



Jp2g No. 20-7064K

November 15, 2023

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

Attention: Koren Lam

Re: **EIS Peer Review – Highland Line Pit
Part Lot 5, Concession 10,
Township of Lanark Highlands
County of Lanark
County File No. 0940-OP-23004 - Highland Pit OPA**

Dear Koren:

I have reviewed the report titled: *Natural Environment Report, Proposed Highland Line Pit, Lanark County, Ontario, dated December 12, 2022, prepared by Golder Associated Ltd.* and provide the following comments as they relate to the Natural Heritage Policies of the PPS, the Natural Heritage Policies of the County of Lanark Sustainable Communities Official Plan as well as the Landform Specific Policies of the Township of Lanark Highlands Official Plan.

In addition to our comments, the Ministry of the Environment, Conservation and Parks (MECP) have also provided comments on the report which are attached at the end of this letter.

2.6 County of Lanark

- Schedule B to the Official Plan, designates a portion of the site along Highland Line and Anderson Lane as a significant groundwater recharge area. This should be identified in the report and the impacts of the proposed pit on the groundwater recharge area and associated water quality should be discussed in the report.

4.3 Field Surveys

- It is noted that field surveys were conducted in 2020 according to various protocols, however it would be beneficial to include information for each survey such as search effort, weather conditions etc. in the report.
- It appears that only the results of the plant community survey and breeding bird survey were included in the report. The results of the other surveys carried out at the site (i.e. amphibian, bat habitat, turtle surveys etc.) should also be included in the report.

4.4.1 Ecological Land Classification

- The report states that: “...the Site and visible portions of the Study Area were assessed using the Ecological Land Classification (ELC) standard protocols (Lee et al. 1998) to map the plant communities.”
 - 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.
 - In the future, wetland communities should be delineated according to the 2022 Ontario Wetland Evaluation System Manuals prepared by MNRF, rather than the ELC protocol.

4.5.3.1 Bat Surveys

- This section states that: "...a survey for suitable roost trees was performed...". If this survey was completed according to a survey protocol, it should be referenced in this section.

5.5.2 Birds

- Barn swallow has recently been listed from a threatened species to a species of special concern. The relevant sections of the report could be updated for clarity.

5.5.3.1 Bats

- The bat detector stations should be labelled on Figure 1 for clarity.
- Section 4.5.3.1 states that: "*concurrent with day-time surveys in April and May, a survey for suitable roost trees was performed, and included searching for trees with suitable cavities, cracks, peeling bark, presence of squirrel nests or dead, retained leaf clusters. Trees that were deemed to provide potential suitable maternity roosting habitat were inspected for any visual signs of bats (e.g., guano).*" The results from this survey should be included in this section of the report, however it is noted in Section 6.7.1 that the site does not meet the >10/ha large wildlife trees to be considered significant bat maternity roost habitat.

6.1 Habitat of Endangered or Threatened Species

Little Brown Myotis, Northern Myotis and Tri-Coloured Bat Heading

- This section states that there is a potential tri-coloured bat (endangered) maternity roost habitat in the vicinity of station 2 and has been included in a Natural Environment Exclusion Area. Given the isolated nature of this roosting habitat post development, together with the extraction activities occurring adjacent to this feature, loss of forest cover leading to this maternity colony, as well as loss of meadow and wetland habitat for foraging habitat, it is recommended that an Information Gathering Form be filed with MECP for review/approval.

Blanding's Turtle Heading

- The last sentence of the first paragraph states that "*All wetlands on the Site, including a 30 m buffer, are excluded from the extraction area....*". However, based on Figure 2, the small wetland/pond area as described previously in the report, has not been excluded from the extraction area. Impacts on this feature and if it is considered to be Blanding's Turtle habitat, should be discussed in the report.
- It is also recommended that a figure be added to the report to show the Blanding's Turtle habitat on site.

6.2 Significant Wetlands and Coastal Wetlands

- The last sentence of the second paragraph states that: "*...wetlands will be buffered from extraction by a 30 m setback (Figure 2), so there will be no physical intrusion into the wetlands.*". However, looking at Figure 2, the small wetland/pond area as described previously in the report has not been excluded from the extraction area and will be impacted by the extraction activities. Impacts on this feature should be discussed in the report and as required, appropriate compensation should be recommended for removal of the small wetland/pond area.

6.3 Fish Habitat

- Reference should be made in this section that Long Sault Creek is a cold water creek and impacts on the water temperature of the creek as a result of the proposed development should also be discussed.

6.7.1 Seasonal Concentration Areas

- At the bottom of page 21 of the report, it states that: "*Colonially nesting tree / shrub breeding habitats consist of heronries, while colonially nesting ground bird breeding habitat consist of rocky islands and peninsulas where species such as gulls and terns nest. No such habitats are present on the Site.*". A review of the NHIC database shows that there is a mixed wader nesting colony documented in the grid cells that cover the subject lands. This should be discussed in the report.

- The report states that: *“Based on the field surveys, no portions of the Site provide the necessary number (>10/ha) of large (>25cm DBH) wildlife trees to be considered significant bat maternity roost habitat...”*. Based on the acoustic surveys carried out at the property, there is suitable maternity roost habitat on site and therefore the identified Natural Environment Exclusion Area should be considered significant wildlife habitat. The report should be updated accordingly.

6.7.2 Rare Vegetation Communities or Specialized Habitats for Wildlife

Specialized Habitats for Wildlife Heading

- It is understood that seeps were noted on site but are in the wetland area and won't be impacted by the development, but the small pond feature which is also associated with a groundwater seepage area, will be impacted as the extraction activities will occur in this area. The impact of the proposed development this feature should be discussed in the report and the report should include mitigation measures to be implemented when removing this feature.

6.7.3 Habitat for Species of Conservation Concern

- This section states that : *“There is no marsh habitat suitable for marsh breeding birds on the Site or in the Study Area.”* Based on the ELC description of the Cattail Organic Shallow Marsh (MAS3-1) and possibly the Mixed Mineral Shallow Marsh (MAS1) located on the site or in the study area, these communities would be considered to meet the habitat criteria and a discussion on if any of the defining criteria were met, should be included in the report along with any associated mitigation measures.

7.1 Mitigation

- The second paragraph provides mitigation measures for birds. It is recommended that the wording of this paragraph be revised slightly to state that “....unless a nesting survey has been completed by a qualified biologist within 5 days of the woody vegetation removal, and no active nests were observed...” this wording should also be used in section 8.0.
- Additional mitigation measures should be included such as:
 - Installing fencing at the limits of the extraction area to prevent turtles and snakes from entering the site while the pit is active and to ensure that no encroachment into the 30 metre buffer areas surrounding the wetlands occurs.
 - A properly installed and maintained permanent exclusion barrier (for example chain-link fencing, plastic or metal sheeting, etc.) should be erected as per the Species at Risk Branch Best Practices Technical Note Reptile and Amphibian Exclusion Fencing Version 1.1 July 2013 at the limits of the extraction area prior to all site preparation and construction activities.
 - Once the work areas are surrounded by properly dug in fencing and prior to further site alterations, the work areas are to be searched daily for turtles and snakes. Any turtles and snakes observed during the operation of the pit are to be relocated as required to ensure they are not endangered by the construction activities.
 - The fencing should be regularly inspected and any repairs are to be made as soon as possible, as long as the pit is active.
 - The fencing can be removed once the pit has been rehabilitated, should the owner wish to do so.
 - To ensure that the water quality of the adjacent wetlands, watercourses and Lake and any associated downstream habitat is not adversely affected as a result of the proposed works, the following recommendations should be implemented:
 - The extent of exposed soils is to be kept to a minimum at all times. Progressive re-vegetation with native trees and shrubs of exposed, non-developed areas is to be achieved

as soon as possible.

- Erosion and sediment control measures are a critical component of the construction work. Effective sediment and erosion control measures are to be maintained until complete revegetation of disturbed areas is achieved. Silt fencing is to be installed along the edges of the work areas. It is important that fencing is properly dug-in to treat any surface water flow and is maintained as required, including removal of accumulated sediment.
 - Additional mitigation measures to minimize the potential for inputs of sediments and other contaminants into the surrounding surface water features and the environment in general include proper maintenance on construction equipment with respect to refuelling, washing and fluid changes, and proper disposal of fluids, filters and other waste materials. None of this work should take place within 30 metres of any surface water features.
 - If any water quality issues are noted at any time, work is to stop immediately and measures taken to improve water quality, prior to work continuing to commence.
- If the geotechnical work shows a potential impact on the cold water downstream receiving features, then DFO should be consulted.

8.0 Summary and recommendations

- The above mitigation measures, as well as any other mitigation measures, should be included in this section as well as Section 8.1 Site Plan Notes.

8.1 Site Plan Notes

- Little brown myotis, northern myotis and maternity roost habitat for tri-coloured bat, should be added to the significant natural features that have been confirmed on-site.

Conclusion:

Provided the above information is included in the report and all recommendations and mitigation measures are properly implemented, negative impacts on SAR, SAR habitat, wetlands and significant wildlife habitat can be mitigated for the proposed development. However, given the nature of the proposed development and the identified habitat for SAR on/adjacent to the site, as per MECP's comments, it is recommended that an Information Gathering Form (IGF) be filed with the MECP and that any required authorizations be obtained.

Yours truly,

Jp2g Consultants Inc.

Engineers • Planners • Project Managers



Bryana Kenny, B.Sc. (Hons.)

Biologist | Planner

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement, de
la Protection de la nature et des Parcs

Species at Risk Branch

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Thomas Cavanagh Construction Limited
9094 Cavanagh Rd, Ashton,
ON K0A 1B0

Attention: Mr. Neal DeRuyter

**Re: Thomas Cavanagh Construction Highland Line Pit Application #626599 Part Lot 5,
Concession 10, Geographic Township of Dalhousie, Township of Lanark Highlands,
County of Lanark OUR FILE 0851'E'**

The Permissions and Compliance Section of the Ministry of the Environment, Conservation and Parks (MECP) has reviewed the Natural Environment Report & Environmental Impact Statement for the above noted Aggregate Resources Act License Application for impacts to species at risk and compliance under the *Endangered Species Act, 2007* (ESA).

Natural Environment Report & Environmental Impact Statement

1. There is a known Blanding's Turtle occurrence within the proposed site. The site is therefore considered to be Blanding's Turtle habitat since it is within 2 km of a known occurrence. An impact assessment including Blanding's Turtle habitat mapping, should be done to help us understand how the pit activities may impact the species and their habitat. The impact assessment should consider how the indirect or long-term effects could impact the adjacent wetlands as well as potential Category 2 and 3 habitats within the site. This information is required for MECP to determine whether there will be a contravention under Section 10 of the ESA.
2. Installing exclusion fencing as part of the mitigation measures will help minimize potential impacts on turtles. This will ensure that turtles do not enter the work site. MECP also requests more information about fencing design, frequency of monitoring as well as a figure showing where the fencing will be installed. This information is required for MECP to determine whether there will be a contravention under Section 9 of the ESA.
3. We understand that snag surveys and acoustic monitoring were conducted in 2020 which identified maternity roost habitat and detected the presence of species at risk (SAR) bats. Vegetation clearing was also proposed to occur outside of April 1st and August 31st. Please note, a contravention of Section 9 of the ESA could be avoided if tree removal will be occurring between October 1st and March 31st for Little Brown Myotis, Northern Myotis, and Tri-colored Bats.

4. MECP understands Eastern Meadowlark occur within 200 m of the site. As outlined by the General Habitat Description category 3 habitat can extend 300 m from the defended territory. MECP also notes habitat may be present on site as identified by the CUM habitat types identified within the project footprint.
5. MECP recommends that an Information Gathering Form (IGF) be submitted to SAROntario@ontario.ca as an authorization may be required for these species.

The Permissions and Compliance Section requires a response to these comments before we can consider the application any further. Please also be advised that we may have additional comments on the technical reports and/or the site plans based on the response received to our comments.

Please contact me if you have any questions regarding the comments and I would be pleased to discuss them with you.

Sincerely,

Brandan Norman

Brandan Norman

Management Biologist
Permissions and Compliance Section
Species At Risk Branch
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