

January 24, 2023

Peer Review of
Environmental Impact Study
for Elgin Street Condominium,
Brighton

Prepared for

Municipality of Brighton



Introduction

The Municipality of Brighton (*'the Municipality'*) is currently reviewing an application for a 32-unit development at the terminus of Elgin Street in the community of Gosport, Brighton. The Municipality had advised the proponent (memo dated June 11, 2021) that they will require submission of complete applications for Zoning By-law Amendment and Plan of Condominium, and submission of a Site Plan Control Application.

According to Section 3.9.5 of the Municipality of Brighton Official Plan, an EIS must demonstrate that "there will be no negative impacts on the natural features or their ecological functions".

The subject property is within the jurisdiction of Lower Trent Conservation (LTC) and the EIS must conform with LTC's Environmental Impact Study Terms of Reference and Submission Standards (2018).

In addition to meeting the requirements for an EIS as described in the Municipality of Brighton Official Plan (Section 3.9.5), the Northumberland County Official Plan (Section D.1.9.3), the LTC EIS TOR and Submission Standards, and guidance from the NHRM, a Terms of Reference (TOR) for the EIS was prepared on behalf of the Municipality by North-South Environmental (NSE), dated November 30, 2021, and was provided to the proponent's environmental consultant, Ainley Group (AG).

The scope of an EIS is in part based on the scale of the proposed development and potential for impacts, as determined in consultation with the municipality. The scope of the EIS is identified in the TOR and was developed to provide a level of detail deemed adequate to assess conformity and consistency with relevant natural environment policies and legislation.

An EIS has been prepared by Ainley Group (AG), dated September 2022. Upon request of the Municipality, a peer review has been completed by NSE of the EIS submitted by AG (September 2022) (herein referred to as the 'AG EIS') with consideration of the standards by which an EIS should fulfill certain requirements, including those identified in the TOR prepared by NSE, to ensure that a development application will conform with applicable natural heritage policies and legislation.

The peer review was completed as a 'desktop review.' No site visit was conducted by NSE as part of the review of the first submission of the EIS. A site visit will be requested as part of the review of future submissions of the EIS and can occur as part of a feature staking exercise with the proponent's ecological consultant.

In addition to the AG EIS, the following documents were reviewed:

- Draft Plan of Condominium, prepared by EcoVue, dated September 27, 2022.
- Terms of Reference for the EIS, prepared by NSE, dated November 30, 2021.

- Key Map to the subject lands (showing three lots), received from Municipality of Brighton, November 2021.
- Complete Application Letter, addressed to Mr. Brad Williams from the Municipality of Brighton, dated June 11, 2021.
- Public Consultation Letter, addressed to the Municipality of Brighton from EcoVue, dated July 21, 2021.
- Preferred Development Option drawing, prepared by EcoVue, dated June 30, 2021.
- Geotechnical Report, prepared by Terraspec Engineering Inc. Geotechnical Engineers, dated May 6, 2021.

Please contact the undersigned if you have any questions or require clarification on the comments.

Sincerely,



Sal Spitale

Principal, Senior Ecologist, North-South Environmental Inc



Leanne Wallis

Senior Ecologist, North-South Environmental Inc

Comments

Scope of Work (Section 2.0)

1. Section 2.0 details the scope of work for the EIS, per input received from LTC on March 1, 2021. Please include this correspondence in the Appendices and provide a reference to the respective Appendix in Section 2.0.
2. This section should include the full scope of work required as per correspondence received from LTC and NSE, and confirmation that all required field investigations were completed, or rationale for not completing all field investigations. We note that not all required field investigations have been included in the stated scope of work (e.g., three-season vegetation inventory, turtle nesting survey, tree inventory).

Sources of Existing Baseline Information (Section 3.0)

3. MNRF / LIO Make-a-Map Tool - The summary of background data available for the subject lands and adjacent lands is incomplete. It should include: 'unevaluated wetland', and 'woodland'. Please update accordingly.
4. NHIC Search - In addition to common names, please include scientific names in parentheses. Please include both common and scientific names throughout the report.
5. Ontario Wetland Evaluation of Presqu'île Bay Marsh - This is included in Appendix A but not directly referenced in Section 3.0. Please add a summary to Section 3.0. We note that the wetland evaluation contains species records, including those of Species at Risk (SAR) and those that may indicate Significant Wildlife Habitat (e.g., waterfowl staging areas, migratory bird habitat, monarch migratory habitat). The species records from the OWES report should be included in the review of background information and be used to identify candidate/potential habitat and survey requirements. Please make reference to these records as part of the significant wildlife habitat assessment table and species at risk screening tables (Tables 2-4).
6. Appendix A (Background Data) includes agency correspondence with LTC and MNRF that provide specific comments and direction for this EIS. Please add a new section to the report called 'Agency Correspondence' and provide a summary of agency correspondence.

Data Collection Methodology (Section 4.0)

7. Please include the total survey time and number of surveyors for each field date to indicate search effort. Please also include weather (e.g., temperature, wind, precipitation) information for each field date to indicate that field surveys were completed in accordance with established field protocols.

8. The list of survey dates includes references to 'migratory bird surveys' and no reference to 'marsh bird surveys'. However, under the subheading 'Migratory and Breeding Birds' there is a discussion of the methodology for 'marsh bird surveys' (per the MMP protocol) and 'breeding bird surveys' (per the OBBA protocol). There is no discussion on migratory birds. It appears that marsh bird surveys were completed, and that migratory bird surveys were not completed. Please clarify and revise accordingly.
9. The TOR states that migratory bird surveys are required if suitable habitat exists. The EIS report states that Presqui'le Bay Marsh PSW is an Important Bird Area (IBA) as it supports migratory songbirds, shorebirds, and waterfowl (pg. 38 of EIS PDF). However, migratory bird surveys do not appear to have been done and no rationale for their exclusion has been provided. Given that the PSW is an IBA, migratory bird surveys should have been completed. Migratory bird surveys for songbirds, shorebirds, and waterfowl are required and should follow provincial guidelines (e.g., Bird and Bird Habitats: Guidelines for Windpower Projects, Appendix A). Please include the results of these surveys in your resubmission.
10. Vegetation. The spring vegetation visit was not completed within the survey window as listed in the TOR (May to early June). Per the AG EIS, the spring vegetation survey was completed on April 5, 2021. This is too early in the season for most spring-flowering species. Please complete the spring vegetation window within the proper survey window as per the TOR and include the results in the resubmission.
11. Wildlife (Turtles). The methodology is described as visual encounter surveys for SAR turtles. Please indicate whether turtle nest searches were completed as required in the TOR. We note that the AG EIS does not provide results of any turtle nest searches which suggests they were not completed. Turtle nest searches per the Survey Protocol for Blanding's Turtle (2015) are to occur between 7 pm and 10 pm in suitable weather conditions. We note that none of the turtle surveys listed occurred during this timeframe. We further note that Section 9.1.6 that turtle nest searches are listed under recommended mitigation to address potential impacts to turtles. Clarification is needed on whether nest searches were completed. If these have not been completed, please complete these surveys. Please update the resubmission accordingly.
12. Wildlife (Amphibians). Only two of the three amphibian surveys appear to have been completed (April 28 and June 28, 2021). The May survey is missing. All three surveys are required as per the Marsh Monitoring Protocol to assess use by amphibians. Please complete the May survey, in suitable weather conditions as per the Protocol and include the results in the resubmission.
13. Please include methodology for the wetland feature delineation. This is stated as having taken place on April 5, 2021. The methodology is partially discussed in Section 7.4 (Surface Water Features, Fish and Fish Habitat, and Aquatic SAR). Please confirm that the wetland feature delineation was staked and reviewed with a representative from the LTC, and was surveyed, as per the TOR. Please include these details in the resubmission.

14. Further to the previous comment, if the wetland was not delineated with a representative from the LTC, a future delineation will be required with a representative from the municipality and should occur in summer / early fall. Also, the staking should be completed by ecologist certified in the Ontario Wetland Evaluation System (OWES).
15. Further to the previous comment, note that any future delineation of the limit should be surveyed by an Ontario Land Surveyor (OLS) using equipment with 'sub-inch' accuracy. This is particularly important given that AG has noted in Section 2.2.2 that they intend to request an update to the land zoned as EP to match the 'field verified wetland boundary and associated setbacks.' Further, it has implications to the development footprint, as based on the current concept plan, per Section 7.4, the proposed development footprint is, at its nearest point, only 3.0 m from the required 30 m setback. If the boundary has not yet been reviewed with LTC and surveyed, please complete this and include the details in your resubmission.
16. Further to the previous two comments, it is recommended that the site visit with LTC or an ecological consultant retained by the municipality include an examination of the whole property to determine the presence / absence of additional wetlands, given the report has identified that a) all three vegetation communities have a 'fresh-moist' soil regime, b) the terrain is "generally flat" (Section 7.1), and c) drainage of the lands is stated as "interpreted to follow the site topography as sheet-flow...to the north...into Presqu'ile Bay" (Section 7.1).

Study Area (Section 5.0)

No comments

Planning Policies and Framework (Section 6.0)

17. As per the TOR, please include a discussion of relevant federal, provincial, and municipal legislation and policies, as well as conservation authority regulations and policies. A discussion of the following is to be added: Federal (Fisheries Act, Migratory Birds Convention Act, Species At Risk Act); Provincial (Endangered Species Act); Municipal (Northumberland County Official Plan).
18. Section 6.2.1 Municipality of Brighton Official Plan. The level of detail provided is not sufficient. Discussion is required on applicable natural heritage policies within the Official Plan in order to establish the framework in which to assess policy conformity. Please review and incorporate a discussion of applicable policies, specifically Section 3.9 (Protection of the Natural Environment), and 4.11 (Environmental Protection). As part of the above, please ensure the requirements for an EIS (Section 3.9.5) are included.
19. Section 6.3 Lower Trent Conservation Authority. Please add a discussion on permitting requirements (i.e., when a permit is required) in order to assess policy and legislative conformity.

20. Section 6.3 Lower Trent Conservation Authority. This section states that “the preliminary screening outlined the identified PSW and hazard setbacks required on the subject property, which included a 30 m setback from the wetland and 15 m setback from the 100 year flood hazard.” Given that an unevaluated wetland is adjacent to the PSW, please clarify whether the 30 m setback is from the limit of the PSW or the limit of the unevaluated wetland. We note that in Section 7.4, the AG EIS states that it is a 30 m setback from the limit of the unevaluated wetland.

Existing Conditions (Section 7.0)

21. Section 7.3 (Vegetation and Vegetation Communities). The report references local rarity ranks from nearby Presqu’île Provincial Park as described in Blaney (2013). We agree that this is a reasonable source of locally rarity ranks. However, we do not agree with the conclusion (pg. 16 of the EIS PDF) that since the seven species identified as ‘locally uncommon’ are provincially common / secure that the species are therefore likely to be more common locally than indicated. In many cases a species is locally rare or locally uncommon, while concurrently being provincially common / secure. Please revise the EIS to consider the assessed impacts of the proposed development and recommended mitigation with consideration of the known presence of seven locally uncommon species.
22. Section 7.3 (Vegetation and Vegetation Communities). Please add a full ELC characterization of the three vegetation communities. Specifically, please add the height of each of the four vegetation layers, their density, and the most abundant species per layer. Please include the community age class. We note that this information is incomplete on the ELC field sheets attached in Appendix D. This is particularly important to characterize existing conditions given that most of the unconstrained land is proposed for development and would result in vegetation removals. Further, it will inform the separate assessment of the woodlands for provincial significance.
23. Section 7.4 (Surficial Water Features, Fish and Fish Habitat, and Aquatic SAR). Correspondence with LTC (dated Nov 30, 2020) is referenced by AG that a 30 m ‘setback’ is required from the unevaluated wetland. Please note that the 30 m setback is a regulatory requirement related to hazards and hydrology, whereas one of the purposes of an EIS is to inform mitigation, such as the width of a vegetated buffer to ensure no negative impact to natural features and ecological functions. Please revise accordingly and include discussion in the Impact and Mitigation section to provide ecological justification that supports the effectiveness of a 30 m vegetated buffer at mitigating impacts to the natural features and ecological functions associated with the Prequ’île Bay Marsh, a provincially significant wetland, and an important birding area that per its wetland evaluation (included in Appendix A) supports migrating birds and migrating Monarch butterflies.

24. Section 7.5.1 (Bird Species). No description of breeding bird evidence has been included. A list of species is not sufficient. Please include details of breeding evidence (possible, probable, and confirmed breeding).
25. Section 7.5.2 (Wildlife / Herptofaunal Species). We recommend splitting this section into 'Visual Encounter Turtle Surveys', 'Turtle Nest Surveys,' 'Amphibian Calling Surveys' and 'Incidental Wildlife'. Additional detail is required. While some information on SAR turtle observations is provided in Table 3 and some of the information on amphibians is provided in Section 7.6.5, based on the information as currently provided, it cannot be determined, for example, if turtle nesting was observed on the subject lands, or if frogs / toads are using portions of the land mapped as upland (either as a corridor or using small wetland pockets).
26. Further to the previous comment, please include a Wildlife List in the Appendix. Wildlife evidence should be noted, as well as which ELC unit the species was observed in. UTM's of SAR or sensitive species should be provided and included on a Figure.
27. Section 7.6.1 (Species at Risk). The SAR screening table included as Table 2 identifies four species of Endangered bats as potentially being present. We note that no bat surveys have been completed as part of the EIS. We further note that clearing of two forest units and isolated trees is required to accommodate the development footprint. As per the TOR, an Information Gathering Form should be submitted to the MECP to gain further direction regarding addressing potential impacts to SAR. No correspondence with the MECP is included in the AG EIS. Please include correspondence and direction from the MECP regarding bats and other SAR (e.g., Blanding's Turtle) in your resubmission.
28. Section 7.6.3 (Significant Woodlands). This section concludes that since no wooded areas are shown on Schedule B of the Municipality of Brighton Official Plan then no 'significant woodland' is present. This is an incorrect conclusion. Sections 2.3.12.1 (v) states that mapping of significant woodlands are not identified in the Official Plan as this information is not available. Section 3.9.10 provides direction that "in the interim, all wooded areas larger than 0.5 hectares within the Municipality shall be considered to have potential to be provincially significant. Proponents of development proposals within these areas shall be required to submit a preliminary EIS completed by a qualified professional to determine the significance of the woodland as part of the application requirements. The preliminary EIS shall consider the recommended Significant Woodland Evaluation Criteria and Standards in Table 7-2 of MNR's Natural Heritage Reference Manual (NHRM)." Moreover, the Northumberland County Official Plan provides criteria for the identification of significant woodlands that should be applied to woodlands on the subject property.
The AG EIS identifies two forests on the subject property. The eastern forest unit appears to be over 0.5 hectares in size and appears to be separated from the smaller western unit by < 25 metres. Please 1) provide an evaluation of significance for the eastern woodland 2) determine if the western woodland should be treated as an extension of the central woodland based on the narrow separation distance, in accordance with direction in the NHRM which states that

- “treed areas separated by small openings have important ecological functions in combination and could still be considered as a single woodland” 3) provide an evaluation of the area mapped as woodland on LIO / MNRF mapping along the eastern edge of the property and extending onto the adjacent property (i.e., did ground truthing confirm the presence of this woodland, and if so, please include this on mapping, provide a description, and provide an assessment of significance, if required).
29. Further to the previous comment, please stake the limits of any significant woodland, verify these limits with the Municipality’s representative, and have the limits surveyed by an OLS for inclusion on site plans. Please provide a recommended buffer with consideration to policy conformity and provide recommendations for a planting plan for the buffer.
 30. Further to the previous comment, if the woodlands are determined to be significant, a detailed planting plan for significant woodland buffers should be prepared by a landscape architect and submitted for review and approval by the Municipality. We recommend that a detailed planting plan for significant woodland buffers be a condition of development approval.
 31. Section 7.6.4 (Significant Valleyland). This section concludes that since there are no significant valleylands shown in the Municipality of Brighton Official Plan that no significant valleyland is present. This is an incorrect conclusion. As per Section 3.9.12 of the Official Plan, valleylands within the Municipality have not yet been identified. Further, it states that it is the responsibility of the development proponent to determine if the proposed development and/or site alteration is within or adjacent (within 120 metres) of a valleyland. While our desktop review suggests that valleyland is not present, please provide a statement in the EIS report on whether valleyland is present, and if so, please provide an evaluation of significance based on provincial criteria in the NHRM.
 32. Section 7.6.5 (Significant Wildlife Habitat). Please update this section to clearly indicate for each significant wildlife habitat category whether SWH was ‘confirmed’, is ‘candidate’, or is absent. We suggest this be included via an additional column in Table 4. Note that the TOR states that the EIS is to provide an assessment of significance. For future EIS’s we suggest the EIS include a SWH assessment table based on the MNRFs ‘Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E.’
 33. A tree inventory is required as per the TOR. Please indicate if this will be submitted under separate cover.

Proposed Development (Section 8.0)

34. The description of the proposed development is not sufficient. As per the TOR, please incorporate relevant information from other studies required by the Municipality or the LTC (e.g., stormwater management, grading plan, landscape plan, etc.).
35. Please include stormwater management details on the development figure.
36. Please include the extent of grading on the development figure.

37. Please include fencing locations on the development figure. Note that permanent fencing (without gates) should be present along the rear of each lot to restrict encroachment into the Environmental Protection Area.

Environmental Impacts and Mitigation Measures (Section 9.0)

38. Section 9.1.2 (Surface Water Contamination and Debris Accumulation). Please include a discussion on the use of road salt and pesticides / herbicides and its impact to surface water features with recommended mitigation measures.
39. Surface Water. The AG EIS states that it is inferred that surface water drains overland towards the provincially significant wetland (PSW). Please add a discussion (to Section 9.1.2, or elsewhere, as appropriate) on any anticipated impacts to surface water quality and quantity, and how / if surface water quality and quantity to the PSW will be maintained.
40. Groundwater. Please add a section that addresses potential impacts to groundwater and recommended mitigation. This should include commentary on impervious surfaces, Low Impact Development (LID) measures, pre and post water balance, pollution from road salt/pesticides/herbicides, etc.
41. Section 9.1.3 (Vegetation). The AG EIS recommends that vegetation removal be limited to the extent possible. We note that the development footprint comprises most of the unconstrained portion of the subject lands and will require the partial removal of both forest units as well as isolated trees, shrubs, and herbaceous plants. Please demonstrate how the concept plan has been refined to limit vegetation removal.
42. Section 9.1.3 (Vegetation). 30 m buffer. The 30 m setback from the wetland required by the LTC is intended to address concerns from a hazard and hydrologic perspective. The EIS must provide an evaluation and determination of whether the setback is of sufficient width to buffer impacts and avoid negative impacts to natural features and ecological functions. Please provide an assessment of the effectiveness of the width of the buffer and update accordingly.
43. Section 9.1.3 (Vegetation). Please provide a statement that the vegetated buffer is to consist of native, self-sustaining vegetation that shall not be maintained by mowing. Please provide a statement that sowing of a native seed mix and planting of native trees and shrubs should be undertaken within the buffer area to speed up naturalization and encourage regeneration with native plant species. Seeding using a seed mix of native flowering plants can be considered to provide habitat for pollinators, and to stabilize the soils to reduce erosion.
44. Section 9.1.3 (Vegetation). Migratory Birds Convention Act (MBCA) and nest searches. The AG EIS recommends that vegetation removal occur outside of the active breeding bird season to avoid impact to protected birds under the MBCA. If this is not possible, then the AG EIS states that the "area should be cleared of nests by a qualified biologist." This guidance needs updated. Note that Environment and Climate Change Canada (ECCC) provides 'Guidelines to Avoid Harm to Migratory Birds' ([Guidelines to avoid harm to migratory birds - Canada.ca](https://www.ec.gc.ca/migratory-birds)). In these guidelines, the ECCC states that "in most cases, active nest search techniques" are not

recommended as the ability to detect nests is very low and the nest search may result in harm or harassment to breeding birds. In some cases nest surveys may be suitable, though only in 'simple habitats' (as described in the Guidelines) and when certain other criteria are met. Further, a nest search should never be considered 'clearing' an area, or in other words, stating that no nests are present. Given the cryptic nature of breeding birds, no guarantee can be given that all nests have been located. The MBCA and its Regulations would still apply even if a biologist stated no nests were present and an occupied nest was later destroyed. The subject lands do not meet criteria for 'simple habitat.' Therefore, vegetation clearing should not occur within the active migratory bird nesting season in order to minimize the potential of contravening the MBCA and its Regulations. Also note that occupied migratory bird nests are protected at any time of the year, including when encountered outside of the active migratory bird nesting season. Please update this section accordingly.

45. Section 9.1.3 (Vegetation). Numerous invasive species were noted on the subject lands. Please add a discussion on the potential impacts of vegetation clearing and recommended mitigation. This should include a discussion of proper disposal of invasive species waste and a recommendation that the Clean Equipment Protocol for Industry (Halloran et al. 2016, [Clean-Equipment-Protocol June2016 D3 WEB-1.pdf \(ontarioinvasiveplants.ca\)](#)) be implemented.
46. Section 9.1.3 (Vegetation). Locally uncommon species. Please provide an assessment of impact and recommended mitigation for the seven locally uncommon species identified on the subject lands. Please ensure the locations are shown on a figure. Please consider if transplantation is appropriate, and/or compensation for removals.
47. Section 9.1.3 (Vegetation). Please include a discussion on the introduction of invasive species to retained natural areas from lawn waste dumping and recommended mitigation.
48. Section 9.1.3 (Vegetation). Please include a discussion on impacts to retained vegetation (e.g., sunscald) and recommended mitigation, if applicable.
49. Section 9.1.4 (Wildlife and Bird Migration). MBCA and nest searches. This section provides the same guidance as Section 9.1.3. Please update this section accordingly based on our comment re MBCA and nest searches in Section 9.1.3
50. Section 9.1.4 (Wildlife and Bird Migration). This section appears to discuss the breeding of migratory birds, rather than bird migration. Please review and determine if the heading requires revision. Note that following recommended migratory bird field surveys, a discussion on impact to migratory birds and recommended mitigation is to be included.
51. Section 9.1.4 (Wildlife and Bird Migration). Recommended mitigation should include reducing light effects on retained natural areas.
52. Section 9.1.4 (Wildlife and Bird Migration). Please also include a discussion of domestic pet predation and recommended mitigation.
53. Section 9.1.5 (SWH) and 9.1.6 (SAR). Section 9.1.6 only discusses SAR that are Endangered or Threatened. Please include a discussion of SAR that are Special Concern under either Section 9.1.6 or Section 9.1.5.

54. Section 9.1.6 (SAR). It is noted that bats could be impacted by the proposed works. Please ensure that the recommended mitigation is updated to include guidance received from MECP as a response to the submitted Information Gathering Form.
55. Section 9.1.7 (Environmentally Sensitive Areas). Please provide the recommended buffer distance from the wetland (minimum 30 m) and include rationale for the buffer distance that is recommended.
56. Section 9.1.7 (Environmentally Sensitive Areas). Please provide a discussion on potential impacts from encroachment and include a recommendation for permanent fencing along the development limit. Please provide an updated site plan showing this fencing.
57. Section 9.1.8 (Fisheries, Associated Habitat, and In-water Works). The AG EIS concludes that the setbacks are sufficient to avoid impacts to fisheries and associated habitat without supporting discussion. Impacts could include sedimentation, spills, encroachment into habitat by equipment etc. Please include a more fulsome discussion of potential impacts and recommended mitigation. Where these have been discussed elsewhere in the report (e.g., Section 9.1.1 and 9.1.2) please reference accordingly.
58. As per the TOR, please identify opportunities for naturalization and ecological enhancement. Given the abundance of invasive species recorded, please consider if invasive species removal is recommended.

Conclusions and Recommendations (Section 10)

59. We note that there is no fulsome discussion on monitoring within the AG EIS. Per the Municipality of Brighton's Official Plan Section 3.9.5 (v), a description of the proposed monitoring program to be undertaken as part of the development proposal is required. We acknowledge that some details on during-construction monitoring are included in Section 9. Please add a section called 'Monitoring' after Section 9 that details during-construction monitoring, and post-construction monitoring.
60. We note that there is no fulsome discussion of policy conformity within the AG EIS. Please add a section called 'Policy Conformity' before the Conclusion and Recommendation section as was identified in the Terms of Reference. Please include a table that lists each legislative or policy document, its relevant policies, and a statement on whether the proposed development is in conformity.
61. Further to the above, as per the TOR, the policy conformity section is to include a discussion of permitting requirements.
62. Section 10.1 (Conclusions). The conclusions contain a summary of identified natural heritage features and functions on the property. However, woodland and coastal wetland have not been included. Please update accordingly. Further, the conclusions list five species of SAR that have *potential* to occur on the subject property but does not list SAR that were *confirmed* within the study area (e.g., Barn Swallow, Snapping Turtle, Northern Map Turtle, Midland Painted Turtle). Please update accordingly. Further, the conclusions list two types of significant

- wildlife habitat as 'confirmed' but does not list 'candidate' significant wildlife habitat. Please update accordingly.
63. Section 10.2 (Recommendations). Please ensure that recommendations in the resubmission are updated to reflect updates to the Impact and Mitigation section as per above direction.
64. Section 10.2 (Recommendations). Please indicate whether the subject lands that are designated as Environmental Protection are recommended for transfer to public ownership. Per the Northumberland Official Plan, section D1.10, the County encourages natural heritage features to be transferred to public ownership as a condition of development.
65. Section 10.2 (Recommendations). The AG EIS provides a statement that "AG is of the opinion that the proposed Elgin Street Condominium development *will not result in significant impacts to the natural heritage features* on or adjacent to the property." Note that an EIS is required to demonstrate that a proposed development will result in *no negative impact to the natural heritage features or their ecological functions* as per the PPS. Please update the EIS to provide a fulsome assessment of impacts to determine if a conclusion can be made that there are no negative impacts.

Appendices

66. Please include a measurement bar on all figures.
67. Please include a figure showing all designated features (PSW, unevaluated wetland, coastal wetland, MNRF woodland). Note that the 'field verified unevaluated wetland boundary' is shown on the constraints map (Figure 3). Please also include the MNRF unevaluated wetland boundary. Please also include the LTC regulation limit.
68. On the constraints map (Figure 3) please include SAR locations. Please also include confirmed and candidate SWH. Please also include locations of locally uncommon species. Please also include ecologically appropriate buffers.
69. Please include a wildlife species list in the Appendices
70. Please include all field data sheets in the Appendices. We note only ELC field sheets were included.

Conclusions and Next Steps

The EIS is generally detailed and indicates effort to provide a fulsome impact assessment. However, the comments provided above identify shortcomings in the field surveys, assessment of significance, as well as the impact assessment that should be addressed in an updated EIS.

Most critically, the EIS does not include an assessment of policy conformity and does not demonstrate that there will be 'no negative impact' to natural features and functions.

The concept plan will require partial removal of two forest blocks, and it has not been demonstrated that the removals can be done while meeting the 'no negative impact' test of the PPS.

Key components of the field program as detailed in the TOR appear to be incomplete: amphibian calling surveys, turtle nest surveys, migratory bird surveys, tree inventory, and feature limit delineation (with agency confirmation and surveying).

No consultation with the MECP on SAR appears to have occurred.

In accordance with Section 2.3.12 (Enhancement and Preservation of the Environment and Protection of Water) of the Brighton Official Plan, "it is an objective of this Plan to enhance and preserve those environmental qualities that contribute to the attraction of the Municipality. All development proposals will be assessed for compliance with this objective. Particular care will be exercised to ensure that development near the Lake Ontario shoreline will not have a negative impact on the environment" (emphasis added).

It is recommended that the EIS not be approved at this time and be updated to address the preceding comments. In addition, the resubmitted EIS should include a comment response table/matrix indicating how the comments were addressed and what sections were updated to address the comments. In addition to a 'clean' version, please submit a track-changes version of the updated EIS to facilitate a faster review.