Species at Risk Plan
(3rd Submission)
Midhurst Heights External Servicing

Township of Springwater

Prepared for:
Midhurst Land Owners Group Inc.
c/o Clarose Midhurst GP Inc.

Prepared by:
Azimuth Environmental
Consulting, Inc.

December 2022

AEC 21-296

AZIMUTH ENVIRONMENTAL CONSULTING, INC.
Environmental Assessments & Approvals

December 1 , 2022

AEC 21-296

Midhurst Land Owners Group Inc.
c/o Clarose Midhurst GP Inc.
156 Duncan Mill Road, Unit 12
Toronto, Ontario
M3B 3N2

Re: **Species at Risk Plan (3rd Submission) - Midhurst Heights External Servicing, Midhurst Heights to Snow Valley Road, Township of Springwater**

Attention: Andrew Webster, Vice President

Dear Mr. Webster:

As requested, we have prepared a 3rd submission of the Species at Risk Plan for external servicing works required to facilitate development of the Midhurst Heights lands. This revision responds to review comments provided by the Ministry of Conservation and Parks on May 4 (re: 1st submission), and November 4, 2022 (re: 2nd submission).

The Species at Risk Plan identifies Species at Risk potentially impacted and identifies procedures required to insure works proceed in a manner consistent with the requirements of Ontario's *Endangered Species Act*, 2007.

If you have questions or require additional information please do not hesitate to contact the undersigned.

Yours truly,

AZIMUTH ENVIRONMENTAL CONSULTING, INC.

Jim Broadfoot, H. B.Sc.
Terrestrial Ecologist

Copy To: David Luc, The Rose Corporation

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1.0 INTRODUCTION

1.1 Background

Azimuth Environmental Consulting, Inc. (Azimuth) was retained by the Midhurst Land Owners Group Inc. c/o Clarose Midhurst GP Inc. to prepare a Species at Risk Plan (SAR Plan) related to external servicing works required to facilitate development of the Midhurst Heights lands as a part of the Midhurst Secondary Plan.

This SAR Plan is provided to fulfill conditions established by the Ministry of Environment Conservation and Parks (MECP) with respect to the projects in the Midhurst Secondary Plan/Master Plan area to evaluate the potential for adverse impacts to individuals and habitat of species listed on the SAR in Ontario list as extirpated, endangered and threatened (MECP correspondence 357-2019-859).

This SAR Plan addresses external servicing works associated with an alignment involving portions of Gill Road, Doran Road, Finlay Mill Road and Snow Valley Road as shown on Figure 1. A proposed schedule of external servicing works is provided in Section 1.2. The SAR Plan identifies inventories and assessments applied to identify extirpated, endangered and threatened species potentially impacted by servicing work completed within this alignment and provides direction to manage external servicing works in compliance with Ontario's *Endangered Species Act*, 2007 (ESA).

This revision addresses review comments provided by the MECP on May 4, November 4, 2022 (Appendix C).

1.2 Work Schedule

The following undertakings related to the Master Plan for water, wastewater and transportation within the Midhurst Secondary Plan area are proposed to facilitate the first stage of development of the Midhurst Heights lands:

1. Gill Road
    a. Construction of sanitary forcemain – Spring / Summer 2023
    b. Construction of municipal road improvements to urbanize existing road allowances - Spring / Summer 2023
    c. Construction of storm pond outfall - Spring / Summer 2023
2. Doran Road / Finlay Mill Road
    a. Construction of sanitary forcemain – Spring / Summer 2023
    b. Construction of municipal road improvements to urbanize existing road allowances (includes Finlay Mill Road bridge works) – Spring / Summer 2023
3. Snow Valley Road
    a. Construction of sanitary forcemain (direction drilling) – Spring / Summer 2023

4. Doran Road Water Treatment Plant
    a. Construction Doran Water Treatment Plant – Spring 2023
    b. Construction Municipal Water Supply Well – Spring 2023
5. Construction of Sewage Pumping Station – Spring 2023

2.0 STUDY APPROACH

2.1 Study Area

As per Figure 1, the study area extends: south along Gill Road to Doran Road; west on Doran Road to Finlay Mill Road; south along Finlay Road to Bayfield Street (Hwy 26); west along Snow Valley Road. The study area also includes lands within Block 1091 of the Midhurst Heights Development, allocated for construction of a water treatment plant and sewage pumping station.

2.2 Habitat

For the most part, works to install the external servicing are confined to the rights-of-ways of existing roadways – i.e., within 10m of either side of the centre lines of Gill Road, Doran Road, Finlay Mill Road and Snow Valley Road (right-of-way width 20m). Therefore, areas of direct disturbance do not contain natural vegetation communities but rather contain scattered tree cover, areas maintained as lawn/landscaped spaces of residential and commercial lots, and areas subject to disturbance for road and associated infrastructure maintenance, etc. Block 1091 is part of the external servicing considered in the revised SAR plan. The limits of Block 1091 occur outside of the right-of-way of Gill Road and are confined to agricultural cropland and hence the block does not contain natural vegetation communities.

Azimuth completed field studies on October 6, October 8 and November 22, 2021 to classify habitat within the study area according to the Ecological Land Classification for southern Ontario ([ELC] Lee *et al*., 1998; + 2008 update) and search for Butternut. A search of the Finlay Mill Bridge for evidence of use by Barn Swallow was completed on May 19, 2022 during the Barn Swallow active season under the following observation conditions – Temperature +10C, Wind B0, Cloud Cover 100%, Precipitation – light rain, Start Time 0825hr, Observer – J. Broadfoot).

Field studies indicated that much of the adjacent land (i.e., those within 120m of roadways) is developed containing a mix of Residential (ELC Code – CVR), Commercial and Institutional (CVC) development (Doran Road, Finlay Mill Road, Snow Valley Road in vicinity of intersection with Bayfield Street); Constructed Green Lands (CGL – cemeteries, etc.) as well as lands that are actively farmed (i.e., Gill Road/Midhurst Heights – Open Agriculture [OAG], Fencerow [FR]). Natural vegetation communities

located on adjacent lands contain: Deciduous Forest (FOD); Mixed Forest (FOM); Coniferous Plantation (TAGM); Coniferous Forest (FOC); Mixed Woodland (WOM); Deciduous Woodland (WOD); and Mixed Meadow (MEM). Common forest/woodland species include: Red Oak, Trembling Aspen, Sugar Maple, Black Cherry; American Beech; Eastern White Pine, Red Pine, Scotch Pine, Eastern Hemlock.

Mapping of ELC communities for the extent of the external servicing alignment, broken down by segment (i.e., segments 2A-2M, 2T, 2U & 2V as shown on Figure 1) - is provided as a standalone supplement to this SAR Plan (Azimuth 2022). These figures provided habitat data on which evaluate likelihood of occurrence of SAR within/adjacent to the study area.

Appendix B provides representative photos of vegetation communities of the study area and adjacent lands.

2.3 Species at Risk List

The approach outlined in the Client's Guide to Preliminary Screening for Species at Risk (MECP 2019) was applied to compile a comprehensive list of endangered and threatened species having potential to occur within/adjacent to the study area. The list was compiled based on: an information request submitted to the MECP on November 30, 2021 and response provided December 7, 2021 (Appendix A); knowledge of the SAR of Midhurst derived from numerous natural heritage evaluations Azimuth has completed in the settlement area; information contained in Beacon's SAR Plan (Beacon 2020); and information derived from the following background sources:

- Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) Natural Heritage Information Centre (NHIC; NDMNRF, 2021);
- Atlas of the Breeding Birds of Ontario (OBBA);
- Ontario Reptile and Amphibian Atlas (Ontario Nature);
- Fisheries and Oceans Canada Aquatic Species at Risk Mapping; and,
- Atlas of the Mammals of Ontario (Dobbyn, 1994).

The MECP provided information to the proponent on July 5, 2022 indicating that Blanding's Turtle occur within 2km of the subject lands. Azimuth prepared a Technical Memorandum addressing the potential for impact to Blanding's Turtle related to external servicing works required for the Midhurst Heights development based on the criteria of the General Habitat Description for the Blanding's Turtle (*Emydoidea blandingii*) as per the MECP's direction. The Memorandum was submitted to the MECP on August 8, 2022.

Table 1 provides the comprehensive/working list of SAR derived for the study area.

2.4 Likelihood of Occurrence

Table 1 provides an assessment of the likelihood of the SAR having potential to occur in the study area based on field observation and inference based on habitat requirements.

Results indicate no use of the Finlay Mill Bridge by Barn Swallow (no Barn Swallow nests or Barn Swallow activity).

Results also indicate low potential for impact to endangered wildlife that might select right-of-way trees as nesting/roosting site during summer months – i.e., endangered bats, Red-headed Woodpecker. As per Table 1 our assessments of trees/habitat made under leaf-off conditions revealed only scattered tree cover of rights-of-ways in areas where works are required. Therefore, the required works do not impact natural, mature woodland communities with large diameter and a high density of snag trees and hence the works do not impact key habitat for endangered bats or Red-headed Woodpecker. As the works are not impacting key habitat for these species, we conclude that the works do not represent an impact to habitat of Red-headed Woodpecker or endangered bats consistent with Section 10 of the ESA. A timing restriction on tree clearing is required to prevent kill/harm/harassment to avoid potential impact to individuals that might choose to nest/roost in right-of-way trees to ensure constancy with the requirements of Section 9 of the ESA (as defined in Section 3.0).

Results indicate no potential for impact to protected habitat of Blanding's Turtle or potential for kill, harm harassment of Blanding's Turtle. Therefore, no Blanding's Turtle specific mitigation is required to advance works to install the required servicing.

3.0 SAR MANAGEMENT PLAN

The following actions are recommended to manage activities associated with the external servicing works in compliance with the requirements of the ESA.

3.1 Endangered Bats

A timing restriction on tree clearing should be implemented to ensure trees are removed outside of the "bat active season". The bat active season is defined recently by the MECP for this area of the province as occurring between April 1 and September 30. Therefore, trees should be cleared between October 1 and March 31 to ensure no kill, harm, harassment or endangered bats consistent with Section 9 of the ESA.

3.2 Red-headed Woodpecker

A timing restriction on tree clearing should be implemented to ensure trees are removed outside of the "migratory breeding bird window". Environment Canada (http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=4F39A78F-1#_03) indicates that most nesting by woodland breeding birds in this area of the province occurs between April 1 and August 31. The timing restriction required for bats (see above) covers this breeding bird window and hence provides adequate protection on Red-headed Woodpecker to ensure no kill, harm, harassment or endangered bats consistent with Section 9 of the ESA.

3.3 Contingencies

It is possible that endangered and threatened species not known to occur in the work areas required to install the external servicing within areas covered under this SAR Plan are encountered as detail design advances and construction work progresses. Timing restrictions on tree clearing will effectively mitigate impacts to SAR birds (Red-headed Woodpecker) and bats. Isolation of work areas by sediment and erosion controls (i.e., silt fencing installed as per Ontario Provincial Standard Drawing - OPSD 219.130 Heavy Duty Silt Fence Barrier or equivalent as approved by the Township, will exclude terrestrial wildlife from work areas preventing mortality effectively mitigating potential impact to SAR reptiles should they occur in the area (none expected).

It is possible that Butternut and Black Ash may occur within/adjacent to areas of required clearing/grading but were not detected during field work (low risk).

3.3.1 Black Ash

The MECP indicates that "*On January 25, 2022, the Minister of the Environment, Conservation and Parks ordered, by regulation (O. Reg. 23/22) that ESA protections for Black Ash be temporarily suspended for a two-year period as soon as it is listed on the SARO List*" (Note: species added to the SARO List as endangered on January 27, 2022) (MECP email issued January 27, 2022 [Susan Ecclestone, Director, SAR Branch] Subject: Amendments to the Species at Risk in Ontario List regulation made under the Endangered Species Act, 2007 and the temporary suspension of protections for Black Ash). Therefore, Black Ash receives no protection under the ESA until January 27, 2024. As per Section 1.2, the work schedule associated with this project ends prior to 2024. Therefore, should future site investigations reveal Black Ash within work areas there are no ESA permitting requirements related to Black Ash affecting advancement of the scheduled works.

3.3.2 Butternut

If Butternut are identified in future site investigations (low risk) there are procedures in place under the ESA to secure authorizations for removal (kill/take) or works in proximity (potential harm). The first step in the process is to complete a Butternut Health Assessment (BHA) between late May and mid-August according to provincial protocols. If the results of the BHA indicate the tree to be Cat. 1 (non-retainable) then there are no requirements for permitting issued under the ESA for removal and/or works in proximity. Should the BHA establish the tree to be Cat. 2 (retainable) or Cat 3. (retainable/archivable) permitting under the ESA is required for removal or works in proximity. Recent changes to regulations related to Butternut indicate that in situations involving removal/potential harm to 15 or fewer Cat. 2 Butternut or 5 or fewer Cat. 3 Butternut a notice of Butternut impact can be submitted to the MECP via an on-line registry as outlined in Part V Butternut of O. Reg. 830/21 to secure authorization for the works to proceed. According to Section 30 of O. Reg. 830/21 in situations involving installation of infrastructure within 25m of a retainable Butternut tree the manager of the branch of the MECP responsible for SAR may be provided with an explanation of reasons why it is not possible to complete the activity without installing permanent infrastructure within 25m of a retainable Butternut seeking approval (in writing) from the MECP, of the location of the infrastructure that will be constructed or installed within 25m of the retained Butternut tree. Also, as per Part VI of O. Reg. 830/21 Exemptions - Species subject to Species Conservation Charges, Butternut has been designated as a "conservation fund species" and is therefore eligible for payments of a species conservation charge to the Species at Risk Conservation Fund in situations involving filing of a notice of Butternut impact through the Registry. If more than 15 Cat. 2 and/or more than 5 Cat. 3 Butternut are required to be removed/potentially harmed – an overall benefit (C-permit) is required issued under the ESA. Thus, there are multiple avenues available to secure permitting/authorizations under the ESA for works potentially impacting Cat. 2 and Cat. 3 Butternut should they be found within/adjacent to works areas.

4.0 CONCLUSIONS

The proposed external servicing works can be completed in conformity with the ESA with adherence to recommended timing restriction on tree clearing.

5.0 REFERENCES

Azimuth. 2022 (June). Species at Risk Plan (Revised) - Midhurst Heights External Servicing, Midhurst Heights to Snow Valley Road, Township of Springwater. Prepared for Midhurst Land Owners Group Inc. c/o Midhurst Rose Alliance Group Inc. (2nd Submission).

Azimuth. 2022 (June). Supplement to Species at Risk Plan- Midhurst Heights External Servicing, Midhurst Heights to Snow Valley Road, Township of Springwater: Vegetation Community Mapping. Prepared for Crozier Consulting Engineers.

Azimuth. 2022 (January). Species at Risk Plan- Midhurst Heights External Servicing, Midhurst Heights to Snow Valley Road, Township of Springwater. Prepared for Midhurst Land Owners Group Inc. c/o Midhurst Rose Alliance Group Inc.

Azimuth. 2020. Environmental Features Update Midhurst Heights, Township of Springwater. Prepared for The Rose Corporation. December 2, 2020 AEC 20-270.

Azimuth. 2018. Environmental Impact Study – Hasty Tract Class Environmental Assessment. Prepared for Township of Springwater.

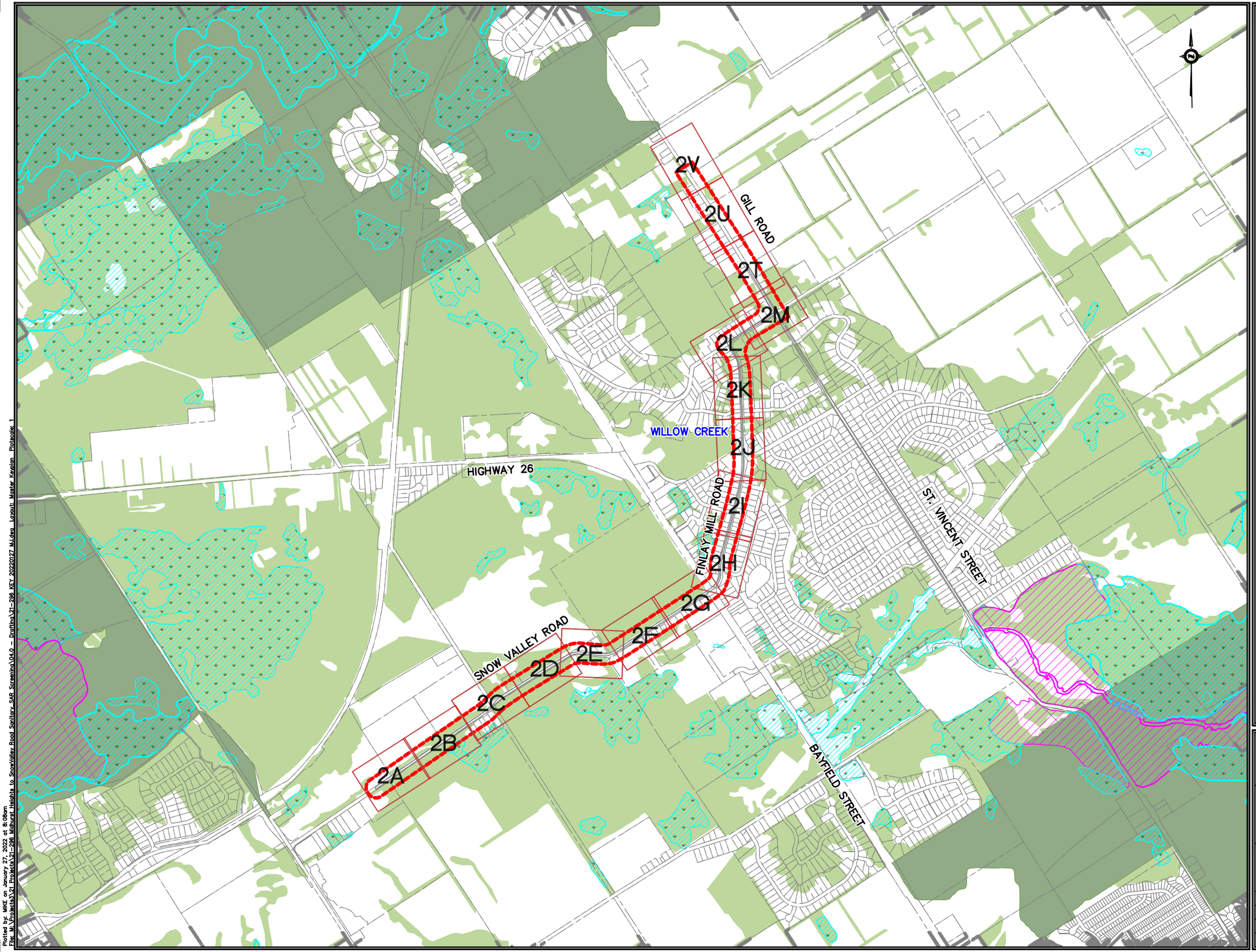
Beacon. 2020. Midhurst Water, Wastewater Undertakings and Species At Risk Plan. Prepared for Geranium.

COSEWIC. 2011. COSEWIC assessment and status report on Hine's Emerald *Somatochlora hineana* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. ix + 41 pp.

Dobbyn, J. 1994. Atlas of the Mammals of Ontario. Federation of Ontario Naturalists.

Lee, H.T., W.D. Bakowsky, J. Riley, J. Bowles, M. Puddister, P. Uhlig and S. McMurray.1998; 2008. Ecological Land Classification for Southern Ontario.First Approximation and its Application. Ontario Ministry of Natural Resources, Southcentral Sciences Section, Science Development and Transfer Branch. SCSS Field Guide FG-02.

MECP. 2019. Client's Guide to Preliminary Screening for Species at Risk. Ministry of the Environment, Conservation and Parks Species at Risk Branch, Permissions and Compliance DRAFT - May 2019.



LEGEND:

- APPROX. STUDY AREA BOUNDARY
- WATERCOURSE (NDMNRF, 2020)
- WATERBODY (NDMNRF, 2021)
- UNEVALUTED WETLAND AREA (NDMNRF, 2021)
- WILLOW CREEK/LITTLE LAKE PROVINCIALLY SIGNIFICANT WETLAND (PSW; NDMNRF, 2021)
- WOODED AREA (NDMNRF, 2021)
- NATURAL HERITAGE SYSTEM AREA (NDMNRF, 2021)

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AZIMUTH ENVIRONMENTAL CONSULTING, INC.
ENVIRONMENTAL ASSESSMENTS & APPROVALS

STUDY AREA LOCATION & KEY MAP

MIDHURST HEIGHTS EXTERNAL SERVICING SPRINGWATER, ON

DATE ISSUED:	JANUARY 2022	Figure No. 1
CREATED BY:	A.L.	
PROJECT NO.:	21-296	
REFERENCE:	SIMCOE COUNTY	

Table 1. Species At Risk Assessment, Midhurst Heights External Servicing

Taxa	Common Name	Species Name	SARO List Designation[1]	Key Habitats Used By Species	Assessment/Likelihood of Occurrence	Issue Related to Proposed Development?
Bird	Eastern Whip-poor-will	*Antrostomus vociferus*	THR	Semi-open forests or patchy forests with clearings, such as barrens or forests that are regenerating following major disturbances, are preferred nesting habitats.	This species was detected in Pine plantation (TAGM)/coniferous forest (FOC)/industrial/sand pit (CVC) communities north of Snow Valley Road/west of Bayfield Street by Beacon (2020) and Azimuth (2018). Species not detected near roadway and right-of-way of Snow Valley not considered habitat of this species.	No
Bird	Chimney Swift	*Chaetura pelagica*	THR	Nests primarily in chimneys though some populations (*i.e.* in rural northern areas) may nest in cavity trees. Recent changes in chimney design may be a significant factor in recent declines in numbers.	There are no buildings within the work area that require demolition/alternation and hence no chimneys providing potential nesting habitat will be impacted.	No
Bird	Cerulean Warbler	*Dendroica cerulea*	THR	Associated with large tracts of mature deciduous forest with tall trees and an open understory. Found in both wet bottomland forests and upland areas.	This species could potentially utilize some of the larger blocks of deciduous forest within/adjacent to the Midhurst settlement area. Forests/woodlands in the vicinity of the external servicing alignment are relatively small and surrounded/punctuated by existing development and hence do not provide habitat for this species.	No
Bird	Bobolink	*Dolichonyx oryzivorus*	THR	Nests primarily in forage crops (*e.g.* hayfields and pastures) dominated by a variety of species such as clover, Timothy, Kentucky Bluegrass, tall grass, and broadleaved plants. Also occurs in wet prairie, graminoid peatlands, and abandoned fields dominated by tall grasses. Does not generally occupy fields of row crops (*e.g* . corn, soybeans, wheat) or short-grass prairie. Sensitive to habitat size and has lower reproductive success in small habitat fragments.	There are no large areas of grassland within the study area - no habitat. Adjacent farmlands are actively cropped (rotation or corn and soy bean) and hence do not provide potential habitat.	No
Bird	Barn Swallow	*Hirundo rustica*	THR	Ledges and walls of man-made structures such as buildings, barns, boathouses, garages, culverts and bridges. Also nest in caves, holes, crevices and cliff ledges.	Finlay Mill Bridge inspected for Barn Swallow use (nests, adults) during the Barn Swallow active season on May 19, 2022. No Barn Swallow nests or Barn Swallow activity detected.	No
Bird	Least Bittern	*Ixobrychus exilis*	THR	Breed in large marshes providing a mix of open water and emergent plants (usually cattails).	No suitable habitat within/adjacent to the study area.	No
Bird	Red-headed Woodpecker	*Melanerpes erythrocephalus*	END	Occurs in open deciduous forests, particularly those dominated by oak and beech, groves of dead trees, floodplain forests, orchards, cemeteries, savannas and savanna-like grasslands. Although the species occupies a range of habitat types, key habitat is characteristically composed of woodlands where tall trees are of large circumference (i.e. mature cover) and are at a low density. A high density of snag trees is also an indicator of key habitat types.	Scattered tree cover of rights-of-ways where works are required does not represent key habitat for this species - i.e., not mature woodland with tall large diameter and a high density of snag trees.	No impacts to habitat consistent with Section 10 of Ontario's ESA. Timing restriction on tree clearing recommended to avoid potential impact to individuals that might choose to nest in right-of-way trees (low probability) consistent with Section 9 of Ontario's ESA.
Bird	Bank Swallow	*Riparia riparia*	THR	Nests in burrows excavated in natural and human-made settings with vertical sand and silt faces. Commonly found in sand or gravel pits, road cuts, lakeshore bluffs, and along riverbanks.	There are no sand piles or natural sand/silt faces in the study area - no habitat.	No
Bird	Eastern Meadowlark	*Sturnella magna*	THR	Most common in grassland, pastures, savannahs, as well as anthropogenic grassland habitats, including hayfields, weedy meadows, young orchards, golf courses, restored surface mines, *etc* . Occasionally nest in row crop fields such as corn and soybean, but there are considered low-quality habitat. Large tracts of grassland are preferred over smaller fragments and the minimum area required is estimated at 5ha.	There are no large areas of grassland within the study area - no habitat. Adjacent farmlands are actively cropped (rotation or corn and soy bean) and hence do not provide potential habitat.	No
Insect	Hine's Emerald	*Somatochlora hineana*	END	Restricted to calcareous wetlands (marshes, sedge meadows, and fens) dominated by graminoid vegetation and fed primarily by groundwater from intermittent seeps . Larvae use crayfish burrows during periods of low water and during the winter.	Species known to occur in Minesing Wetlands only. Not observed in Midhurst area (Little Lake Park, Midhurst Station) as part of dedicated search efforts (Table 1 of COSEWIC [2011]).	No
Mammal	Eastern Small-footed Myotis	*Myotis leibii*	END	Generally occurs in mountainous or rocky regions as well as in buildings, on the face of rock bluffs and beneath slabs of rock and stones. Hibernation is typically confined to caves and old mines.	There is key habitat for this species within the study area - i.e., no cliffs, talus slopes, rock barrens, etc. No potential habitat.	No
Mammal	Little Brown Myotis	*Myotis lucifugus*	END	Forests and regularly aging human structures as maternity roost sites. Regularly associated with attics of older buildings and barns for summer maternity roost colonies. Overwintering sites are characteristically mines or caves .	Scattered tree cover of rights-of-ways where works are required does not provide key habitats for this species - i.e., no mature forests with an abundance of large diameter snag trees or buildings requiring demolition/alteration.	No impacts to habitat consistent with Section 10 of Ontario's ESA. Timing restriction on tree clearing recommended to avoid potential impact to individuals that might choose to roost in right-of-way trees (low probability) consistent with Section 9 of Ontario's ESA.
Mammal	Northern Myotis	*Myotis septentrionalis*	END	Maternity roost sites are generally located within deciduous and mixed forests and focused in snags including loose bark and cavities of trees. Overwintering sites are characteristically mines or caves .	Scattered tree cover of rights-of-ways where works are required does not provide key habitats for this species - i.e., no mature forests with an abundance of large diameter snag trees or buildings requiring demolition/alteration.	No impacts to habitat consistent with Section 10 of Ontario's ESA. Timing restriction on tree clearing recommended to avoid potential impact to individuals that might choose to roost in right-of-way trees (low probability) consistent with Section 9 of Ontario's ESA.
Mammal	Tri-colored Bat	*Perimyotis subflavus*	END	Maternity roost sites include forests and modified landscapes (barns or human-made structures). Overwintering sites include mines and caves .	Scattered tree cover of rights-of-ways where works are required does not provide key habitats for this species - i.e., no mature forests with an abundance of large diameter snag trees or buildings requiring demolition/alteration.	No impacts to habitat consistent with Section 10 of Ontario's ESA. Timing restriction on tree clearing recommended to avoid potential impact to individuals that might choose to roost in right-of-way trees (low probability) consistent with Section 9 of Ontario's ESA.
Plant	Forked Three-awned Grass	*Aristida basiramea*	END	Restricted to dry, open, acid sand barrens, but will exploit weedy habitats associated with these sites, such as roadside ditches and old fields. Restricted to southern Ontario.	Species known to occur in Springwater Township. Known occurrence not in Midhurst. Some potential in areas north of Snow Valley Rd. west of Bayfield St. given proximity to areas of disturbed sandy habit adjacent to study area (Figures 2c, d and e, Appendix C). Vascular plant surveys conducted at a time amenable to finding this species (i.e., September 5, 2018) completed vicinity by Azimuth associated with the Hasty Tract (Azimuth 2018) did not detected this species. Botanical surveys by Beacon (2020) also completed at a time amenable to detecting this species (October 5, 2018) for the and Treatment Facility Lands and associated Sewer Alignment revealed no Forked Three-awned Grass	No

Taxa	Common Name	Species Name	SARO List Designation[1]	Key Habitats Used By Species	Assessment/Likelihood of Occurrence	Issue Related to Proposed Development?
Plant	Black Ash	*Fraxinus nigra*	END	Swamp wetlands/moist riparian habitat zones	Species not observed within rights-of-ways of roadways where external servicing is to be installed.	No
Plant	Butternut	*Juglans cinerea*	END	Commonly found in riparian habitats, but is also found in rich, moist, well-drained loams, and well-drained gravels. Butternut is intolerant of shade .	Species not observed within rights-of-ways of roadways where external servicing is to be installed.	No
Plant	American Ginseng	*Panax quinquefolius*	END	Grows in rich, moist, but well-drained and mature, deciduous woods dominated by Sugar Maple, White Ash and American Basswood. Usually grows in deep, nutrient rich soil over limestone or marble bedrock, and is found in undisturbed forests	Rights-of-ways where works are required do not represent habitat for this species - i.e., not undisturbed mature woodland with deep nutrient rich soils.	No
Reptile	Blanding's Turtle	*Emydoidea blandingii*	THR	Suitable habitat for Blanding's Turtles during the active season includes a variety of wetlands such as marsh, swamps, ponds, fens, bogs, slow-flowing streams, shallow bays of lakes or rivers, as well as graminoid shallow marsh and slough forest habitats that are adjacent to larger marsh complexes. Suitable wetlands used during the active season are typically eutrophic (mineral or organic nutrient-rich), shallow with a soft substrate composed of decomposing materials, and often have emergent vegetation, such as water lilies and cattails. Nests are created in open habitats with low vegetation cover and high sun exposure such as in forest clearings, meadows, shorelines, beaches, rock outcrops, cornfields, gravel roads, road shoulders, ploughed fields, gardens, powerline rights-of-ways, yards and abandoned railroad beds (from General Habitat Description [GHD] for the Blanding's Turtle).	Species observation reported by the MECP approx. 1.8km from the Midhurst Heights External Servicing Study Area. Azimuth prepared a Technical Memorandum assessing Blanding's Turtle habitat according to the General Habitat Description for the species - submitted to the MECP on August 8, 2022. The results of the assessment indicated no Blanding's Turtle habitat associated with the Midhurst Heights External Servicing Study Area.	No -as per Technical Memorandum submitted to the MECP
Reptile	Eastern Hog-nosed Snake	*Heterodon platirhinos*	THR	Habitat features include: well-drained soil; loose or sandy soil; open vegetative cover; brush land or forest edge; proximity to water. In the Georgian Bay region, open grass, sand, human-impacted and forest habitats over rock, wetland, and aquatic habitats are preferable.	Populations of Eastern Hog-nosed Snake are not known to occur in Midhurst (species population restricted to Wasaga Beach). Though these is well-drained loose sandy soil associated with disturbed lands north of Snow Valley Road the area lacks aquatic habitat. Field work by Beacon in area (i.e., Treatment Facility Lands) indicated the species not present (Beacon 2020). Work in the vicinity by Azimuth associated with the Hasty Tract (Azimuth 2019) did not detected this species.	No

[1] END - Endangered, THR - Threatened

APPENDICES

Appendix A: SAR Information Request
Appendix B: Site Photos
Appendix C: MECP Review comment email May 4, November 4, 2022 & responses

APPENDIX A

SAR Information Request

MECP Information Request Form
Attachment

Initial Screening - SAR

Date: November 29, 2021 **Project Ref:** AEC 21-296

Azimuth Contact: Courtney Butler, Terrestrial Ecologist
Email cbutler@azimuthenvironmental.com
Phone (705) 795-8451

Attachments: Natural Heritage Information Map
Azimuth Study Area Map (Figure 1)

Project Name: Midhurst Heights External Servicing (Midhurst Heights to Snow Valley, Township of Springwater)

Activity Description: As a part of the Midhurst Secondary Plan in the Township of Springwater, a sanitary forcemain alignment is being proposed. The area of interest extends from the Midhurst Heights property to St. Vincent Street, to Finlay Mill Road, crossing Bayfield Street along Snow Valley Road to the Treatment Plant (see attached Figure for route). The servicing will follow the road alignments within the existing road right of ways, limiting potential impacts to SAR.

Study Area: The area of interest extends from the Midhurst Heights property to St. Vincent Street, to Finlay Mill Road, crossing Bayfield Street along Snow Valley Road to the Treatment Plant (see attached Figure for route).

Comprehensive SAR List/Initial Screening Based on On-line and Other Sources[1]:

- Mammals: Eastern Small-footed Myotis (END), Little Brown Myotis (END), Northern Myotis (END) and Tri-colored Bat (END);
- Reptiles and Amphibians: Snapping Turtle (SC), Eastern Hog-nosed Snake (THR), Midland Painted Turtle (SC), Milksnake (SC), Five-lined Skink (SC);
- Birds: Bank Swallow (THR), Barn Swallow (THR), Eastern Meadowlark (THR), Wood Thrush (SC), Least Bittern (THR),Common Nighthawk (SC), Eastern Wood-Pewee (SC), Bobolink (THR), Grasshopper Sparrow (SC), Canada Warbler (SC), Chimney Swift (THR), Eastern Whip-poor-will (THR), Red-headed Woodpecker (SC);

- Fish: Northern Brook Lamprey (SC);
- Plants: Butternut (END);
- Insects: Monarch Butterfly (SC);
- Restricted Species.

[1]*On-line and other sources: Species at Risk Ontario (*https://www.ontario.ca/environment-and-energy/species-risk-ontario-list*); Land Information Ontario (*https://www.ontario.ca/page/land-information-ontario*); Make a Natural Heritage Map - Natural Heritage Information Centre (Squares 17PK0220, 17PK0221, 17PK0121, 17PK0222, 12PK0122, 17PK002, 17PK0022, 17PK0121, 17PK0021, 17PK0020, 12NK992, 17PK9820) (*http://www.gisapplication.lrc.gov.on.ca/mamnh/Index.html?site=MNR_NHLUPS_NaturalHeritage&viewer=NaturalHeritage&locale=en-US*); Ontario Breeding Bird Atlas (Square 17PK02 & 17NK92) (*http://www.birdsontario.org/atlas/maps.jsp?lang=en*); Ontario Reptile and Amphibian Atlas (Square 17PJ75) (*https://www.ontarioinsects.org/herp/*) eBird (*https://ebird.org/explore*); Fisheries and Oceans Canada (*http://www.dfo-mpo.gc.ca/species-especes/index-eng.htm*); Fish Online (*https://www.gisapplication.lrc.gov.on.ca/FishONLine/Index.html?site=FishONLine&viewer=FishONLine&locale=en-US*); Ontario Butterfly Atlas (Square 17PK02, 17NK92). (*http://www.ontarioinsects.org/atlas_online.htm*);* and *Atlas of the Mammals of Ontario (*Dobbyn, J. 1994. Federation of Ontario Naturalists*).*

List of Features/Habitats on and Adjacent to Proposed Activity:

- Study area comprises a combination of residential neighbourhoods, woodland, deciduous forest, Pine plantations, a watercourse and a wetland (*see attached NHIC Map for reference);*
- MNRF Unevaluated Woodlands - comprising wooded portions of the study area;
- MNRF Mapped Watercourse – there are two crossings over Willow Creek on existing bridge structures;
- MNRF Evaluated Wetland- Little Creek Wetland; and
- MNRF Unevaluated Wetland.

Consolidated SAR List Expected in Area Based on Habitat[2]:

- Mammals: Eastern Small-footed Myotis (END), Little Brown Myotis (END), Northern Myotis (END) and Tri-colored Bat (END);
- Reptiles and Amphibians: Snapping Turtle (SC), Eastern Hog-nosed Snake (THR), Midland Painted Turtle (SC);
- Birds: Bank Swallow (THR), Barn Swallow (THR), Eastern Meadowlark (THR), Wood Thrush (SC), Least Bittern (THR),Common Nighthawk (SC), Eastern Wood-Pewee (SC), Bobolink (THR), Chimney Swift (THR), Eastern Whip-poor-will (THR), Red-headed Woodpecker (SC);
- Plants: Butternut (END); and

- Insects: Monarch Butterfly (SC).

[2]*List of SAR to be assessed relative to the activity/proposed development.*

Information Requested:

- Confirmation of key natural features in the vicinity of the proposed development;
- Confirmation that the Consolidated List of SAR expected in the Area Based on Habitat includes all SAR of concern to the MECP with respect to this activity (see attachment); or
- Additional information related to key natural features, fish habitat data and/or SAR of concern to the MECP with respect to the property[3]; and
- Information regarding the evaluated wetland Little Creek Wetland.

[3]*If SAR of concern are deemed "Restricted", Azimuth will protect the species identity within reporting that would become part of the public record.*

Courtney Butler

From: Snell, Shamus (MECP) [Shamus.Snell@ontario.ca]
Sent: Tuesday, December 7, 2021 3:24 PM
To: Courtney Butler
Subject: MECP SARB Review: Information Request - Midhurst Secondary Plan Servicing Information Request
Attachments: Bat Survey Standards Note 2021.pdf; Treed Habitats - Maternity Roost Surveys.docx; SAR Bat Building Exit and Roost Survey Protocols.docx

Hi Courtney,

The Ministry of Environment, Conservation and Parks (MECP), Species at Risk Branch (SARB) has reviewed the study area for the proposed servicing for the Midhurst Secondary Plan and did not detect any additional Species at Risk (SAR) that should considered as part of your consolidated SAR list.

While this review represents MECP's best currently available information, it is important to note that a lack of information for a location does not mean that SAR or their habitat are not present. There are many areas where the Government of Ontario does not currently have information, especially in areas not previously surveyed. On-site assessments will need to be conducted to better verify site conditions, identify and confirm presence of SAR and/or their habitats.

Should vegetation removal be required as part of the proposed project, MECP recommends that a qualified biologist with botany expertise be retained to survey for SAR plants and to conduct habitat studies for the remaining species.

Please be aware that there is an Environmental Registry posting which impacts Red-headed woodpecker. The Endangered Species Act (ESA) requires that Ontario Regulation. 230/08 – Species at Risk Ontario (SARO) List be amended by January 27, 2022 to reflect the species classifications in the Committee on the Status of Species at Risk in Ontario (COSSARO) report submitted to the Minister in January 2021. This will result in the status update to Red-headed woodpecker changing it from special concern to endangered. As such you may wish to pre-emptively consider Red-headed woodpecker as endangered for your assessment to account for its anticipated status change. More information on this positing can be found here https://ero.ontario.ca/notice/019-4280

A copy of the "2021 Bat Survey Standards Note" along with the associated protocols has been attached for your use and reference.

It is the responsibility of the proponent and their consultant to ensure that SAR are not killed, harmed, or harassed, and that their habitat is not damaged or destroyed through the proposed activities to be carried out on the site. If the proposed activities can not avoid impacting protected species and their habitats then the proponent will need to apply for a authorization under the Endangered Species Act.

Regards,

Shamus Snell
A/ Management Biologist
Species at Risk Branch

Ministry of Environment, Conservation and Parks
Email: shamus.snell@ontario.ca

From: Courtney Butler <cbutler@azimuthenvironmental.com>
Sent: November 30, 2021 9:55 AM
To: Species at Risk (MECP) <SAROntario@ontario.ca>
Subject: 21-296 Midhurst Secondary Plan Servicing Information Request

Good Morning,

I have attached an information request for Species at Risk (SAR) and other natural features in regards to a project for proposed servicing for the Midhurst Secondary Plan. This is a linear project and will take place in the right of way of existing roadways. We have compiled a list of probably SAR from existing sources and narrowed this list down based on habitat in the study area.

Please review the attached letter and let us know if you have comments or additional information that would be useful to this project.

Thanks,

Courtney Butler
Terrestrial Ecologist

Due to COVID-19, our staff are working remotely. Our offices are also closed to the public but I can be reached on my cell or email. I look forward to talking with you.

Azimuth Environmental Consulting, Inc
642 Welham Road
Barrie, Ontario, L4N 9A1

Cell: (705) 795-8451
cbutler@azimuthenvironmental.com
www.azimuthenvironmental.com

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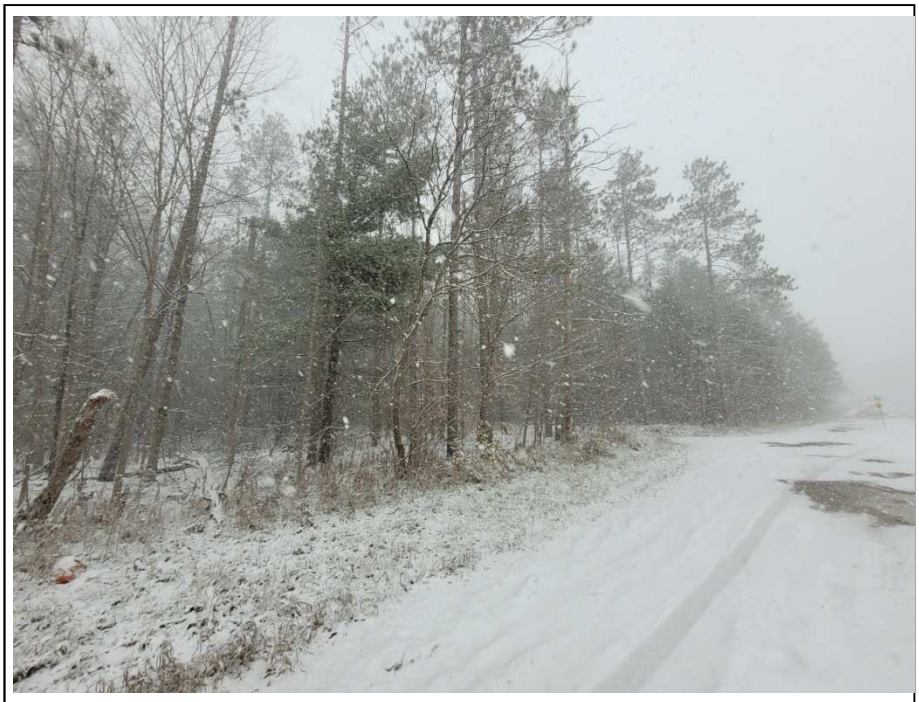
APPENDIX B

Site Photos

Light Industrial (CVC) land use Snow Valley Road (Nov. 22, 2021)

Open agricultural community (OAG) Gill Road (Nov. 22, 2021)



Coniferous forest community (FOC) Snow Valley Road (Nov. 22, 2021)

Willow Creek at Finlay Mill Road (Nov. 22, 2021)

Treatment Facility Lands Snow Valley Road (Nov. 22, 2021)

APPENDIX C

MECP Review comment email May 4, November 4, 2022

Jim Broadfoot

From: Andrew Webster <andrew@rosecorp.com>
Sent: June-07-22 5:41 PM
To: Snell, Shamus (MECP)
Cc: Jim Broadfoot; atroop@alliancehomes.ca; David Luc
Subject: RE: MECP SARB Review: Midhurst Environmental Study Report - MECP SAR Conditions
Attachments: 2022-06-07 - SAR Plan.pdf

Shamus,

Please find responses to your questions below and an updated report addressing the issues raised by your comments attached.

Please review and let us know if you have further comments or questions.

Thank you,

Andrew

From: Andrew Webster
Sent: May 4, 2022 8:01 AM
To: Snell, Shamus (MECP) <Shamus.Snell@ontario.ca>
Cc: atroop@alliancehomes.ca
Subject: RE: MECP SARB Review: Midhurst Environmental Study Report - MECP SAR Conditions

Shamus,

Thanks for the update. I appreciate the quick turnaround.

We will prepare responses to your questions and get back to you shortly.

Best,

Andrew

From: Snell, Shamus (MECP) <Shamus.Snell@ontario.ca>
Sent: May 4, 2022 7:56 AM
To: Andrew Webster <andrew@rosecorp.com>
Cc: atroop@alliancehomes.ca
Subject: MECP SARB Review: Midhurst Environmental Study Report - MECP SAR Conditions

Hi Andrew,

After completing my initial review I have some follow-up questions and requests.

Page 32 of your compiled document states “mapping of ELC communities for the extent of the external servicing alignment, broken down by segment (i.e., segments 2A-2M, 2T, 2U & 2V as shown on Figure 1) – is

provided as a standalone supplement to this SAR Plan (Azimuth 2022)." Can you please provide me with this supplemental document so I can confirm the location of the specific ELC communities.

The supplemental document (2022-06-07 - SAR Plan Supplement.pdf) depicting the ELC communities of the study area can be found at this link:

https://www.dropbox.com/s/6qjope1ngosyxxr/2022-06-07%20-%20SAR%20Plan%20Supplement.pdf?dl=0

Appendix D Species at Risk Assessment appears to only consider the impacts of the external servicing works along the roadway. It doesn't appear to assess the impacts of the construction of the water treatment plant nor of the sewage pumping station. **The updated SAR Plan attached includes Block 1091 (site of water treatment and sewage pumping station) as part of the SAR Plan study area**. This appears to be confirmed by the description of the study area and by comparing the location of those proposed infrastructure projects in Appendix B to the study area found on page 38. Kurt Vendrig's email from April 4th states the assessment found in Appendix D considers the impacts of these additional separate infrastructure projects but this appears to be contrary to Species at Risk Branch's understanding of the SAR assessment. Additional information and clarification of potential impacts of these additional infrastructure project will need to be completed in order for SARB to provide an assessment regarding if a contravention of the Endangered Species Act is likely.

Additional information and clarification of the potential impacts of the water treatment plant and sewage pumping station projects is provided in the updated SAR Plan attached. These projects are proposed within Block 1091. Lands within Block 1091 are open agricultural ([OAG], crop rotation of corn and soybean) and adjacent lands also open agricultural with residential (CVR). There are no potential impacts associated with construction of water treatment plant and sewage pumping station in Block 1091 to individuals or habitat of species protected under the ESA.

Page 35 of the compiled document states "Timing restrictions on tree clearing will effectively mitigate impacts to SAR birds (Red-headed Woodpecker) and bats." While this addresses species impacts, it fails to address if any protected habitat will be removed. Some information has been provided on pages 39 and 40 which suggests there are no large diameter snag trees (DBH 10+cm) which will be removed but this is unclear. Have the trees proposed for removal been assessed to determine if they are providing habitat for any of these species?

Yes, the trees proposed for removal have been assessed and it has been determined they are not providing habitat for any of these species. The SAR Plan has been updated to clarify this point. As per paragraph 3 in section 2.4 of the revised SAR Plan:

"*Results also indicate low potential for impact to endangered wildlife that might select right-of-way trees as nesting/roosting site during summer months – i.e., endangered bats, Red-headed Woodpecker. As per Table 1 our assessments of trees/habitat made under leaf-off conditions revealed only scattered tree cover of rights-of-ways in areas where works are required. Therefore, the required works do not impact natural, mature woodland communities with large diameter and a high density of snag trees and hence the works do not impact key habitat for endangered bats or Red-headed Woodpecker. As the works are not impacting key habitat for these species, we conclude that the works do not represent an impact to habitat of Red-headed Woodpecker or endangered bats consistent with Section 10 of the ESA. A timing restriction on tree clearing is required to prevent kill/harm/harassment to avoid potential impact to individuals that might choose to nest/roost in right-of-way trees to ensure constancy with the requirements of Section 9 of the ESA (as defined in Section 3.0)*".

Page 39 and 40 include statements such as this: "No impacts to habitat. Timing restriction on tree clearing recommended to avoid potential impact to individuals that might choose to nest in right-of-way trees (low

probability)" This statement could be understood as contradictory because if protected birds are nesting in trees planned for removal, then that would be considered a impact to habitat and a contravention of Section 10 (habitat protection). **Potential impact/removal of right-of-way trees not considered as impact to habitat of protected birds as per Section 2.4 of the revised SAR Plan (see excerpt of text from that section above)**. While I understand what the author is stating, others who see or review this document may not understand that statement. This column may be less contradictory if it simply states if there are any Section 9 or Section 10 impacts. (i.e. No Section 9 or 10 impacts expected; Yes, Section 10 impacts expected as development has the potential to damage protected habitat but timing restriction will ensure no Section 9 impacts.)

The statements have been clarified in the updated SAR Plan.

It is Species at Risk Branch's understanding that aside from the ELC surveys, no species specific surveys as recommended in the Species at Risk Plan have been completed at this time. Is this understanding correct?

All species specific surveys have been completed. As per the updated report, species specific surveys are required for Butternut, Black Ash and Barn Swallow. The species specific studies have been completed and are discussed in the updated SAR Plan.

Please provide a legend for the maps found in Appendix B so they can be better understood.

The maps found in Appendix B do not have legends; the relevant information is communicated via the comment bubbles. These maps were prepared as part of the Environmental Assessment to depict conceptual layouts for the water treatment system, wastewater treatment system, and road network improvements. Crozier included the maps in the letter and added the red clouds to indicate the extents of our projects. I would be happy to answer any questions you have on the maps if it would be helpful.

Regards,

Shamus Snell
A/ Management Biologist
Species at Risk Branch
Ministry of Environment, Conservation and Parks
Email: shamus.snell@ontario.ca

From: Andrew Webster <andrew@rosecorp.com>
Sent: April 11, 2022 12:58 PM
To: Species at Risk (MECP) <SAROntario@ontario.ca>
Cc: atroop@alliancehomes.ca
Subject: RE: Midhurst Environmental Study Report - MECP SAR Conditions

Shamus,

Please find the cover letter, SAR assessment, and supporting materials attached.

Please let me know if a preconsultation meeting to help orient you to the materials would be helpful.

Best,

Andrew

Jim Broadfoot

From: Jim Broadfoot <Jim@Azimuthenvironmental.Com>
Sent: November-16-22 10:27 AM
To: Williams, Daniel (MECP); David Luc
Cc: Andrew Webster
Subject: RE: SARB Comments: Midhurst Environmental Study Report

Daniel Williams, Management Biologist
MECP SAR Branch

Hello Daniel

Please consider the following responses to your comments/questions – see below in red.

We would appreciate an opportunity to discuss these responses with you at your earliest convenience.

Please do not hesitate to call to discuss.

Thank you.

J b'foot

Jim Broadfoot, Terrestrial Ecologist

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Barrie, ON
L4N 9A1
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(705) 721-8451 x 206

Providing services in hydrogeology, terrestrial and aquatic ecology & environmental engineering

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From: Williams, Daniel (MECP) [mailto:Daniel.Williams2@ontario.ca]
Sent: November-04-22 5:12 PM
To: David Luc
Cc: Andrew Webster; Jim Broadfoot
Subject: RE: SARB Comments: Midhurst Environmental Study Report

Hi David,

Sorry again for the delay; I have reviewed the revised Species at Risk Plan for the Midhurst Heights External Servicing ('the Plan'), and follow-up Technical Memorandum for Blanding's Turtle, and have the following comments to provide:

- The work schedule references directional drilling only for the sanitary forcemain along Snow Valley Road – will directional drilling be used for the other areas as well?

  The installation method for the sanitary forcemain along Gill Road, Doran Road, and Finlay Mill Road has yet to be determined. Either directional drilling or open cut excavation may be selected. Please note that regardless of the method of installation selected, the conclusions of the SAR Plan are not affected as the plan takes a cautious approach to assessment of potential for impact to individuals and habitat of SAR by assuming that the entire width of the ROW is subject to disturbance.

- Neither the plan or map provided in Figure 1 of the study area appears to include the proposed Wastewater Treatment Plant on the western end of Snow Valley Road referenced in the Technical Memorandum – is this development a separate project, or are impacts associated with this project intended to be assessed in this report?

  The wastewater treatment plant on the western end of Snow Valley Road is a separate project from the Midhurst Heights project that will be constructed by a different proponent. We understand the SAR Plan for the wastewater treatment plant has been reviewed and approved by the MECP.

- While the study area has been outlined in the Plan, please provide mapping of the area which will actually be disturbed/impacted by the proposed works, including areas with new permanent development footprints.

  As per the response to bullet point 1 above, the SAR plan takes a cautious approach to assessment of potential for impact to individuals and habitat of SAR by assuming that the entire width of the ROW is subject to disturbance. Therefore, provision of mapping showing areas anticipated to be directly impacted does not affect the conclusions of the SAR Plan with respect to impacts to SAR. We recommend that the MECP continue its review under the assumption of complete impact to habitat within the ROWs where works are proposed.

- The Plan states that neither Butternut or habitat usage by Barn Swallow were identified within the study area – however the attached email indicates that both species were found in regards to a Midhurst Heights development and registration for an exemption was pursued. Please confirm if these records are outside of the development area proposed in this Plan.

  To confirm, the Butternut and Barn Swallow referenced in the email to the MECP (July 7, 2022 Consultation Request - BUTTERNUT, Midhurst, Township of Springwater, Simcoe County) were located internal to the Midhurst Heights lands and outside of the development area of the External Servicing SAR Plan. Actions were taken to secure authorizations under the ESA this past summer for impact to Cat. 2 and Cat. 3 Butternut and habitat of Barn Swallow. These actions included discussions with the MECP's ESA Reg Team (virtual meeting July 28, 2022) to establish permitting requirements. Registrations were filed for impact to Cat. 2 trees involving compensation planting (as per ESA Reg Team specification). Cat. 3 Butternut and Barn Swallow were addressed through registry submission and payment to the Conservation Fund.

- Please provide the details/results of the habitat assessment completed for SAR bats as indicated by your previous response to Shamus Snell's request.

The bat habitat assessment referenced by Azimuth relates to our completion of an inspection of ROW made during leaf-off conditions by one of Azimuth's bat specialist. As per Table 1 of the June 6, 2022 SAR Plan Revision, the assessment indicated: "*scattered tree cover of rights-of-ways where works are required does not provide key habitats for this species - i.e., no mature forests with an abundance of large diameter snag trees or buildings requiring demolition/alteration*" and concluded "*no impacts to habitat consistent with Section 10 of Ontario's ESA. Timing restriction on tree clearing recommended to avoid potential impact to individuals that might choose to roost in right-of-way trees (low probability) consistent with Section 9 of Ontario's ESA*". Had the servicing alignment involve works requiring tree removals in a component of the ROW containing a natural and mature woodland community of types considered potential habitat, we would have completed detailed snag tree assessment as per MNRF protocols. Given that the Midhurst Heights External Servicing works are confined to existing ROW within built portions of the settlement area, application of snag tree assessment methods to estimate snag tree density to compare against the 10 snag trees/ha threshold assumed required for potential function as bat habitat, appears invalid/unnecessary. Therefore, we consider our assessment of bat habitat potential of the ROW trees to be removed to be logical and appropriate to the task given the landscape setting of the undertaking. We also note that snag trees of value to bats are older and generally contain cavities, cracks and holes that impair structural integrity of the trees contributing to falling hazard. As ROW trees, such trees would be removed to protect health and safety of motorists and pedestrians and to protect infrastructure.

Thanks,
Dan

Daniel Williams
Management Biologist, Landscape Species Recovery Section
Species at Risk Branch
Ministry of the Environment, Conservation and Parks
Peterborough, ON K9J 3C7

Please Note: As part of providing accessible customer service, please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: David Luc <dave@rosecorp.com>
Sent: November 2, 2022 11:20 AM
To: Williams, Daniel (MECP) <Daniel.Williams2@ontario.ca>
Cc: Gignac, Hilary (MECP) <hilary.gignac@ontario.ca>; Ecclestone, Susan (MECP) <Susan.Ecclestone@ontario.ca>; SARB Coordinator (MECP) <SARBCoordinator@ontario.ca>; Andrew Webster <andrew@rosecorp.com>
Subject: Re: SARB Comments: Midhurst Environmental Study Report

Excellent, thank you Daniel.

On Nov 2, 2022, at 9:36 AM, Williams, Daniel (MECP) <Daniel.Williams2@ontario.ca> wrote:

Kurt Vendrig

From: David Luc <dave@rosecorp.com>
Sent: December 21, 2022 9:56 AM
To: Joe Mullan; Trevor Harvey; Leonard Borgdorff; Brent Spagnol
Cc: Andrew Webster; Brittany Robertson; Kurt Vendrig; Kory Chisholm; Opani Mudalige
Subject: FW: SARB Comments: Midhurst Environmental Study Report

Joe / Trevor,

For your files, please see approval below from the MECP on our Species at Risk (SAR) Plan related to the Midhurst Heights external servicing.

Regards,
David

David Luc, P.Eng.
Vice President, Land Development
The Rose Corporation | www.rosecorp.com
156 Duncan Mill Road, Suite 12 | Toronto, ON M3B 3N2
416-558-4968 | dave@rosecorp.com

From: Williams, Daniel (MECP) <Daniel.Williams2@ontario.ca>
Sent: December 20, 2022 5:03 PM
To: David Luc <dave@rosecorp.com>; Jim Broadfoot <Jim@Azimuthenvironmental.Com>
Cc: Andrew Webster <andrew@rosecorp.com>
Subject: RE: SARB Comments: Midhurst Environmental Study Report

Hi David,

The Ministry of the Environment, Conservation and Parks (MECP) has reviewed the information provided in the Species at Risk Plan (3rd Submission) Midhurst Heights External Servicing and supporting Technical Memorandum submitted by Azimuth Environmental Consulting, Inc. submitted on December 2, 2022, to assess the potential impacts of the proposal on Species at Risk protected under the *Endangered Species Act, 2007* (ESA).

Based on our review of the project documentation and information that has been provided, the conclusions that Azimuth Environmental Consulting, Inc. has made that neither sections 9 nor 10 of the ESA will be contravened for species identified above, appear reasonable and valid and therefore authorization is not required.

Should any of the project activities change, please notify MECP immediately to obtain advice on whether the changes require authorization under the ESA. Failure to carry out these projects as described could potentially result in contravention of the ESA. Further, it is recommended that

Azimuth Environmental Consulting, Inc. continue to monitor for Species at Risk activity during the course of site development to document changes, in the event that there should be any. The Proponent remains responsible for ensuring compliance with the ESA and may be subject to prosecution or other enforcement action if the proposed activities result in any harm to an at-risk species or habitat.

Our position here is based on the information that has been provided by Azimuth Environmental Consulting, Inc. and its project team. Should information not have been made available and considered in our review or new information come to light that changes the conclusions made by Azimuth Environmental Consulting, Inc., or if on-site conditions and circumstances change so as to alter the basis for Azimuth Environmental Consulting, Inc.'s conclusions, please contact the Species at Risk Branch as soon as possible to discuss next steps.

We also note that while it does not appear that an ESA permit will be required, the proposed activities may be subject to other approvals, such as those issued by local municipalities and conservation authorities. Please be advised that it is the responsibility of the proponent to be aware of and comply with all other relevant provincial or federal requirements, municipal by-laws or required approvals from other agencies. It is also the responsibility of the proponent to ensure that all required approvals are obtained and relevant policies adhered to.

Please reach out to me directly if you have any questions,
Dan

Daniel Williams
Management Biologist, Landscape Species Recovery Section
Species at Risk Branch
Ministry of the Environment, Conservation and Parks
Peterborough, ON K9J 3C7

Please Note: As part of providing accessible customer service, please let me know if you have any accommodation needs or require communication supports or alternate formats.