23 Herrell Ave
Barrie, Ontario
L4N 6T5

July 21, 2022

Briarwood Development Group
636 Edward Street, Suite 14
Richmond Hill, Ontario
L4C 0V4

Attention: Mr. Fausto Saponara

Re: Environmental Impact Study – 1st Submission Comments Response
Hillsburgh Heights Inc. - 5916 Trafalgar Road North, Town of Erin
Birks NHC File: 02-016-2021

Dear Mr. Saponara:

As you know, an Environmental Impact Study (EIS) was completed by Birks Natural Heritage Consultants, Inc. (Birks NHC) for the proposed development of a new residential subdivision within the Hillsburgh Urban Area.

Site specific data was collected by Birks NHC staff during the 2021 field season following a site meeting with the project team and reviewers from the Credit Valley Conservation Authority on July 16, 2021. The EIS report, submitted November 2021, outlined the process by which features were considered for their natural heritage function and value and potential impacts associated with the proposed activity were assessed. Further, mitigation measures were proposed in the EIS to reduce potential impacts that could result to the natural features and functions identified.

Following submission of the EIS, natural heritage comments were received on January 11, 2022 from Greg Scheifele, Ecologist/Forester, GWS Ecological & Forestry Services Inc. and the Credit Valley Conservation Authority on March 9, 2022. The received comments are generally positive

and in agreement with the field work conducted and the assessment of natural features and functions discussed in the EIS.

As requested, the following information is provided as a response to those comments received for consideration and incorporation into the Comment Matrix Document being prepared by Maria Jones and Candevcon Limited Consulting Engineers and Planners.

Ecology Comments – EIS

1. **The woodlands adjacent to the subject property meet criteria as significant woodlands and are mapped within the Erin Core Greenlands and Greenbelt Plan NHS area (outside of the Settlement Area). Although there are no anticipated direct impacts on this feature, there is strong potential for indirect impacts and encroachment and mitigations should be planned accordingly.**

Indirect impacts and mitigation measures are discussed in Section 5 and 6 of the EIS, including: delineation of the development area and installation of sediment and erosion controls prior to all construction activities and equipment maintenance away from the retained natural areas. As noted in Comment 1a) and 1b) mitigation is recommended which is intended to ensure the continued function of the adjacent woodlands.

1a) As per the EIS, a barrier is strongly recommended between the rear lots that are adjacent to this feature. The barrier should be designed to eliminate potential of encroachment (*e.g.*, chain link with curved back top to prevent climbing over).

Acknowledged. Thank you.

1b) As per the EIS, light pollution is a concern. All recommendations made in the EIS should be incorporated into the detailed design of the development (e.g., shields, downcast lights, no floodlamps).

Acknowledged. Thank you.

2. **As per the EIS, the site has potential to contain suitable habitat for Grasshopper Sparrow (and other open country species), however given the lack of breeding bird survey data their presence cannot be confirmed or denied. Using the precautionary principle, the subject property should be considered habitat for Special Concern species and mitigations for minimizing loss of this feature should be proposed.**

As noted in the EIS, Cultural meadow is present on the property. While this habitat was considered the area measures approximately 4 ha which falls well below the habitat criteria of >30 ha. While the Cultural Meadow vegetation community present on the property may provide limited habitat function for Savannah Sparrow, Vesper Sparrow or potentially Grasshopper Sparrow it was not recommended as a candidate to be considered as Significant Wildlife Habitat. While we do not disagree that it is important to consider features as potential without appropriate evidence, we recommend caution in attempting to maintain natural function centrally within the matrix of residential development. Given the small size grassland areas on the property retention of the feature would require birds to nest close to the edges of the feature. Using Bobolink for example, research shows that those individuals nesting closer to edges are often inexperienced pairs and they experience higher nestling mortality as a result. Abundant caution would be required to ensure that the feature did not turn into a population sink. On the contrary, ample habitat for grassland breeding birds is present in the lands surrounding the Hillsburgh Urban area. In our opinion, it would be better to focus on the retention of larger natural areas away from the urban matrix. The removal of the Cultural Meadow on the property is not expected to reduce the long-term health and survival of bird species that depend on this function in the Town. If it would be of assistance, we could perform migratory breeding bird surveys in a future breeding season to demonstrate species use of the area.

2a) The current draft plan does not show any retention of this species suitable habitat within the lot framework.

This is correct. As outlined in the response to Question 2, we recommended that the feature should not be considered for retention within the development plan area. From a policy perspective Section 2.1.5 of the Provincial Policy Statement require that development and site alteration shall not be permitted in significant wildlife habitat unless is has been demonstrated that there will be no negative impacts to the natural features or their ecological functions. The Ecoregion 6E Criteria Schedules (MNRF, 2015) were used to assess the potential for Significant Wildlife Habitat to be present in the study area. Open Country Bird Breeding Habitat was considered as a potential function within the CUM1 habitat present on the property. Beyond ELC Ecosite Codes, the criteria within that document the primary criteria is grassland area. Given that the feature was well below 30 hectares this function was not carried forward for protection within the lot framework.

2b) Ideally, the goal would be to avoid isolation and complete encompassing of the feature within the lot framework, which increases edge impacts.

Acknowledged. Thank you.

2c) If the feature cannot be retained and restored to improve quality of the meadow, which is said to be low, then replacement of this feature should be considered. The lands labeled as "other owned by the applicant" are of suitable size that if restored to native grassland communities has potential to attract and support breeding Grasshopper Sparrow and contribute to open country habitat within the Town. As per the EIS, due to the proximity to increased anthropogenic disturbance, this feature would need to be protected through barriers to both human and predator encroachment (*e.g.,* unscalable fencing).

Acknowledged. Although we still believe that it would be better to focus protection of grasslands away from the residential network, given the nature of the lands labeled as 'other owned but the applicant' these could feasibly be enhanced to provide habitat for grassland breeding birds.

3) As per the EIS, as part of the proposed mitigation, it is strongly recommended that timing windows be implemented for the removal of potential bird and bat habitat (trees, meadows, structures). If permitted, these features should be removed outside of the window of April 1 – October 1 of any given year. This should be factored into project scheduling and phasing.

Acknowledged. Thank you.

4) Please confirm any plans for incorporating a trail system that may impact natural heritage features. All trails should be planned to be within the feature's buffers and not the feature itself. Where trails are located within buffers, the buffer is to be maximized to accommodate for the encroachment.

We are currently unaware of any proposed trail systems within the adjacent natural heritage features. Should any trail systems be considered it we agree that it is important to consider the potential impacts that may arise from that trail system prior to construction. Appropriate consideration would be considered through lands on adjacent properties where any trail systems are proposed for this development to ensure that it is appropriate from a natural heritage perspective and that no accidental contraventions of the *Endangered Species Act* result.

5) As per the provided vegetation species list, there appears to be two species observed that are both regionally and locally rare, *Lactuca biennis* and *Physalis heterophylla*. Ideally the location of these species would be provided on constraints mapping and avoidance demonstrated. Where the species will be at risk if left in situ, mitigation options including transplantation should be explored.

Thank you. As you are aware Birks NHC staff generally work with provincial and national rarity within our species evaluation. We appreciate the review and identification of these two species of regional and local concern. Generally speaking both species of concern were identified in proximity to the natural lands south/west. Birks NHC staff are available to map the location of these species in future field seasons as applicable. We agree that the species should be moved if they are not able to be avoided by future development.

6) Given the confirmed presence of Species at Risk habitat, the applicant is encouraged to contact the Ministry of Environment, Conservation and Parks (MECP) to discuss potential permitting requirements under the Act. Any required avoidance and mitigations are to be incorporated into the design of the Draft Plan. Ideally correspondence would be provided.

As outlined within the EIS, Barn Swallow is a Threatened species which is commonly identified within rural areas. Because if it's prevalence Ontario Regulation 242 allows for removal of the habitat through the streamlined registry submission to allow for development of an area without the requirement to confer with the MECP. Ontario Regulation 242/08 outlines appropriate habitat compensation based on the identified habitat for Barn Swallow on the property. Confirmation is provided once the Notice of Activity is Registered with the MECP; this document can be provided upon receipt to demonstrate correspondence and compliance. Avoidance and mitigations (such as timing windows) are to be incorporated into the Plan.

GWS Ecological & Forestry Services -Comments from Greg Scheifele
Environmental Impact Study Comments

Unnumbered Comment

As requested, I reviewed the Environmental Impact Study (EIS) prepared by Birks Natural Heritage Consultants for the proposed Briarwood residential development which is located at 5916 Trafalger Road North within the Hillsburgh Urban Area in the Town of Erin. I also reviewed the draft Terms of Reference for the EIS and related correspondence. Based upon this information I offer the following comments.

No Response Required

1) **Vegetation communities were mapped and described using accepted ELC procedures and this information seems to accurately portray existing conditions provided on the air photo map of the property.**

Acknowledged. Thank you.

2) **Although a 3 season botanical inventory is typically required on development sites, the 2 season (summer and fall) inventory undertaken on the Briarwood property seems acceptable given the absence of naturally established woodland and wetland on this property and the lack of access to adjacent lands where provincially significant wetland and woodland are located. A list of plants observed on the property should have nonetheless been included in the EIS so that reviewers can confirm this work was undertaken and no plants of significance were found. I therefore feel Birks should supply their plant list to the Town for review but the species identified do not have to be linked to specific vegetation communities unless a particular species has some level of significance (*i.e.*, provincially, regionally or locally significant).**

Acknowledged. Thank you. Birks NHC has provided the vascular plant list for the property that was compiled during site surveys as an attachment to this comment response table. Following receipt of this comment, the attached list was provided to representative reviewers from the CVCA which allowed them to provide comment 5 above which speaks to regionally rare species.

All plant species recorded are provincially and federally common, no species at risk or rare species (federal or provincial rankings) were recorded on site. Further, a number of plant species on site are considered non-native ('exotic').

3) **Although breeding bird surveys were not undertaken, I agree with Birks assessment of bird habitat and the potential for significant wildlife habitat. Given the available agricultural, early successional and hedgerow habitats available on the subject property I only expect common grassland and forest edge nesting birds to utilize this area.**

Acknowledged. Thank you.

4) **A tree inventory was not carried out and consequently very little information is provided on hedgerow trees which occur around the perimeter of the property and in some internal locations, as well as scattered isolated trees and tree clusters. Information on tree cover is,**

however, provided in the Tree Inventory, Protection & Removal Plan prepared by the Urban Arborist and my comments on this document are provided in a separate email.

All vegetation inventory undertaken for the property incorporated species within the hedgerows. This information was also reviewed in the context of the Tree Inventory, Protection and Removal Plan prepared by the Urban Arborist.

5) **Although the proposed stormwater management plan for the property is to include two wet ponds, as well as infiltration trenches, no details on these facilities are provided in the EIS. This makes it very difficult to assess whether the predevelopment water balance can actually be achieved or the potential for off-site discharges of stormwater may occur. More details are therefore required in order to more accurately assess potential impacts to adjacent significant natural heritage features and residential properties. The EIS must demonstrate compliance with Part 5-The Greenlands System in the Wellington County Official Plan.**

A water balance is outlined in the Hydrogeological study prepared by HLV2K Engineering Limited where the modelling analysis demonstrated that the scenario with the combination of SWM Ponds and Low Impact Development would provide the best results to mitigate the potential for impacts to the wetland hydrology from the proposed development. Please refer to the Hydrologic Study report for additional information.

6) **I agree with the Birks survey findings for Species at Risk bats and the proposed limitation on tree removal during the bat active season (April 1-October 31) in order to protect roosting habitat. This timing restriction on vegetation removal exceeds the requirements for migratory birds.**

Acknowledged. Thank you.

7) **For the threatened barn swallows which are currently nesting in on-site buildings there will be a requirement for habitat compensation when these buildings are demolished in addition to the registration of this activity with MECP.**

Acknowledged. As outlined within the EIS, Barn Swallow is a Threatened species which is commonly identified within rural areas. Because if it's prevalence Ontario Regulation 242/08 allows for removal of the habitat through the streamlined registry submission to allow for development of an area without the requirement to confer with the MECP. Ontario Regulation 242/08 outlines appropriate habitat compensation based on the identified habitat for Barn

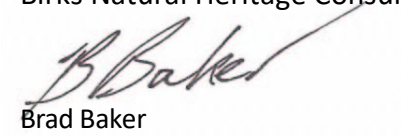
Swallow on the property. Confirmation is provided once the Notice of Activity is Registered with the MECP; this document can be provided upon receipt to demonstrate correspondence and compliance. Avoidance and mitigations (such as timing windows) are to be incorporated into the Plan. Please note that there has been a recent amendment (effective December 9, 2021) regarding the amount of habitat that must be provided by a building or structure that is constructed or modified to provide replacement nesting habitat for Barn Swallow. Additionally, an option will be available starting April 29, 2022 for proponents to pay a monetary amount to the Species at Risk Conservation Fund and be excluded from some of the conditions otherwise required under the ESA for Barn Swallow.

Closure

We trust the information provided above and in the attached table will be sufficient to address the comments received regarding the EIS. The information provided herein should be considered in conjunction with the report and background information submitted to date.

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

Yours truly,
Birks Natural Heritage Consultants, Inc.



Brad Baker
Ecologist

Vascular Plant List

Scientific Name	Common Name	Subnational (Provincial) S_Rank	Provincial Endangered Species Act	National N_Rank
Acer negundo	Manitoba Maple	S5		N5
Acer saccharum	Sugar Maple	S5		N5
Achillea millefolium	Common Yarrow	SNA		NNA
Alliaria petiolata	Garlic Mustard	SNA		NNA
Amaranthus retroflexus	Redroot Amaranth	SNA		N5
Ambrosia artemisiifolia	Common Ragweed	S5		N5
Apocynum androsaemifolium	Spreading Dogbane	S5		N5
Arctium minus	Common Burdock	SNA		NNA
Aruncus dioicus	Common Goatsbeard	SNA		N5
Asclepias syriaca	Common Milkweed	S5		N5
Chenopodium album	Common Lamb's-quarters	SNA		NNA
Cirsium arvense	Canada Thistle	SNA		NNA
Clinopodium vulgare	Wild Basil	S5		N5
Convolvulus arvensis	Field Bindweed	SNA		NNA
Cornus alternifolia	Alternate-leaved Dogwood	S5		N5
Cornus sericea	Red-osier Dogwood	S5		N5
Daucus carota	Wild Carrot	SNA		NNA
Desmodium canadense	Canada Tick-trefoil	S4		N5
Diervilla lonicera	Northern Bush-honeysuckle	S5		N5
Echinochloa crus-galli	Large Barnyard Grass	SNA		NNA
Echinocystis lobata	Wild Cucumber	S5		N5
Echium vulgare	Common Viper's Bugloss	SNA		NNA
Erigeron annuus	Annual Fleabane	S5		N5
Erigeron philadelphicus	Philadelphia Fleabane	S5		N5
Erysimum cheiranthoides	Wormseed Wallflower	S5?		N5
Euphorbia sp.	Spurge species	----		----
Euthamia graminifolia	Grass-leaved Goldenrod	S5		N5
Fraxinus americana	White Ash	S4?		N5
Geum canadense	Canada Avens	S5		N5
Glechoma hederacea	Ground-ivy	SNA		NNA
Hesperis matronalis	Dame's Rocket	SNA		NNA
Hypericum perforatum	Common St. John's-wort	SNA		NNA
Lactuca biennis	Tall Blue Lettuce	S5		N5
Larix laricina	Tamarack	S5		N5
Leonurus cardiaca	Common Motherwort	SNA		NNA
Leucanthemum vulgare	Oxeye Daisy	SNA		NNA
Linaria vulgaris	Butter-and-eggs	SNA		NNA
Lonicera canadensis	Canada Fly Honeysuckle	S5		N5
Lotus corniculatus	Garden Bird's-foot Trefoil	SNA		NNA
Malus pumila	Common Apple	SNA		NNA
Medicago lupulina	Black Medick	SNA		NNA
Melilotus albus	White Sweet-clover	SNA		NNA
Parthenocissus quinquefolia	Virginia Creeper	S4?		N4?
Phleum pratense	Common Timothy	SNA		NNA
Phlox paniculata	Garden Phlox	SNA		NNA
Physalis heterophylla	Clammy Ground-cherry	S4		N4
Picea glauca	White Spruce	S5		N5
Pinus resinosa	Red Pine	S5		N5
Pinus strobus	Eastern White Pine	S5		N5
Pinus sylvestris	Scots Pine	SNA		NNA
Plantago lanceolata	English Plantain	SNA		NNA
Plantago major	Common Plantain	SNA		NNA
Populus tremuloides	Trembling Aspen	S5		N5
Prunus pensylvanica	Pin Cherry	S5		N5
Prunus serotina	Black Cherry	S5		N5
Rhamnus cathartica	European Buckthorn	SNA		NNA
Rhus typhina	Staghorn Sumac	S5		N5
Rosa multiflora	Multiflora Rose	SNA		NNA
Rubus idaeus	Red Raspberry	S5		N5
Salix bebbiana	Bebb's Willow	S5		N5
Salix discolor	Pussy Willow	S5		N5
Sambucus racemosa	Red Elderberry	S5		N5
Saponaria officinalis	Bouncing-bet	SNA		NNA
Silene vulgaris	Bladder Campion	SNA		NNA
Solanum dulcamara	Bittersweet Nightshade	SNA		NNA
Solidago canadensis	Canada Goldenrod	S5		N5

Vascular Plant List

Scientific Name	Common Name	Subnational (Provincial) S_Rank	Provincial Endangered Species Act	National N_Rank
Solidago nemoralis	Grey-stemmed Goldenrod	S5		N5
Solidago rugosa	Rough-stemmed Goldenrod	S5		N5
Sorbus aucuparia	European Mountain-ash	SNA		NNA
Symphyotrichum novae-angliae	New England Aster	S5		N5
Taraxacum officinale	Common Dandelion	SNA		N5
Thuja occidentalis	Eastern White Cedar	S5		N5
Tilia americana	Basswood	S5		N5
Trifolium pratense	Red Clover	SNA		NNA
Verbascum thapsus	Common Mullein	SNA		NNA
Viburnum opulus	Highbush Cranberry	S5		N5
Vicia cracca	Tufted Vetch	SNA		NNA
Vitis riparia	Riverbank Grape	S5		N5

Subnational (Provincial) Rank: S1 - Critically Imperiled, S2 - Imperiled, S3 - Vulnerable, S4 - Apparently Secure, S5 - Secure, S#? - Inexact Numeric Rank, SNA - Not Applicable, SNR - Unranked
National Rank: N1 - Critically Imperiled, N2 - Imperiled, N3 - Vulnerable, N4 - Apparently Secure, N5 - Secure, N#? - Inexact Numeric Rank, NNA - Not Applicable, NNR - Unranked
Endagered Species Act: EXP (Extirpated), END (Endangered), THR (Threatened), SC (Special Concern), NAR (Not At Risk)