that the section 9 and/or 10 protection provisions apply to those species; or
- Additional occurrences of species are discovered on or in proximity to the site.

This letter is valid until: Wed. Feb 13, 2019

The MNRF would like to request that we continue to be circulated on information with regards to this project. If you have any questions or require clarification please do not hesitate to contact me.

Sincerely,

Carolyn Hann
Management Biologist
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Encl.\
-ESA Infosheet
-NHIC/LIO Infosheet