

Jp2g No. 20-7064S

January 15, 2025

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

Attn Koren Lam  
[klam@lanarkcounty.ca](mailto: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:

- Natural Environment Report & Environmental Impact Study (EIS), 9665 Highway 511, White Lake, ON. Part Lots 22 & 23, Concession 3, Township of Lanark Highlands, County of Lanark, dated September 5, 2024, prepared by BCH Environmental Consulting Inc.

Below is some background information as well as my comments as they relate to the Natural Heritage Policies of the PPS (2024), 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).

#### **Background Information:**

It is understood from the report that a Class A pit is proposed on a portion of the subject lands and that extraction will be above the high water table.

#### **EIS Comments:**

##### **1.1 Site Context**

1. The report references the Provincial Policy Statement (2020), however as of October a new Provincial Planning Statement (2024) came into effect. References to this document could be updated in the EIS, however as the Natural Heritage Policies remain the same as the 2020 version, no changes to the report are necessary.
2. Schedule C to the Township Official Plan designates a portion of the subject lands as a Green Gem, however as there are no policies in the Official Plan for this feature, it is not required to be addressed in the report.

##### **2.0 Methodology**

3. It appears that some information on the % Moon Illumination is missing from Table 1. For ease of reference, a column could be added to this table as well to indicate the purpose of each site visit and/or the dates of the various surveys completed should be referenced in the text of the report.



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4. An updated version of the ELC Tables (2008) for the Ecological Land Classification for Southern Ontario is available and should be used in the future, rather than the 1998 tables. However, no changes to this report are required, as it does not change the findings of the report.

### 3.2 Breeding Bird Survey

5. Pileated woodpecker and barn swallow were identified as being observed on/adjacent to the subject lands, however these species were not listed in the Observed Species List in Appendix A. If these species were observed, the significant wildlife habitat section of the report should be updated to include a discussion on barn swallow (special concern) and the report should also make note that pileated woodpecker are subject to special provisions under the Migratory Birds Regulations. A tree containing a potential pileated woodpecker nesting cavity cannot be removed unless notice is provided to the Minister and it is demonstrated that the nest remains unoccupied by migratory birds for 36 months. If applicable, the recommendations of the report should be updated to include further assessment for potential/confirmed pileated woodpecker nesting cavities.

### 4.0 Potential Species at Risk

6. Eastern red bat, hoary bat and silver-haired bat are proposed to be listed as endangered under the Endangered Species Act at the end of January 2025. The relevant sections of the report should be updated to include these species and discuss any impacts. As snag surveys were completed and it was determined that the site is not considered maternal roost habitat, the mitigation measures listed in the report already for bat species are sufficient to mitigate any impacts to these species, if present.

#### 4.1 Turtles and Reptiles

7. The report states that: *"Mitigation measures present within this report are deemed sufficient by MECP to mitigate any negative effects on Blanding's Turtles within the Category 3 habitat."* We are in agreement that the project will not have an adverse impact on Blanding's turtle and their habitat on-site, provided that the mitigation measures in the report are properly adhered to.

#### 4.2 Birds

8. The report notes that bank swallows were observed foraging on the northern portion of the subject lands and that the most likely location for nesting is in the pit to the south of the subject lands. Bank swallow habitat should be shown on a map in the EIS according to the General Habitat Description and the categories of habitat should also be described in the report.
9. The report states that *"The general habitat description allows; removal or disturbance of substrate that does not result in soil instability and/or collapse of Bank Swallow burrows; and in anthropogenic sites such as sand and gravel pits, activities (for example, excavation) in the nonbreeding season that maintain the function of the breeding colony bank face as suitable Bank Swallow nesting habitat for future breeding seasons (for example, maintain features such as slope, height and substrate composition). As the Phase 1 lands seemed to be a historical pit, with evidence of extraction these activities are permitted to continue. Phase 2 and 3 lands will remain unused for the time being and if disturbances to this foraging habitat is sought, these activities must be registered with MECP and compensated for."*

We are in agreement that the portions of the property that have been used as a pit can continue provided that the following recommendations are added to the report and are properly adhered to.

- (i) Removal or disturbance of substrate does not result in soil instability and/or collapse of Bank Swallow burrows; and
- (ii) Activities (for example, excavation) are carried out in the non-breeding season and maintain the function of the breeding colony bank face as suitable Bank Swallow nesting habitat for future breeding seasons (for example, maintain features such as slope, height and substrate composition).

If not all of the Phase 1 lands have been historically used as a pit, it is recommended that the extraction area within Phase 1 be adjusted accordingly. We are also in agreement that MECP approvals will be needed

(and associated compensation) for any disturbances to the foraging habitat on those portions of the subject lands that haven't been used as a pit.

#### 4.3 Mammals

10. The report states that: *"... this site is not considered maternal roost habitat. As per MECP directives if the site is not considered a maternal roost habitat, then no further action/surveys are required."* And that *"No negative impacts to bats are anticipated, mitigation measures present within section 9.1 will mitigate any indirect impacts."* We are in agreement that provided the mitigation measures in the report are properly adhered to, there will be no negative impacts on bat species.

#### 4.4 Vegetation

11. It is understood from the report that black ash are present within the adjacent lands and that butternut trees are found on and adjacent to the subject lands. In regards to the black ash trees, we are in agreement with the report that *"If encroachment (within 30 m) or removal of these trees is required, then MECP authorization must be sought."* In regards to the butternut trees, we are in agreement with the report that provided no works occur within 50m of any butternut trees, no further action or approvals are required from MECP at this time.

It is recommended that the extraction boundary on the figures in the report be updated to reflect that all extraction will be located outside of the small wetland and outside of the butternut setbacks as per the report recommendations.

#### 5.3 Area of Natural & Scientific Interest – Darling Township Forest

12. The report states that *"The Darling Township Forest (ANSI) is present within the subject lands, this feature is approximately 17 m from the extraction area. No regulatory setbacks are associated with ANSI's. No impacts to this feature are anticipated."* As the proposed extraction area is located outside of the ANSI, it is anticipated that many of the mitigation measures already in the report will be sufficient to ensure no adverse impacts occur on the ANSI.

#### 5.4 Significant Wildlife Habitat

13. The report states that: *"Within the subject lands the small wetland (section 3.1.6) may represent Specialized Habitats of Wildlife - Amphibian Breeding Habitat. No regulatory setbacks are associated with Significant Wildlife Habitat as mentioned in section 5.2 the extraction area should be moved outside of this area and a 10m setback is be put in place."* According to the Significant Wildlife Habitat Technical Guide, amphibian breeding habitat (woodland) is considered the wetland area plus a 230m radius of woodland area. Based on Figure 1, limited wooded area is present between the small wetland and the proposed extraction area, however to preserve as much of this wooded area habitat as possible, in the absence of any amphibian surveys to confirm if this feature does contain amphibian breeding habitat or not, it is recommended that a 10 metre setback from this feature is put in place (along with a berm within the 10 m setback along the extraction area) or that the setback/berm be 10 metres from the edge of woodlands, whichever is greater. Other relevant sections of the report should also be updated accordingly.
14. Although amphibian breeding habitat has not been confirmed on site, as there is potential candidate amphibian breeding habitat on site, candidate amphibian movement corridors should be discussed in the report along with any impacts on these corridors as a result of the proposed development and any associated mitigation measures.

#### 8.0 Recommendations and Conclusion

15. We are in agreement that there are no impacts associated with the utilization of the existing access road as no work/improvements are required to the road, however for reference, the road should be shown on the figures in the report.

## 8.1 Mitigation for the Species at Risk and Migratory Birds Convention Act

16. It is recommended that the timing window for tree removal under item 1 for breeding birds be adjusted slightly to April 15 to August 31 to be more consistent with the bird nesting period for this area.
17. The second sentence under item 4 states that *"Additionally, exclusion fencing should be installed around the perimeter of the of the Category 3 habitat (bordering Phase 1) to prevent turtles from entering work areas."* It is recommended that the exclusion fencing also be maintained and inspected during the active season.
18. As butternut surveys are typically only good for 2 years, it is recommended that a mitigation measure be added to the report to the effect that prior to any site preparation or extraction activities on site that occur after the summer of 2026, a butternut survey is to be completed for the extraction area and adjacent lands during the appropriate leaf-on timing window.

## 8.1 Significant Wildlife Habitat

19. The report states that *"Before excavation in phase 2 and 3 commences Habitats of Species of Conservation Concern -Special Concern and Rare Wildlife Species (bank swallow) is required to be addressed."* This item is already addressed under section 8.1 of the report, however this item should be updated to address eastern wood pewee habitat.

## 8.5 Additional Mitigation Measures

20. It is recommended that additional mitigation measures be included in the report to implement sediment and erosion control methods on site and to clearly delineate the extraction limits for Phase 1 to prevent encroachment into any protected areas until proper approvals are obtained from MECP.

### General:

21. The report erroneously makes reference in a few sections to residential buildings/development and should be updated for clarity.

### Conclusion:

The report supports the pit activities on Phase 1 of the subject lands (subject to some changes to the limits of extraction in Phase 1) but additional approvals from MECP are required to carry out the extraction activities on the remainder of the subject lands in Phases 2 & 3.

The Environmental Impact Statement will be consistent with the natural heritage policies of the PPS and the Township of Lanark Highlands Official Plan, once the above information is included in the report.

It is our opinion that the subject lands are suitable from an environmental point of view for the proposed development and that by properly implementing the recommended mitigation measures there will be no negative impacts on the ANSI, wetlands, fish habitat, Species at Risk utilization, or significant wildlife habitat present on or adjacent to the subject lands, as a result of the proposed pit activities on the subject lands. It is also our opinion that provided the mitigation measures in the report are properly adhered to and the required approvals are obtained from MECP and appropriate compensation is provided, impacts to SAR and SAR habitat will be sufficiently mitigated and/or compensated for. Should you have any questions, please do not hesitate to contact us.

Yours truly,

**Jp2g Consultants Inc.**



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