

Jp2g No. 20-7064S

December 21, 2023

County of Lanark
99 Christie Lake Road
Perth, ON K7H 3C6

Attn: Koren Lam
klam@lanarkcounty.ca

**Re: EIS Peer Review – Cooney Pit
Part Lots 22 & 23, Concession 3,
Geographic Township of Darling
Township of Lanark Highlands
County of Lanark
County File No. 0940-OP-23009**

Dear Koren,

I have reviewed the following information in relation to the above mentioned application:

- Level “1” Natural Environmental Impact Assessment Little Minnow Lk. Pit, prepared by Pinegrove Biotechnical, dated February 14, 2013;
- 2019 Update of a Level A 1 Natural Environmental Impact Assessment dated Feb. 14, 2013, prepared by Pinegrove Biotechnical, dated September 27, 2019;
- Amendment of a Natural Environmental Impact Assessment dated Feb. 14, 2013, by Pinegrove Biotechnical, dated November 14, 2020; and
- Cooney Zoning By-law Amendment Sketch, prepared by Zanderplan, dated September 8, 2023

It is understood that a Class B pit is proposed on a portion of the subject lands. Below are my comments as they relate to the Natural Heritage Policies of the PPS (2020), the Landform Specific Policies and the Environmental Impact Statement Policies of the Township of Lanark Highlands Official Plan (August 2016), as well as the Natural Environment Report standards of the Ministry’s Aggregate Resources of Ontario: Technical Reports and Information Standards document (August 2023):

- The report should be updated to reflect the current Natural Heritage Policies of the PPS (2020), and the Natural Environment Report standards as set out in the Ministry’s Aggregate Resources of Ontario: Technical Reports and Information Standards document (August 2023).
- It is also noted that the fieldwork that has been carried out on the subject lands to date, has occurred in September or October of 2013, 2019 and 2020, which is outside of the active period for many species. It is recommended that:
 - Targeted surveys for bobolink, eastern meadowlark, whip-poor-will, breeding birds and butternut trees be carried out in the spring/summer 2024 according to current Ministry accepted protocols.
 - Targeted surveys for turtle species are not recommended at this time, provided that the proposed pit activities are located at least 30 metres from suitable habitat and appropriate mitigation measures are properly implemented.

- As Blanding's turtles are reported in the area, suitable Blanding's turtle habitat on/adjacent to the subject lands should be mapped and discussed in the report, including recommended mitigation measures.
- The 2013 report says that wood turtle is possibly present. Suitable wood turtle habitat on/adjacent to the subject lands should be discussed in the report, including recommended mitigation measures.
- The 2013 report indicates that snags and cavity trees are present on adjacent lands. Many bat species are considered endangered. The species at risk section of the report should comment on bat habitat on-site / on the adjacent lands and provide mitigation measures to avoid any impacts on these species.
- It is noted that a single butternut was confirmed on-site in September 2019. It doesn't appear that a Butternut Health Assessment was completed for this tree as it was observed in September, which is outside of the assessment period for butternut. Typically, butternut surveys should be re-done after 2 years. It is therefore recommended that the butternut surveys be re-done for the proposed pit area and adjacent lands and that a Butternut Health Assessment be carried out by a Butternut Health Expert during the appropriate leaf-on timing window, for any butternut trees observed on or adjacent to the subject lands. Depending on the category of the butternut tree(s) and if the butternut tree(s) will be impacted by the proposed development, the activity may need to be registered with the Ministry or a permit may be needed to harm (any development within 50 metres of the tree) or remove the butternut tree.
- Based on a review of NHIC data, there is a restricted species occurrence in the area of the subject lands. It is recommended that the NHIC be contacted regarding the restricted species occurrence information for the subject lands and if suitable habitat is present on/adjacent to the subject lands, additional surveys, or a discussion on the impacts and proposed mitigation measures, should be included in a separate report to the EIS, as this information is considered sensitive.
- If any SAR habitat will be impacted, an Information Gathering Form will need to be submitted to the Ministry for review/approval.
- The 2013 report discusses some of the significant wildlife habitat that is present in the pit area or on adjacent lands. The report should also comment on the other types of significant wildlife habitat (such as amphibian breeding habitat etc.) that are described in the Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E document dated January 2015 by the Ministry of Natural Resources and Forestry, that are present/potentially present on/adjacent to the subject lands and discuss any impacts on these features and proposed mitigation measures, as applicable.
- Vegetation communities (including wetland boundaries) on site should be mapped according to the 2008 ELC (for upland communities) and the 2022 OWES Manual (for wetland communities). Representative site photos of each community should also be included in the report.
- In the 2020 report, it indicates that the amended pit boundary is situated north-east of a small wetland and that there is a 30 m offset from the wetland to the pit boundary. This wetland and associated setback should be shown on a map in the report. Based on the plan by Zanderplan, a small wetland is located within the area to be rezoned. Clarification should be provided in the report if this wetland will be in the pit area and impacts (if any) on this wetland should be discussed along with mitigation/compensation measures, if it is to be removed.
- The maps in the EIS report should reflect the area to be rezoned as per the Zanderplan map dated September 8, 2023.
- Mitigation measures such as timing windows for vegetation removal, sediment and erosion control measures, exclusion fencing for turtles, etc. should be included in the report to mitigate impacts on SAR, wildlife in general as well as the natural heritage features present.
- The 2019 report states that the *"Extension of the westerly boundary to include the old farm road is not expected to harmfully impact Natural Heritage function, and is therefore recommended. The 40 m*

southerly adjustment as shown on the original sketch can not be supported". However it appears that the 40 metre southerly adjustment is within the new proposed pit boundary along the old farm road. The 2020 report states that *"Adjusting the south-western boundary southward to the old farm road between Wpt. 113 to 118 (of 2020), and thereafter to continue along the previously established line as outlined by the land survey of G.A.Smith Surveying Ltd. is recommended."* The 2020 report further states that *"This will reduce the ANSI "Adjacent Area" Setback from a generic 120m, to 60m at Wpt. 115, 50m at Wpt. 116 and 90m at Wpt. 117 respectively, over a length of 220m between the old road to the ANSI boundary."* Based on the figure included in the 2020 report, it appears that the ANSI will be located around 20 metres from wpt. 117. Clarification should be provided in the report as well as mitigation measures to help ensure no adverse impacts occur on the ANSI.

- Given the number of report addendums to date and as the pit boundary has changed since the 2013 report, for clarity and to avoid confusion it is recommended that a new fulsome EIS be prepared for the current proposed pit boundary, which incorporates the information from the existing reports as well as the information to be added to the report. This will ensure that all of the required information as per the current policies and guidelines is in one report, rather than in multiple separate reports.

Conclusion:

The reports submitted to date do not contain sufficient information to support the proposed development in accordance with current Natural Heritage policies of the PPS and the Township Official Plan as well as the Ministry's Natural Heritage guidelines for pits at this time. Once the report has been revised as per the above comments, we will review the report in detail and we may have additional comments.

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

Yours truly,

Jp2g Consultants Inc.



Bryana Kenny, B.Sc. (Hons.)
Biologist | Planner