



GUIDING SOLUTIONS IN THE
NATURAL ENVIRONMENT

Species at Risk Plan for Midhurst Secondary Plan Area

Prepared For:

Midhurst Landowner Group

Prepared By:

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Date: *Project:*

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1. Introduction and Background

Beacon Environmental Limited (Beacon) has prepared a Species at Risk (SAR) Plan for the Midhurst Secondary Plan Area located in the Township of Springwater, Ontario (the “subject area”, **Schedule A**). The plan is intended to provide the methods of screening, field inventory, assessment and schedules for identifying any species listed on the Species at Risk in Ontario List as extirpated, endangered or threatened and their habitat that may be adversely affected by construction or other activities related to one or more of the undertakings in the Midhurst Master Plan. The SAR Plan has been generated to fulfill Conditions 1 and 2 established by the Minister of Environment, Conservation and Parks with respect to the projects in the Master Plan (November 21, 2019). The conditions are quoted below:

1. *In consultation with the Ministry’s Species at Risk Branch, the Township shall prepare and submit to the Director of the Species at Risk Branch for approval, a plan that sets out the field inventory, assessment, or other activities to be carried out by the Township to identify any species listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species and their habitat that may be adversely affected by work related to one or more of the undertakings in the Master Plan. The plan shall contain work schedules, including but not limited to the timing and staging of:
 - i. the activities required to be included in the plan; and
 - ii. construction of the undertakings.*

The plan may provide for (i) and (ii) to be carried out in stages.

2. *The Director of the Ministry’s Species at Risk Branch may require revisions to the plan required by condition 1 and the Township shall make the revisions required to ensure compliance with the Endangered Species Act, 2007. The Township shall implement the plan approved by the Director, including any changes to the plan. The plan shall be approved by the Director and shall be implemented by the Township prior to any work covered by the plan or any construction activities for any of the undertakings being carried out.*

The *Endangered Species Act, 2007* (ESA) protects species listed as threatened or endangered by the Committee on the Status of Species at Risk in Ontario (COSSARO). The MECP provides oversight of the *Endangered Species Act* (ESA) for the regulation of species at risk in Ontario. The *ESA* applies to native species that are in danger of becoming extinct or extirpated from the province. Under the *ESA*, protection is provided to listed species and their habitat, as well as providing stewardship and recovery strategies for species. There are two main sections of the *ESA* that protect threatened and endangered species and their habitat.

- Section 9 of the *ESA* generally prohibits the killing or harming of a threatened or endangered species, as well as the destruction of its habitat; and
- Section 10 of the *ESA* generally prohibits the damage or destruction of the habitat of all threatened and endangered species.

Through consultation with the MECP, an activity may be permitted if accompanied by certain avoidance, minimization, mitigation or compensation measures. A permit from MECP may be required under

Section 17(2)(c) of the ESA for works proposed within the habitat of a threatened or endangered species. For several species, removal or damage can be undertaken through a simpler process such as the Ministry of Natural Resources and Forestry (MNR) Registry. Searches for these species may require seasonal field work and, in some cases, even if the species are present, certain permit exemptions may be available.

A list of Species at Risk was compiled for the subject area, based on the Species at Risk in Ontario List and data from the MNR's Natural Heritage Information Centre (NHIC) which provides records of known observations. A list of species that are designated extirpated, endangered or threatened, that have the potential to occur within the subject area, with details on their habitat requirements is presented in **Table 1 (Section 2.3)**.

2. Methods

2.1 Review Proposed Work Schedule

The completion of undertakings as contemplated by the Master Plan for water, wastewater and transportation within the Midhurst Secondary Plan area will be phased in over several years. Because most SAR surveys must take place during specific times of year when the species is present or during the growing season, a review of the proposed works must occur well in advance to ensure enough time to complete seasonal surveys. In the early part of each year, ecologists will review the proposed construction schedule and locations for the coming year and conduct a SAR analysis as outlined below.

2.2 Desktop Screening

For areas of planned works within the subject area and as part of the desktop screening, the following information sources will be reviewed:

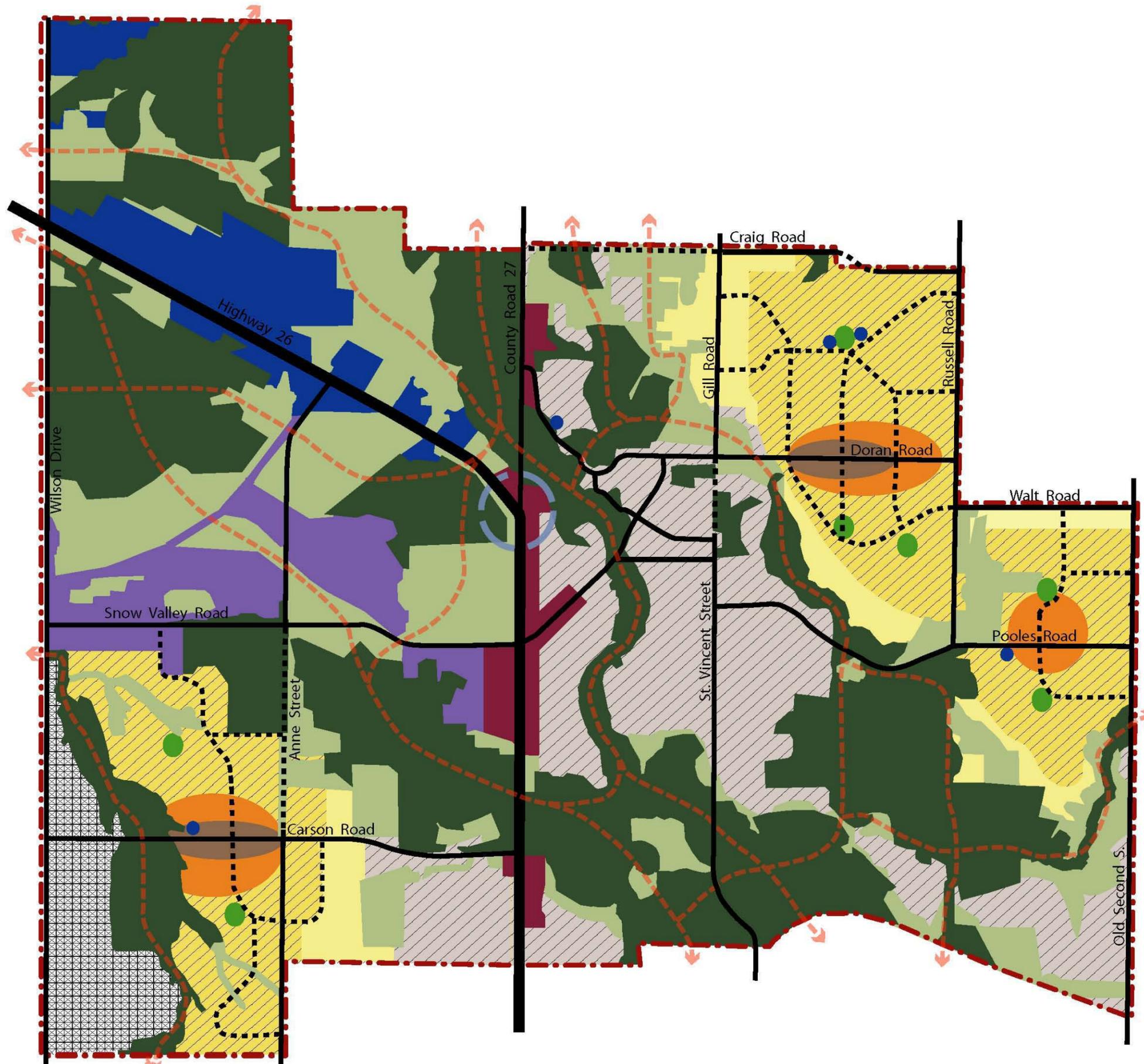
- Databases of the Ontario Breeding Bird Atlas (OBBA) project;
- Ontario Reptile and Amphibian Atlas;
- The Ontario Mammal Atlas (Dobbyn 1994);
- Species at Risk range maps;
- Colour aerial photography of the subject area;
- Natural and physical feature layers from Land Information Ontario (LIO); and
- The Natural Heritage Information Centre (NHIC) Database.

This screening will be undertaken before each field season and will identify any newly listed SAR or their habitat that may occur within the subject area of the undertakings, in addition to any new element occurrences for those species identified in **Table 1**.

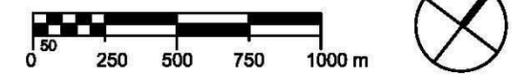
MIDHURST SETTLEMENT AREA SECONDARY PLAN

TOWNSHIP OF SPRINGWATER
October 29, 2008

Schedule A - Land Use



- Commercial / Mixed Use
- Administration / Government
- Employment
- Environmental Protection Area I
- Environmental Protection Area II
- Midhurst Village
- Midhurst Transition Residential
- Midhurst Low Density Residential
- Midhurst Medium Density Residential
- Midhurst High Density Residential / Mixed Use
- Future Development Potential
- Park
- School / Institutional
- Provincial Highway
- Primary Road
- Potential Primary Road
- Settlement Area Boundary
- Environmental Connections / Potential Trails
- Future Intersection Improvements



2.3 Likelihood of Occurrence

Existing information including site habitat types, species range and specific habitat requirements will be used to determine the likelihood of a species or its habitat being present within the area of proposed works and the likelihood of the species or its habitat being negatively affected by the proposed works.

The likelihood of a species or its habitat to occur within the area of proposed works will be considered possible if suitable habitat (based on a desktop review) is present within the area of proposed works. The screening will be further refined during site investigations, when a reconnaissance-level field assessment is undertaken, where required, based on the likelihood of occurrence.

2.4 Field Investigations

Based on the proposed work schedule and a screening of potential habitat, a reconnaissance-level field investigation of the area of the proposed works, where required, may be conducted to confirm the presence and quality of habitat. The need to conduct species-specific SAR surveys, as set out below, will then be determined.

Different types of surveys are needed to determine the presence, amount and quality of habitat or to determine presence and numbers of individuals of a species. The types of surveys, timing/season for the SAR that are known to occur in the vicinity of the subject area are presented in **Table 1** below. Note: this list will be updated annually as needed.

Table 1. Potential SAR in the Midhurst Area, Suitable Habitats, Survey Types and Timing

Common Name	Scientific Name	SARO Status	Habitat	Survey Type	Timing
Little Brown Bat	<i>Myotis lucifugus</i>	Endangered	Trees and buildings; attics, abandoned buildings and barns for summer colonies	Cavity tree (snag) surveys; acoustic survey, if necessary	Leaf-off (fall, winter, spring)
Northern Myotis	<i>Myotis septentrionalis</i>	Endangered	Boreal forests; under loose bark and in the cavities of trees	Cavity tree (snag) surveys; acoustic survey, if necessary	Leaf-off (fall, winter, spring)
Tri-Coloured Bat	<i>Perimyotis subflavus</i>	Endangered	Variety of forested habitats	Cavity tree (snag) surveys; acoustic survey, if necessary	Leaf-off (fall, winter, spring)
Eastern Hog-nosed Snake	<i>Heterodon platirhinos</i>	Threatened	Sandy, well-drained habitats such as beaches, dry forests and forest edges	Multiple visual Encounters Surveys of suitable habitats	At least three visits; spring, summer and fall, up until October
Barn Swallow	<i>Hirundo rustica</i>	Threatened	Human-made structures such as open barns, under bridges and in culverts	Nest search; breeding bird surveys	Spring and summer

Common Name	Scientific Name	SARO Status	Habitat	Survey Type	Timing
Bobolink	<i>Dolichonyx oryzivorus</i>	Threatened	Tallgrass prairie, grasslands, open meadows and agricultural fields, depending on the crop.	Breeding bird surveys	Spring and early summer
Eastern Meadowlark	<i>Sturnella magna</i>	Threatened	Grasslands, pastures, hayfields, alfalfa fields, weedy borders of croplands, roadsides, orchards, airports, shrubby overgrown fields, or other open areas.	Breeding bird surveys	Spring and early summer
Cerulean Warbler	<i>Setophaga cerulea</i>	Threatened	Mature, deciduous forests with large, tall trees and an open understory.	Breeding bird surveys	Spring and early summer
Chimney Swift	<i>Chaetura pelagica</i>	Threatened	Chimneys and other manmade structures	Search for chimneys; evening exit surveys	Spring and early summer
Whip-poor-will	<i>Antrostomus vociferus</i>	Threatened	Mix of open and forested areas (savannahs, open woodlands, openings in mature, deciduous, coniferous and mixed forests)	Evening call surveys	Late May through early July; during or within 1 week of a full moon.
American Ginseng	<i>Panax quinquefolius</i>	Endangered	Rich, moist, but well-drained, and relatively mature, deciduous woods	Visual botanical survey	Late spring to early fall
Butternut	<i>Juglans cinerea</i>	Endangered	Deciduous forests; prefers moist, well-drained soil and openings or forest edges	Visual Survey and Butternut Health Assessments	June to September for BHA but can be located any time of year.
Hine's Emerald Dragonfly	<i>Somatochlora hineana</i>	Endangered	Groundwater-fed string fens or other wetlands with grassy vegetation, wet fallow farm fields, forests, trails and roadside openings. Larvae use crayfish burrows during periods of low water and during the winter.	Visual surveys of suitable habitat; Environmental DNA sampling	June and July for adults.

Common Name	Scientific Name	SARO Status	Habitat	Survey Type	Timing
			*Note: There is no known habitat within the Secondary Plan area. Activities may affect the habitat outside the plan area.		
Forked Three-awned Grass	<i>Aristida basiramea</i>	Endangered	Open, bare ground or in sparsely-covered grassy areas, often in bare spots between patches of other species of grasses.	Visual botanical surveys of suitable habitat	Mid-August to October

2.5 SAR Management Plan

Based on the results of any required field investigations, a SAR Management Plan will be developed for a SAR identified as present or potentially present because of the presence of suitable habitat, if any. The SAR Management Plan will be specific to the site, habitat conditions, construction activities and species requirements. The objective of the plan will be to ensure that the construction undertakings proceed in a manner that will not adversely affect the species or their habitat. This objective will be achieved through one or a combination of avoidance, minimization, mitigation or compensation. The plan will be developed in consultation with and to the satisfaction of the MECP, which may require an authorization under the ESA.

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Attachment B

July 22, 2020

BEL 219342

Ms. Megan Eplett
Management Biologist
Ministry of Environment, Conservation and Parks
50 St. Clair Avenue West, 14th Floor
Toronto, ON M4V 1M2

Re: Species at Risk Plan for the Midhurst Secondary Plan Area – Response to Comment Letter

Dear Ms. Eplett:

Thank you for the response letter from your office dated May 25, 2020. Most of the requested revisions to the SAR Plan have been incorporated and the revised version is included with this package. In order to facilitate your review, this letter provides specific responses to each comment and indicates where the response has been incorporated into the SAR Plan. In some cases, revisions were not required, in other cases, clarification is requested. In the following text, the MECP comment is provided in *italics* and the response is provided in regular font.

MECP Comment: MECP understands that Section 2.4 Table 1 contains a list of species at risk (SAR) that have the potential to occur within the project area. If this list is intended to be a complete list of species that will be considered for the duration of project implementation, MECP is concerned that some species may be omitted at this initial level of assessment as the projects are implemented.

Response: Section 2.2 lists the information sources that will be reviewed each year. If additional species are identified through the review of these sources, they would be added to the list.

MECP Comment: Please be aware that the development of a SAR Management Plan does not absolve the landowner of potential authorizations should these be required. MECP advises an avoidance first approach followed by minimizing impacts and mitigation, and if these approaches are not possible authorizations may be necessary to complete the works as planned.

Response: Acknowledged.

MECP Comment: As prescribed in condition 1; the plan shall contain work schedules, including but not limited to the timing and staging or activities to be included in the plan

and construction of the undertakings. This level of detail was not included in the SAR Plan submitted. MECP would like to see the plan updated to include a list of projects and project implementation dates.

Response: Timing and staging are very approximate this early in the process and are subject to change as development proceeds. As such, this level of detail will be provided in the SAR Management Plan that will be prepared each year rather than in the more overarching SAR Plan. For the purposes of the initial phase of development, the following undertakings related to the Master Plan for water, wastewater and transportation within the Midhurst Secondary Plan area are proposed:

- Construction of Sanitary Force main to effluent outfall – Summer 2020;
- Construction of Interim Wastewater Treatment Plant (WWTP) – Summer 2020;
- Construction of Interim Water Treatment Plant (WTP) – Summer 2020;
- Construction of Municipal Water Supply Well – Summer 2020; and
- Construction of Effluent Outfall – Summer 2021.

MECP Comment: Where appropriate for the species, acoustic surveys should be included under the Survey Type heading in Table 1. There is the potential for acoustic surveys to be warranted depending on the results of habitat/ cavity trees assessments.

Response: Table 1 has been updated accordingly.

MECP Comment: As this species (Eastern Hog-nosed Snake) is extremely cryptic and often not captured in traditional survey methodologies, MECP advises should surveys be necessary multiple visits occur in spring, summer and fall during appropriate conditions to target the species when they are most likely to be encountered.

Response: Table 1 has been updated accordingly. Forest edges have also been included as habitat. Several site visits were conducted during spring, summer and fall. No evidence of this species was detected during any of the visits.

MECP Comment: Bobolink can occur in grasslands therefore this habitat type should be added to Table 1. Both species will utilize agricultural fields and these areas should be considered potential depending on the crop.

Response: Table 1 has been updated accordingly.

MECP Comment: Table 1 should be updated to reflect surveys may occur outside of June (Eastern Whip-poor-will).

Response: Table 1 has been updated accordingly and a survey was conducted on July 4, 2020 in which an Eastern Whip-poor-will was heard 500 m off the property but no calls were heard on the subject property.

MECP Comment: Hine's Emerald Dragonfly should be added to Table 1 as a potential species within the project area and site level assessment should be conducted to identify any potential habitat within and adjacent to the project area.

Response: Hine's Emerald Dragonfly was already in Table 1, but the additional habitat features have been added.

MECP Comment: MECP advises that Forked Three-awned Grass be added to Table 1 of the SAR Plan.

Response: Table 1 has been updated accordingly.

MECP Comment: Given that the above pertains to new occurrences that may be documented as the project proceeds, MECP suggests that a review of new element occurrences of Hine's Emerald Dragonfly or other species at risk be included in the SAR work plan and any habitat delineation addressed as appropriate.

Response: Per Section 2.2 of the SAR Plan, any new element occurrences and habitat delineation will be reviewed each year.

MECP Comment: MECP recommends implementing data loggers within Minesing Wetlands to conclusively demonstrate no impacts to groundwater levels are occurring once water taking has begun. As the species is dependent on specific habitat conditions water quality, specifically pH levels, and quantity should be captured by the data loggers.

Response: The following correspondence was received from Golder, which was the firm that conducted the hydrogeological studies: *We understand that the MECP has reviewed the results of Golder's impact assessment regarding Minesing Wetland water quantity, as documented in Report on Carson and Doran Neighbourhoods Water Supply – Midhurst Secondary Plan: Supplementary Hydrologic Modelling (Golder, January 2017). This study featured an integrated groundwater / surface water model that estimated the proposed water supply pumping would result in a change to wetland water levels of less than 1 mm. Such a small change in water level would be practically immeasurable using dataloggers, and, furthermore, impossible to isolate against the backdrop of more impactful daily occurrences such as precipitation, evaporation, snow melt, and ice-over. As such, we respectfully suggest that the use of dataloggers is redundant in this particular instance.*

MECP Comment: While the focus of these comments are on those activities associated with the Midhurst Water, Wastewater & Transportation Class Environmental Assessment study, I would like to stress that activities associated with the broader development of the Midhurst Secondary Plan Area and that do not comprise part of the Class EA study could contravene the prohibitions by the ESA of impacts to SAR and their habitat. MECP strongly encourages the project team to consider a similar approach regarding a Species at Risk Plan to organize review and assessment of proposed development so that species at risk are appropriately considered for the Secondary Plan area in full.

Response: The project team will undertake the usual methodology to identify SAR within the secondary plan area and potential impacts to them. We are confident that SAR will be appropriately considered for this site without a SAR Plan.

We trust that this correspondence addresses your comments in a satisfactory manner. The revised SAR Plan is included with this submission. If you require further information, please contact the undersigned.

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