

Response to Peer Review of Sarjeant Waverley Pit # 2

Prepared by Robin Craig, report author
December, 11, 2006

The following is in response to the memo dated September 1, 2006 from Tricia Radburn of R. J. Burnside and Associates Limited to C. Greatrix of Tiny Township. The memo is a peer review of the report “Environmental Impact Statement and Natural Environment Study – Sarjeant Waverley Pit # 2, Township of Tiny, County of Simcoe, April, 2006”.

The author states in her introduction that the review is based on “current policies and plans at the time of writing this memorandum (September 06)” but, unless there are special circumstances, the EIS is, in fact, subject only to the policies and plans in effect at the date of submission, which in this case would be April 2006. The policies and plans in place in April 2006 were used in preparing the EIS.

In her “General Comments” she states that the study is relatively comprehensive and with the exception of the significant woodland, no natural features will be impacted by the proposal. She goes on, however, to list 4 pages of specific comments. Each of her comments will be addressed in the order that it appears in the memo and the comments below will be numbered to make cross referencing with her bullets easier.

Before looking at these it must be remembered that there are not any “official” guidelines for preparing or conducting an “Environmental Impact Statement/Study” (EIS). Each study is somewhat unique to the property and is related to potential impacts of the proposed development.

1. “Planning Authorities”. The Aggregate Resources Act (ARA) and County of Simcoe Official Plan (2000) were referenced as guides for the report. The reviewer suggests that the Provincial Policy Statement (PPS) and the Township of Tiny Official Plan should also have been referred to in preparing the EIS. This could have been done but was not because of redundancy. Both the PPS and the ARA request that a natural environment report examine the same 7 natural features, to the same level of detail.

At the time of writing the report, the Township of Tiny did not have a Natural Heritage Plan while the County of Simcoe did have a plan. The township plan did have some natural heritage policies but they were consistent with County policies. In my experience, area townships usually refer the natural heritage component of an EIS to Simcoe County for review. The report was, therefore, written to the County EIS Guidelines, assuming that these would address township concerns.

2. “Reference to Pit # 1”. Reference to pit # 1 is made in section 4.2 of the report. The reports can stand alone in describing the natural heritage features of each property. The detail required is the same for both reports and are outlined in the ARA and EIS guidelines.

3. “Tree Cutting By-Law”. The county tree cutting by-law will not apply to an approved aggregate license.

4. “Consultation”. Tiny Township is not within the jurisdiction of a Conservation Authority. Neither the Lake Simcoe nor Nottawasaga CAs extend this far north and west. OMNR and the Natural Heritage Information Centre (NHIC) were consulted regarding rare, endangered and threatened species and spaces and no elements were reported on or within 1 km of the property. The Simcoe County Official plan (2000) and the document “Development of a Natural Heritage System for The County of Simcoe” (June 1996) were also consulted. Significant environmental features, provided by the county document, were listed in Table 1 of the EIS. The County also provided guidelines for preparing an EIS in Appendix I “Environmental Impact (EIS) Statement Requirements” of their Official Plan (2000). These guidelines were followed as outlined in Section 1 and Section 2.1 of the EIS.

The Severn Sound Environmental Association (SSEA) was consulted regarding woodlands within the Wye River watershed. Information provided by the SSEA was used to analyse the significance of the woodland on the site.

5. “Methodology”. The data collection methods were similar for each of Pit # 1 and # 2. There are no standard methods for collecting information for an EIS and there is no practical way to completely inventory every plant and wildlife species on the property. What was done is described in Section 2.2 of the EIS. The properties were surveyed on 5 separate dates over two years (2004 and 2005). All vegetation communities were visited and walked through regularly to ensure that each community was accurately described and that the maximum number of species were documented. Each visit throughout the season added new sightings as the different plants species emerged and developed. Visits occurred between dawn and 1 pm on days when the weather was always calm and clear to maximize opportunities of seeing and hearing wildlife, especially birds. The methods (protocols) suggested by the reviewer were designed to monitor population trends through long time periods, over large areas (like Southern Ontario). Both protocols recommend short timed visits to selected stations to record species present. The forest bird protocol recommends 3-5 stations within a woodland, with a visit to each site for 10 minutes duration, twice in a year, between late May and early July. My method of visiting the site 5 times between May and August over 2 years and staying in any one community for from ½ to 3 hours and recording all wildlife was more intensive and provided better data than the protocols that were designed for other purposes. Amphibians were not monitored specifically because no potential habitat was found in the proposed extraction area. The discharge area to the west, however, may provide some amphibian habitat. The species expected are likely common and no species of concern were identified in consultation with OMNR. A specific survey for amphibians can be done in the spring of 2007 if required, but little would be gained because the “pond” is not included in the extraction zone and, as concluded in the hydrogeological report, the ground water flow to the pond is not expected to be impacted by the project. In any case, neither of the suggested protocols would add much credibility to the report.

6. "ELC codes offsite". Applying ELC codes off site within 120m of the license boundary would require entering property to sample communities on lands, in some cases, not currently owned by the applicant. The County EIS guidelines only require descriptions of adjacent land use which can be done by "over the fence" observations and air photo interpretation.
7. "Section 4.7.3". See 5. above. The pond is a discharge area presumably dug out to provide water for livestock. A better description with measurements may have clarified this for the reviewer. If it was of any significance as wildlife habitat, it would have been discussed in the EIS. The pond and any associated wildlife habitat will not be impacted by the proposal because it is west of the proposed extraction limit and ground water flow will not be interrupted.
8. "Section 4.9". There were no butterflies or dragonflies observed on the Pit # 2 property. This was an error in the text of the EIS.
9. "Section 5.4". The loss of on site habitat for area sensitive birds is not presented in this section but the reader is referred to Section 5.8.2. The argument is made in the EIS that the loss of habitat on site is not significant within the Wye River watershed. I think the reviewer agrees with this, although her comments are not clear.
10. "Section 5.8.1". There is no discussion of the significance of the discharge areas because they were not considered significant wildlife habitat and will not be impacted by the proposal as they are west of the extraction limit.
11. "Fish Habitat". There is no fish habitat on or near the property. The pond on the west side is clearly the result of an excavation by the former landowner to water livestock and would not constitute fish habitat.
12. "Section 6.1". The extent of planting/regeneration should be part of the site plan.
13. "Section 7.0". There is no specific plan to create wildlife habitat with woody debris from the site. The development of a plan could be a condition included with the site plan. Fire hazards would be addressed in the site plan.
14. "Section 7.0". Restoration of upland areas is recommended in this section and includes retaining topsoil as a source of native plant material, establishment of vegetated buffers that will also supply native plant material for regeneration and working with Ducks Unlimited to establish wetland habitats in newly created pond areas. The Ducks Unlimited plans could include upland areas where this would compliment efforts in the wetlands. The commitment here should be to do a plan in the future because the science of restoration ecology is rapidly changing.
15. "Figures 4, 5, and 6". The inclusion of the extraction limits is a good suggestion. The information is, however, all contained in the detailed site plans that accompany the application.

16. "Section 3.0". The depth of the pit is contained in the specific site plan.
17. "Section 5.4". As stated in the review, the correct word is "following" not "flowing". This was a typo in the text of the EIS.
18. "Buffers". This is again all part of the site plan.
19. "Sign the report". A format/style issue.