



Ecological Services



March 11, 2024

**RE: Response to October 25, 2023 peer review by McIntosh Perry**

1. The peer review states that the 2023 EIS did not provide details of the specific surveys (i.e., frog call counts, birds observed, etc.). Typically, an EIS provides tables of the flora and fauna observed on site.

In response, please see Section 10 of the January 24, 2023 EIS for survey details, including frog call counts, Whip-poor-will survey details, SAR snake monitoring, turtle nesting surveys, and birds. Birding results were also posted to eBird, although hidden from public view. For this peer review, the bird counts for the birds from Table 8 of the 2023 EIS are provided in Table 1 of this peer review response.

2. The peer review requested a plant list. The subject lands had recently been cleared and were largely devoid of vegetation, and consisted primarily of large rocks that had been flatted in place with heavy equipment. For this peer review, the plant list that primarily encompasses the adjacent lands is provided in Table 2 (below).

3. The peer review requests confirmation that Black Ash were not observed. From Table 2, it can be seen that Black Ash was not observed.

4. The peer review requested nesting information for Pileated Woodpeckers as Schedule 1 of the 2022 Migratory Bird Regulations aims to protect their nest trees from being removed. All trees were removed from the area slated for development on the subject lands prior to the commencement of field work, and therefore, we cannot comment on whether there were Pileated Woodpecker nest trees prior to our site visits. During the field work, Pileated Woodpeckers were observed foraging within the FOM2-2 woodland east of the cleared lands. No nests were observed during the field work, and the bulk of the FOM 2-2 woodlands are owned by an adjacent landowner and therefore out of the developer's control. That Pileated Woodpeckers were still present, despite the clearing, which suggests that nesting was not impacted.

5. The peer review suggests consideration of controlling European buckthorn. We acknowledge that buckthorn is causing deleterious ecological impacts and we always encourage landowners to remove it from their lots. However, it is now so widespread in the region that in our opinion, buckthorn control of small individual sites is a futile effort as far as stopping its spread. Since all shrubs were removed from the area that is slated for development, this would have included any European buckthorn that may have been present prior to that. Management of European buckthorn on adjacent ownership lands would be outside of the developer's control.

6. The peer review requested information on Chorus Frogs. From Table 4 of the 2023 EIS, it can be seen that frogs were only calling from one location during the amphibian surveys. This was a wetland area about 80 m northwest of the northwest corner of the property, on the west side of Fitzsimmons Rd. At this location, Chorus Frogs were heard calling (Call Code 1) on the April 13, 2022 site visit, but not on the other frog monitoring visits. No frogs of any species were heard calling from the wetland directly west of the Subject Lands, or from the wetland southeast of the Subject Lands.

7. The peer review requested more detailed information for the woodland significance assessment in the 2023 EIS.

**Size:** We determined that the woodland on site had been part of an approximate 14 ha. unit of woodland that is separated from other woodlands in the region via a 20 m gap separation. The 20 m gap separation is the distance used in the Natural Heritage Reference Manual for determining separate units of woodland, and gaps created here are created by roads, hydro clearings, developed residential lots, and non-woodland wetland. There is a tenuous woodland connection of this 14a. unit to an adjacent ~50 ha woodland to the east, via a narrow connection (~40 m) near the Parkway, about 430 m to the south of the development lands. The ecological potential of this connection is limited by its narrow width, the landscaping of the residential lots, and a watercourse. As a result, we considered the 14 ha. unit as discrete, and falling below the 50 ha. threshold. Nevertheless, if we were to consider the two woodland units as one, the total woodland area would be about 64 ha., and the removal of the approximate 1 ha. of woodland from the development area, would still result in a woodland greater than 50 ha., and therefore there would no negative impact as the size significance threshold would still be maintained. This assessment perspective of woodland size reduction as it relates to no negative impact was discussed with the CRCA staff when the Natural Heritage Reference Manual was first introduced.

**Core:** There was a typo in the 2023 EIS when it mentions 2 ha. as the threshold for significance in areas where a 50 ha. size threshold is required. From the Natural Heritage Reference Manual, the threshold size for core habitat should have been listed as 8 ha. The 14 ha. discrete forest unit we considered for core calculation purposes has about 0.5 core habitat, as determined by the 100 m edge consideration of the Natural Heritage Reference Manual. We based this calculation assuming that no site clearing had occurred on the development lands, but did consider the recent housing development and land clearing built on Fitzsimmons Rd., prior to site clearing of the development lands. The adjacent 50 ha. woodland block to the east has about 15 ha. of core habitat. The closest this adjacent woodland block is to the development lands is about 413m. The removal of the woodland on the subject lands would not impact the size of the 0.5 core habitat area of the 14 ha. forest unit nor the 15 ha. core habitat area of the adjacent 50 ha. woodland, and therefore there would be no negative impact to core habitat.

**Water protection:** As noted in the 2023 EIS, woodland protection for water related features is a factor in woodland significance consideration. The 30 m edge portions of the 14 ha. forest unit and the 50 ha. forest unit both provide this significant feature. From the development lands, this feature is about 75 m from the cleared development area

and therefore beyond the distance of concern noted in the Natural Heritage Reference Manual.

8. The peer review recommended the implementation of mitigation measures during the construction phase of the proposed development. Since the site had already been cleared, then mitigation measures would be restricted to stormwater related impacts as they relate to wetland vegetation in the adjacent valley to the south, although the site had been graded flat, which should lessen stormwater concerns. It is standard practice to put up siltation barriers between the construction area and any adjacent water associated feature. For these purposes we refer construction engineers to the Erosion and Sediment Control Guide for Urban Construction prepared by the Toronto and Region Conservation Authority in 2019.

9. The peer review asks if improvements were considered as part of the EIS and what recommendations were made by Ecological Services and which are being considered.

The 2023 EIS did not consider site improvements. During the production of the 2023 EIS and the specifics of the development are still somewhat in flux based on consultation with the CRCA regarding Regulation 148/06. Once CRCA concerns are met, discussions with the developers can proceed about possible site improvements.

Two recommendations regarding site clearing for Species at Risk Bats and Migratory Birds were made in the 2023 EIS. The question as to whether these recommendations are needed (i.e., is more site clearing anticipated) or being considered should be directed to the Township of Leeds and the Thousand Islands.

10. The peer review requested a discussion on future potential impacts to Blanding's Turtle. As noted in the 2023 EIS, the MNR (2015) Blanding's Turtle survey protocol was employed, which notes that by following the protocol it provides a reasonable assurance on the lack of importance to a site for Blanding's Turtles.

EIS protections for Blanding's Turtles should focus on the four key life cycle features that support this species, namely: Basking, Feeding, Overwintering, and Nesting.

Overwintering: The Subject Lands do not contain overwintering habitat, and the nearest potential overwintering habitat area would be about 95 m to the west, on the far side of Fitzsimmons Rd. The development of the Subject Lands would have no impact on this potential overwintering area.

Feeding: The Subject Lands do not contain turtle feeding habitat. The closest potential feeding area would be about 95 m to the west, on the far side of Fitzsimmons Rd. The development of the Subject Lands would have no impact on this potential feeding area.

Basking: Basking normally occurs next to open water. The closest basking area would be about 95 m to the west, on the far side of Fitzsimmons Rd. The development of the Subject Lands would have no impact on this potential basking area.

**Nesting:** Nesting requires an appropriate sun exposed substrate. As the surrounding woodlands are too heavily shaded to provide appropriate thermal nesting attributes, the location we would expect to find nesting turtles (of any species) would be on the gravel verges of Fitzsimmons Rd. and Granite Ridge Rd. No remnant turtle nests were observed on the road verges that are adjacent to the Subject Lands. Except for some temporary sand and gravel piles, the bare rock of the Subject Lands does not contain nesting attributes. The temporary sand and gravel piles were investigated for nesting and no evidence of nesting in the temporary piles was observed. Turtles are opportunistic with nesting, and in our experience will use nesting sites that require the least amount of energy to exploit. In this general area it would include roadside verges and the lawns and gardens of the residential lots, both of which are outside the control of the developer.

From the perspective of the Township of Leeds and the Thousand Islands the application of an IGF would be necessary if there was a potential violation of the ESA from the development. However, in our opinion, the lack of turtle sightings and the lack of key turtle habitat features on the Subject Lands that could be exploited by turtles makes the application of an IGF unnecessary, because a violation of the ESA by this development is unlikely.

Respectfully Submitted,



Rob Snetsinger  
Ecological Services

Table 1. Fitzsimmons Road birding details.

| Species                   | Count | Observation date |
|---------------------------|-------|------------------|
| Mourning Dove             | 2     | 27-Jun-22        |
| Ruby-throated Hummingbird | 1     | 27-Jun-22        |
| Great Blue Heron          | 1     | 27-Jun-22        |
| Northern Harrier          | 1     | 27-Jun-22        |
| Hairy Woodpecker          | 1     | 27-Jun-22        |

|                          |   |           |
|--------------------------|---|-----------|
| Warbling Vireo           | 1 | 27-Jun-22 |
| Red-eyed Vireo           | 1 | 27-Jun-22 |
| Blue Jay                 | 3 | 27-Jun-22 |
| American Crow            | 1 | 27-Jun-22 |
| Black-capped Chickadee   | 1 | 27-Jun-22 |
| House Wren               | 1 | 27-Jun-22 |
| European Starling        | 3 | 27-Jun-22 |
| American Robin           | 1 | 27-Jun-22 |
| Cedar Waxwing            | 2 | 27-Jun-22 |
| American Goldfinch       | 2 | 27-Jun-22 |
| Song Sparrow             | 1 | 27-Jun-22 |
| Swamp Sparrow            | 2 | 27-Jun-22 |
| Red-winged Blackbird     | 2 | 27-Jun-22 |
| Common Grackle           | 2 | 27-Jun-22 |
| Black-and-white Warbler  | 1 | 27-Jun-22 |
| Common Yellowthroat      | 2 | 27-Jun-22 |
| Yellow Warbler           | 1 | 27-Jun-22 |
| Pine Warbler             | 1 | 27-Jun-22 |
| Northern Cardinal        | 1 | 27-Jun-22 |
| Canada Goose             | 4 | 04-Jun-22 |
| Mallard                  | 2 | 04-Jun-22 |
| Yellow-billed Cuckoo     | 1 | 04-Jun-22 |
| Ruby-throated            |   |           |
| Hummingbird              | 1 | 04-Jun-22 |
| Red-shouldered Hawk      | 1 | 04-Jun-22 |
| Yellow-bellied Sapsucker | 1 | 04-Jun-22 |
| Downy Woodpecker         | 1 | 04-Jun-22 |
| Alder Flycatcher         | 1 | 04-Jun-22 |
| Great Crested Flycatcher | 1 | 04-Jun-22 |
| Eastern Kingbird         | 1 | 04-Jun-22 |
| Red-eyed Vireo           | 2 | 04-Jun-22 |
| American Crow            | 2 | 04-Jun-22 |
| Black-capped Chickadee   | 1 | 04-Jun-22 |
| House Wren               | 1 | 04-Jun-22 |
| European Starling        | 3 | 04-Jun-22 |
| Gray Catbird             | 1 | 04-Jun-22 |
| American Robin           | 2 | 04-Jun-22 |
| American Goldfinch       | 2 | 04-Jun-22 |
| Chipping Sparrow         | 3 | 04-Jun-22 |
| Song Sparrow             | 1 | 04-Jun-22 |
| Swamp Sparrow            | 2 | 04-Jun-22 |
| Baltimore Oriole         | 1 | 04-Jun-22 |
| Red-winged Blackbird     | 5 | 04-Jun-22 |
| Common Grackle           | 1 | 04-Jun-22 |
| Common Yellowthroat      | 2 | 04-Jun-22 |

|                          |   |           |
|--------------------------|---|-----------|
| Yellow Warbler           | 1 | 04-Jun-22 |
| Chestnut-sided Warbler   | 1 | 04-Jun-22 |
| Pine Warbler             | 3 | 04-Jun-22 |
| Yellow-rumped Warbler    | 1 | 04-Jun-22 |
| Scarlet Tanager          | 1 | 04-Jun-22 |
| Northern Cardinal        | 2 | 04-Jun-22 |
| Mallard                  | 1 | 21-May-22 |
| Pileated Woodpecker      | 1 | 21-May-22 |
| Great Crested Flycatcher | 2 | 21-May-22 |
| Eastern Kingbird         | 2 | 21-May-22 |
| Warbling Vireo           | 1 | 21-May-22 |
| Red-eyed Vireo           | 1 | 21-May-22 |
| Blue Jay                 | 1 | 21-May-22 |
| American Crow            | 3 | 21-May-22 |
| Black-capped Chickadee   | 1 | 21-May-22 |
| House Wren               | 1 | 21-May-22 |
| Gray Catbird             | 2 | 21-May-22 |
| American Robin           | 1 | 21-May-22 |
| American Goldfinch       | 5 | 21-May-22 |
| Chipping Sparrow         | 1 | 21-May-22 |
| Song Sparrow             | 1 | 21-May-22 |
| Common Grackle           | 3 | 21-May-22 |
| Black-and-white Warbler  | 1 | 21-May-22 |
| Tennessee Warbler        | 1 | 21-May-22 |
| Common Yellowthroat      | 1 | 21-May-22 |
| Magnolia Warbler         | 1 | 21-May-22 |
| Scarlet Tanager          | 1 | 21-May-22 |
| Northern Cardinal        | 2 | 21-May-22 |
| Rose-breasted Grosbeak   | 2 | 21-May-22 |

**Table 2. Fitzsimmons road plant list.**

| <b>Scientific Name</b>                            | <b>Common Name</b>      | <b>SRank</b> |
|---|-------------------------|--------------|
| <i>Maianthemum canadense</i>                      | Wild-lily-of-the-valley | S5           |
| <i>Acer rubrum</i>                                | Red Maple               | S5           |
| <i>Acer saccharum</i> var. <i>saccharum</i>       | Sugar Maple             | S5           |
| <i>Aralia nudicaulis</i>                          | Wild Sarsaparilla       | S5           |
| <i>Asclepias incarnata</i>                        | Swamp Milkweed          | S5           |
| <i>Athyrium filix-femina</i> var. <i>angustum</i> | Lady Fern               | S5           |
| <i>Carex blanda</i>                               | Woodland Sedge          | S5           |
| <i>Carex bromoides</i>                            | Brome-like Sedge        | S5           |
| <i>Carex eburnea</i>                              | Ebony Sedge             | S5           |
| <i>Carex pensylvanica</i>                         | Pennsylvania Sedge      | S5           |
| <i>Carex retrorsa</i>                             | Retrorsed Sedge         | S5           |

|  |                       |      |
|--|-----------------------|------|
| <i>Carex rosea</i>                         | Rosy Sedge            | S5   |
| <i>Carex spicata</i>                       | A Sedge               | SNA  |
| <i>Carya cordiformis</i>                   | Bitter-nut Hickory    | S5   |
| <i>Dryopteris intermedia</i>               | Evergreen Woodfern    | S5   |
|  | Climbing False-       |      |
| <i>Fallopia scandens</i>                   | buckwheat             | S4S5 |
| <i>Fraxinus americana</i>                  | White Ash             | S4?  |
| <i>Fraxinus pennsylvanica</i>              | Green Ash             | S5   |
| <i>Geranium robertianum</i>                | Herb-robert           | SNA  |
| <i>Impatiens capensis</i>                  | Spotted Jewel-weed    | S5   |
| <i>Leersia oryzoides</i>                   | Rice Cutgrass         | S5   |
| <i>Maianthemum racemosum</i>               | False Solomon's-seal  | S5   |
| <i>Onoclea sensibilis</i>                  | Sensitive Fern        | S5   |
| <i>Parthenocissus inserta</i>              | Virginia Creeper      | S5   |
| <i>Phalaris arundinacea</i>                | Reed Canary Grass     | S5   |
| <i>Pinus strobus</i>                       | Eastern White Pine    | S5   |
| <i>Poa pratensis</i> ssp. <i>pratensis</i> | Kentucky Bluegrass    | S5   |
| <i>Polygonatum pubescens</i>               | Downy Solomon's-seal  | S5   |
| <i>Polypodium virginianum</i>              | Rock Polypody         | S5   |
| <i>Quercus alba</i>                        | White Oak             | S5   |
| <i>Quercus rubra</i>                       | Northern Red Oak      | S5   |
| <i>Rhamnus cathartica</i>                  | Buckthorn             | SNA  |
| <i>Ribes triste</i>                        | Swamp Red Currant     | S5   |
| <i>Sambucus canadensis</i>                 | Common Elderberry     | S5   |
| <i>Sambucus racemosa</i>                   | Red Elderberry        | S5   |
| <i>Taraxacum officinale</i>                | Brown-seed Dandelion  | SNA  |
| <i>Tilia americana</i>                     | American Basswood     | S5   |
| <i>Trientalis borealis</i>                 | Northern Starflower   | S5   |
| <i>Trillium erectum</i>                    | Red Trillium          | S5   |
| <i>Trillium grandiflorum</i>               | White Trillium        | S5   |
| <i>Tsuga canadensis</i>                    | Eastern Hemlock       | S5   |
| <i>Typha angustifolia</i>                  | Narrow-leaved Cattail | SNA  |
| <i>Typha latifolia</i>                     | Broad-leaf Cattail    | S5   |
| <i>Ulmus americana</i>                     | American Elm          | S5   |
| <i>Viburnum acerifolium</i>                | Maple-leaf Viburnum   | S5   |
| <i>Vitis riparia</i>                       | Riverbank Grape       | S5   |