

LOCAL PLANNING APPEAL TRIBUNAL

B E T W E E N :

**NICHOLYN FARMS INC., EDWARD KRAJCIR, and FRIENDS OF SIMCOE
FORESTS INC.**

Appellants

and

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING and COUNTY OF SIMCOE

Respondents

APPEAL RECORD OF FRIENDS OF SIMCOE FORESTS INC.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

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Index

Tab	Description	Page Number
1	Notice of Appeal – File No.: 43-OP-169096	1
2	Decisions	
A	Ministry of Municipal Affairs and Housing Notice of Decision January 2, 2019	1
B	Ministry of Municipal Affairs and Housing Decision November 30, 2018	3
C	Certified Copy of By-law No. 6754 of The Corporation of the County of Simcoe	5
3	List of Excerpts from Enhanced Municipal Record	1
4	Affidavit of Mary Teresa Wagner Affirmed March 22, 2019	1
A	Letters Patent - Friends of Simcoe Forests Inc.	10
B	Emails between Suzanne Robinson (MNRF) and Mary Wagner re: EIS for Freele Tract Springwater Township September 9, 2016 and September 13, 2016	14
C	Letter to Rob McCulloch and Debbie Korolnek, November 28, 2016	17
D	Letter to John Daly from Mary Wagner May 2, 2017	18
E	Transcription of the May 9, 2017 Public Meeting re: Official Plan Amendment File No. SCOPA-1602	34
F	Email to John Daly from Mary Wagner May 18, 2017	67
G	Letter to John Daly from Mary and Robert Wagner May 18, 2017	69
H	Email to Kim Benner from Mary Wagner RE: Simcoe County Tract Garbage Transfer Project May 18, 2017	72
I	Email from Mary Wagner to John Daly RE: ERRS Public Question June 28, 2017	75
J	Letter from Rob McCullough to Mary Wagner July 13, 2017	76
K	Email with Attachments to Bill Mauro and other recipients March 6, 2018	77
L	Email from Mary Wagner to John Daly and other recipients March 6, 2018	81
M	Email from Mary Wagner to John Daly and other recipients March 23, 2018	83
N	Email from Tiffany Thompson to Mary Wagner March 29, 2018	84
O	Letter to Ross Lashbrook from Mary Wagner July 12, 2018	86
P	Email to Aldo Ingraldi from Mary Wagner August 31, 2018	87
5	Affidavit of Jennifer Lawrence, to be Affirmed March 27, 2019	1
A	Curriculum Vitae of Jennifer Lawrence	39

B	Acknowledgment of Expert's Duty Signed my Jennifer Lawrence	43
C	June 5, 2017 Report	45
D	April 19, 2018 Report	75
E	Screen 1 Evaluation Criteria	87
F	Screen 2 Evaluation Criteria	89
6	Affidavit of James Dougan, Mary Anne Young and Karl Konze Affirmed March 22, 2018	1
A	Curriculum Vitae of James Dougan	29
B	Acknowledgment of Expert's Duty Signed by James Dougan	43
C	Curriculum Vitae of Mary Anne Young	45
D	Acknowledgment of Expert's Duty Singed by Mary Anne Young	47
E	Curriculum Vitae of Karl Konze	49
F	Acknowledgment of Expert's Duty Singed by Karl Konze	51
G	Letter to Friends of Simcoe Forest from James Dougan et al Containing Peer Review of Scoped Environmental Impact Study June 16, 2017	53
H	Letter to Aldo Ingraldi from James Dougan re: Impacts to Regional Natural Heritage System by Proposed County of Simcoe Environmental Resource Recovery Center March 2, 2018	71
7	Relevant Statutory and Policy Provisions	1
8	Chronology of Relevant Policy Documents	1
9	County of Simcoe, Simcoe County Forests 2011-2030	1

January 19, 2019

Mr. Ross Lashbrook, Manager
Community Planning and Development
Ministry of Municipal Affairs and Housing
Municipal Services Office – Central Ontario
777 Bay Street, 13th Floor
Toronto, ON M5G 2E5

RECEIVED
MUNICIPAL SERVICES OFFICE
CENTRAL REGION

JAN 22 2019

MINISTRY OF
MUNICIPAL AFFAIRS
AND HOUSING

Dear Mr. Lashbrook:

**Re Notice of Appeal - File No.: 43-OP-169096
2976 Horseshoe Valley Road – Township of Springwater
Amendment 2 County of Simcoe Official Plan**

The Friends of Simcoe Forest Inc. (FSF) are in receipt of the Ministry's Notice of Decision related to the County of Simcoe Official Plan Amendment 2. FSF is a not-for-profit incorporated organization whose goal is to inform and unite all people interested in conservation of the County's forests. Our organization has been actively involved in reviewing and commenting on the County's site selection process and Official Plan Amendment (OPA) process related to the proposed Environment and Resource Recovery Centre (ERRC). Enclosed are letters that have been submitted to the County and Province throughout this process documenting the concerns that we have with respect to the decision-making process in relation to Provincial, County and Local planning policies. I have also enclosed the transcripts from the ERRC public meeting that was held on May 9, 2017. I attended that meeting and spoke on behalf of FSF in opposition to the proposed amendment.

The County is proposing to remove at least 5 ha of woodland within the Township of Springwater to accommodate the construction of an Environment and Resource Recovery Centre. This woodland is within the Growth Plan Natural Heritage System (NHS) and is designated as Greenlands in the County Official Plan (OP). The removal of at least 5 ha of woodland will result in negative impacts to at least two Key Natural Heritage Features within the Growth Plan NHS (significant woodland and significant wildlife habitat).

Provincial Policy Statement

It is FSF's position that the approval of the County's OPA is not consistent with Provincial Policy Statement (PPS) **Policies 2.1.1, 2.1.2, 2.1.5(b)(d), and 2.1.7** in that the approval of the amendment will:

- not protect natural features and areas for the long term (contrary to **PPS 2.1.1**);
- not maintain, restore or improve the diversity and connectivity of natural features and the long-term ecological function and biodiversity of natural heritage systems (contrary to **PPS 2.1.2**);
- permit development and site alteration within a significant woodland and significant wildlife habitat without demonstrating no negative impacts on the natural features or their ecological functions [contrary to **PPS 2.1.5(b) and (d)**]; and,
- potentially permit development and site alteration within the habitat of endangered species (contrary to **PPS 2.1.7**).

The County's use of the term 'no net effects' throughout their planning documents, when referring to the impacts to the above Provincially significant features, is not consistent with, nor in conformance with, the Provincial test of 'no negative impact'.

Growth Plan

It is further FSF's position that the approval of the County's OPA is not consistent with Growth Plan policies **2.2.1.2(d)**, **2.2.1.3(d)**, **4.2.2.2**, **4.2.2.3(a)** and **4.2.3.1**.

As noted above, the property is within the Natural Heritage System of the Growth Plan. Policy 4.2.2.2 of the Plan states:

4.2.2.2 Municipalities will incorporate the Natural Heritage System as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or hydrologic functions of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4.

Policy 4.2.2.3(a) requires that new development or site alteration within the Natural Heritage System demonstrate that:

- i) there are no negative impacts on key natural heritage features or key hydrologic features or their functions.*

FSF retained ecological and environmental planning firms to review the site selection reports as well as the Environmental Impact Study (EIS) submitted in support of the County OPA. Through their review of the EIS they have advised that it is their professional opinion that the County has not demonstrated that there will be no negative impact on significant woodlands, significant wildlife habitat and potentially habitat of endangered/threatened species. As such, the County has not demonstrated that the application is consistent with **Policy 4.2.2.3(a)** of the Growth Plan.

Policy 2.2.1.2(d) requires that development be directed to settlement areas, except where the policies of the Plan permit otherwise. The site of the ERRC is outside of the Settlement Area boundary and entirely within the Natural Heritage System of the Growth Plan. **Policy 4.2.3.1** of the Growth Plan outlines exceptions whereby development or site alteration could be considered outside of settlement areas within the Natural Heritage System and states the following:

4.2.3.1 Outside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System or in key hydrologic features, except for:

- (c) activities that create or maintain infrastructure authorized under an environmental assessment process.*

By the County's own admission in their background documents, neither the site selection process nor the planning process was undertaken as an Environmental Assessment. As such, the exception policy provided in **4.2.3.1(c)** cannot apply to this application and, as a result, the approval of this amendment is not consistent with the Growth Plan.

Growth Plan policy **2.2.1.3(d)** requires that upper and single tier municipalities undertake integrated planning to manage forecasted growth to the horizon of the Plan which will:

(d) support the environmental and agricultural protection and conservation objectives of this Plan.

As outlined above, the proposed removal of at least 5ha of significant woodland and significant wildlife habitat does not support the environmental protection and conservation objectives of the Growth Plan as outlined in policies 4.2.2 and 4.2.3 of the Plan.

County of Simcoe Official Plan

In addition to the above, the decision is also contrary to County OP policies related to development within their Greenlands designation. **Section 3.3.6** of the County OP (2016) states the following:

***3.3.6** Where feasible, and subject to local municipal policies and bylaws, infrastructure and passive recreational uses may be located in any designation of this Plan, subject to Sections 3.8 and 4.2, and the requirements of the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Lake Simcoe Protection Plan where applicable, and applicable provincial and federal policy and legislation. Where applicable, only such uses permitted in the Greenlands designation (see Section 3.8) are those which have successfully completed any required provincial and/or federal environmental assessment process or proceedings under the Drainage Act.*

Based on the requirements of Section 3.3.6, any proposal for infrastructure must be assessed against the requirements of Sections 3.8 and 4.2 of the Official Plan and must be consistent with the requirements of applicable provincial and federal policy and legislation. As noted above, the proposal is not consistent with Growth Plan policy and, as such, does not meet the test established in County OP policy 3.3.6.

Further, **Section 3.8.15** of the County OP outlines the permitted uses within the Greenlands designation outside of settlement areas as:

- i. Agricultural uses;*
- ii. Agricultural-related uses;*
- iii. On-farm diversified uses;*
- iv. Forestry on public lands or in County forests in accordance with an approved management plan and sustainable forest practices;*
- v. Forestry on private lands as permitted by the County's Forest Conservation Bylaw or by a local municipality's tree bylaw under the Municipal Act, 2001;*
- vi. Mineral aggregate operations, if approved through a local Official Plan amendment;*
- vii. Outdoor passive recreational use; and,*

- viii. *Subject to demonstrating that the lands are not within a prime agricultural area, residential dwelling units on lots which were approved prior to the approve date of this policy (May 9, 2016).*

Infrastructure is not among the permitted uses in the Greenlands designation however, **Section 3.8.19** speaks to infrastructure. Specifically, it states:

3.8.19 *Infrastructure authorized under an environmental assessment process may be permitted within the Greenlands designation or on adjacent lands. Infrastructure not subject to the environmental assessment process, may be permitted within the Greenlands designation or on adjacent lands in accordance with Section 3.3.15.*

Given that the ERRC was not subject to the environmental assessment process, the requirements of **Section 3.3.15** (Natural Heritage) must be considered which state:

3.3.15 *Despite anything else in this Plan, except Section 4.4 as it applies to mineral aggregate operations only, development and site alteration shall not be permitted:*

- ii. *In the following unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions: Significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest (ANSIs), and coastal wetlands (not covered by 3.3.15i) above).*
- iii. *In the following regional and local features, where a local official plan has identified such features, unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions: wetlands 2.0ha or larger in area determined to be locally significant by an approved EIS, including but not limited to evaluated wetlands, and Regional areas of natural and scientific interest (ANSIs).*
- v. *In habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- vi. *On adjacent lands to the natural heritage features and areas listed above, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Adjacent lands shall generally be considered to be:*
 - a. *Within 120m of habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2.0ha or larger determined to be locally significant by an approved EIS, significant woodlands, significant wildlife habitat, significant areas of natural and scientific interest – life science, significant valleylands, and fish habitat;*

As noted earlier, FSF retained ecological and environmental planning firms to review the Environmental Impact Study submitted in support of the County OPA. Through their review of that document they have advised that the County has not demonstrated that there will be no negative impact on significant woodlands, significant wildlife habitat and potentially habitat of endangered/threatened species. As

such, FSF recommends that the County OPA is **not consistent with County OP policies 3.3.15, 3.8.15, 3.8.19 and 3.8.22.**

Finally, the County is applying to re-designate a portion of the subject property to allow for the ERRC (infrastructure). As such, **Sections 3.8.22 and 3.8.23** of the County OP apply which state:

***3.8.22** Proposals to re-designate lands in the Greenlands designation shall not be permitted unless an EIS is submitted to the satisfaction of the County demonstrating that the policies of Section 3.3.15, 3.3.16, 3.8.15, 3.8.16 or 4.4.1 as applicable, and the relevant policies of the local municipal official plan are satisfied.*

As summarized above, the EIS has not demonstrated no negative impact but rather, relies on the term 'no net effect' when describing the impacts to the key natural heritage features. As a result, the OPA is also not consistent with **Policy 3.8.22** of the County OP.

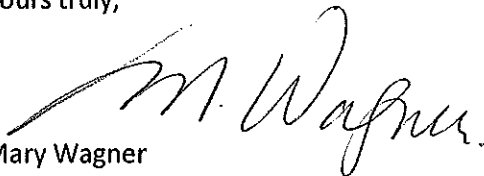
Summary

Based on the above, Friends of Simcoe Forest Inc. is appealing the Ministry's decision to approve Amendment 2 to the County of Simcoe Official Plan given that the decision is not consistent with the policies of the Provincial Policy Statement, Growth Plan and County of Simcoe Official Plan related to development and site alteration within Natural Heritage Systems, Key Natural Heritage Features and Greenlands, as outlined above. Specifically, Friends of Simcoe Forest Inc. is appealing the entire amendment to the Official Plan for the County of Simcoe which would result in changes to Schedule 5.6.1 and the creation of new policy 4.9.9.

Please find enclosed our certified cheque in the amount of \$300.00, payable to the Minister of Finance, Province of Ontario.

If you require further information, I can be reached at 705-716-6564 or yramrengaw@hotmail.com.

Yours truly,



Mary Wagner
President – Friends of Simcoe Forests Inc.
2928 Horseshoe Valley Road West
Phelpston, ON
L0L 2K0

encls.

File No.: 43-OP-169096
Municipality: Township of Springwater
Subject Lands: 2976 Horseshoe Valley Road

Date of Decision: November 30, 2018
Date of Notice: January 2, 2019
Last Date of Appeal: January 22, 2019

NOTICE OF DECISION

With respect to an Amendment to the County of Simcoe Official Plan Subsection 17(34) and 21 of the Planning Act

A decision was made on the date noted above to approve Amendment No. 2 to the Official Plan for the County of Simcoe as adopted by By-law No. 6754 with one modification.

Purpose and Effect of the County Official Plan Amendment No. 2

The purpose of County Official Plan Amendment No. 2 is to facilitate the development of a waste management facility referred to as the Environmental Resource Recovery Centre on Part of Lot 2, Concession 1, in the Township of Springwater (2976 Horseshoe Valley Road West). This amendment renames Schedule 5.6.1 of the County Official Plan from "County Waste Disposal Sites" to "County Waste Management System" to recognize new and expanded types of operations in waste management facilities. The amendment adds Environmental Resource Recovery Centre to the legend of Schedule 5.6.1 to introduce the specific use. The amendment also adds a symbol for Environmental Resource Recovery Centre to Schedule 5.6.1 identifying the proposed Environmental Resource Recovery Centre. The amendment further amends Section 4.9 of the Official Plan by providing a site specific land use policy to identify the proposed uses associated with the Environmental Resource Recovery Centre. The policy describes the uses permitted within the Environmental Resource Recovery Centre. It also clearly states that permanent disposal of waste materials or landfilling is not permitted on the site.

The technical modification made by the Ministry of Municipal Affairs and Housing recognizes that the County will be relying on ecological enhancement of the contiguous woodland feature at a 2:1 ratio through a combination of reforestation and afforestation measures to mitigate the loss of woodland and wildlife habitat on the site.

When and How to File An Appeal

Any appeal to the Local Planning Appeal Tribunal must be filed with the Minister of Municipal Affairs and Housing no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Manager, at the address shown below and it must,
(1) set out the specific part of the proposed official plan

amendment to which the appeal applies,
(2) set out the reasons for the request for the appeal, and
(3) be accompanied by the fee prescribed under the Local Planning Appeal Tribunal in the amount of \$300.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the amendment was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the Minister of Municipal Affairs and Housing is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Other Related Applications:

Township of Springwater File No. OP-2016-005 and ZB-2016-021.

Getting Additional Information

Additional information about the amendment is available for public inspection during regular office hours at the Ministry of Municipal Affairs and Housing at the address noted below.

Mailing Address for Filing a Notice of Appeal

Ministry of Municipal Affairs and Housing
Municipal Services Office - Central Ontario
777 Bay St., 13th Floor
Toronto ON M5G 2E5

Submit Notice of Appeal to the attention of:
Ross Lashbrook, Manager
Community Planning & Development
Tel: (416) 585-6063

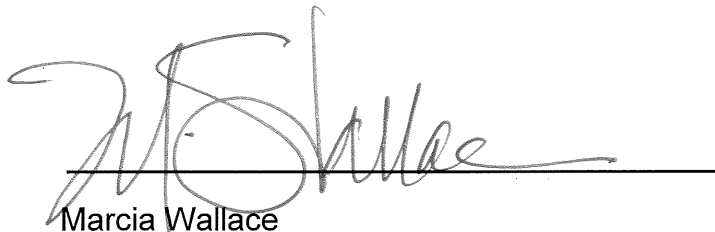
DECISION

**With respect to Amendment No. 2 to the Official Plan of the County of Simcoe
Subsection 17(34) and 21(1) of the Planning Act**

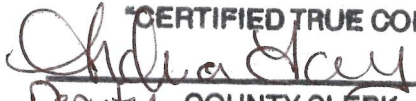
I hereby approve Amendment No. 2 to the Official Plan of the County of Simcoe as adopted by the Council of the County of Simcoe by By-law No. 6754, subject to the following modification:

1. Item 2.3, last paragraph of new policy 4.9.9, is hereby modified by:
 - a. Removing the words “compensation in terms of” from the first sentence and replacing them with “ecological enhancement to the contiguous woodland feature through a combination of reforestation and”; and
 - b. Removing the word “afforestation” in the second sentence and replacing it with “ecological enhancement”.

Dated at Toronto this 30th day of November, 2018



Marcia Wallace
Assistant Deputy Minister
Municipal Services Division
Ministry of Municipal Affairs and Housing

"CERTIFIED TRUE COPY"

Deputy COUNTY CLERK
COUNTY OF SIMCOE

BY-LAW NO. 6754

OF

THE CORPORATION OF THE COUNTY OF SIMCOE

A By-law to adopt Amendment Number 2 to the Official Plan of the County of Simcoe

Whereas Section 21(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended states that a County may amend its Official Plan; and

Whereas by the adoption of Recommendation CCW-199-18 Council deems it expedient to amend the County of Simcoe Official Plan; and

Whereas a public meeting was held in accordance with Section 17(15) of the Planning Act, R.S.O. 1990 on May 9, 2017 to receive public input on the proposed Official Plan Amendment to the County Official Plan.

Now therefore the Council of the Corporation of the County of Simcoe enacts as follows:

1. That the Official Plan Amendment of the County of Simcoe Official Plan, attached hereto as Schedule 1 to this By-law is hereby adopted as Amendment Number 2 to the County of Simcoe Official Plan, which was approved by the Ontario Municipal Board in parts with final approval on December 29, 2016.
2. That the Clerk is hereby authorized and directed to request the Ministry of Municipal Affairs to approve Official Plan Amendment Number 2 as adopted by this By-law.
3. That the provisions of Amendment Number 2 come into force and effect upon the approval of the Ministry of Municipal Affairs.

By-law enacted this 26th day of June, 2018.


Warden, County of Simcoe


County Clerk, County of Simcoe

AMENDMENT NO. 2
OF THE OFFICIAL PLAN
FOR THE
COUNTY OF SIMCOE
Environmental Resource Recovery Centre

CERTIFIED that the attached is a true copy of Official Plan Amendment No. 2 as adopted and passed by By-law No. 6754 by the Council of the Corporation of the County of Simcoe on the 26th day of June, 2018.

County Clerk, County of Simcoe

THE CORPORATION OF THE COUNTY OF SIMCOE

BY-LAW NO. 6754

A By-law to Adopt Official Plan Amendment No. 2 to the
Official Plan for the County of Simcoe

**THE COUNCIL OF THE CORPORATION OF THE COUNTY OF SIMCOE IN
ACCORDANCE WITH PROVISIONS OF THE PLANNING ACT, HEREBY ENACTS AS
FOLLOWS:**

1. Amendment No. 2 to the Official Plan for the County of Simcoe, is hereby adopted.

The Clerk is hereby authorized and directed to make application to The Ministry of Municipal Affairs for approval of the aforementioned Amendment No. 2 to the Official Plan for the County of Simcoe.

This By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 26th DAY OF JUNE, 2018.

READ A THIRD TIME AND PASSED THIS 26th DAY OF JUNE, 2018.

Warden, County of Simcoe

County Clerk, County of Simcoe

**OFFICIAL PLAN
FOR
THE COUNTY OF SIMCOE
OFFICIAL PLAN AMENDMENT NO. 2**

The attached explanatory text constitutes Amendment No. 2 to the Official Plan for the County of Simcoe.

This amendment was prepared and adopted by the Council of The Corporation of the County of Simcoe by By-law No. 6754 in accordance with Sections 17 and 21 of the Planning Act, R.S.O., 1990, c.P.13, as amended, on the 26th day of June, 2018.

Warden, County of Simcoe

County Clerk, County of Simcoe

**OFFICIAL PLAN AMENDMENT NO. 2
TO THE OFFICIAL PLAN
FOR THE COUNTY OF SIMCOE
TABLE OF CONTENTS**

THE CONSTITUTIONAL STATEMENT 5

PART A - THE PREAMBLE 6

TITLE 6

PURPOSE 6

LOCATION 6

BASIS 6

PART B - THE AMENDMENT 8

1.0 INTRODUCTION 8

2.0 DETAILS OF THE AMENDMENT 8

3.0 IMPLEMENTATION AND INTERPRETATION 9

THE CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan for the County of Simcoe consists of two parts.

PART A – THE PREAMBLE consists of the purpose, location and basis for the Amendment and does not constitute part of the actual Amendment.

PART B – THE AMENDMENT sets out the actual Amendment along with the specific policies to be added to the County of Simcoe Official Plan.

PART A - THE PREAMBLE

TITLE

The title of this Amendment is "Official Plan Amendment No. 2 to the Official Plan for the County of Simcoe", herein referred to as Amendment No. 2.

PURPOSE

This Amendment proposes to rename Schedule 5.6.1 from "County Waste Disposal Sites" to "County Waste Management System" to recognize new and expanded types of operations in waste management facilities. The amendment would also add Environmental Resource Recovery Centre to the legend of Schedule 5.6.1 to introduce the specific use. The Amendment also adds a symbol for Environmental Resource Recovery Centre to Schedule 5.6.1 within Part of Lot 2, Concession 1, Township of Springwater (2976 Horseshoe Valley Road West) identifying the proposed Environmental Resource Recovery Centre.

The Amendment further amends Section 4.9 of the Official Plan by providing a site specific land use policy to differentiate the proposed uses of the Environmental Resource Recovery Centre. The policy describes the permitted uses which can be undertaken at the Environmental Resource Recovery Centre. It also clearly states that the temporary storage of waste is permitted on the lands and that permanent disposal of waste materials or landfilling is not permitted.

LOCATION

The lands subject of Official Plan Amendment No. 2 are situated at 2976 Horseshoe Valley Road West, legally described as Part of Lot 2, Concession 1, Township of Springwater.

The lands subject of Official Plan Amendment No. 2 encompass approximately 4.5 hectares (11.12 acres) within the total site area of 84 hectares (207.56 acres). The subject lands have 614 metres of frontage on Horseshoe Valley Road West to the south and 623 metres of frontage on Rainbow Valley Road East to the north. The proposed facility would be located internal to the property and accessed by a driveway of approximately 700 metres in length connecting the Environmental Resource Recovery Facility to Horseshoe Valley Road West.

BASIS

The need for this Amendment arises from the conclusion of the County of Simcoe's siting process for a proposed Organics Processing Facility and Materials Management Facility, which was undertaken between December 2014 and early 2016. The subject lands were identified as the preferred site for these facilities among a list of 502 candidate sites reviewed. This Amendment will enable a portion of the subject lands to be used for the aforementioned facilities and associated ancillary uses, subject to the appropriate zoning of these lands.

The Amendment also adds a specific policy in Section 4.9 of the Official Plan. This policy provides a more precise description of the types of activities which may occur at the Environmental Resource Recovery Centre. The exception also clearly indicates that the temporary storage of waste is permitted at the site while the permanent disposal or landfilling of waste is not permitted.

The proposed site was assessed in terms of governing planning policy as provided by the Provincial Policy Statement 2014, Growth Plan for the Greater Golden Horseshoe 2017, County of Simcoe Official Plan and the Township of Springwater Official Plan. The proposed facility conforms with these planning policy documents.

Certain conditions related to the construction and operation of the Environmental Resource Recovery Facility will be completed to ensure that there are no negative impacts on the natural heritage system and adverse effects on nearby sensitive land uses. In addition, a number of specific studies addressing archaeology, noise, transportation and environment were prepared in support of the proposed Official Plan Amendment. Development of the Environmental Resource Recovery Facility must follow the policy guidance and findings of the supporting studies in order to ensure no adverse effects. These requirements will be included as appropriate in the Ministry of Environment and Climate Change Environmental Compliance Approval and development agreements/site plan approval between the County and Township.

PART B - THE AMENDMENT

1.0 INTRODUCTION

Part B – The Amendment, provides the following text and map Schedule 'A' that constitutes Amendment No. 2 to the Official Plan for the County of Simcoe.

2.1 DETAILS OF THE AMENDMENT

The Official Plan for the County of Simcoe is hereby amended as follows:

- 2.2 That Schedule 5.6.1 is hereby modified by the following as illustrated by Schedule 'A' to this Amendment:
- 2.2.1 Delete the title "County Waste Disposal Sites" and replace with "County Waste Management System";
- 2.2.2 Insert the wording 'Environmental Resource Recovery Centre' into the legend with associated symbol; and
- 2.2.3 Add a symbol to identify the Environmental Resource Recovery Centre within Part of Lot 2, Concession 1, Township of Springwater.
- 2.3 In the existing Section 4.9 'Waste Management', new policy 4.9.9 is hereby inserted after policy 4.9.8:

4.9.9 Notwithstanding any policies herein, the permitted uses on a portion of Part of Lot 2, Concession 1, Township of Springwater (2976 Horseshoe Valley Road West) as identified on Schedule 5.6.1 as Environmental Resource Recovery Centre shall be limited to facilities for the purpose of the consolidation and transfer of various waste streams including organics, recyclable materials and non-hazardous household garbage, processing of organic green bin materials under controlled conditions for conversion into other materials. Ancillary uses will include a public education area, maintenance and servicing of waste collection vehicles, stormwater management facility and facility administration area. The aggregate area of all permitted uses shall be 4.5 hectares with 1 hectare for the access road and generally located in the central west portion of the property.

The temporary storage of waste is permitted on the lands but the permanent disposal of waste materials or landfilling is not permitted. A D-4 Assessment Area is not applicable to this site.

Prior to site plan approval, the County shall evaluate the stone foundations at 2976 Horseshoe Valley Road West according to the criteria in Ontario Regulation 9/06. If this resource is found to be of cultural heritage value or interest according to these criteria, the County shall work with the Township of Springwater to ensure that this resource is conserved.

Prior to site plan approval, the County shall prepare a Fire Prevention Plan and Emergency Response Plan in consultation with, and to the satisfaction of, the Township of Springwater.

The County shall provide compensation in terms of establishing a forest or stand of trees in an area where there was no previous tree cover (afforestation) at a 2:1 ratio to mitigate the loss of woodland and wildlife habitat features. The afforestation ratio of 2:1 shall be incorporated into a Compensation Planting Plan, Environmental Management Plan and Wildlife Management Plan to be prepared by the County of Simcoe prior to site plan approval. The plans will be developed in consultation with, and to the satisfaction of, the Ministry of Natural Resources and Forestry and the Nottawasaga Valley Conservation Authority.

2.4 The remainder of Section 4.9 will be renumbered accordingly.

3.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan for the County of Simcoe, as amended from time to time, regarding the implementation and interpretation of that Plan shall apply in regard to this Amendment.

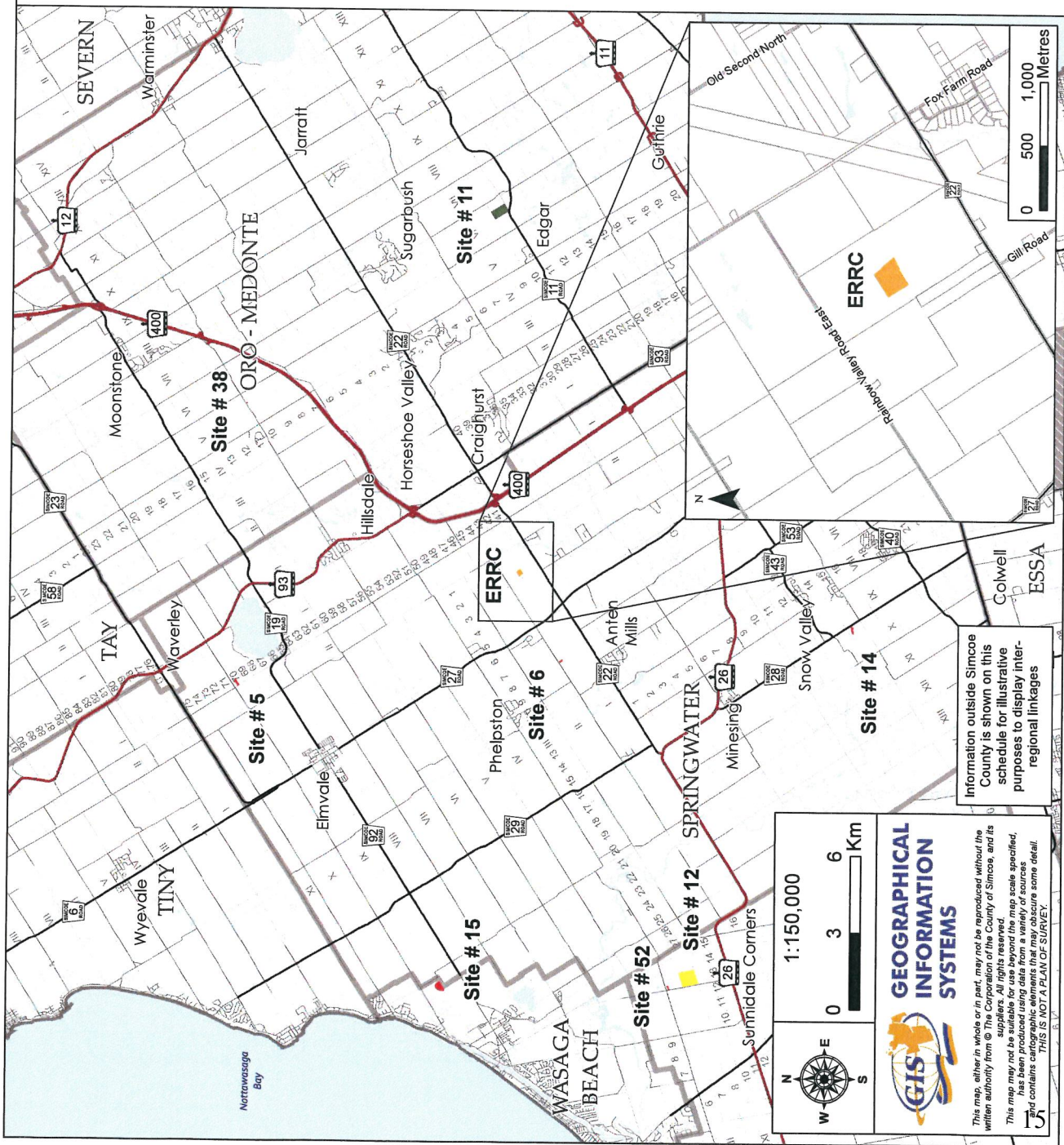
Schedule 'A' to Official Plan
Amendment No. 2



SCHEDULE 5.6.1

To the County of Simcoe Official Plan
County Waste Management System

- Closed Facilities**
- Closed Landfill Site
 - Closed Stump Dump
- Open Facilities**
- Open Landfill Site
 - Open Stump Dump
 - Under Development Landfill Site
 - Environmental Resource Recovery Centre (ERRC)
 - Lands not subject to this plan



1:150,000

0 3 6 Km

GEOGRAPHICAL INFORMATION SYSTEMS

GIS

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This map may not be suitable for use beyond the map scale specified, and may not be suitable for use beyond the map scale specified, and may not be suitable for use beyond the map scale specified.

THIS IS NOT A PLAN OF SURVEY.

Information outside Simcoe County is shown on this schedule for illustrative purposes to display inter-regional linkages.

List of Excerpts of Enhanced Municipal Record

Nicholyn Farms Inc., Edward Krajcir, and Friends of Simcoe Forests Inc. v Minister of Municipal Affairs and Housing, and County of Simcoe ("Nicholyn Farms v MMAH"), Enhanced Municipal Record ("EMR"), Tab 8 Planning Report: County Adoption Report – 12 JUNE 2018, CCW 2018-320, *Request for Adoption - County of Simcoe Official Plan Amendment No. 2 for the Environmental Resource Recovery Centre (ERRC)*, June 12, 2018.

EMR, Tab 2 Application: Copy of County Record, Studies, Siting Studies, *Part 2 – MMF – Long List Evaluation*, GHD.

EMR, Tab 2 Application: Copy of County Record, County of Simcoe, List of Public Information OPA 2, *List Describing the Information Available to the Public Prior to Adoption*.

EMR, Tab 2 Application: Copy of County Record, Studies, *Scoped Environmental Impact Study_Simcoe Organics Facility*, GHD, 17 November 2016.

EMR, Tab 2 Application: Copy of County Record, Studies, Addendums, *Amended Scoped Environmental Impact Study-Final*, GHD, 1 February 2018.

EMR, Tab 2 Application: Copy of County Record, Notices, Notice of Public Meeting County OPA SC-OPA-1602 ERRC, *Notice of Statutory Public Meeting Concerning Proposed County Official Plan Amendment*, April 13, 2017.

EMR, Tab 2 Application: Copy of County Record, Minutes, Public Transcript - ERRC Public Meeting June 9, 2017, *Transcription of the May 9, 2017 Public Meeting Official Plan Amendment File No. SC-OPA-1602*.

EMR, Tab 2. Application, Copy of County Record, Minutes - ERRC Public Meeting June 9, 2017, Minutes, *Minutes - Corporation of the County of Simcoe Council – Public Meeting, Tuesday May 9, 2017*.

EMR, Tab 2 Application: Copy of County Record, Comments Received – Public.

EMR, Tab 9-1 Comments Received by County: Written Comments – Public, Letter from Donnelly Law to Mr. Daly, County Clerk (1 August 2017)

EMR, Tab 2 Application: Copy of County Record, OPA 2, *Amendment No. 2 of the Official Plan for the County of Simcoe Environmental Resource Recovery Centre*, June 26, 2018.

EMR, Tab 2 Application: Copy of County Record, Certified By-law No. 6754, *By-law No. 6754 of the Corporation of the County of Simcoe*.

EMR, Tab 3 Decision – Resolution – Adoption: Ministry of Municipal Affairs and Housing, 3-3 Copy of Notice of Decision, *Notice of Decision*, November 30, 2018.

LOCAL PLANNING APPEAL TRIBUNAL

B E T W E E N :

**NICHOLYN FARMS INC., EDWARD KRAJCIR, and FRIENDS OF SIMCOE FORESTS
INC.**

Appellants

and

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING and THE COUNTY OF SIMCOE

Respondents

AFFIDAVIT OF MARY TERESA WAGNER

I, MARY TERESA WAGNER, of the Town of Phelpsston, in the Province of Ontario,
AFFIRM THAT:

A. Introduction

1. I live at 2928 Horseshoe Valley Road West (“residence”) in Phelpsston, Ontario, with my husband. I have lived at this residence with my family for approximately nineteen years and raised 3 children who are now grown up and have left home. My children would have continued living here, however my husband and I were not permitted to sever land from our acreage for our children.

2. I am the President of the Friends of Simcoe Forests Inc. (FSF) and have served in this capacity since June 9, 2016. As such, I have knowledge of the matters to which I hereinafter depose, except where this knowledge is based on information and belief, in which case, my Affidavit so indicates.

3. The proposed waste disposal site also known as the Environmental Resource Recovery Centre (“ERRC”), will be located next to my residence and is less than 500 meters away from my house.

B. My Connection to the Freele County Forest

4. My family has had a very strong connection to the Freele County Forest for four generations. My husband’s family has owned the land where my residence is located, for approximately 52 years. Many years ago, my husband’s father and uncle used to hunt deer in the forest. I undertake recreational activities in the forest nearly every day, I walk my dogs daily and ride my horses weekly on the logging roads and trails in the forest. Every week, I am in the forest watching for birds and for signs of deer.

5. I love the peace and quiet of the forest and seeing the wildlife. I can see the deer cross my driveway as they move along the corridor through the forest. I enjoy listening to the sound of the frogs croaking in the wetlands in the evening during spring and summer.

6. It is important to me that the Freele County Forest and wetlands remain pristine and that current and future generations will be able to enjoy the beauty of the landscape. I know many residents in the community walk, hike and snowshoe in the Freele County Forest. I hope to take my 3 year old grandson this spring to see tadpoles and salamanders

which reside within the forest, in the very location that will be impacted by a road which will be built to access and egress the proposed ERRC.

7. I am very concerned that the construction of the ERRC will cause displacement of wildlife and loss of specialized habitats within the forest tract, such as wetlands for amphibians and snags for the little brown bat.

8. The ERRC site will result in heavy truck traffic, noise and odour. When the facility reaches its proposed peak operations, trucks will be arriving and leaving the site every three minutes, disturbing the peace and tranquility of the Freele County Forest.

9. Our property is located deep in the forest tract with only one road allowing for access. With ERRC facilities being prone to fire, I am concerned about the safety of my family, our animals and livestock in the event that an industrial fire breaks out at this property, which due to its location, could easily result in a forest fire.

C. Friends of Simcoe Forests

10. The FSF was established on June 9, 2016 and has a mandate to protect and conserve the forests in Simcoe County and to preserve and extend parks and greenbelts. FSF is an incorporated non-profit group. A copy of FSF's Articles of Incorporation is attached as **Exhibit "A"**.

11. The FSF currently has a membership of approximately 780 social media followers and 200 email subscribers.

12. The FSF has an elected executive, which consists of a president, a vice president, a secretary treasurer and a communications and outreach person.

13. In 2017, FSF received the Canada 150 John Graves Simcoe Medal for Excellence for going above and beyond to serve and contribute to our community and our country.

14. I have been involved in FSF since its inception, and I remain involved in fundraising, education, correspondence, and public relations regarding the protection of the Freele County Forest.

D. The ERRC Comment and Approval Process

15. The FSF opposes the Ministry of Municipal Affairs and Housing's decision to approve the County of Simcoe's application to amend the Official Plan, because of our concerns about the impacts the ERRC will have on the County's Natural Heritage Systems, Key Natural Heritage Features and Greenlands.

16. I participated in 2 public consultation sessions regarding the proposed ERRC facility. The two consultation sessions were facilitated by County of Simcoe staff.

17. I also made the following oral and written submissions in opposition to the County of Simcoe's application on behalf of the FSF:

- a) On or about September 9, 2016, I sent an email to Ms. Suzanne Robinson, Resources Operations Supervisor, Midhurst District office of the Ministry of Natural Resources and Forestry ("MNRF"), in which I raised concerns about the Environmental Impact Study process for the ERRC project. On September 13, 2016, I received an email response from Ms. Robinson at the MNRF, informing me that the proposed facility will require Environmental Compliance Approvals (ECAs), and that the public consultation process is led by the

County. A copy of the email thread with the email I sent to Ms. Robinson dated September 9, 2016 and her email response to me dated September 13, 2016 is attached as **Exhibit “B”**;

- b) On or about November 28, 2016, I sent a letter to Mr. Rob McCullough, Director, Solid Waste Management, and Ms. Debbie Korolnek, General Manager, Engineering, Planning and Environment, of Simcoe County, which outlined my concerns with the decision to establish the ERRC within the Freele County Forest. I also raised health and safety concerns with the proposal to establish the ERRC at the proposed site. A copy of my letter to Mr. McCullough and Ms. Korolneck dated November 28, 2016 is attached as **Exhibit “C”**;
- c) On or about May 2, 2017, I sent a letter to Mr. John Daly, County Clerk, County of Simcoe, on behalf of the FSF. In my letter I expressed concern about the proposal to “amend the Official Plan to permit the destruction of our woodlands.” I also attached the expert reports from Mr. Dougan, Senior Ecologist with Dougan & Associates, an ecological consulting firm and Ms. Jennifer Lawrence, an environmental planner and principal of Jennifer Lawrence & Associates. Both firms have been retained by FSF to provide expert advice in this matter. A copy of the letter I sent Mr. Daly dated May 2, 2017, with attachments is attached as **Exhibit “D”**;
- d) On or about May 9, 2017, I made an oral presentation at the public meeting to consider the application for a zoning by-law amendment. In my presentation, I emphasized the environmental and community significance of the Freele

County Forest, and expressed concerns about potential adverse impacts to air quality, noise and other negative environmental impacts disruptions which would arise from allowing the ERRC to operate within the forest. A copy of the transcript of the public meeting on May 9, 2017 is attached as **Exhibit “E”**;

- e) On or about May 18, 2017, I sent an email to Mr. John Daly regarding setbacks from nearby neighbours from the proposed ERRC site. In my email, I pointed out that a change in the building footprint reduces the setback to my property to less than 300 m, and places the property of the neighbour west of the Freele County Forest within 100 m of the waste disposal site. A copy of the emailed Mr. Daly on May 18, 2017, is attached as **Exhibit “F”**;
- f) On or about May 18, 2017, I emailed a letter dated May 18, 2017, to Mr. John Daly expressing concerns about the potential fire hazard at the facility and the safety implications this had on our safety. In my letter, I emphasized that as of that date, my husband and I have been unable to locate any type of Emergency Response plan that addresses evacuation routes for residents. A copy of the letter I emailed Mr. Daly dated May 18, 2018 is attached as **Exhibit “G”**;
- g) On or about May 18, 2017, I sent an email to Mr. John Daly and Ms. Kim Benner, District of Midhurst Planner for MNRF. In my email I advised them that I had seen salamander egg masses in several different locations within the Freele County Forest, and that these “amphibian pools” were not identified in the maps provided by the County consultant. I also expressed concerns about the wetlands these amphibians depend upon. A copy of the email thread with

my email to Mr. Daly and Ms. Benner dated May 18, 2017, is attached as **Exhibit “H”**;

- h) On or about June 28, 2017, I emailed Mr. John Daly with questions regarding the availability of the Ernst & Young Report on the technology alternatives; on the County’s future plan to expand the ERRC; and whether that could result in a larger site being developed. I received a letter from Mr. Rob McCullough dated July 13, 2017, providing vague responses and emphasizing that the Planning approvals process is on-going. A copy of my email to Mr. Daly dated June 28, 2017 is attached as **Exhibit “I”**. A copy of the letter Mr. McCullough sent me dated July 13, 2017 is attached as **Exhibit “J”**;

- i) On or about March 6, 2018, I emailed a letter dated March 5, 2018 on behalf of FSF to the following members of the Ontario Provincial government: Mr. Bill Mauro, Ms. Kathleen Wynne, Ms. Ann Hoggarth, Ms. Julia Munro, Ms. Andrea Horwath, Mr. Jim Wilson, Mr. Vic Fideli, and the leader of the Green Party of Ontario. Ms. Renee Chaperon and Mr. John Daly were also sent a copy of the letter. In my letter, I outlined my concern that the proposed ERRC would be located within the Growth Plan Natural Heritage System as well as within the Oro Moraine Study Area for Greenbelt Plan expansion. A copy of the letter I sent Mr. Mauro, Ms. Wynne, Ms. Hoggarth, Ms. Munro, Ms. Horwath, Mr. Wilson, Mr. Fideli, the leader of the Green Party of Ontario, Ms. Renee Chaperon and Mr. John Daly dated March 5, 2018 is attached as **Exhibit “K”**;

- j) On or about March 6, 2018, I sent an email to Mr. John Daly, Ms. Renee Chaperon, Mr. Bill French, Mr. Don Allen, the Warden of the County of Simcoe and Customer Service of the County of Simcoe, expressing concerns about the ERRC site selection. In my email, I also voiced concerns about the site selection being not only harmful for local residents and the environment, but being inconsistent with the Growth Plan 2017. A copy of the email I sent Mr. Daly, Ms. Chaperon, Mr. French, Mr. Allen, Warden of the County of Simcoe and Customer Service at the County of Simcoe is attached at **Exhibit “L”**;
- k) On or about March 23, 2018, I sent an email to Mr. John Daly, Mr. Bill French and Mr. Don Allen, the Warden for the County of Simcoe. The email was also sent to the County of Simcoe’s Customer Service, the ERRC, and Ministry of Community Safety & Correctional Services’ Customer Service. In my email I raised concerns about the fire hazards associated with the placement of the proposed ERRC within the interior of a forest. On or about March 29, 2018, Ms. Tiffany Thompson, Planner III at the County of Simcoe, responded to my letter by, pointing to GHD’s amended Facilities Characteristic Report dated February 1, 2018. A copy of the email I sent Mr. Daly, Mr. French, Mr. Allen, the County of Simcoe’s Customer Service, the ERRC and Ministry of Community Safety & Correctional Services’ Customer Service is attached at **Exhibit “M”**. A copy of Ms. Thompson email response to me dated March 29, 2018 is attached as **Exhibit “N”**;
- l) On or about July 12, 2018, I sent a letter on behalf of FSF to Mr. Ross Lashbrook, Manager at the MMAH, attaching expert reports from Jennifer

Lawrence & Associates and Dougan & Associates. A copy of the letter I sent Mr. Lashbrook dated July 12, 2018, is attached at **Exhibit "O"**;

m) On or about August 31, 2018, I emailed a letter to Mr. Aldo Ingraldi of the MMAH, outlining 11 points for opposing the site location for the ERRC. A copy of the letter I emailed Mr. Ingraldi dated August 31, 2018 is attached at **Exhibit "P"**;

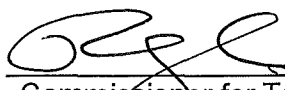
18. Other members of the FSF have also been very active in voicing their concerns about the County's application to build the ERRC within the Freele County Forest.

19. On or about November 30, 2018, the Minister of MMAH approved Amendment No. 2 to the Official Plan for the County of Simcoe.

20. On or about January 19, 2019, the FSF appealed Amendment No. 2 to the County of Simcoe Official Plan to the Local Planning Appeal Tribunal.

21. I make this affidavit in support of FSF's appeal of Amendment No. 2 to the County of Simcoe Official Plan and for no improper purpose.

AFFIRMED BEFORE ME at the
City of Toronto in the Province of
Ontario on this 22nd day of March,
2019.



Commissioner for Taking Affidavits
Ramani Naclaryah



MARY TERESA WAGNER

This space is for
Ministry Use Only
Espace réservé à l'usage
exclusif du ministère

Ontario Corporation Number
Numéro de la société en Ontario

1954692



Ministry of
Government Services
Ontario

Ministère des
Services gouvernementaux

LETTERS PATENT
This application constitutes the charter
of the corporation which is issued by
these Letters Patent dated this

LETTRES PATENTES
La présente demande forme la charte de la
société constituée en personne morale
par lettres patentes daté le

This is Exhibit....."A".....referred to in the
affidavit of...Mary Teresa Wagner.....
affirmed before me, this.....twenty-second.....
day of.....March.....20..19..

JUNE 09 JUN, 2016

Minister of
Government Services

Le ministre des Services
gouvernementaux

per/par

[Signature]
Director / Directeur

[Signature]
A COMMISSIONER FOR TAKING AFFIDAVITS
Ramani Nadarajah

Form 2
Corporations
Act
Formule 2
Loi sur les
personnes
morales

**APPLICATION FOR INCORPORATION OF A CORPORATION WITHOUT SHARE CAPITAL
REQUÊTE EN CONSTITUTION D'UNE PERSONNE MORALE SANS CAPITAL-ACTIONS**

1. The name of the corporation is: (Set out in BLOCK CAPITAL LETTERS)
Dénomination sociale de la société : (Écrire en LETTRES MAJUSCULES SEULEMENT)

F	R	I	E	N	D	S		O	F		S	I	M	C	O	E		F	O	R	E	S	T	S		I	N	C	.

2. The address of the head office of the corporation is:
Adresse du siège social:

2928 Horseshoc Valley Rd. West

(Street & Number or R.R. Number & if Multi-Office Building give Room No.)

(Rue et numéro ou numéro de la R.R. et, s'il s'agit d'un édifice à bureaux, numéro du bureau)

Phelpston

Ontario L 0 L 2 K 0

(Name of Municipality or Post Office)

(Postal Code)

(Nom de la municipalité ou du bureau de poste)

(Code postal)

3. The applicants who are to be the first directors of the corporation are:

Requérants appelés à devenir les premiers administrateurs de la personne morale :

First name, middle names and
surname

Address for service, giving Street & No. or R.R. No., Municipality, Prov-
ince, Country and Postal Code

Prénom, autres Prénoms et nom
de famille

Domicile élu, y compris la rue et le numéro, le numéro de la R.R. ou le
nom de la municipalité, la province, le pays et le code postal

Mary Teresa Concepta Wagner

2928 Horseshoc Valley Rd West, Springwater Twsp
Phelpston, Ontario, Canada L0L 2K0

Edward Matthew Krajcir

1286 Rainbow Valley Rd East, Springwater Twsp
Phelpston, Ontario, Canada L0L 2K0

Karen Lestina Smith

29 Lawrence Ave., Springwater Twsp
Minesing, Ontario, Canada L0L 1Y2

4. The objects for which the corporation is incorporated are:
Objets pour lesquels la personne morale est constituée:

- a) The establishment and operation of a conservation association for the purposes of uniting all persons interested in the conservation of flora and fauna, the natural beauties of the forests within Simcoe County and the beautification, preservation, and extension of parks and green belts;
- b) Gathering and exchanging ideas, data and statistical, scientific, horticultural and botanical information;
- c) to promote the protection and appreciation of the environment and such other complementary purposes not inconsistent with these objects.

5. The special provisions are:
Dispositions particulières:

The corporation shall be carried on without the purpose of gain for its members, and any profits or other accretions to the corporation shall be used in promoting its objects.

La personne morale doit exercer ses activités sans rechercher de gain pécuniaire pour ses membres, et tout bénéfice ou tout accroissement de l'actif de la personne morale doit être utilisé pour promouvoir ses objets.

6. The names and address for service of the applicants:
Nom et prénoms et domicile élu des requérants :

First name, middle names and surname Prénom, autres Prénoms et nom de famille	Address for service, giving Street & No. or R.R. No., Municipality, Province, Country and Postal Code Domicile élu, y compris la rue et le numéro, le numéro de la R.R. ou le nom de la municipalité, la province, le pays et le code postal
Mary Teresa Concepta Wagner	2928 Horseshoe Valley Rd West, Springwater Twsp Phelpston, Ontario , Canada L0L 2K0
Edward Matthew Krajcir	1286 Rainbow Valley Rd East, Springwater Twsp Phelpston, Ontario , Canada L0L 2K0
Karen Lestina Smith	29 Lawrence Ave., Springwater Twsp Minesing, Ontario, Canada L0L 1Y2

This application is executed in duplicate.
La présente requête est faite en double exemplaire.

Signatures of applicants
Signature des requérants

M Wagner
Edward Krajcir
Karen L. Smith



Sara Desmarais <sara@cela.ca>

Fwd: EIS for Freele Tract Springwater Township

1 message

Mary Wagner <yramrengaw@hotmail.com>
To: Sara Desmarais <sara@cela.ca>

Sun, Mar 17, 2019 at 11:14 AM

Sara just going through some additional correspondence not all is public forum items.
Mary

Begin forwarded message:

From: "Robinson, Suzanne (MNRF)" <suzanne.robinson@ontario.ca>
Subject: RE: EIS for Freele Tract Springwater Township
Date: September 13, 2016 at 2:44:03 PM EDT
To: Mary Wagner <yramrengaw@hotmail.com>
Cc: "Allan, Brad (MNRF)" <brad.allan@ontario.ca>

This is Exhibit....."B".....referred to in the
affidavit of.....Mary Teresa Wagner.....
affirmed before me, this...twenty-second.....
day of.....March.....20..19..


.....
Ramani Nadarajah A COMMISSIONER FOR TAKING AFFIDAVITS

Good afternoon Mary

Thank you for your email below. We are aware of the project and understand that the proposed facilities will require Environmental Compliance Approvals (ECAs) issued by the Ministry of the Environment and Climate Change and an amendment to County and local municipal official plans, a zoning bylaw amendment, and site plan approval. This planning and engineering information will also be presented for public and agency consultation and then submitted for provincial approvals as required.

This process is proponent driven and led by the County of Simcoe. Generally in these scenarios, the proponent will hire a consultant to undertake the necessary studies on their behalf. MNRF does not conduct studies on behalf of municipalities or private companies.

Proposed amendments to the County's Official Plan are sent with associated reports to the Ministry of Municipal Affairs and Housing (MMAH), the province's lead with respect to municipal planning matters and the approval authority under the Planning Act for County Official Plan amendments. MMAH then coordinates a provincial review among partner ministries including ourselves. MNRF may be asked to review the EIS and provide comments at that time.

The Planning Act requires that decisions affecting planning matters shall be consistent with the Provincial Policy Statement 2014 (PPS). There are policies in the PPS which apply to both the protection of natural features and areas (Policy 2.1). We expect that the County, as the proponent for this project, will address these matters in project documentation when seeking approvals and that this information will be presented for public and agency review. I encourage you to review and provide comments on this information as it becomes available. Public consultation is a requirement of the land use planning processes. For more information regarding opportunities to provide input, please contact the County directly.

I hope this email answers your question regarding MNRF role in the process and the review of the EIS. If you have additional questions, please do not hesitate to contact me.

Regards,

Suzanne Robinson
A/Resources Operations Supervisor
Midhurst District

-----Original Message-----

From: Mary Wagner [mailto:yramrengaw@hotmail.com]
Sent: September-09-16 1:11 PM
To: Robinson, Suzanne (MNRF); Allan, Brad (MNRF)
Subject: EIS for Freele Tract Springwater Township

Hello Suzanne and Brad,

I have received confirmation that the County of Simcoe has completed the Environmental Impact Study for the Freele Tract and a report is now authored. This is the over 200 acre forest that is to be industrialized for a garbage dumping/transfer facility. Was it your group that performed this study?

I am very interested in discussing the findings of this Environmental Impact Study and how it was carried out, any information to could share would be appreciated. The county has stated that consultation with your office is ongoing.

Regards

Mary Wagner

[2928 Horseshoe Valley Rd. West](#)

Phelpston, Ont

L0L 2K0

705 716-6564

This is Exhibit....."C".....referred to in the
affidavit of.....Mary Teresa Wagner.....
affirmed before me, this...twenty-second.....
day of.....March.....20...19.....

Nov. 28th, 2016


.....
Ramani Nadarajah
A COMMISSIONER FOR TAKING AFFIDAVITS

Mr. McCullogh and Ms. Korolnek,

I am concerned upon reading in detail the paragraphs below that have been copied directly from the County of Simcoe Document, Solid Waste Management, Solid Waste Management Strategy, 2015 5-year Update Current Status Report.

My home and farm were originally just outside the 500 meter setback that appeared to be a fact you were very proud of. I recently read that my home was now to be within 350 meters of this facility as you are now relocating it within the site. This is a fact that I believe deserved a personal consultation or direct letter, not just some generic update.

I fail to understand how County of Simcoe must select a site that places the homeowner at risk. I draw my water from the ground, I have people and animals living in our home and a pond with fish we eat, all put more at risk from this reduced setback. I now read that in fact longterm plans are for a MRF, a Class III facility, and the County appears to care not at all about the negative impacts to me, a human being, not simply a "sensitive receptor".

You suggest that this is a case of Not In My Backyard concern. I reverse that and suggest you are in favour of this project because it is Not in Your Backyard.

Sadly I do not understand why it has to be in anyone's back yard or forest as the County has choices of industrial land that they fail to investigate or pursue.

Please confirm the County's intent to expand and place a Materials Recovery Facility within this project. Simple yes or no answer please.

Pg. 55

CIF funding for this project was secured in late 2014. It guarantees funding 47% of blue box-related project costs to a maximum funding limit of \$2,187,840. This funding is contingent on the potential for the facility to be jointly utilized by other local municipal jurisdictions on a cost recovery basis and design of the facility to allow for potential future expansion to accommodate a full Materials Recovery Facility (MRF).

Pg. 61

CIF funding for the MMF is contingent on the potential expansion of the facility to a full MRF. Siting will consider the facility has the potential for expansion to process both fibres and containers should it prove to be a viable option in the future.

I am copying this email to all County Council as well as County Clerk.
I await your response.

Regards
Mary Wagner

May 2, 2017

Mr. John Daly, County Clerk
County of Simcoe Administration Centre
1110 Highway 26
Midhurst, ON
L9N 1X6



Dear Mr. Daly,

**Re: Proposed County Official Plan Amendment
Part Lot 2, Concession 1
2976 Horseshoe Valley Road West
Township of Springwater
Environmental Resource Recovery Centre
County File: SC-OPA-1602**

This is Exhibit....."D".....referred to in the
affidavit of.....Mary Teresa Wagner.....
affirmed before me, this...twenty-second.....
day of.....March.....20..19..


.....
Ramani Nadarajah A COMMISSIONER FOR TAKING AFFIDAVITS

The Friends of Simcoe Forests Inc. is a community group formed by citizens of Simcoe County, and beyond, that share a common concern. We are concerned that the County of Simcoe legacy that valued forests, natural heritage sites and significant wildlife habitat has been abandoned.

The County Official Plan does not accommodate placement of a waste management facility in a forest. The present county staff and council choose to disregard the protection and value afforded the forest by generations of former elected officials. The present county staff and council plan to disregard the foresight of their predecessors and amend the Official Plan to permit the destruction of our woodlands. This unprecedented action will start the unravelling of decades of commitment and work to preserve our greenland and natural heritage.

We are opposed to the proposed amendment.

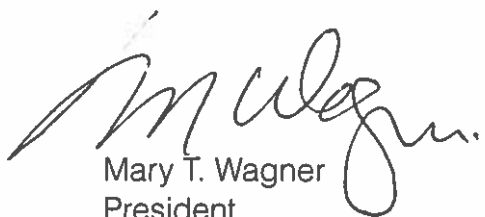
County Forests should not be considered as a viable option for the construction of infrastructure and should have been excluded from the site selection process based on both natural heritage as well as social and cultural impacts to the broader community. Industrial land does exist and is available within the county. Industrial land is appropriately serviced and zoned for this type of facility.

Based on the above, we would ask that the County not approve the proposed Official Plan Amendment.

Please find attached, for inclusion in our submission, letters from our Ecological Consulting Firm and our Planner.

I would like to be notified of the adoption or refusal of the proposed Official Plan Amendment.

Yours truly,

A handwritten signature in black ink, appearing to read 'M. Wagner', written in a cursive style.

Mary T. Wagner
President
Friends of Simcoe Forests Inc.



April 28, 2017

Friends of Simcoe Forests Inc.
c/o Bob and Mary Wagner
2928 Horseshoe Valley Road West
Phelpston, Ontario, L0L 2K0

**Re: Preliminary Peer Review of Scoped Environmental Impact Study (GHD Ltd),
Proposed Environmental Resource Recovery Center, Springwater, Ontario**

Dear Mr. and Mrs. Wagner:

Dougan & Associates (D&A) was retained by Friends of Simcoe Forests Inc. in March 2017 to complete a peer review of the terrestrial resources information contained within the report *Scoped Environmental Impact Study, Proposed Environmental Resource Recovery Center, Springwater, Ontario* prepared by GHD Ltd. (November 17, 2016).

The peer review applies Dougan & Associates standard approach for reviews of natural heritage planning reports, which focuses on whether the EIS adequately reflects relevant protocols and interpretation as required under the Provincial Policy Statement (OMMAH 2014) and its guiding documents, such as the Natural Heritage Reference Manual 2nd Ed. (OMNR 2010), Significant Wildlife Habitat Technical Guide (OMNR 2000), and other provincial references, as well as the Simcoe County Official Plan (2007) and other local documents, including the Simcoe County Forest Plan (2011) and the Simcoe County ONE SITE – ONE SOLUTION (2016) document.

GOALS AND OBJECTIVES OF SCOPED ENVIRONMENTAL IMPACT STUDY

Goals and objectives for in the EIS report are not clearly stated is a stand-alone report section. In Section 1.1 Introduction, the GHD goal is "...to complete a *Scoped Environmental Impact Study (Scoped EIS)* for the proposed co-located development of a *Materials Management Facility (MMF)*, an *Organics Processing Facility (OPF)*, and related support activities, collectively referred to as the *Environmental Resource Recovery Centre (ERRC)*." Two inferred objectives include "...to include an evaluation of all relevant natural features and species within the Study Area." and "This report has been prepared to address the requirements stipulated in the Simcoe County OP to satisfy the requirements of Provincial and County OP policies, as well as other relevant legislation."

MAJOR COMMENTS

In our preliminary review of the EIS document, D&A identified the following major inadequacies and/or inconsistencies in the report:

1. Significant Wildlife Habitat (SWH)

SWH is protected under the Provincial Policy Statement (OMMAH 2014). Based on the data provided by GHD, the site meets criteria for several more SWH categories than are indicated in the EIS, and there are some weaknesses in the data required to assess SWH. Specifically:

- Amphibian data in the EIS is incomplete to assess SWH status (call levels and weather conditions required);
- Spotted Salamander egg masses were found, Amphibian Breeding Habitat (Woodland) may therefore be present;
- Presence of Western Chorus Frog (an S3 provincially ranked species) triggers SWH;
- Twenty-one (21) area-sensitive bird species were documented, and SWH designation as Woodland Area-Sensitive Bird Breeding Habitat may therefore apply;
- Woodland Raptor Nesting Habitat may be present; no raptor nest surveys were conducted; and
- The EIS opines incorrectly that cultural plantations cannot qualify as SWH; in fact, they are specifically identified as potential SWH (for raptor nesting).

The ERRC will cause fragmentation of the forest patch where it is proposed; the EIS does not adequately address the impact on both quantity and quality of forest interior habitat on the site.

2. Significant Woodlands

The report notes that the site qualifies as Significant Woodland but the implications of this designation are not brought forward into the impact assessment. The EIS downplays the value of the Significant Woodland without speaking to functional attributes which underlie the concept of "significance" as defined under the PPS. The presence of a diverse group of area-sensitive forest bird species (21 species based on MNRF criteria), and other SWH indicates that this is currently highly functioning habitat irrespective of the presence of planted conifers.

3. Species at Risk (SAR)

Species at Risk findings and impact assessment are insufficient. No systematic bat surveys were conducted although up to three Endangered bat species could be present. The Executive Summary of the EIS states that no SAR are present, but this is incorrect as several Special Concern species are present and discussed elsewhere in the EIS.

4. Impacts to Biodiversity

The facility will handle compostable waste, which would include invasive plant species and pests affiliated with waste materials, that may affect the biodiversity of the surrounding forest. Effects on local wildlife will likely include increases in species such as raccoons, which are predatory on ground-nesting birds (which represent 20% of the interior species documented). Forest interior habitat will be converted to edge; forest edge birds include nest predators. These effects are neither identified nor discussed in the EIS; they will likely have long term implications within connected woodlands beyond the site.

5. Adjacent Lands

There is no clear discussion in the EIS of Adjacent Lands, defined as the area 120 metres beyond the limits of development. The proposed facility will create changes to ecological functions on a much larger footprint, likely in the order of 200+ m, and with potential for further impacts due to future expansion.

6. Vehicular Impacts of Facility

The EIS does not adequately address the road and traffic impacts of the facility. The required internal road system for the facility includes the main entrance road, and an emergency access route which will be placed along an existing trail to the north of the facility. EIS Section 3 (Preliminary Development Plan) indicates that the site will also be a *"Truck Servicing Facility – a location for servicing the County's fleet of industrial Solid Waste Management vehicles."* Vehicular traffic, including waste management trucks as well as private vehicles engaged in drop-offs, will undoubtedly generate heavy traffic loads; these are not discussed in the EIS. The Facility Characteristics Report (GHD 2016a) for this site states that the clearing width for the access road will be 15 – 20m (not including allowances for turn lanes), however this clearing is also not addressed in the EIS.

7. Inadequate Details on Site Plan

The EIS does not include a site concept plan which allows a clear understanding of the proposed development; the EIS does not include any graphic representation of the project apart from the generic mapping of a development footprint shown on Figures 4 and 5. There is no discussion of potential grading requirements to attain a level base for the facility, and for the road access. There is no Mitigation Plan included with the EIS, which would normally include existing ecological features and functions (e.g. SWH extent, including buffers) overlaid on the development concept plan, and also indicating the locations for mitigation measures proposed for the development site or adjoining lands.

8. Cumulative Effects

The EIS does not address potential cumulative effects. EIS Section 3 (Preliminary Development Plan) indicates that the facility may be expanded in the future; the EIS considers a 4.5 ha development site, however the County's *"ONE SITE, ONE SOLUTION"* (2016) document identifies the size specification as 20 ha, and also promotes this preferred site on the basis of its size (207 ac) described as "large usable space", accommodating potential expansion. Given the high likelihood of expansion, and the constraints identified outside of the proposed 4.5 ha development site, cumulative effects are likely but are not identified, discussed or addressed in the EIS.

Other concerns regarding the EIS will be provided at a later date. We understand that Friends of Simcoe Forests Inc. has also retained a planner, Jennifer Lawrence, who is providing comments on the planning aspects of the project under separate cover.

CONCLUSION

Based on this review, D&A believes that the GHD *Scoped EIS* does not adequately characterize the study area, provide appropriate interpretation of policy, or discuss impacts and mitigation in sufficient detail. Figures lack sufficient detail on the proposed development, policy constraints, impacts, and mitigation.


LIMITATION

The opinions in this letter report document are based on the *Scoped Environmental Impact Study, Proposed Environmental Resource Recovery Center, Springwater, Ontario* (GHD Ltd., November 17, 2016), and other documents referenced; opinions are subject to modification if new or revised documents are provided.

Sincerely,



Jim Dougan, BSc, MSc, OALA (Hon)
Director, Senior Ecologist



Mary Anne Young, BLA, OALA, ISA
Landscape Architect, Arborist, Ecologist



Karl Konze, B.Sc.
Senior Wildlife Ecologist

References

- GHD. 2016a.** County of Simcoe Environmental Resource Recovery Center Facility Characteristics Report. Prepared for the County of Simcoe. 35 pp. + Figures, Tables & Appendices.
- GHD. 2016b.** Scoped Environmental Impact Study [for the] Proposed Environmental Resource Recovery Center. Springwater, Ontario. Prepared for the County of Simcoe. 26 pp. + Figures, Tables & Appendices.
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April 28, 2017

Friends of Simcoe Forests Inc.
c/o Mrs. Mary Wagner
2928 Horseshoe Valley Road West
Phelpston, ON
L0L 2K0



Dear Mrs. Wagner:

**Re: County of Simcoe Environmental Resource Recovery Centre
Regional and Local Official Plan Amendment and Zoning By-Law Amendment
Files: SC-OPA-1602, OP-2016-005 and ZB-2016-021
2976 Horseshoe Valley Road West
Township of Springwater**

I have reviewed the following reports, prepared by the County of Simcoe, in support of the above noted applications:

- *County of Simcoe Materials Management Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria*, prepared by Conestoga-Rovers & Associates, dated February 2015;
- *County of Simcoe Organics Processing Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria*, prepared by Conestoga-Rovers & Associates, dated February 2015;
- *County of Simcoe – Materials Management Facility, Part 2 – Long List Evaluation*, prepared by GHD, dated July 12, 2015;
- *County of Simcoe – Organics Processing Facility, Part 2 – Long List Evaluation*, prepared by GHD, dated July 23, 2015;
- *County of Simcoe Organics Processing Facility, Materials Management Facility and Co-Located Facility, Part 3 – Short List Evaluation*, prepared by GHD, dated February 26, 2016;
- *Scoped Environmental Impact Study, Proposed Environmental Resource Recovery Center, Springwater, Ontario*, prepared by GHD, dated November 17, 2016;
- *Planning Justification Report, Proposed Environmental Resource Recovery Center, Springwater, Ontario*, prepared by GHD, dated November 17, 2016;
- *Agricultural Impact Assessment Report*, prepared by AgPlan, dated November 16, 2016;
- *Environmental Resource Recovery Centre 'Get the Facts', 2976 Horseshoe Valley Road West, Springwater, County of Simcoe*, September 2016;
- *County of Simcoe Environmental Resource Recovery Centre, Summary of Consultation and Notification (to December 2016)*; and,

- Neighbourhood Landowner Meeting, Final Meeting Notes and Follow-Up, Thursday September 8, 2016.

In preparing my professional opinion on the proposal, I have also referenced the following documents:

- *Planning Act* and Provincial Policy Statement (2014)
- *Environmental Assessment Act*, Ontario Regulation 101/07 and the *Guide to Environmental Assessment Requirements for Waste Management Projects*
- Simcoe County Official Plan (2016)
- Springwater Official Plan (1998) and Comprehensive Zoning By-Law (2004)
- Ministry of Environment and Climate Change *Statement of Environmental Values*
- Simcoe County Forests 2011-2030
- *Guidelines for the Siting and Operation of Waste Transfer Stations*, Nova Scotia Environment and Labour, 2006
- *Environmental Standards for Municipal Solid Waste Transfer Stations / Local Waste Management Facilities, Guidance Document*, Newfoundland and Labrador, 2010
- *Waste Transfer Stations: A Manual for Decision-Making*, United States Environmental Protection Agency, 2002
- Letter to Friends of Simcoe Forests Inc., prepared by Dougan and Associates Inc., dated April 28, 2017; and,
- Letter to County of Simcoe from Nottawasaga Valley Conservation Authority, dated March 2, 2017, NVCA ID #30106

I will be able to provide more detailed comments shortly however, in an effort to provide the Friends of Simcoe Forests Inc. with comments to submit to the County in advance of their Public Meeting on May 9, 2017, I have prepared the following summary letter.

Overview

In 2010, the County of Simcoe approved a Solid Waste Management Strategy. Within that strategy, it was recommended that the County assess the development of a central composting facility as well as assess the long-term requirements for collection and processing of organics and recycling and waste export. The Strategy further recommended that consideration be given to developing a transfer station type facility. In August 2014, County Council endorsed Conestoga-Rovers & Associates (CRA) to determine an optimal site for a transfer facility, referred to as a Material Management Facility (MMF) as well as an Organics Processing Facility (OPF). The siting for these two facilities began as independent searches with specific, but similar, siting criteria. The methodology and evaluation criteria for siting the MMF and OPF is outlined in the CRA reports entitled *County of Simcoe Materials Management Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria* (February 2015) and the *County of Simcoe Organics Processing Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria* (February 2015), respectively. The purpose of the Part 1 studies was the same for both the OPF and the MMF; that is, the Part 1 study was to establish the framework for how the potential sites would be identified and evaluated by defining the search area, identifying a comprehensive list of candidate sites (including County-owned and privately owned sites) and establishing a series of criteria to screen

and evaluate potential sites. The Part 1 study created a list of exclusionary criteria that would be used to screen the comprehensive list of candidate sites. These exclusionary criteria are referred to as Screen 1. Screen 1 was applied to arrive at a long list of sites which would then be screened against a second set of criteria referred to as Screen 2.

The next set of reports are the Part 2 – Long List Evaluations for the MMF and OPF, prepared by GHD (formerly CRA), dated July 12 and July 23, 2015, respectively. The Part 2 reports include the Screen 2 criteria that were used to create a short list of sites which were then vetted through the final screen, referred to as Screen 3.

The final report associated with the siting process is the *Part 3 – Organics Processing Facility, Materials Management Facility and Co-Located Facility Short List Evaluation*, prepared by GHD dated February 26, 2016. This report combines the OPF and MMF selection process into one document and evaluates the short list of properties, identified in the respective Part 2 reports, to determine whether it is appropriate to continue siting these facilities independently or whether it would be appropriate to co-locate the two facilities on one site. Screen 3 was applied to the short-listed sites and each were subjected to a comparative evaluation process to identify a preferred location that has an appropriate balance of strengths (advantages) and weaknesses (disadvantages) and evaluated to determine how well the site satisfies the goals and objectives of the project. Of note, the comparative evaluation did not include site-specific Environmental Impact Studies for each site to determine whether they could meet the federal, provincial, County and local natural heritage policies. Rather, this evaluation was deferred until the preferred site was selected. A preferred location for the co-located site is identified in the Part 3 report as 2976 Horseshoe Valley Road in Springwater, a wooded parcel known as the Freele County Forest (Tract). In addition to the OPF and MMF, the preferred site is also intended to include a Solid Waste Management truck servicing area, a public education area and the potential for future expansion to include a recycling sorting facility. These additional uses were not noted in either the Part 1 or Part 2 reports.

The preferred site is within the Greenlands designation of the current County of Simcoe Official Plan. Waste disposal sites are not a permitted use within the Greenlands designation so the County has initiated an Official Plan Amendment (SC-OPA-1602). The proposed amendment is as follows:

- Modifying Schedule 5.6.1 by (a) renaming Schedule 5.6.1 "County Waste Disposal Sites" to Schedule 5.6.1 "County Waste Management System"; (b) adding Environmental Resource Recovery Centre to the legend; and, (c) adding a symbol for Environmental Resource Recovery Centre to the Schedule within Part Lot 2 Concession 1 Springwater Township.
- The addition of the following Section and text after Section 4.9.17:

*Section 4.9.18, Environmental Resource Recovery Centre
Part of Lot 2, Concession 1, Springwater (2976 Horseshoe Valley Road)*

Permitted uses on a portion of Part of Lot 2, Concession 1, Springwater Township (2976 Horseshoe Valley Road) as identified on Schedule 5.6.1 as Environmental Resource

Recovery Centre shall include facilities for the purpose of the consolidation and transfer of various waste streams such as organics, recyclable materials and non-hazardous household garbage, processing of organic green bin materials under controlled conditions for conversion into other materials. Other ancillary uses would include a public education area, truck maintenance and servicing area and facility administration area. The temporary storage of waste is permitted on the lands but no permanent disposal of waste materials or landfilling of any kind is permitted within the lands subject to Section 4.9.18.

The County has also submitted applications to the Township of Springwater for an Official Plan and Zoning By-Law Amendment (OP-2016-005 and ZB-2016-021). Within the Springwater OP, the site is designated Rural and Agriculture on Schedule A-2 and Environmental Protection Category 2 on Schedule B. Section 2.20.4 of the Springwater OP requires that the establishment of new waste disposal sites shall require an amendment to the OP. The property is zoned "A" Agriculture in the Springwater By-law 5000. The Agricultural zone does not permit waste disposal sites which has triggered the need for a Zoning By-Law Amendment.

In addition to the three site selection reports, supporting documentation has been prepared for the proposed preferred site as part of the Official Plan and Zoning By-Law Amendment applications. These include a Scoped Environmental Impact Study, Planning Justification Report, Agricultural Impact Assessment and Hydrogeological Assessment.

Site Selection Process

The following is a summary of concerns with respect to the Part 1-3 documents:

1. The documents do not contain sufficient reference to the *Planning Act* and Provincial Policy Statement (PPS). The Screen 1 Evaluation Criteria should have, at a minimum, included the avoidance of the habitat of endangered species and threatened species. Without this criterion, the Screen 1 evaluation is not consistent with the PPS. In addition, Screen 1 Evaluation Criteria could have taken a conservative, and best practices, approach and eliminated all sites within the Council approved Greenlands designation from the list of candidate sites;
2. Sites with natural heritage features (such as County Forests) were allowed to advance to Screen 2 based on additional environmental screening taking place at that stage however, Screen 2 evaluation criteria includes no specific reference to any natural heritage features;
3. When establishing evaluation criteria, reference is made to technical documents from other Provinces and the United States with no clear reference to technical documents created pursuant to the PPS for evaluating impacts to natural heritage features and functions, such as the Ministry of Natural Resources and Forestry (MNR) *Natural Heritage Reference Manual 2nd Edition* (2010) and the MNR *Significant Wildlife Habitat Technical Guide* (2000) both prepared in support of the PPS Natural Heritage policies;
4. Screen 3 evaluation criteria refer to demonstrating 'no net effects' on the environment which is not the same as the 'no negative impact' test established by the PPS. As such, the Screen 3 evaluation is not consistent with the policy requirements of the PPS, County of Simcoe OP and Springwater OP;
5. The County's stated preference for finding a site that is already owned by the County resulted in the inclusion of County-owned forests in the site selection process. 82.5% of

- the County-owned sites that are included in the candidate sites are County Forests and 50% of all the candidate sites are County Forests;
6. After Screen 1 is applied, 70% of the MMF long-list sites are County Forests and 77% of the OPF long-list sites are County Forests. After Screen 2 is applied, 4 out of 5 of the MMF short-list sites are County Forests (80%) and 5 out of 7 of the OPF short-list sites are County Forests (71%). The preponderance of County Forests in the list of candidate sites, the lack of consideration for natural heritage features such as habitat of endangered and threatened species, significant woodlands and significant wildlife habitat as exclusionary criteria in the Screen 1 and 2 stages and the consideration of 'no net effect' rather than the PPS requirement of 'no negative impact' has led to the identification of a short-list of sites that may not be consistent with the PPS, County and Local OP policies;
 7. The County is relying on the out-of-date Springwater OP and zoning designations whereas they would be aware that the OP and Zoning By-Law will need to be brought into conformance with the County OP thereby resulting in the County Forests having a Greenlands designation at the local level;
 8. The Springwater OP policies would suggest that the County Forest sites would, at a minimum, meet the Natural Heritage (Environmental Protection) Category 2 criteria however, the mapping has not been updated;
 9. The Part 3 report concludes that co-locating the facilities is appropriate, contrary to a staff recommendation made earlier in the process. The issues and concerns raised by staff previously, in relation to a co-located facility, have not been addressed in the report;
 10. The Part 3 report introduces additional uses to the site (truck maintenance facility, public education area, potential future expansion/recycling sorting facility) that were not considered during the Part 1 and 2 reports; and,
 11. At a minimum, 72% of the written comments received from the public, as documented in the Part 3 report, requested that the County not consider the placement of these facilities within natural areas and, more specifically, not within County Forests. In addition, a total of 1,320 signatures were collected on petitions speaking out against the use of several of the County Forests under consideration in the short-list evaluation. The report does not provide sufficient discussion with respect to how the County considered these numerous and valid concerns throughout the site selection process.

In my opinion, for the siting methodology and evaluation criteria to be consistent with the PPS, and to be transparent as a decision-making tool, the reports should have included substantial discussion and reference to the *Planning Act* and the relevant PPS policies. In addition, to be consistent with the PPS, Screen 1 exclusionary criteria should have been to, at a minimum, avoid the habitat of endangered and threatened species, in addition to Provincially Significant Wetlands and floodplains. However, in addition to those exclusionary criteria, given: (1) the screening size criteria of the two facilities, including facility and buffer (OPF 13ha; MMF 7ha); (2) the purported reliance on the MOECC SEV; (3) the four principles upon which the siting and development of the facilities are to be based on; and, (4) the PPS natural heritage requirements, it would seem reasonable to assume, in an effort to be conservative, that a facility of the anticipated size(s) would likely not be able to be constructed within an area of natural heritage significance without having a negative impact on the natural features or their ecological functions. As such, to be conservative, and to follow best practices of other municipalities, it would have been appropriate to eliminate any sites meeting these criteria, through Screen 1. Alternatively, if the County wanted to keep their options open with respect to undertaking additional environmental evaluations (as

provided for in PPS Policy 2.1.5), certain natural heritage features could have been included in the evaluation criteria and, if properties passed all other exclusionary criteria, the property could have been carried forward to the Part 2 study for further consideration and closer and more detailed environmental evaluation. However, this additional evaluation during the Part 2 study would need to include natural heritage features and functions related specifically to significant woodlands, significant wildlife habitat, fish habitat, significant valleylands and areas of natural and scientific interest, something that was not done as part of this process.

Proposed Preferred Site - Site Specific Studies

Scoped Environmental Impact Study, GHD, November 17, 2016

The purpose of the Scoped Environmental Impact Study (EIS) is to evaluate the proposed Environmental Resource Recovery Centre (formerly OPF/MMF) at 2976 Horseshoe Valley Road against the PPS requirements related to natural heritage and water. As this is mainly an ecological analysis, I will defer most the review to Dougan and Associates and rely on their professional opinion with respect to whether the fieldwork and analysis has demonstrated no negative impact to the following: Provincially Significant Wetlands, habitat of endangered and threatened species, significant woodlands, significant wildlife habitat, significant valleylands, significant areas of natural and scientific interest and fish habitat. My review relates to the policy context of the assessment as well as some of the assumptions/conclusions that were drawn before and during the assessment.

Section 2 (Existing Conditions, Natural Features and Resources), Table 2.1 lists Secondary Source Information Reviewed. The list is missing the Provincial Policy Statement as well as the Springwater Official Plan. In addition, 'Freele County Forest management documents' are listed however, no specific reference is provided. A copy of these management documents should be provided as it appears that they are being relied upon as part of this report.

Section 3 (Preliminary Development Plan) describes the proposed development and refers the reader to GHD's *Facility Characteristics Report*, provided under separate cover, for additional details. A site concept plan/layout is not included in the EIS for the reader to reference. There is no discussion of grading works that may be required to facilitate the entrance, site preparation, staging areas, etc. and the associated potential negative environmental impacts.

Section 4 (Regulatory/Policy Framework) provides a brief outline of the Springwater and County OP, the Nottawasaga Valley Conservation Authority, Species at Risk Legislation and Provincial Policy Statement. Given that the detailed natural heritage policy implications have been deferred to the EIS, the report should have contained a robust explanation of all the applicable PPS policies, County and Local OP policies, and federal/provincial legislation.

Within **Section 4.5 (Provincially Policy Statement)**, GHD states, "Overall, the proposed ERRC footprint of 4.5ha represents an extremely small disturbance to a greater than 475ha contiguous woodland of the 32,000ha Simcoe County Forest (less than 1% and 0.01% respectively)". It is unclear why this statement is made given that this fact has nothing to do with the on-site evaluation that GHD has been tasked with undertaking. The size of the overall feature is only one aspect that needs to be considered when evaluating significance. Reference to the overall

landholdings of the County (32,000 ha) also suggests that the author is minimizing the potential impacts associated with the proposed development. The overall amount of landholdings by a municipality is not a criterion upon which to determine significant or to measure negative impact.

Also within **Section 4.5**, with respect to significant woodlands, GHD concludes that, based on the size of wooded area, the Study Area contributes to an interior forest habitat that meets the County's minimum size criteria for consideration as a Significant Woodland. Unfortunately, the report then goes on to state that this function (interior forest habitat) is temporary because the property (and ERRC footprint) is part of a managed and actively harvested woodlot. In my opinion, this conclusion is false and it is unclear what fact(s) that author is using to support this conclusion. To remove the interior forest habitat, much of the site would need to be clear cut. Over a period of 69 years (1948 – 2017) such a forestry practice has not taken place on this tract nor does the County Forest Plan suggest that such a practice is contemplated on any County tracts. In fact, through good forestry practices, such as those practiced by the County according to their County Forest Plan, selective harvesting would have no impact on the extent of interior forest habitat. Building on their conclusion, GHD then states that, '*As an actively managed and harvested plantation woodlot, the proposed ERRC footprint and immediately adjacent areas does not exhibit uncommon characteristics or economic and social functional values as defined in the Natural Heritage Reference Manual (MNR, 2010).*' I will defer to Dougan and Associates' analysis of significance however, I would recommend that GHD is building on an erroneous statement with respect to interior forest habitat so the accuracy of the follow-up conclusion must be questioned.

Finally, within **Section 4.5**, GHD concludes that the site does not meet the criteria of Significant Wildlife Habitat. This analysis takes place within one paragraph of the report. I will defer to Dougan and Associates with respect to their opinion as to whether it has been demonstrated that Significant Wildlife Habitat does not exist however, I would have expected the analysis to have been much more robust considering that a minimum of 4.5 ha of wooded area is proposed for removal to facilitate the footprint of the ERRC. Additional impacts associated with the need to widen the existing trail to create a driveway of an appropriate width to accommodate the truck traffic, the relocation of the existing trail and the potential for future expansion also requires additional consideration in the evaluation of no negative impacts.

As stated previously, GHD and the County are relying on a test of **no net effects**. This is further demonstrated through the suggestion in the report that the loss of forest cover can be compensated through the planting of trees elsewhere to offset the loss. Such an approach is not consistent with the PPS requirement to demonstrate **no negative impact**. The proponent must first demonstrate that the proposed development will not have a negative impact on the feature and/or function and only then, if no negative impact is demonstrated, can there be a suggestion of mitigation measures such as off-site tree planting. Even if one was to accept that off-site tree planting could be contemplated as a mitigation measure, the County should be obligated, as part of the EIS and Official Plan Amendment process, to identify where such a location exists that could accommodate 4.5 - 9ha of tree planting (based on a 1:1 or the preferred 2:1 ratio of planting expressed by GHD on page 23). If such a parcel of land is not already in County ownership, presumably the previous evaluation matrix (Parts 1 – 3 of the siting process) should have considered the cost of purchasing such a parcel as well as the cost of tree planting and maintenance. The parcel not only needs to be large enough to accommodate the 4.5 - 9ha worth

of planting, it would also need to be an environmentally appropriate site that is adjacent to existing Greenlands, etc.

I have reviewed the letter prepared by Dougan and Associates dated April 28, 2017. Based on that letter, in their professional opinion, the County has not demonstrated no negative impact on significant woodlands, significant wildlife habitat or the habitat of endangered and threatened species. As such, from a planning perspective, the Scoped EIS has not demonstrated that the proposed development is consistent with the requirements of the *Planning Act*, PPS and County OP. As a result, the Official Plan Amendment should not be approved as it does not meet the requirements of the Province or County.

I have also reviewed the comments provided by the Nottawasaga Valley Conservation Authority (NVCA) dated March 2, 2017. The NVCA raises similar concerns to those raised by Dougan and Associates related to insufficient documentation in the report to support the conclusion that significant wildlife habitat does not exist on the property.

Planning Justification Report, GHD, November 17, 2016

The Planning Justification Report provides an analysis of many of PPS policies including those related to Land Use Compatibility, Infrastructure and Public Service Facilities, Waste Management, Natural Heritage, Water and Agriculture. With respect to Natural Heritage, the report relies on the assumptions and conclusions of the Scoped EIS which, as outlined above, has not, in my opinion, demonstrated consistency with the PPS.

Within **Section 6.1** (County of Simcoe Official Plan – Greenlands Section 3.8), the report concludes that the development of the ERRC will not result in a negative impact as defined in the PPS based on: the proposed location of the ERRC; the plantation history of the Site; the actively managed nature of the Study Area; and, the implementation of the recommended mitigation measures, which adequately avoid, compensate and replace natural features (i.e. vegetation plantings) within the wider wooded feature. **Section 10.2** (Scoped EIS & Natural Hazard Land Assessment) again concludes by stating that no net environmental impacts on the larger woodlot feature are anticipated from the development of the proposed ERRC. These conclusions reflect the erroneous inclusion of mitigation measures, and the concept of no net impacts, when determining whether a proposed development will have a negative impact on the natural heritage system, which is inconsistent with the requirements of the PPS.

Summary/Recommendation

Given the requirements of the PPS related to natural heritage and, the resulting OP requirements, it has been my experience that many municipalities make every effort to avoid the placement of infrastructure within the natural heritage system. Many municipalities have policies that only allow for the consideration of *essential* infrastructure (such as roads or utilities) within the natural heritage system and, in such cases, only if the placement of the infrastructure is supported by an Environmental Assessment. In doing so, they model the very behaviour that their OPs are expecting of the general public – that natural heritage systems are to be identified, conserved and protected from the impacts of development.

Based on my review of the Part 1 – 3 siting documents, it is my opinion that the site selection process is not consistent with the *Planning Act* requirements pursuant to the Provincial Policy Statement natural heritage policies as sufficient consideration has not been given to PPS policies 2.1.1 through 2.1.8. In addition, the site-specific documents prepared in support of the Official Plan and Zoning By-Law Amendments are also not consistent with the PPS as it has not been demonstrated that the proposed development will have no negative impact on, at a minimum, significant woodlands and significant wildlife habitat as required by PPS policies 2.1.2, 2.1.5 and 2.1.8. Additional fieldwork by Dougan and Associates may identify other portions of the PPS natural heritage policies that should be addressed in greater detail.

As a result of the above, it is my opinion that the amendments are not consistent with Section 2 of the PPS, County of Simcoe Official Plan policies 3.3.15, 3.8.19 and 3.8.22 or the Springwater Official Plan policies 16.2.1.2(ii)(c), 16.2.1.3(iii), 16.2.1.3(vii), 16.2.1.4.1(c)(ii), 16.2.1.4.2(b)(i)(iii)(vi) and 16.2.1.4.2(c)(i)(e).

I trust the above is of assistance. If you require additional information, please do not hesitate to contact me.

Yours truly,


Jennifer Lawrence, MCIP, RPP
President

**Transcription of the May 9, 2017 Public Meeting
Official Plan Amendment File No. SC-OPA-1602**

A meeting under Section 17 of the Planning Act; Official Plan Amendment File No. SC-OPA-1602, an Amendment to the County of Simcoe Official Plan to facilitate the development of an Environmental Resource Recovery Centre (ERRC).

Chairman: Good morning. I'd like to call this public meeting to order. And at this time, I'm going to ask our Clerk to call the roll.

Clerk: Councillor Allen

Councillor Allen: Present.

Clerk: Councillor Bifulchi

Councillor Bifulchi: Present.

Clerk: Councillor Burkett

Councillor Burkett: Present.

Clerk: Councillor Burton

Councillor Burton: Present.

Clerk: Councillor Basil Clarke

Councillor Basil Clarke: Present.

Clerk: Councillor Cooper sent regrets.

Councillor Cornell

Present.

Clerk: Councillor Cox

Councillor Cox: Present.

Clerk: Councillor Dollin has sent regrets.

Deputy Warden Dowdall

Deputy Warden Dowdall: Present.

Clerk: Councillor Dubeau

This is Exhibit....."E".....referred to in the affidavit of.....Mary Teresa Wagner.....affirmed before me, this.....twenty-second.....day of.....March.....20.....19..


.....
A COMMISSIONER FOR TAKING AFFIDAVITS
Ramani Nardarajah

Councillor Dubeau: Present.
Clerk: Councillor French

Councillor French: Present.

Clerk: Councillor Hough has sent regrets.
Councillor Hughes has sent regrets.
Councillor Keffer

Councillor Keffer: Present.

Clerk: Councillor Leduc

Councillor Leduc: Present.

Clerk: Councillor Little

Councillor Little: Present.

Clerk: Councillor Macdonald

Councillor Macdonald: Present.
Clerk: His Worship Marshall has sent regrets.
Councillor McKay

Councillor McKay: Present.

Clerk: Councillor Milne

Councillor Milne: Here.

Clerk: Councillor O'Donnell

Councillor O'Donnell: Present.
Clerk: Councillor Ritchie

Councillor Ritchie: Present.

Clerk: Councillor Ross

Councillor Ross: Here.
Clerk: Councillor Saunderson has sent regrets.

Councillor Small Brett

Councillor Small Brett: Present.
Clerk: Councillor Brian Smith

Councillor Brian Smith: Present.
Clerk: Councillor Jamie Smith

Councillor Jamie Smith: Present.
Clerk: Councillor Vanderkruys

Councillor VanderKruys: Present.
Clerk: Councillor Walma

Councillor Walma: Present.
Clerk: Councillor Warnock

Councillor Warnock: Here.
Clerk: Councillor Wauchope

Present
Your worship, you have a quorum.

Deputy Warden Dowdall: Thank you, Mister Clerk.

At this time, I'm going to explain the purpose of this public meeting. This public meeting is being held pursuant to section 17 of the Planning Act. With respect to the County of Simcoe Official Plan Amendment File Number SC-OPA-1602. An amendment to the County of Simcoe Official Plan to facilitate the development of environmental resource recovery centre, commonly referred to as an ERRC, that includes an organics processing facility, for the long term processing of source separated organics; a materials management facility, for the transfer of garbage, recyclables, and source separated organics; and a potential future materials recovery facility; and ancillary uses.

The purpose of this County initiated amendment is to modify schedule 5-6-1 of the County Official Plan by renaming the schedule from County Waste Disposal Site, to County Waste Management System. Also, to add environmental resource recovery centre to the map legend. And add a symbol for environmental resource recovery centre to the schedule on a portion of the subject lands. And the proposed amendment will also add a new site specific section of text, after section 4-9-17 detailing the permitted uses and associated development parameters on this site.

And at this time, I'll turn it over to the Clerk again, to provide how Statutory Public Notice was given.

Clerk: Notice of the Public Meeting was given by publication, on April 13th, 2017 in the following newspapers: Alliston Herald, Barrie Advance, Collingwood Connection, Innisfil Journal, Midland Mirror, Orillia Today, Stayner Sun, Wasaga Sun, Bradford Times, and on April 14th, 2017 in the Innisfil Examiner. Statutory Notice of the Public Meeting was also posted on the County's website on April 13th, 2017.

Notice was also given by regular mail, or email to all other prescribed persons, municipalities, and agencies. Signs were also installed on the property. This meeting is open to the public, and everyone will be given an opportunity to participate.

Deputy Warden Dowdall: Thank you. If a person or public body does not make oral submissions at a public meeting, or make written submissions to the County of Simcoe before the proposed official plan amendment is adopted, the person or public body is not entitled to appeal the decision to the Ministry of Municipal Affairs, which is the approval authority to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the County of Simcoe before the proposed official plan amendment is adopted, the person or public body may not be added as party to the hearing of an appeal before the Ontario Municipal Board, unless, in the opinion of the board, there are reasonable grounds to add this person or public body to the party.

Anyone wishing to address County Council today, or wishing to receive notice of decision, please register your name and address with the staff that's located up in the gallery.

I would remind everyone that purpose of today's public meeting is to listen and to seek clarification. It is not a debate. A decision is not being made today as well. This is your public meeting.

This meeting is being recorded and will be transcribed as part of the public meeting minutes. And at this time, I would like to call on General Manager of Engineering and Planning Environment Debbie Korolnek to introduce our consultants.

Debbie Korolnek, General Manager: Thank you, Deputy Warden. Just a couple of notes about why the county's developing this facility. Through the 2010 Solid Waste Management Strategy, Council listened as residents spoke strongly about no new landfills. The County's committed to waste diversion, reducing garbage, and securely managing our own waste. And the development of an organics processing facility and materials management facility aligns with the recommendations of Solid Waste Management Strategy and the county's waste diversion responsibilities.

The County undertook a two year siting process and looked at over 500 sites. This facility will have many advantages. It will handle our own waste within our own boundaries, will reduce the number of trucks hauling county organics long distances for processing, currently that goes to Hamilton, it'll provide the ability to add materials to our Green Bin program, and it will create valuable end products for use, such as compost or fertilizer. And it will also allow us to secure our processing costs.

We have about a 20 slide presentation to just give some background and context to the project. And then there will be an opportunity for clarification, questions of clarification.

At this point, I'm going to introduce our team. Dr. Tej Gidda, Ph. D., P. Eng., he's a principal at that firm, and is recognized as an expert in the field of this type of technology. Next, is Steve Edwards. Steve is a registered professional planner with more than 35 years of experience. He's also employed by GHD. And Brian Dermody is a project engineer at GHD with more than 10 years of experience.

These folks primarily were responsible for preparing all of the technical plans that went into submission of the Official Plan Amendment application. I'll turn it over now, to Brian.

Brian Dermody, GHD Engineer: Thank you Debbie. Good morning everyone. Just going to run you through some slides, going to go over a bit of the background to the project. Then I'll hand it over to Steve, to talk more on the planning aspects.

In addition to aligning with the County's Solid Waste Management Strategy in terms of no new landfills, this also aligns with the Provincial Waste Strategies and Objectives in terms of new regulations being released, diverting organics from landfills. It's very much in line with those new strategies, and it shows environmental leadership in terms of securely managing your own waste.

The Environmental Resource Recovery Centre, the ERRC, contains various components. The first of which is the Materials Management Facility, the MMF, and that is a location to consolidate curbside collected waste into larger vehicles for hauling to other processing facilities. The OPF, the Organics Processing Facility, to process the source separated organics component. There's also a truck servicing facility, which will service the County's fleet of trucks, a Future Materials Recovery

Facility for processing recyclables, and other ancillary facilities, such as Storm Water Management, Public Education Centre, Administration and so on.

Just a quick overview of the project. Right now we're at the green stage, which is the planning and engineering. We're currently wrapping up a number of studies on the selected site. We've gone through the first steps. The siting process has been completed. And then following this, we'll move on to the design construction operation. The MMF and OPF are going to diverge after this, in terms of development timelines. With the MMF being established first, followed by the Organics Processing Facility.

The siting framework, how we went about it. The general approach was modeled on the MOE, or the Ministry of Environment and Climate Changes Statement Environmental Values, in terms of siting and protecting the environment. This facility does not require an environmental assessment. It doesn't meet the minimum threshold for that, but notwithstanding we've also tried to follow that process in terms of public consultation and in terms of the various things that we looked at. Indeed there were stakeholder and public consultation throughout the process, and County Council approval at key milestones as well.

It was a three part siting process. Initially we set out to determine the siting methodology and the evaluation criteria, then we went through a long list evaluation. We considered over 500 sites, privately owned as well as County owned properties. And we went through that, through a series of screens and the various evaluation criteria, in an attempt to narrow down that list. Then we got to part three, which was the short list evaluation. And fully looking, again, at all of those evaluation criteria, to land on a preferred site. You can see a bit of a timeline across the bottom there. This has been quite a long process, with some of the green points highlighted for the public consultation elements.

Through that, we arrived at the preferred site, which is 2976 Horseshoe Valley Road West, in the Township of Springwater. That was evaluated relative to the other sites on the short list, through all of the components and criteria that we looked at. It was determined to be the preferred site from those various standpoints. A few advantages that it offers; A very large site, the layout topography, they all provide very good design flexibility for a facility like this. A few other constraints, under the environmental criteria considered; Fewer sensitive receptors, compared to other sites in greater buffer distances, central location in terms of transportation efficiencies, and there would be a small increase to local traffic on Horseshoe Valley Road.

[Referencing a PowerPoint slide] There's the subject property. You can see Horseshoe Valley Road in the south, Rainbow Valley Road in the north. And it's important to note that, that entire property is 84 hectares, and the development portion we're talking about only 4 1/2 hectares out of that.

Once we landed on the preferred site, we did a number of supporting studies. You can see this slide, this is all the studies that have been completed, or are still ongoing with GHD. Planning justification, environmental impact, facility characteristics report, hydro-geological and geotechnical investigations, and some additional supporting studies were all also carried out by other firms. You can see, agricultural impact, traffic impact, archeological assessment, and cultural heritage assessment.

In addition to all of those reports, they were also reviewed by various ministries and other stakeholders. You can see them all listed there. Quite an extensive list. Ministry of the Environment and Climate Change is certainly a key one, in terms of the Environmental Compliance approval that will govern the operation of this facility. And Nottawasaga Valley Conservation Authority, Aboriginal Communities and other peer review consultants have been involved with those studies.

[Referencing a PowerPoint slide] Here, we see a conceptual site layout, identifying some of the key components, if you can see the legend. The green, the large piece there, is reserved for the Organics Processing Facility. The orange is for the Materials Management Facility. Yellow, for the Materials Recovery Facility. Red for Administration. And the Blue is for the Storm Water Management Pond. You can see we've used an existing access road, or a trail that's currently on the site with a minor realignment along Horseshoe Valley Road.

Additional features of the site, you can see here [Referencing a PowerPoint slide]. A very large property, we've added a couple of lines surrounding it, in terms of 200 meters from the property line, and then 500 meters as well. You can see the yellow dots, indicating sensitive receptors around. We've tried to place the facility to avoid those as much as possible, and maintain maximum buffer distances. You can see some wetlands, there as well, in the northwest corner of the property that have been identified. As well as a small archeological find as well. We'll come back to those on another slide.

There's a bit more of a detailed overview [Referencing a PowerPoint slide]. You can see that delineation of the wetlands on the left side. If they were provincially significant, we've far exceeded the minimum setback requirement from that. The facility footprint was actually adjusted to stay further away from those, as well as from the archeological area, there you can see in the bottom left. Again, same color coordination, in terms of the various layout of the different components.

From there, I'm going to pass it over to Steve Edwards, who's going to talk about some of the planning aspects of this.

Steve Edwards,
Project
Consultant:

Thank you, Mr. Chairman.

The next slide shows a fairly lengthy approvals process. The important part about it is the very first bullet, which is where we happen to be today. It indicates the

amendments that are required, and certainly this public meeting is for one of those. Amendments are required to both official plans and the zoning bylaw, because the ERRC use is not permitted use. And, in addition, amendments to the official plans are required, because they indicate new waste facilities require amendments.

And one has to get through that first bullet to carry on through this chain of approvals. That said, I think based on input, there could be a circle between the first two bullets, that there may be engineering studies and things that need to be looked at further, as a result of input.

[Referencing a PowerPoint slide] The next slide, the first three bullets were mentioned by the Clerk, and they're somewhat technical. It describes what would the amendment look like. I think, what's more important are the latter four bullets, which is the approvals being sought. And that is, should it be approved, eventually the official planned amendments and zoning would permit the organics facility, the materials management, potential materials recovery facility, and the ancillary uses on the site.

... and again this was touched on by the Clerk. The manner in which the public notice of this meeting was provided. I won't reiterate that. Mailed notices, you heard about the newspaper advertisements. I think the important point on this slide, is county planning stuff. And I'm a planner, so it should say; County planning stuff and consultant planning stuff, and others. The engineers continue to receive and review comments, including everything that's going to be heard today, which is going to be ... We're going to take notes as we go along.

The public meeting process, again I think this was touched on in introductory remarks. The purpose, a better explanation of what the project's about and what the approvals are being sought. The opportunity for the public to make input and for the County, both staff, on the staff side, and the elected members of the County Council, to hear comments. And, again as I just mentioned in the last slide, we'll be taking notes as well today.

Terms of the next steps in the planning process. We've touched on receiving comments today. We'll collect those, gather those, be they written. There's a number, maybe I should touch on that, a number of ways to make your comments. Speaking today, written comments, I believe you can do it, or at least get information online about making those comments. And all of that has to be distilled and reviewed for County Staff to make a further report to committee of the whole, and it indicates there, at a later date, regarding their review, and the technical review of all the input and the application. And if deemed appropriate, County Council could adopt the amendment.

[Referencing a PowerPoint slide] One thing to point out, that's not on this slide; The County amendment would then go to the Province, for their review. And they can do a number of things. They don't just have to review it and approve it. They could

make modifications to it. They could kick it back and say, "You need to look at other things, that maybe weren't thought of". It's not just a simple rubber stamp at the Province end of things.

Project development, next steps. It spells out a number of steps that would have to occur after planning approvals. I think, though, the important thing is that; Much of that, besides the further engineering studies, isn't going to happen until the planning approvals process is resolved.

Then finally, and I think you heard from Brian, the ERRC aligns with the County Waste Management Strategy. There has been a comprehensive siting process. Looked at 502 sites, it's been modeled after MOECC's- Ministry of Environment Statement of Environmental Values and followed the Environmental Assessment Process, although not required. It's been detailed, specific site planning for the site. And there's been stakeholder public consultation throughout the selection process. I guess the important part is, it carries on today.

We've covered the purpose of the meeting. With that, Mr. Chairman, I turn it back to you.

Deputy Warden
Dowdall:

Thank you very much. And thank you for your presentation.

As been noted already, there's been quite a bit of correspondence received so far. Comments have been received from review agencies and members of the public, on this file. And the County's consultants will continue to review and how they may be addressed. Following the public meeting, all of the comments received to date will be organized and made available for viewing, from time to time on the County's website, under planning. Written comments can still be submitted, following the public meeting, up to the date of a decision by this County Council. All the comments received will be summarized and be provided to County Council before that decision is made.

And at this time, we are going to get comments from the public. As a reminder, anyone that will be addressing County Council today, or wishing to receive notice of decision, we ask that you register your name and address with staff, which is located, again, in the gallery. Those of you who will be making a presentation, I would ask that you provide a copy of your written or electronic presentation with staff before leaving the chambers today. Your presentation will be included in the minutes of today's meeting. And will be made available to the public. I would also ask, that the speakers try to keep to a maximum of 10 minutes.

And with that, we have a list, started so far, of speakers. Our first speaker today, is Mr. R.W. Wagner, and if you could come down, that would be great.

Good morning, sir. If you could just state your name and address for the record please.

R. Wagner: My name is Robert Wagner and I live at 2928 Horseshoe Valley Road West.

I appreciate this opportunity to directly address all of the County Councillors. By way of background, it is noteworthy that my family has been involved in forestry, at one level or another, for over 50 years. My grandfather was a founding member of a forestry association in Norfolk County, that lead the way in evolution of woodlot harvesting practices that continue today. For 40 years, my father and uncle were the owners of a company that specialized in thinning private plantations and Simcoe County forests. Some of the present County Staff may remember Wagner Industries Limited. Two of my relatives are qualified foresters. For my part, I've been involved in the banking industry for over 42 years, much of that time in Northern Ontario, where my largest clients were lumber producers. It follows that I have a lifetime of forestry management. Correction. It follows that I have seen a lifetime of forestry management.

In past years, I have also served as Vice-Chairman on two different hospital boards. With that experience, I can state with confidence that projects of this type are typically spearheaded by two or three board members, in this case Councillors, who direct County Staff and consults, and says to the desired direction and the reports, which are periodically provided to the remainder of the Councillors. County Staff then provides summary reports to Councillors, who are called upon to vote on various issues as the project progresses.

As many of you may recall from one of the County Staff's reports to Council, the near neighbours had requested the formation of a citizens oversight committee, to overview the reports and information being provided to Council. Typically, that type of committee would only be put in place to monitor the impact of a project after it had been completed. In the case of the proposed conversion of the Freele Forest to industrial usage, there was concern over the apparent lack of accuracy, and or, [inaudible] in the reports being provided to Council. As evidence of the basis for that concern, it should be noted that County Staff presented the request, from the near neighbours, as being from "some of them". When in fact, the request was endorsed by 100% of the near neighbours, who were present at that particular meeting. I thank Councillor Allen, for pointing this out to the rest of the Councillors.

The following are examples of types of information provided to Council, which gave rise to the concerns noted a moment ago. From the onset, to and including today, County Staff have referred to the size of the site as being 12 acres. They have failed to allow for the construction of the 60 foot wide roadway leading to the site, and through the forest to the other side. By my calculation, that adds an additional 8 acres to the area, which will be clear-cut.

Also, Mr. McCullough has undertaken to consult with the Ontario Federation of Snowmobile Clubs as to the relocation of their trail, which bisects the forest. I know, from personal experience, that it only takes 5 minutes to travel that snowmobile trail from one end to the other. Any relocation of that trail will bring it closer to the residences, which border the forest. Yet, Mr. McCullough seems willing to discuss the relocation with people who spend five minutes travelling that trail, and he has simultaneously refused to allow the participation of the residents who live there, year round. In order to allow for the operation of the OFSC trail groomer, an additional swath of forest 30 feet wide will need to be reopened and clear-cut. This equates to another 4 acres, bringing the total to 24. Why do County Staff persist in understating, and or minimizing any potential negative effect?

At one of the public information sessions held at Simcoe County Museum, the County's transportation specialist had on display a storyboard stating that, at peak production the increase in traffic along Horseshoe Valley Road would be 6.2%. That doesn't sound significant, until you consider that effectively 100% of that increase will be comprised of large garbage trucks and tractor trailers. When working back that calculation, and allowing for the existing volume of heavy truck traffic, the true impact will not be an increase of 6.2% comprised of family sedans, travelling smoothly through the area, on their way to Wasaga Beach or the various ski hills. Rather, it would be for an overall increase of 62% in heavy truck traffic beyond its present level. Not travelling smoothly through the area, but arriving/departing that specific site, 13 hours a day from 6 a.m. to 7 p.m., 6 days a week, from Monday through to Saturday inclusive. The true impact is clearly much greater than County Staff would have you believe.

Mr. Marshall is on record as informing the media that the objections to the site are only from a small group of local landowners. Notice how he shies away from calling these people homeowners. Why? Would the negative impact be more apparent if he were to admit that these are homeowners and not simply absentee land barons? What is his definition of small? Given that there were approximately 465 ratepayers present at the first series of 10 public meetings, and all appeared to be opposed to the proposed conversion of any of our forests, is that number considered small? Given that a petition has been presented to County Staff, with more than 1,000 signatures, is that number considered small? Given that the County's own consultant, GHD, has provided a report alluding to 74% of the public being opposed to placement of this type of facility, in any of our forests, is that number considered small?

All I can say is that in terms of meaningful consultation, the County has, from the outset, made reference to giving the public ample opportunity to write meaningful consultation. There is consultation, and there is meaningful consultation. When the County simply gathers comments from the public and then ignores them, is that meaningful? Why? Why is that being done?

Are you aware? You should be aware, that early in the process it was acknowledged by the County, that part of the funding for the proposed project is available through government funding, necessitating the participation of at least one other community. Barrie and Orillia are the only communities which handle their own garbage. Barrie has been consulted. Barrie produces 24% of the garbage in the entire county. Why was the city of Barrie excluded from calculation of where the centroid could be? It's within the centroid. There are numerous industrial sites along Highway 400, where the impact would be not even noticeable. Add in another 210 trucks a day, 420 round trips, leaving Highway 400 and entering an existing industrial site, the impact wouldn't even be noticeable. Why are we ignoring the City of Barrie? Why are they excluded from any participation in this? Why?

You've seen the huge hill of garbage in Barrie. It's nearing capacity. Wouldn't it make sense to approach the City of Barrie and say, "Hey, we're committed to this, we're going to put in the facility. Why don't you provide the location?" Ms. Korolnek is on record right now as stating that the end market for the product is Hamilton. That's not going to change. Why would we ship 24% of the county's garbage 15 kilometers north to this site, sort it, process it, and then ship it back that same 15 kilometers on its way to Hamilton? Why?

Mr. McCullough states that the estimated saving, I believe, are 12 million dollars over 20 years. Do you realize that, that equates to about \$1.30 per resident per year? Wouldn't that same transportation cost saving be applicable from an existing industrial site? Wouldn't an existing industrial site be cheaper to convert? It would have all of the facilities needed. You'd have hydro, water, everything you'd need. Why place it in the middle of a forest, where you have none of those facilities now?

It seems like this was predetermined from the outset that it was going to be placed in one of our forests. And I'm still not sure why. Given that Mr. McCullough has arranged a visit to two different facilities for the near neighbours, how could you determine who the near neighbours were, until such time as the site has been firmly selected? Doesn't that seem a bit presumptuous? What if a different site is selected? What about the taxpayers, ratepayers money that's been spent, touring facilities by people who are not the near neighbours?

Deputy Warden
Dowdall:

What I would suggest, is if there's any clear clarification on things that are the issues as opposed to the process. I think that's really what we're doing today; just if with your minutes that are remaining I think, if it's noise, if it's traffic, and things along those lines. The process.

R. Wagner:

It's all of the above. It's all of the above. It seems like, for some reason known only to the inner circle, this has been predetermined. All of the activities leading up to selection of this site, any difficulties with it have been glossed over, or not stated clearly. Where those statistics have been thrown at County Council, there hasn't been any summary to impact to go with it.

I guess, in conclusion, the one thing I would ask, is that when you see the projections as to the cost effectiveness of this proposal ... I'm currently in commercial banking, in the role of credit oversight for all of Ontario. I've seen an awful lot of projections over the years, and they typically support the desired end. You're not going to see projections that tell you, this isn't going to work. What I would ask, is that when you get those projections, please ask for comparative projections, as to alternate sites that might be available, industrial sites. And there are many of them. I've pointed out one to Mr. McCullough and he's refused to consider it, on the basis that it wasn't brought forward at the time that the project was started. Does that mean that, as the process continues, any other possibilities that land in the lap of council...

Deputy Warden Dowdall: 10 seconds.

R. Wagner:

-will be overlooked? Please, when you get the projections, ask for the details of other sites, and see how they compare to this. I would not expect there to be a significant difference. If you want to gauge the reaction of the public, go to the schools. There's not a school child, in this County, that would agree to give up one of our forests for a \$1.30.

Deputy Warden Dowdall: Thank you sir.

R. Wagner:

Thank you.

Deputy Warden Dowdall: If you could ... Thank you for your presentation. At this time, I'm going to ask County Council if they have any comments or questions for clarification at this time.

I see none. Thank you for your presentation, Mr. Wagner.

R. Wagner: Thank you.

Deputy Warden Dowdall: Up next, we have Ms. Mary Wagner. So if Ms. Mary Wagner could come down, that would be fantastic.

Good morning, Mary. If you could just, once again for the record, state your name and address.

M. Wagner: Thank you. My name is Mary Wagner and my address is 2928 Horseshoe Valley Road. And it's no coincidence, I am related to the man that was just speaking.

Deputy Warden Dowdall: Thank you very much. Go ahead.

M. Wagner:

Good morning to County Council and Staff.

I am a resident of Springwater Township, and I am president of the citizen group Friends of Simcoe Forest Incorporated. The Simcoe County is requesting an amendment to its official plan to accommodate their choice, to site an

environmental resource recovery centre, in an agriculture and residential area. There is a reason the official plan does not presently allow this. I, and our approximately 200 members, are concerned with the apparent shift in county values, away from the great works of Deputy Minister Edmund Zavitz and Premier Ernest Drury. When Simcoe County named one of its forests the E.C. Drury County Forest, in recognition of his efforts in reforestation, he is quoted as saying, "I would rather have this for my monument, than a statue in Queens Park or on University Avenue." How proud, he was, of his legacy. A legacy his children, grandchildren, and great-grandchildren can claim as their heritage.

My husband, as a child, roamed and remembers many of his adventures in the Freele Forest. Many of the members of Friends of Simcoe Forests recall venturing into this forest, and spending hours playing with salamanders, frogs, and snakes. Holding their breath when they caught sight of a doe and her fawn. Present day, this forest is visited by turkey and deer hunters, bikes, horses. Dog walking and hiking are daily visits and activities that occur here. We now have a grandson, and our plans of teaching him the wonders of woods in Simcoe County is now, more than ever, in jeopardy. What of the legacy of this council's predecessors? Those men that saw a wasteland of sand, floods, and fires. They experimented until they found the right trees to restore this land. And they did restore this land, to one that no longer allowed flooding, that invited the wildlife, and provided foraging grounds for citizens in search of food such as ferns, leaks, and mushrooms.

Springwater Township has the greatest number of forests in the county. Could it be that it was also the leading township for wasteland and required the most help to restore her healthy forests? Shall Springwater and Oro-Medonte be at constant risk for site selection for next projects, because they have the majority of the forests within the county? Springwater could be asked to provide an industrial site. Has that possibility been discussed? What legacy will council claim today? Will you allow your children and grandchildren to witness you vote away their future? Their lands of natural heritage and wildlife habitat? Their playgrounds for catching tadpoles, or watching the salamander dances?

This is a slippery slope. We could not find any other place in Canada that has placed a materials recovery facility, a materials management facility, organics processing plant, and truck maintenance and parking garage in the middle of a forest, less than 150 meters from people's homes. The most land pressured cities in Southern Ontario have respected setbacks of no less than 300 meters for these facilities. And they are not placed in residential areas. The noise and odor allowances within the industrial sites, that are home to similar facilities, cannot apply to our quiet and fresh air forest. Citizens that attended the County arranged visits with similar facilities, came back with reports of needing ear muffers, to protect them the noise of fans providing the negative pressure within these facilities. Staff at the visited facilities stated that fires were a common, if not a daily, occurrence.

County Council, you have options to site this facility on an industrial land. Is the cost of industrial land too great? What is the dollar value to bring services and roads through a forest? What is the cost to flatten the significantly rolling topography of this facility footprint? What is the cost of destroying the water recharge area that is presently providing water to all citizens on private wells. Why is it that we do not seem to matter?

Friends of Simcoe Forest Incorporated has provided Council and Staff with scoped peer review letters to the planning process and site selection, as well as the environmental impact study for Freele Forests. Please take the time to read these documents. I will also suggest, the County's own Forest Management Plan would make some very good reading.

We, The Friends of Simcoe Forest Incorporated, applaud the green initiative of Simcoe County to take ownership of the waste products that are produced by our citizens. We, The Friends of Simcoe Forest Incorporated, oppose the siting of the Environmental Resource Recovery Centre in a forest.

I would also like to announce, here today, that Friends of Simcoe Forest Incorporated has been awarded the Canada 150. John Graves Simcoe Medal of Excellence for Barrie, Springwater, Oro-Medonte. Your organization has been selected as a recipient of the John Graves Simcoe Medal of Excellence for going above and beyond to serve and contribute to our community and our country.

I thank you for the opportunity to speak with you today.

Deputy Warden Dowdall: Thank you, Mary, for your presentation. Once again, if you could give a copy to Staff. And I'll open it up, once again, to the floor. Is there any questions for clarification from County Council?

Seeing none. Thank you very much.

M. Wagner: Thank you very much.

Deputy Warden Dowdall: Our next presenter is Mr. and Mrs. Edward Krajcir. I hope I said that right. If you could come down here, that would be great.

Good morning, Edward. I'm sorry if I butchered your last name. If you could state your name for the record.

Edward Krajcir: Edward Krajcir
Deputy Warden Dowdall: Thank you. And your address
Edward Krajcir: 1286 Rainbow Valley Road East, Phelpston

And I live behind the proposed site, on Rainbow Valley Road. And I just wanted to bring the attention to the County and to the public, that the whole premise of this facility is represented by The Friends of Simcoe Forest. They've gone through a lot of work, and organized.

But my comments are just an addition to what I support with the Friends of Simcoe Forest. And that is, for myself and my wife, we have a horse business. And I'm not sure where, along the way if this proceeds, the interests of the farming community, in this process, are taken into consideration. Because, with the proposed site, it's going to affect our breeding of horses. And right now we have horses that are in the Olympic caliber. And with the proposed site, you've got ambient light and ambient noise, and that affects the breeding cycles of horses.

For me, it's very important, in the natural setting, the natural process of what the area ... When we bought this property, many years ago, it was perfect for the agricultural farmland purposes at the time. There was no planning process for changing this to an industrial land. Where in the process, for all of the decision makers here, does the impact that it will have on the livelihood of not only me, but the other farmers in this area. It'll take a long time to figure out how much money this has cost us to change this whole process to industrial from farmland, which as it has been for years and always proposed to be farmland. How do you change farmland to industrial without a long process where the people in the area are considered in the change of the land?

And also, in addition, just a couple of comments. All the costs associated to ... Where in the ... We haven't seen a final cost of this. Where, along the way, will final costs be addressed with the kind of technology? And where, along the way, will the public have input again when the final costs are decided?

Those are only the two comments I wanted to make that were specific to me. On top of what the County of Simcoe Forest is doing. Sorry, the Friends of Simcoe Forest.

Deputy Warden Dowdall: Thank you, Edward, for your presentation. Are there any questions of clarification from County Council?

Councillor French?

Councillor French: He actually brought up a good point. I'd just like to ask a question. Did GHD or the County have a meeting with the Agricultural Community or someone such as yourself, to ask you what the possible impact may be, in locating the facility where they're suggesting it be placed?

Edward Krajcir: I am part of the original 500 meter families, where they considered people within the 500 meters had a special interest, so they brought us in.

In fairness, to the process, I don't think we really tried to address the farmland problem; because as this thing develops, as a horse breeder, we don't understand what it's going to mean to us. It's just when you start to realize how big a scope this is going to be, the noise and the environmental changes just to the lighting and to the traffic, that you start to realize, "How is it going to affect our business?"

I can't say they didn't give us the opportunity, but it's not until a later stage that my wife and I said, "This may really impact us". Can I say that we haven't had the opportunity, but our thinking came a little bit later.

Deputy Warden Follow-up Councillor French?

Dowdall:

Councillor French: Yeah, just to follow-up, and maybe to narrow it down.

So there was no specific effort on the part of the consultant or the County to say, "Let's bring the Agricultural Community" forgetting about the rest of you.

There's no, like to bring, obviously Nicholyn Farms and horse breeders and whatever else may be happening in that area. To find what the specific impact may be on agriculture operations. The problem is, we have a lot of agricultural consultants that talk about the soil, and all that, but sometimes they don't talk about what's actually happening on that land. For clarification, there was no effort to bring the Agricultural Community together and say, "What is the possible impact on you"?

Edward Krajcir: Yes, I would agree with that.

Councillor. Okay. That's all I want. Thank you.

French:

Deputy Warden Thank you. Did you have a question Councillor O'Donnell? You're good? Okay. Any other comments or questions?

Dowdall:

Councillor Allen

Councillor Allen: Thank you Mr. Chair, and thank you to the people who've presented so far, and will be presenting.

I guess it's opportune, because Mr. Krajcir brought up about the viability, the financial business case viability, and as the house knows this is something that I have been bringing up at different times. I see, in the presentation today, the different stages, but I didn't see where the business case, the viability study will be coming forward in those different progressive stages. I was disappointed to see where and when that will occur in this process. It seems to be chunking along, and I'm anxious to see the feasibility, the business case, the assessment frantically that Mr. Krajcir and Mr. Wagner referred to, of the alternatives. Extending out existing service providers versus this expensive process.

I draw to the attention of the House, that may or may not be aware, there is a 42 acre organics waste facility in Belleville, processing 70,000 tons of organic waste annually, that has just gone into receivership. Astoria Organics Matters Limited. I'm in the process of contacting the receiver to get the receivers report, find out detail as to why this facility went into receivership, obviously of concern. The facts should be of interest to the House. And I'll be reporting back.

I'll be interested in knowing an update as to when and where, when we will be receiving a detailed business viability and budget for these projects. Thank you.

Deputy Warden Dowdall: Thank you, Councillor Allen. I do know that there will be requests for proposals. I don't know if anyone wanted to quickly speak to that. Until we get to a certain point, it's hard for somebody to do an RFP. And through that, we'll have our budget and it will be up to this council at that time to make that decision.

Councillor Allen: I appreciate that Mr. Chair. But, in this process, we saw the different ... I didn't see when that would be occurring. And I think it's becoming overdue, to understand that.

Deputy Warden Dowdall: Thank you. Did you want to comment to that?

Edward Krajcir: No. I have no additional comments. Other than, just to add, while I've got the floor here. I also represent Karen Smith and I don't know if she's on your list.

Deputy Warden Dowdall: Thank you Edward.

Up next we have Ms. Charlotte Fuller. If she could proceed down here, that would be wonderful.

Good morning. If you could state your full name and address, that would be great.

Charlotte Fuller: Certainly. My name is Charlotte Fuller. I'm at 14 Pine Hill Drive in Springwater.

I'm not very good with public speaking, so I chose to submit a letter, which outlined what I object to.

I just would like to take this opportunity to ask Council to think about what it is that you're voting on, and what you're doing. We have a lot of forests here in Simcoe County, doesn't mean that this particular forest is of no value to us. This is a very slippery slope, and we're willing to turn green lands into something industrial. Everywhere you look, people are fighting for the ability for clean air, places to go, we're encouraging our children to get out there and move around. To do something like this in one of our forests, means that there's a possibility that other forests, along the line, down the road, could be subjected to things as well, as industrial.

Once we realize that this is not important, what's to say that the next forest won't be important, and the next one won't be important after that. It is a very slippery slope. And I ask that everybody please consider that, in addition to all the information provided by Bob and Mary Wagner. Thank you.

Deputy Warden Dowdall: Thank you, Charlotte, for your comments. And once again, if you have a piece of paper to hand in or anything-

Charlotte Fuller: I emailed it in.

Deputy Warden Dowdall: Email? Okay, perfect. Thank you.

Any comments or questions from Council? Seeing none. We'll move to our next speaker.

If Mr. David White could come down to the podium.

Good morning, Mr. White. If you could state your name and address for the records.

David White: Thank you, Mr. Chairman, members of County Council. My name is David White and I'm representing Nick and Lynda Van Casteren and their company Nicholyn Farms.

My clients own the property immediately west of the proposed facility, and will be probably the most severely impacted. They're obviously concerned about the impact of this industrial facility on their lives, their property, and their business. I will not repeat the points raised by the previous speakers, Mr. Wagner and Mr. Krajcir, but certainly do adopt those issues.

It's interesting that you've elected to call this an Environmental Resource Recovery Centre. This has nothing to do with environmental resources. If I've ever seen a misnomer, this is it. And I don't know if it was an intention to mislead, but all of the speakers, on my left here, have indicated that this is a garbage waste processing facility, and it's not an environmental resource centre. When you look at the terms, the terms that are used in the official plan amendment, it's waste management. It's not resource management. It's clearly an industrial use, it belongs in an industrial location with an industrial designation. It's a class two industrial use, designated by the Minister Environment Classification. And it has no basis for being located in a natural heritage feature.

This county's just gone through a very lengthy OMB process for your new County Official Plan. A major part of that process in the OMB hearing, which I was extensively involved with, was resolving the green land policies and the green land mapping. We just finished that OP procedure, and I urge you to go and read the Green Land Policies in your own official plan, and try and come to the conclusion that this proposal, this industrial proposal in your green lands, complies with it. Any one of those policies.

And I agree with the comment, it's the slippery slope. A facility is needed, it's needed somewhere. Probably the City of Barrie, is going to take advantage of this facility. The chances, on the long term, of this facility remaining at 4 1/2 hectares is probably extremely limited. You're creating a precedent, you're creating an industrial site, you're putting on all of the urban services for an industrial site, which belongs in an urban area.

In your literature, you mention a number of other facilities. Guelph, [inaudible], Hamilton, London, Kingston, and Ottawa. Every one of those facilities is located in an industrial park with urban services. You're going to be the only one that's located in a rural area, in a green land designation, in a significant natural heritage feature.

We are concerned with the point raised by this Councillor, about there being no business case. And we actually suspect that when the business case is prepared, it will be prepared on this site alone, and won't be on a comparison with other sites. And so you will have no idea, whether you have the best bang for the buck or not, because you'll have a single business purpose justifying a site that's already been predetermined.

My clients urge you to locate this facility in an urban industrial area, where it belongs.

Thank you very much.

Deputy Warden Dowdall: Thank you, Mr. White, for your presentation. Are there any questions of clarification from County Council?

Councillor French.

Councillor French: Actually, Mr. White, the one point that you bring up. Sometimes we do try and put lipstick on pigs.

David White: I was going to use that term. I didn't think it was appropriate. Thank you very much for-

Councillor French: Anyway, it would probably, in your opinion, probably more appropriate to call it ... Even the first name was kind of polite, A Material Management Facility. Probably should've been called a Waste Management Facility and Organics Processing Facility, would that be more appropriate, in your estimation?

David White: It's not a major point in my presentation, but I think that would be a more honest a name.

Deputy Warden Dowdall: Are there any questions or comments from Council? Seeing none. If you could pass your presentation on, and thank you very much for being here. Up next, is Nick and Lynda Van Casteren. I don't know if Mr. White was doing your presentation.

David White: I was speaking on their behalf.

Deputy Warden Dowdall: Okay. Thank you very much.

Okay. We'll move forward to Gerald Morgan. If Gerald Morgan could come down.

Good afternoon, Gerald. If you could give your full name and address, that would be great.

Gerald Morgan: My name is Gerald Morgan, 1284 Flos Road 3 East, Phelpston.

I have two children. They're very concerned about the economics of this province and where this province is going, financially. A lot of kids are not making much money these days, but the province keeps on spending. And Simcoe County keeps on spending. And with very little regard for what's going to happen in the future. Are we going to go the way of Greece or Portugal or one of those countries? I don't know. There's a lot of people saying, financially, we're going to be in trouble. We should think about that before we go ahead, and spend money that we don't even know what the end cost is going to be.

With that, I concur with everything that's said before me, by everyone. And I hope that the County Council will consider all the points that have been made. Thanks very much.

Deputy Warden Dowdall: Thank you, Mr. Morgan. Are there any questions for clarification from Council?

Councillor French. For clarification.

Councillor French: Mr. Morgan, I'd like for you to come back for a second. The only reason I'm calling you back Mr. Morgan is quite concerned about what's happening and I give him kudos for creativity. He came in some time ago, with a bunch of crayons and drawings and that. And maybe you'd like to share some of your thoughts you had of property west of this location. You might as well share it with County Council, because you came and kind of outlined it and drew it for me.

Deputy Warden Dowdall: Councillor French does it have anything to do with the public meeting?

Councillor French: Yes it does.

Deputy Warden Dowdall: Okay.

Councillor French: I think it does.

Okay. Mr. Morgan?

Deputy Warden
Dowdall:

Gerald Morgan: I made an appointment with Mayor French about two months ago. I was concerned that this was absolutely the wrong place to put this, in the Freele Forest. It's terrible. There's wetlands there that will never be recovered if they put this in.

I went in and I talked to Mayor French and I said, "What about this Bertram Drive?" A lot of you folks may not ... It's called Bertram Drive Industrial Park. It's just south of me, it's right on 27 Highway, there's a right turning lane there. It'd be easy to put in stop lights, and things like that. I think that it would be more of a ... Did you guys ever consider putting it in there? I'm addressing these fellas here.

Deputy Warden
Dowdall:

Project
Consultant: Through the Chair; did you want to answer, in the front row?
Through the Chair. Yes, there were some sites in and around that. I don't know specifically if there was in that block, but there were around that industrial park, certainly, yes.

Gerald Morgan: So you know where I'm talking about.

Project
Consultant:

Gerald Morgan: Yes.
Okay. Mayor French, he understood very well what I was talking about. I've lived there nearly 40 years, or over 40 years, right next to that. I think that industrial ... Things like this should be put in an industrial site. That's been said before, I'll say it again.

Deputy Warden
Dowdall:

Gerald Morgan: Okay.
Thank you.

Deputy Warden
Dowdall: Thank you, sir. Are there any other questions from Council? Thank you. Our next speaker is John Orange. If John Orange could come down, that would be great.

Councillor Leduc.

Councillor Leduc: Thank you, Mr. Chair. Just out of curiosity, how many more speakers have we got? I have to leave soon for a doctor's appointment, so I was just wondering.

Deputy Warden
Dowdall: Well, there's three after this one, for sure. And then we'll ask if there's anyone else that has to speak, at that time. At least I know, if you get up, I know that you're gone. Thanks.

Say your name and address again.

John Orange: Thank you, Mr. Chairman. My name is John Orange, I'm a resident of 9 Pinehurst Lane in Minesing. Just up the back here.

I have written a sentiment and comments, in response to this proposed amendment, I won't discuss them at length. Many of them duplicate what you've already heard this morning, which I fully support. There are two issues, I think, that I'd like to emphasize. One, being, the financial planning side of this. There are two major issues that I'd like to address.

One, being, the financial aspects. After the Hillsdale public information meeting, I did write to Council, or to, sorry, this County Staff. And raised the issue of site selection, the business plan, which didn't seem to be very viable, and received comments on that. But, the third point that I raised with them was, the use of County Forest. And how it seemed to be a repurposing of the County Forest, since five of the six short listed sites were designated as County Forest. I didn't receive a reply, as to whether or not this was official policy to use the County Forest as a landbank for future projects. And I haven't heard any policy statement to that effect.

My wife and I moved to Springwater about four years ago. And one of the factors that influenced the choice of house, was the fact that there was a large tract of County Forest at the end of the street. And, if you look at the signs on that forest, it is for recreation use. If you look at Google Maps it has trails through it. And it seems to provide a safeguard against encroachment by development or other uses. So it made it a very desirable location.

I was particularly sensitive about this, because we lived for 32 years before then, in Oakville. And in Oakville, when we moved in there, we found a map from 1980 that showed the area north of Oakville as Greenbelt, designated Greenbelt. The first incursion into that Greenbelt was the establishment of a regional office facility. That was followed by a vehicle maintenance depot. In doing that, they converted what was thriving businesses, trail rides and the like, they were out of business because of the encroachment of these, what were basically urban facilities.

The encroachment continued, and it was led by the region, ironically one of the major features is a waste management site, that is located on the boarder of Milton and Oakville. Right across from the golf course, that I used to enjoy, was known as the Smelly Nine, because it ran alongside the road where the composting facility was. And when the wind was in the wrong direction, your valued client, who you've taught to play golf, is subjected to the overdose from that establishment. We gradually saw that Greenbelt disappear as urban sprawl. And it was led by the region.

When I did my due diligence before buying the property here, I did of course, look at what the plans were for these areas. And if I had gone to the website, on the forestry

section, I'd have seen a statement from Simcoe County that, and if I can quote, "These forests provide a multitude of environmental, social, and economic benefits to the county. Including protection of wildlife habitat, water resources, public education, recreation, scientific research, and the production of wood products"

I don't see anything in there about waste management, or industrial uses. I, as a concerned purchaser, put my face in the fact that the County had a policy. With respect to the forest, it provided a facility and this made it a desirable place to live. Now, I find that in fact, it seem that Council simply considers these forest tracts to be potential sites for future industrial activity. And if that is the case, I think they should candid about it, I think they should put that out, and I think that people should be made aware that, that is the intended policy.

The other point I'd like to raise, which I've gone into more detail in my submission, follows on, from the previous speaker, about the use of adjacent property, or the industrial site.

In my so-called retirement, I do some mentoring at Georgian College at the Henry Bernick Centre. And in that position, I see a large number of small businesses, wanting to grow. I see new business, wanting to start. And what they need is an incubator, they need support. Many of those industries, and I can think of three in particular, relate to waste management.

So, it seems to me, looking from that perceptive, that this facility, which I think majority people agree, is desirable in the right location, could form an anchor tenant for an industrial, an environmental technologies industrial park. It would provide [inaudible] for these enterprises. I could provide an incubator centre. It would attract new business, an expanding business into the area. And the industrial park that, I believe it was Mr. Morgan mentioned, would be an ideal location. You would start to generate a centre of excellence in emerging technologies, right in the centre of Simcoe County, that would attract new businesses, career opportunities, employment opportunities.

When considering the proposal, I would ask Council to, perhaps, be a little bit more visionary, show a little bit more leadership, and consider whether this facility couldn't be built with a better end, to the benefit of all of us, and not simply converting one environmental resource into another. Thank you very much.

Deputy Warden
Dowdall:

Thank you, Mr. Orange, for your presentation. Are there any questions of clarification from County Council? Seeing none. Thank you very much.

Our next speaker is Cindy Mercer. If Cindy Mercer's here, if you could come down, that would be great.

Thank you. If you could state your name and address for the record.

Cindy Mercer: Good afternoon. My name is Cindy Mercer, and I live at 1601 Rainbow Valley Road East, and that's in Phelpston.

Deputy Warden Dowdall: Thank you.

Cindy Mercer: Thank you members of Council. I appreciate the opportunity. Sorry.

Thank you members of Council. I appreciate the opportunity to speak today, on this very important subject. I fully support, diverting organics and constructing a waste facility within our own borders. I very strongly disagree with County of Simcoe's decision to place such a facility in one of our County owned forests.

I have been an active part of this process. I have attended public information sessions during the siting process in various communities. I did not attend these meetings in support of one forest, I was there showing my support for all our County Forests. Not to my surprise, large numbers of people were there with the same concerns.

All of us here today, are participating in what will be a very critical part of our County Forest history. Amending the official plan to build the ERRC in the Freele Forest, sets a clear precedence, and demonstrates a lack of value placed on the services that nature provides. It also strays greatly from the County's current Forest Management Plan. We cannot simply plant our way out of the damage that will be caused by allowing industrial development in our precious forests. I will not stand by and be party to allowing these forests to needlessly fall. I am one of many who will proudly and tirelessly continue efforts to see the preservation of our County Forests.

The official plan enforces a strict governance, and this governance applies to the Freele Forest the same as it applies to the surrounding properties in the area. These tight restrictions were clearly demonstrated to my family, when we applied for severance for our family, on our property next to the Freele Forest. We were refused by the Ontario Municipal Board, because it did not meet the Official Plan. Developing our Green space, to build an organics processing facility, plus a truck servicing facility, plus a materials management facility, with intended expansion to a full materials recycling facility, does not meet the Official Plan.

The County of Simcoe should be modeling the very behavior that the Official Plan expects of the general public. I am strongly opposed to this amendment, and I ask that Council not approve this Official Planned Amendment.

Thank you.

Deputy Warden Dowdall: Thank you, Ms. Mercer. And at this time, I'll ask Council; are there any questions? Seeing none. Thank you very much.

Our next presenter is Gerald Hamalock. If you're here, if you could come down, that would be great. One last call for Gerald Hamalock.

Our next speaker then will be Sharon Steinmiller. If you could come down, that would be great. Good afternoon, Sharron. If you could once again, state your name and address for the record.

Sharon
Steinmiller:

Sharron Steinmiller. 2826 Horseshoe Valley Road West.

I have absolutely nothing to add to what everybody has said. I would just like a show of hands, from all of Council, how many would like to live where we live. We'll sell you our property.

I don't think you are even considering the effect this is having on all of us. We have to live with it. The excessive traffic, which we are already dealing with every weekend. It's bumper to bumper from the 400 Extension right to 27. We can't even get our driveway half the time. The effect that's going to happen, with all these trucks, the noise, the pollution. I don't think you've even thought of it. It isn't an industrial area. You've approved for homes to go in on Gill Road. A lot of homes. That's extra traffic too.

What about our water supply? How is this going to affect our water supply? You can't tell me that it isn't going to, because it will. Sugar-coat it all you want, it is going to affect us in the future. Find an industrial site to put it on. It doesn't belong where you want to put it. This is very emotional for all of us, because it's affecting our lives, our way of living.

And I'd like to know too. The evaluation of our properties is going to go down, there's nothing that can change that. Are you going to reimburse us? Are you going to buy our properties at today's value? Because five years down the road, we won't be able to give it away. Nobody's going to want to live with it.

I know it's the old saying, "Not in my backyard" well, we don't want it either. There is industrial places to put it. Find a place to put it. We don't want it. Period.

Deputy Warden
Dowdall:

Well, thank you for your presentation Sharron. At this time, I'll ask County Council if there's any questions or comments for clarification. Seeing none. Thank you very much.

We went through the presenters so far that have put their name down. At this time is there anyone from the audience, from the gallery, that hasn't spoke that wishes to be on today's agenda?

Going to call a second time. Is there anyone else that wishes to speak on today's agenda, if you could put your hand and stand.

A third, and final call, for anyone to come forward at this time.

Seeing that there is no more questions, are there any questions for clarification from County Council.

Councillor French.

Councillor French: I know that our public planning meetings usually have a fairly extensive report on what are the comments and those kind of things. And here, there doesn't seem to be anything on the agenda. When is that going to happen, because I know it's all available when we have a public meeting, the comments from all the agencies and that, so people know what to talk about, in case they actually have another question.

Is this just the way County does its public meetings? I'd like clarification on that.

Deputy Warden Dowdall: I believe, after this meeting everything will be posted on the website. All the questions and comments and then we'll come back as whole, after we get a full report. And vote at that time.

Yes, sir. Go ahead.

Councillor French: Just as a follow-up. I find that odd, because there's a number of presenters here, maybe if they would've read some of the other comments, maybe it would've kind of perked new questions. We see it after the meeting, rather than before. Because I know we invite people to provide comments in advance of the public meeting, and also after the public meeting and put it on the record.

Deputy Warden Dowdall: There is no decision made today though. Those will all come forward, shortly, in a package of probably common questions and common answers, and then from there it'll be up to us as a body to come up with a decision.

Councillor French: Yeah, but with due respect, this is no different than our public meetings, and we don't make a decision there either. It doesn't come up until our following Council meeting for making a decision. I just find the process odd. Thank you.

Deputy Warden Dowdall: Any other questions from Council.

Councillor Little.

Councillor Little: Yeah, I'm just looking for clarification on one of the speakers, talked about the setbacks here, I believe one of our consultants, I heard a different number. I think

one of the speakers mentioned, maybe, 100 meter setback. The setback wasn't as far back as ... And I'm just wanting clarification from the consultant team.

What are the setbacks here, please?

Deputy Warden Dowdall: Thank you. If you could answer that question.

Consultant: Thank you, Chair. So the setbacks, we're trying to maximize those from the sensitive receptors. From the property line on the west I believe it's about 110 meters. And then from the east it's even more than that, just shy of 200 I believe.

And then to the nearest sensitive receptor from the actual facility footprint, we're getting up close to about 500 meters.

Councillor Little: Okay, thank you. That's different from what I heard then. Thank you.

Chairman: Thank you. Councillor Cox.

Councillor Cox: I just want to make sure that all the questions were asked today. I know they're being taken down. Are not just going to ... I'd like to know that they're answers to them. Do questions about the snowmobile trail, the expanse of it. Why didn't we look at Bertram? Those types of questions, we'll get answers on all of those?

Deputy Warden Dowdall: Correct.

Did you want to answer that question? Follow it up? One of the consultants.

Councillor Cox: Because there were a lot of good questions that people had, and I just would like answers.

Deputy Warden Dowdall: For sure. Nathan Westendorp please.

Councillor Cox: I just wanted to make sure we're going to answer all the questions that went through it.

Nathan Westendorp: Through the Chair. We will be collecting all of the written comments that we've had, as well as the oral submissions that we've had, and then we will be summarizing them in a table, for consideration and presentation to Council before the meeting where the decision was made. For County Council to consider all the comments we've received, as well as the responses accordingly.

Councillor Cox: Okay. An example would be the question with the man who's breeding horses. Will we be able to have those answers to that? I'm sure he's handed in a piece of paper with those questions on them.

Nathan Westendorp:
Councillor Cox: We'll be looking into the best way that we can provide answers-
Okay. I just wanted to make sure that, they've come here they've asked the questions. We should get all the answers. Okay, thank you.

Deputy Warden Dowdall:
Councillor Allen: Thank you. Any other questions or comments from Council?
Councillor Allen.

Councillor Allen: Thank you, Mr. Chair.
There was reference to an update on the archeological findings, and what has happened with respect to that. I thought you were going to refer to it later, it was going to be later in this presentation, that's one question.
The other question is, further to what I said about the financial and budgeting piece. What's the updated timeframe for council receiving something substantive on that front?

Deputy Warden Dowdall: Moving forward. I don't know if who you'd want to ... Did you want to answer the timetable or Rob [McCullough], if you could, that would be great.

Rob McCullough: Thank you, and through you Mr. Chair. Staff will be preparing a report, as you know we're working with Ernst and Young on preliminary business case for the organics processing facility. We're also working on an update with the known cost to provide the materials management facility. And staff will be, through the spring, will be providing an updated report to Council to provide that new timeline.

Deputy Warden Dowdall: And could you speak to the archeological, as well?

Brian Dermody: Certainly. Through the Chair. The archeological assessment is a staged process. They've completed stages one through three, and essentially those go in increasing level of detail. The stage three report has been submitted, and that's based on detailed digs of the identified site within the property. That's been submitted to the Ministry of Tourism Culture and Sport. And then, stage four can take a number of different avenues, and the one that the County is currently going forward with, is protection of that archeological find, certainly during construction, in terms of fencing it off and identifying that area. The alternate to that, would be to dig it up and to do a full assessment that way. Protection in-situ is what will happen for stage four of that.

Deputy Warden Dowdall: Thank you. Any other comments for clarification?
Councillor Keffer.

Councillor Keffer: Thank you, Chair. Just a question about process. This is a County initiated Official Plan Amendment. I've never been to a public meeting for a County initiated Official Plan Amendment. Does the lower tier have any say in this amendment? And this because, it's County owned property that they can go ahead and ask for an Official Planned Amendment? Or is it because, they have the County Official Plan, which is, as far as the Province is concerned, the County looks after planning decisions on behalf of the Province?

Just clarification about where we are, and where the lower tier is with this.

Deputy Warden Dowdall: Thank you, Councillor Keefer. And once again, I'll ask Nathan to come forward.

Nathan Westendorp: Through the Chair. It is a little complex. Right now, we're dealing with a County Official Plan, and the amendment that's required to it.

The land use that's being proposed today, requires an amendment to the Zoning Bylaw at the local level, the Local Official Plan, and the County Official Plan, because County Council is the only body that can adopt that change to the County document. That's what we're here for today.

There will be another public meeting for the Local Official Planned Amendment, and the Local Zoning Bylaw Amendment, I believe that's scheduled for June 19th. That's the local municipality's process that they will run through concurrently. And then, both Councils will consider the applications accordingly.

If a decision is made, to approve this by County Council, that decision is then brought to the Ministry of Municipal Affairs and Housing, for consideration. And their ultimate decision on what to do with the County Official Planned Amendment.

If Springwater Council makes a decision in favour of this facility, the adopted Official Plan Amendment at the local level comes to the County for approval. So there's multiple decision points as we go along through the process.

Hopefully that clarifies.

Councillor. Keffer: Yes. Thank you.

Deputy Warden Dowdall: Thank you, Councillor.

Councillor French, did you have a comment?

Councillor French: Yes, actually I had a comment.

I think Councillor Keffer brings up a good point. It should be very clear, that under our Official Plan right now this facility wouldn't be allowed. Would be a comment.

And then my question is ... I gotta go backwards a little bit, but it is related. And maybe we weren't paying enough attention at our Township level at the time. Did we not remove some forested land to create the Moonstone Garage also? Can someone answer that first of all? Then I'll make a final comment.

Deputy Warden Dowdall: I would look to Debbie for that comment.

Debbie Korolnek: Yes, there were some forested lands removed for that construction of the County Garage.

Councillor French: And so the follow up is, and I have to compliment whoever the presenter was, because sometimes we get caught up in it. We are on a slippery slope, so we seem to be identifying forests as lands to develop for municipal services, and I do think we should really pause for reflection. Thank you.

Deputy Warden Dowdall: Thank you. Are there any comments?

Councillor Clarke.

Councillor Clarke: Maybe on procedure, and it was mentioned earlier. I know this is an Official Plan Amendment, that we're in control of, but any time a developer comes to a municipality, looking for an Official Plan Amendment, the public meetings are at the municipal level first. And then from there, if the local municipality approves it, it goes up to County for the Official Plan Amendment to be approved at a County Level. Or in the case of the Municipality disapproves, it all goes off to an OMB.

And I'm just wondering why we're starting at County with the Official Plan Approval of an Amendment, prior to starting at the Municipal level, which is how most policies would be. And from there, it's approved and it travels up, up the chain, because when it comes to the zoning, if we approve this Official Plan Amendment, when it comes to the zoning there's really no power left to the local municipality. It's already in your Official Plan, you really can't object to something that's already within your Official Plan. Which is why you would start with the Amendment at the municipal level, and only after it's been dealt with there, either through approval or an OMB process, would it ever come to this floor. So I'm wondering why we leapfrogged over the municipality.

Deputy Warden Dowdall: Okay. Once again, I'll ask Nathan Westendorp to come up.

Nathan Westendorp: Through the Chair. That is a typical process for a lot of developments in the County of Simcoe. A lot of developments don't require, especially if they're in designated areas in the County Official Plan, they don't require a County Official Plan Amendment. The only reason why the County Public Meeting is going on, is because it also requires the County Official Plan Amendment.

And to your point of there needs to be that trickle-down effect.

That's why the County Official Plan Public Meeting is going first. Because the other one's follow suit. There's a requirement for all the documents to be in steps. That's why the largest, the upper tier document is going first. So that this is considered, and then in June, the Township will consider their document, and everything is going in step with each other.

But, typically those developer initiated Official Plan Amendments, they require approval by the County, but they don't require the County to change its own Official Plan.

Deputy Warden
Dowdall:

Thank you. I saw another-
Councillor Allen.

Councillor Allen:

Thank you, Mr. Chair. I'm trying to reconcile that answer with the order that occurred, with respect to the 20,000 Allocation when Springwater Council approved it first. And then it was never brought forward to County. I'd be interested to hear comments to that. But my main point with this question is, we heard earlier that the total viability business case assessment by Ernst and Young will be brought forward. I would hope that would be available to the House and to Springwater, well in advance of the June 19th meeting, and in advance of this House making any decisions, with respect to the Official Plan. Because they need that information to make a decision.

Nathan
Westendorp:

Sorry, I'm not clear on what the specific question is.

Deputy Warden
Dowdall:

I think it was a comment.

Are there any other questions from the County Council?

No. Seeing none.

I'm going to need a mover and seconder to receive and refer all the submissions to Staff today.

Moved by Councillor Milne and Seconded by Councillor Clarke. That the submissions filled on May 9th, 2017 Public Meeting regarding the Proposed County of Simcoe Official Plan Amendment, be received and referred to Staff.

Any comments?

Councillor French: Actually, just a quick clarification. We submitted, some time ago, a resolution from our Local Council. Do we need to submit that again, as part of the planning process? Or is that being taken into consideration? I just want to make sure we don't-

Deputy Warden Dowdall: That you're on the docket?

Dowdall:

Councillor French: Yes. Because, we sent it March 2nd, 2016. And there was a number of criteria requested. I just want to know, does that form part of the public comments, or should we resubmit it?

Deputy Warden Dowdall: Nathan what would be the best process?

Dowdall:

Encourage to resubmit. Thank you.

Any other comments? Seeing none.

All in favor? That's carried.

I'd like to thank everyone for being here today, and your participation in the public meeting. Certainly some great comments and very passionate speeches today. We want you to make sure that you, if you wish to submit comments after this meeting, you may do so in writing to the County Clerk, or by email at ERRC@Simcoe.ca

Thank you very much. And may I please have a motion to adjourn this Public Meeting?

Moved by Councillor Smith, seconded by Councillor Cox. That the May 9th, 2017 Public Meeting of County Council be adjourned at 12:38. All in favor? That would be carry. Thank you very much.

Thompson, Tiffany

From: Daly, John
Sent: Thursday, May 18, 2017 9:08 AM
To: Mack, Stephanie; Planning; Thompson, Tiffany
Subject: FW: setbacks from near neighbours from proposed ERRC site

For the record.

John Daly
Director of Legislative Services and County Clerk Statutory and Cultural Services Ext 1623

-----Original Message-----

From: Mary Wagner [mailto:qramrengaw@hotmail.com]
Sent: Thursday, May 18, 2017 8:16 AM
To: Daly, John <John.Daly@simcoe.ca>
Subject: setbacks from near neighbours from proposed ERRC site

This is Exhibit....."F".....referred to in the
affidavit of...Mary.Teresa.Wagner.....
affirmed before me, this.....twenty-second.....
day of.....March.....20..19..

Hello Mr. Daly


.....
Ramani Nadarajah A COMMISSIONER FOR TAKING AFFIDAVITS

In reference to the public meeting for the amendment to OP i want to provide clarification. I delivered my presentation regarding the setbacks to "sensitive receptors" and believe my statements was discounted by county staff. I have viewed and received email and map from county staff advising me of the change in footprint location east resulting from the archeological find and the decision to move the footprint south due to a comment from another sensitive receptor. This movement placed the facility closer to my home, reducing my setback to less than 300 m. The west neighbour to the Friele forest has a 10 acre building lot that is intended, and has always been intended for their retirement home. The change in the footprint puts the property line of her residential lot with 100 m of the footprint. This residential lot should have been considered in the original site planning yet it seemed to be a shock to planning staff when it was discovered in a "Near Neighbour" meeting held with staff. I ask council to question the information prepared by staff, The significant environmental findings may change the footprint again. This is a significant a project that will impact residents and tourists for years to come. Don't make this decision uninformed. There is no need for haste. Get the facts straight by asking the right questions and listening.
Regards
Mary Wagner

From: Mary Wagner [<mailto:yramrengaw@hotmail.com>]
Sent: Thursday, May 18, 2017 7:24 AM
To: Daly, John <John.Daly@simcoe.ca>
Cc: ross.nichols@ontario.ca; French, Bill <Bill.French@simcoe.ca>; Allen, Don <Don.Allen@simcoe.ca>;
minister.mma@ontario.ca; council@springwater.ca
Subject: ERRC potential fire threat to neighbours

Please find attached my letter to ask Simcoe County Council to oppose the OP amendment.
Regards
Mary Wagner

This is Exhibit....."G".....referred to in the
affidavit of..... Mary Teresa Wagner.....
affirmed before me, this...twenty-second.....
day of.....March.....20...19..

.....

.....
A COMMISSIONER FOR TAKING AFFIDAVITS
Ramani Nadarajan

May 18, 2017

Mr. John Daly, County Clerk
County of Simcoe Administration Centre
1110 Highway 26
Midhurst, ON
L9N 1X6

Dear Mr. Daly,

This letter is in reference to the ERRC project that the County of Simcoe is planning for the Freele Tract at 2976 Horseshoe Valley Road in Springwater Township.

We are a homeowner whose home is located adjacent and east of Site C-136, otherwise known as the Freele Tract.

As the County continues with its plans we must prepare for the safety of our home which is not just a physical house. It was built by ourselves in 2001 on family land we purchased. I used due diligence and spoke with the township and county staff to determine what plans were in consideration for this area. Looking at the County of Simcoe Forest Management Plan and track record for acquiring forest for what I believed was going to be recreation and conservation, my husband and I paid significant cost to build our home deep in the interior of the 50 acres of forest on our property. Our property lines and home are contiguous with the Friele Forest. The Dunlop 100 acre forest forms our northern property line. We have one road into our house approximately 500 m long through forest.

In case of emergency, this is the only way for our families to reach our homes and it's the only way for our family to leave the area from our home. Should this road become impassable due to fire our family, horses, dogs and cats will become trapped in this dense forested area.

During a tour of the Guelph facility for near neighbours arranged through County staff, it was confirmed that fires are a common occurrence. In 2014, a facility smaller than the ERRC proposed for the Freele forest, located in Springwater Township, burned to the ground after a 16-hour battle that required the assistance of 75 fire fighters from neighbouring communities. This facility had safety precautions in place, including anti-fire devices, and as we understand, so will the ERRC. You should also note that not only was this facility located on an industrial site which was better suited to contain and control emergency situations such as this fire, but so too did it offer easier access to the facility when emergencies arose.

To date, we have been unable to locate any type of **Emergency Response Plan** that addresses evacuation routes for residents. Nor have we been able to locate anywhere in the County's plans any intentions to upgrade roads for better access to the neighbouring properties at risk.

Should a worst-case scenario occur with no proper emergency evacuation routes in place, the fate of our family, livestock and home will be needlessly placed at *great* risk.

We implore County Council to reconsider this project for a site that is properly suited and set up for industrial use. We ask that Council NOT approve this Official Plan Amendment.

Should you have any questions for our families concerning the above, please do not hesitate to contact us.

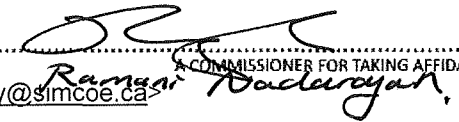
Sincerely,

Mary and Robert Wagner

Cc: council@springwater.ca
bill.french@springwater.ca
don.allen@springwater.ca

This is Exhibit....."H".....referred to in the affidavit of....Mary.Teresa.Wagner.....affirmed before me, this...twenty-second.....day of.....March.....20..19..

From: Mary Wagner [mailto:yramrengaw@hotmail.com]
Sent: Thursday, May 18, 2017 7:48 AM
To: Benner, Kim (MNRF) <kim.benner@ontario.ca>; Daly, John <John.Daly@simcoe.ca>
Cc: Allan, Brad (MNRF) <brad.allan@ontario.ca>
Subject: Re: Simcoe County Freele Tract Garbage transfer project


.....
Ramani Nadarayan
COMMISSIONER FOR TAKING AFFIDAVITS

Hello Kim,

We have engaged a professional to review the EIS prepared by the county hired consulting firm for the proposed ERRC. I have very real concerns after walking the site with Jim Dougan and his associates as well as Bob Bowles. We have been observing salamander egg masses in several different locations within the Friele Forest and the "amphibian pools" in our finds are not considered in the maps provided by the county consultant. Significant pool with at least 8 egg masses were found in south east portion of tract which is to carry the access road. The required setbacks for these ponds will alter roads and footprints in our estimation. The north east wetlands also show significant numbers of egg masses and again are not shown on county consultant maps.

This is just one of many concerns being raised within the peer review.

The county council is now in review of materials to decide accepting the amendment of the OP. Our hope is that they will wait to review independent reports and that your ministry will also consider the peer review to ensure that due diligence is applied.

I am copying the county clerk, Mr. John Daly, on this email so that county can be more aware of our preliminary findings. We have shared a scoped peer review letter with county. The entire and complete report from Dougan and Associates and Mr. Robert Bowles are nearing completion. We intend to share these documents with the MNRF, MMAH, Simcoe County and Springwater Township when they are completed.

Regards
Mary Wagner

> On Feb 13, 2017, at 11:24 AM, Benner, Kim (MNRF) <kim.benner@ontario.ca> wrote:
>
> Dear Ms. Wagner,
>
> Thank you for your February 5th e-mail advising us of your forest habitat and ecosystem concerns related to the proposed Organics Processing Facility and Materials Management Facility called the Environmental Resource Recovery Centre (ERRC), proposed by the County of Simcoe and located at 2976 Horseshoe Valley Road in the Township of Springwater.
>
> The Ministry of Municipal Affairs (MMA) is the approval authority for amendments to Simcoe County's Official Plan. MMAH has asked various partner ministries to conduct a review of the proposed County Official Plan Amendment and supporting documentation for the ERRC. This documentation includes the Scoped Environmental Impact Study (EIS) that you refer to in your e-mail. We have been asked by MMA for our comments on the EIS. Our review will focus on the documentation of what natural heritage features (e.g. species at risk, significant wetlands, significant wildlife habitat) have been identified on and adjacent to the site and the demonstration of how these features and their ecological function will be protected from negative impacts. When our review is complete, we will respond to MMA who will then provide coordinated provincial comments to the County.
>
> Thank you for bringing your concerns regarding the proposed ERRC and associated EIS to our attention. We encourage you to bring your concerns to the County's attention through the public consultation opportunities provided. If you have any questions regarding the above, please do not hesitate to call or e-mail me.
>
> Regards,
>
> Kim Benner

> District Planner
> Midhurst District
> Ministry of Natural Resources and Forestry
> (705) 725-7534
> kim.benner@ontario.ca

>
>
>
>
>
>
>
>

> -----Original Message-----

> From: Mary Wagner [<mailto:yramrengaw@hotmail.com>]
> Sent: February-05-17 9:55 PM
> To: Robinson, Suzanne (MNRF); Allan, Brad (MNRF)
> Cc: Carey, Shawn (MNRF); Cindy & Randy Mercer
> Subject: Simcoe County Freele Tract Garbage transfer project

>
> Hello Suzanne and Brad,

>
> I contacted and spoke with you in late summer regarding my concerns to the forest habitat and ecosystem of 2976 Horseshoe Valley Rd as it was selected as the site for the Simcoe County OPF and MMF.

>
> The County has placed the studies and more detailed plans on their website. They are underway with the application to rezone this agricultural land to industrial.

>
> I originally contacted you as I was very impressed with the report of Ian Thornton from the MNR and his evaluation of the EA process taken by developers in Niagara Region and he put forward your contact as his counterpart in our district.

>
> The county is the property owner, proponent, reviewer and rule maker (through zoning and Official Plan) for this project. It doesn't appear the project has had much scrutiny or undergone the proper review process i.e.. no EA process.

>
> I do not feel that the reports provide the level of analysis that should be required for a proposal of this size and nature.

>
> The EIS does not really address potential Species at Risk and Significant Wildlife Habitat finding and does not offer robust mitigation measures. I believe this would fall under the jurisdiction of the MNRF.

>
> I have lived beside the Freele Tract for 16 years. My 50 acres of managed forest and home are a mere 350 meters from this proposed site. I have deer, turtles and occasional bear on my property. Cottontails and bats have recently made a reappearance as they dwindled away to nothing 5-6 years after we first moved to our home. Partridge are another rarely sited delight on my walks through the woods. I have a personal stake, I gladly disclose this fact, but I believe preserving habitat for biodiversity and climate change strategy are every citizens concern and obligation.

>
> Cindy Mercer, my neighbour, also has forest continuum to the Freele Tract.

>
> Please feel free to contact me at any point and I would appreciate and information you could share on this subject going forward.

>
> Regards
> Mary Wagner

>
>
>

This is Exhibit....."!".....referred to in the
affidavit of.....Mary.Teresa.Wagner.....
affirmed before me, this....twenty-second.....
day of.....March.....20...19..

From: Mary Wagner [mailto:yramrengaw@hotmail.com]
Sent: Wednesday, June 28, 2017 12:49 PM
To: Daly, John <John.Daly@simcoe.ca>
Subject: ERRC public questions


.....
A COMMISSIONER FOR TAKING AFFIDAVITS
Ramani Nadarajah

- Question: When will Ernst Young Report on the technology alternatives be available? This report is key before moving forward as MOECC notes land use planning (i.e. preferred site) and technology choice are interrelated. "Further facility details...is required to ensure land use compatibility issues and impacts have been considered to the Minister's satisfaction". (CCW 17-174, p. 8).
- Question: What are the County's plan for ERRC expansion in the future? How will that be addressed in the business case? Could that result in the need for a larger site, or one with fewer constraints (e.g. proximity to residents, natural heritage, etc.)?
- Emphasis on Prematurity of Application for Preferred Site: What additional field work has been completed by environmental consultants? Township and County received a very thorough peer review of the Environmental Impact Study by Dougan & Associates. There are environmental constraints on the site not considered by the County. E.g. significant wildlife habitat, potential for other species at risk, etc. Additional environmental site work is required this year and in Spring 2018.



County of Simcoe
 Solid Waste Management
 1110 Highway 26,
 Midhurst, Ontario L9X 1N6

Main Line (705) 726-9300
 Toll Free (866) 893-9300
 Fax (705) 727-4276
 simcoe.ca



July 13, 2017

Mary Wagner
 2928 Horseshoe Valley Road West
 Phelpsston, ON
 L0L 2K0

This is Exhibit....."J".....referred to in the
 affidavit of... Mary.Teresa.Wagner.....
 affirmed before me, this..twenty-second.....
 day of.....March.....20..19...

RE: Response to your email of June 28, 2017

.....

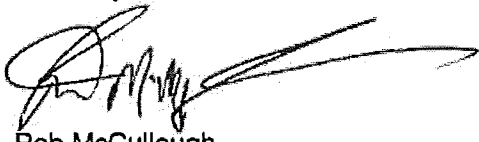

 Ramani Nadarajan
 A COMMISSIONER FOR TAKING AFFIDAVITS

Dear Ms. Wagner,

Thank you for your recent correspondence (sent via e-mail to John Daly on June 28, 2017). Mr. Daly has forwarded your questions to Solid Waste Management for response, outlined below.

- As indicated in Item CCW 17-174, it is anticipated that Ernst & Young's Preliminary Business Case for the Organics Processing Facility will be presented in late summer.
- Our FAQ document lists the facilities to be located on the proposed Environmental Resource Recovery Centre footprint (document found at www.simcoe.ca/errc). At this stage, business case development will be for the OPF and MMF (the first facilities to be developed).
- The Planning approvals process is on-going. This includes review of agency and public comments. Our consulting team continues to work with the Nottawasaga Valley Conservation Authority (NVCA) and Ministry of Natural Resources and Forestry (MNR) on comments received regarding the Environmental Impact Study (EIS). For future reference, comments and questions related to the Planning approvals process can be sent directly to our Planning Department at errc@simcoe.ca.

Sincerely,



Rob McCullough
 Director, Solid Waste Management Department

From: Mary Wagner <yramrengaw@hotmail.com>

Date: March 6, 2018 at 8:29:52 AM EST

To: "bmauro.mpp.co@liberal.ola.org" <bmauro.mpp.co@liberal.ola.org>, "kwynne.mpp@liberal.ola.org" <kwynne.mpp@liberal.ola.org>, "ahoggarth.mpp.co@liberal.ola.org" <ahoggarth.mpp.co@liberal.ola.org>, "julia.munro@pc.ola.org" <julia.munro@pc.ola.org>, "ahorwath-qp@ndp.on.ca" <ahorwath-qp@ndp.on.ca>, "jim.wilson@pc.ola.org" <jim.wilson@pc.ola.org>, "vic.fedeli@pc.ola.org" <vic.fedeli@pc.ola.org>, "leader@gpo.ca" <leader@gpo.ca>

Cc: Renee Chaperon <Renee.Chaperon@springwater.ca>, "Daly, John" <john.daly@simcoe.ca>, "info@simcoe.ca" <info@simcoe.ca>, "errc@simcoe.ca" <errc@simcoe.ca>, Heather Rutherford <rutherford_heather@hotmail.com>, "Cindy & Randy Mercer" <mercercr@rogers.com>

Subject: Re: Grow the Greenbelt to Simcoe County

This is Exhibit....."K".....referred to in the
affidavit of..... Mary Teresa Wagner.....
affirmed before me, this..... twenty-second.....
day of..... March.....20..19..


.....
Ramani Nadarajan
A COMMISSIONER FOR TAKING AFFIDAVITS

March 5, 2018

Protecting Water Consultations
Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street, Floor 13
Toronto ON
M5G 2E5

Re: Protecting Water for Future Generations: Growing the Greenbelt in the Outer Ring
EBR Posting #013-1661

I am writing on behalf of the Friends of Simcoe Forests Inc. (FSF), a non-profit organization consisting of concerned citizens within Simcoe County, Ontario. Our long-term goal is to inform and unite people who are interested in the conservation of our County's forests. We encourage all local residents, visitors and friends of our environment to realize that they can enjoy the natural flora and fauna of the region, as well as the natural beauties of the forests within Simcoe County. As a group, we encourage beautification, preservation, and extension of parks and Green Belts. Through our mutual love and concern for the County's forests, we strive to make available all known statistical, scientific, horticultural and botanical information that positively impacts the future of our forests. It is our goal to promote the protection and appreciation of the environment and lands which are there for all of us and future generations to use and enjoy.

As an organization, FSF was thrilled to discover that the Province is considering an expansion to the Greenbelt Plan Area within Simcoe County (Oro Moraine – Study Area 4). While we understand that the Province's intention is to protect important water features, given the complex inter-relationship between ground and surface water and terrestrial features such as woodlands, we are confident that the protection of water resources will also assist in protecting the valuable woodlands within the Oro Moraine study area. As a result, we fully support the expansion of the Greenbelt Plan Area into Simcoe County.

The Province recently released the Growth Plan Natural Heritage System which identified a natural heritage system within Simcoe County. FSF appreciates the Provincial recognition of the important natural heritage features and functions that exist within Simcoe County and recommend that the next step is to protect these areas within a permanent Greenbelt Natural Heritage System. We recommend that the Province incorporate the Growth Plan Natural Heritage System, within Simcoe County, into the Greenbelt Plan Natural Heritage System.

FSF was formed in 2016 in response to a County proposal to construct a waste management facility within a significant woodland in Springwater Township. The preferred site that was selected by the County is currently the subject of a County and Local Official Plan Amendment (OPA) and Zoning By-Law Amendment application process. The Province (MMAH), as the approval authority for the County OPA, should be aware that the facility is proposed within the Growth Plan Natural Heritage System as well as within the Oro Moraine Study Area for Greenbelt Plan expansion. We trust that the Ministry will take this into consideration when reviewing the County OPA.

Thank you for the opportunity to provide input. Please keep us informed of any future public consultation opportunities.

Yours truly,

Mary Wagner
President
Friends of Simcoe Forests Inc.

From: Davis, Graeme
Sent: Wednesday, March 07, 2018 10:29 AM
To: Mary Wagner <yramrengaw@hotmail.com>
Cc: ERRC <ERRC@simcoe.ca>
Subject: RE: Incident# 2222019 - Logging, Report or Request for Information

Please be advised that your comments have been forwarded to errc@simcoe.ca for inclusion in the formal land use planning process.

From: Mary Wagner <yramrengaw@hotmail.com>
Date: March 6, 2018 at 4:19:12 PM EST
To: "Dixon, Brett" <Brett.Dixon@simcoe.ca>
Cc: Customer Service <CustomerService.Service@simcoe.ca>
Subject: Re: Incident# 2222019 - Logging, Report or Request for Information

I want to know if the MNR has been asked to consult on fire hazard of placing a waste management facility in a forest.
I live adjacent to the forest selected for placement of a facility where fires are common. My forest is a continuum of the Freele forest and could be trapped in event of a fire. I have asked the county to account for their forest fire planning and logically copied the MNRF.
Mary Wagner

Sent from my iPhone

On Mar 6, 2018, at 16:11, Dixon, Brett <Brett.Dixon@simcoe.ca> wrote:

Hello there. Could you please give me more details of what you are looking for?

Brett Dixon R.P.F.
Forest Technician
County of Simcoe, Forestry Department
1110 Highway 26 West, Midhurst, ON, L9X 1N6
705 726-9300 ex. 1172
Email: brett.dixon@simcoe.ca
www.simcoe.ca

On Mar 6, 2018, at 8:39 AM, "info@simcoe.ca" <info@simcoe.ca> wrote:

Request for Service and or Information

Incident #	2222019
Customer Service Agent:	Email Listener
Summary:	Re: Grow the Greenbelt to Simcoe County
Notes:	passing along for your persual
Customer Name:	yramrengaw yramrengaw

Customer Phone:

Customer Email:

yramrengaw@hotmail.com

Customer Alt. Phone:

Location:

NONE

Category:

Forestry Conservation By-Law

Subcategory:

Description

Re: Grow the Greenbelt to Simcoe County

This is Exhibit....."L".....referred to in the affidavit of.....Mary.Teresa.Wagner..... affirmed before me, this...twenty-second..... day of.....March.....20.19....


.....
Ramani Nadarajah
COMMISSIONER FOR TAKING AFFIDAVITS

From: Mary Wagner [<mailto:yramrengaw@hotmail.com>]

Sent: Tuesday, March 06, 2018 1:40 PM

To: Daly, John <John.Daly@simcoe.ca>; Customer Service <CustomerService.Service@simcoe.ca>; ERRC <ERRC@simcoe.ca>; Renee Chaperon <renee.chaperon@springwater.ca>; French, Bill <Bill.French@simcoe.ca>; Allen, Don <Don.Allen@simcoe.ca>; Warden <Warden@simcoe.ca>

Cc: Heather Rutherford <rutherford_heather@hotmail.com>; Cindy & Randy Mercer <mercercr@rogers.com>; Lynda <lynda@nicholyn.com>; Bob Wagner <bob.wagner@cibc.com>; Joe Hermann <Jhermann@sympatico.ca>

Subject: ERRC site selection

Dear Sirs/Madams

It has come to our attention that the Region is considering the selection of 2976 Horseshoe Valley Rd West as the site for the Simcoe County ERRC.

This decision would be bad for local residents and the environment. Most importantly, such a decision is not consistent with the Growth Plan 2017.

The Growth Plan (2017) replaced "Places to Grow – the Growth Plan for the Greater Golden Horseshoe, 2006".. The Growth Plan is the province's long term planning strategy to protect the natural environment and curb sprawl while building complete communities. The Growth Plan is a provincial plan that Simcoe County and Springwater Township planning authorities must conform to when making planning decisions.

Simcoe County is within the 2017 Growth Plan Area and the province has created an Agricultural System and a regional scale Natural Heritage System for the Greater Golden Horseshoe (GGH). The mapping for these systems was released in February 2018.

Below please find an excerpt cut from the MMAH webpage.

Infrastructure

The Greenbelt Plan and the Growth Plan both state that existing, expanded or new infrastructure approved under the *Environmental Assessment Act* is permitted if it serves the significant growth and economic development expected in southern Ontario. Locating infrastructure in the NHS, key natural heritage features, key hydrologic features and key hydrologic areas is discouraged wherever possible. Where there is no reasonable alternative, impacts on the features and their functions must be minimized and mitigated.

Both plans also discourage locating infrastructure within prime agricultural areas. In situations where avoiding prime agricultural areas is not possible, an Agricultural Impact Assessment or equivalent analysis as part of an environmental assessment is required to demonstrate how impacts on the Agricultural System will be avoided, minimized or mitigated.

In some cases, the Greenbelt Plan includes more specific requirements on planning, design and construction of infrastructure than the Growth Plan. These include:

- requiring that planning, design and construction practices minimize the disturbance of the existing landscape, including impacts caused by light intrusion, noise and road salt, wherever possible
- requiring that, where practical, existing capacity and co-ordination with different infrastructure services be optimized to maintain the existing character of the Protected Countryside
- requiring that infrastructure planning, design and construction practices maintain or improve connectivity between features where reasonable
- prohibiting new waste disposal sites and organic soil conditioning sites in key natural heritage features, key hydrologic features, and their associated vegetation protection zones

Given the clear direction from the province that the site of 2976 Horseshoe Valley Rd, or another forest within the greenbelt is not to be used for prohibited infrastructure or settlement expansion, why does the county continue to spend taxpayer money in pursuit of this apparently misguided project? This ERRC is an industrial facility that belongs in an urban or developed setting, not in nature.

The update of studies by GHD at the request or direction of Simcoe County Planning Authority are not consistent with provincial policy as stated. Our lawyer will be providing the County with an opinion letter shortly outlining the consequences of proceeding in the Horseshoe Valley Rd location.

Regards.
Mary Wagner
President
FSF

This is Exhibit....."M".....referred to in the
affidavit of... Mary Teresa Wagner.....
affirmed before me, this....twenty-second.....
day of.....March.....20..19..

From: Mary Wagner [mailto:yramrengaw@hotmail.com]

Sent: Friday, March 23, 2018 4:43 PM

To: Daly, John <John.Daly@simcoe.ca>; Customer Service
<CustomerService.Service@simcoe.ca>; ERRC
<ERRC@simcoe.ca>; French, Bill <Bill.French@simcoe.ca>; Allen, Don
<Don.Allen@simcoe.ca>; Warden <Warden@simcoe.ca>;
MCSCS.Customer.Service.Complaints@ontario.ca

Cc: Heather Rutherford <rutherford_heather@hotmail.com>; Cindy & Randy Mercer
<mercercr@rogers.com>; Lynda <lynda@nicholyn.com>; Bob Wagner
<bob.wagner@cibc.com>; John Herman <Jhermann@sympatico.ca>

Subject: ERRC fire hazard concerns


.....
A COMMISSIONER FOR TAKING AFFIDAVITS
Romant Nadarajah

Dear Sirs/Madams

You have been in receipt of several letters, emails and various communiques from the ratepayers of Simcoe County and Springwater Township for several months. Residents of Horseshoe Valley Road and Rainbow Valley Road have voiced and raised concerns in regard to the known fire history that follows waste management facilities similar to the proposed ERRC within the woodland at 2976 Horseshoe Valley RD, West in Springwater Township, County of Simcoe.

Fire within this forest poses a threat to the homes, livestock and residents that would have no egress due to a single access road from their homes to a place of safety.

Please advise if you have involved the experts in fighting MERF fires combined with the experts in fighting fires within a forest. Please advise if you have consulted and budgeted for the upgrade of roads to withstand the equipment movement to fight a fire of this nature and possible magnitude. Please advise if you have considered what the impact will be to the environment and waterways when such a fire is battled with chemicals and large volumes of water.

The rate payers do await your response.

Regards
Mary Wagner
Homeowner
2928 Horseshoe Valley Rd. West


A COMMISSIONER FOR TAKING AFFIDAVITS

Thompson, Tiffany

From: ERRC
Sent: Thursday, March 29, 2018 9:31 AM
To: Mary Wagner; Daly, John; Customer Service; ERRC; French, Bill; Allen, Don; Warden; MCSCS.Customer.Service.Complaints@ontario.ca
Cc: Heather Rutherford; Cindy & Randy Mercer; Lynda; Bob Wagner; John Herman
Subject: RE: ERRC fire hazard concerns

Good Morning Ms. Wagner,

Thank you for your email regarding the ERRC and fire hazard concerns. GHD has prepared an amended Facilities Characteristic Report dated February 1, 2018 which has been posted on the County's website - <http://www.simcoe.ca/Planning/Pages/Simcoe-County-Environmental-Resource-Recovery-Centre.aspx>.

The amended Facilities Characteristic Report contains further details related to fire protection in Sections 4.4.1.5 to 4.4.1.7. This amended report has been circulated to the Ministry of Natural Resources and Forestry and Township of Springwater for review and comment. Those comments will be made available to the public when they are received and would be addressed in any reports to County Council. No comments related to amended reports have been received from the agencies at this time.

If you require any further information or clarification on the above, do not hesitate to use the ERRC email to contact County Planning staff on this file.

Regards, Tiffany

Tiffany Thompson BES MCIP RPP
Planner III
County of Simcoe, Planning, Development and Tourism Department
1110 Highway 26, Midhurst, Ontario L9X 1N6
Phone: 705-726-9300 Ext. 1185 Fax: 705-727-4276
Email: tiffany.thompson@simcoe.ca
www.simcoe.ca

-----Original Message-----

From: Mary Wagner [<mailto:yramrengaw@hotmail.com>]
Sent: Friday, March 23, 2018 4:43 PM
To: Daly, John <John.Daly@simcoe.ca>; Customer Service <CustomerService.Service@simcoe.ca>; ERRC <ERRC@simcoe.ca>; French, Bill <Bill.French@simcoe.ca>; Allen, Don <Don.Allen@simcoe.ca>; Warden <Warden@simcoe.ca>; MCSCS.Customer.Service.Complaints@ontario.ca
Cc: Heather Rutherford <rutherford_heather@hotmail.com>; Cindy & Randy Mercer <mercercr@rogers.com>; Lynda <lynda@nicholyn.com>; Bob Wagner <bob.wagner@cibc.com>; John Herman <Jhermann@sympatico.ca>
Subject: ERRC fire hazard concerns

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The rate payers do await your response.

Regards
Mary Wagner
Homeowner
2928 Horseshoe Valley Rd. West

July 12, 2018

Ministry of Municipal Affairs
Municipal Services Division, Central Region
777 Bay Street, 13th Floor
Toronto, ON
M5G 2E5
Attn: Ross Lashbrook, Manager

RECEIVED
MUNICIPAL SERVICES OFFICE

JUL 19 2018

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Dear Mr. Lashbrook,

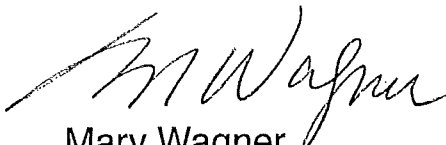
This letter is to share with the Ministry of Municipal Affairs the concerns the Friends Of Simcoe Forests Inc. (FSF Inc.) has with the County of Simcoe plan to place an Environmental Resource Recovery Centre in the middle of a forest within agricultural and natural heritage land.

Please find within, letters and reports from Jennifer Lawrence and Associates, Land planning and Dougan and Associates, Ecological Consultants.

These letters and reports outline many points of irregularity that, we feel, have not been satisfactorily resolved.

FSF Inc. respectively requests your attention to the in-depth review provided within these attached documents, and further requests that the Ministry of Municipal Affairs provide written notification of its decision regarding the County of Simcoe application for Official Plan Amendment.

Regards



Mary Wagner
President, FSF Inc.
2928 Horseshoe Valley Rd. West
Phelpston, On L0L 2K0

This is Exhibit....."O".....referred to in the
affidavit of....Mary Teresa Wagner.....
affirmed before me, this...twenty-second.....
day of.....March.....20..19..

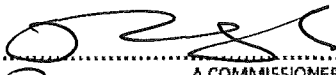

A COMMISSIONER FOR TAKING AFFIDAVITS

Stea, Maire (MMAH)

From: Mary Wagner <yramrengaw@hotmail.com>
Sent: Friday, August 31, 2018 7:28 AM
To: Ingraldi, Aldo (MMAH)
Subject: MMA County of Simcoe OPA application

This is Exhibit....."P".....referred to in the affidavit of....Mary.Teresa.Wagner..... affirmed before me, this...twenty-second..... day of.....March.....20...19..

Dear Mr. Ingraldi,


.....
Ramani Nadarajah
A COMMISSIONER FOR TAKING AFFIDAVITS

I am a resident homeowner in Springwater Township. My building of a home within this township was because of my desire to live in a community where greenspace and forest were valued and would be protected for the benefit of future generations. I believe at one point in time this was true as the County of Simcoe Official Plan included the forests in protected language.

Enter the present Upper Tier Municipality staff and elected council and their initiative to expand suburbia and infrastructure by turning to the resources of forest and agricultural land. 82% of the sites listed for this ERRC project were county owned forests. Rate payers came out in protest to each local information session. Once the county announced the chosen site in Springwater Township, citizens of other township returned home. They were so thankful that it was not their precious forest selected and were warned by their township government to “stay quiet” and not make a fuss in fear that the ERRC could come back to their forest if another site had to be found. Mr Aiken, CAO of Simcoe County stated at a near neighbour update meeting that the county had learned a lot from “Site 41”, divide and conquer might have been what he meant.

My belief is that the province will surely recognize that the use of forest, contiguous with private forest and agriculture, smack in the middle of a tourist area is not a plan to move forward with. The final voice of reason that could surely stand up and say the loss of habitat for several at risk species, greenbelt expansion, Oro Moraine protection and Natural Heritage features is the provincial entities that oversee and protect for all citizens. Our voices I hope will not fall on deaf ears as provincial policy and election platforms state environmental protection is crucial. I see policy and legislation so seemingly tight woven for protection not to be teased and prodded so as to provide loopholes and allow that which is unbelievable, a MMF, MRF, ORF, Heavy Equipment Shop and administration building in the centre of a forest seated within the heart of forest and agriculture. Look on a google map and see what surrounds the proposed site! Look to the southwest by 4 km and you will see an industrial site (Bertram Industrial Site) that was put forward by Springwater Township government and rejected without consideration by county government.

Point 1:
Since the County of Simcoe expressed the desire to locate the waste facilities, if possible, on lands already owned by the County, this resulted in the inclusion of County-owned forests in the site selection process;

Point 2:
Given that the vast majority of County landholdings are County Forests, this resulted in 50% of the candidate sites for a waste disposal facility being within woodlands;

Point 3:
If you consider just the County-owned sites that were under consideration, 82% of the sites were woodland areas. This is an overwhelming proportion of candidate sites within areas that most residents of the County would consider to be environmentally protected from development;

Point 4:

County Forests should not be considered as a viable option for the construction of infrastructure and should have been excluded from the site selection process based on both natural heritage as well as social and cultural impacts to the broader community;

Point 5:

The Amended Scoped Environmental Impact Study prepared by the County's consultants (GHD) has not demonstrated that there will be "no negative impact" to areas of provincial interest, such as woodlands, wetlands, wildlife habitat and habitat of endangered and threatened species, as required by the Planning Act as well as the Simcoe and Springwater Official Plans. Rather, the County's consultants appear to use a term referred to as "no net negative impact" which is not the same thing and doesn't appear to be a term of reference consistent with the Planning Act;

Point 6:

The defacing of the agricultural and residential community that surrounds (in this case) the Freele Tract — even if industrial facilities are hidden, their presence will be evident because of foul odours and noise emanating from the facilities and the added traffic from the trucks coming in and out of the facilities

Point 7:

There is an inherent fire hazard associated with these facilities, creating the potential for massive forest fires, resulting in danger to nearby homes, farms and businesses, in particular to the homes located on multiple dead-end roads in close proximity to the Freele Tract.

Point 8:

There is a lack of transparency regarding "potential" future uses and development of the forest, the type of technology to be applied for the proposed facilities, and the costs for this project;

Point 9:

The exemption of this project from the Environmental Assessment process, despite completed studies identifying the Freele Tract as significant wetlands, significant woodlands, a significant wildlife habitat and corridor, and a habitat of endangered and threatened species;

Point 10:

The proposed site contains no infrastructure whatsoever (sewer/well/septic) and would require extensive work and funding in order to make it suitable for industrial use, impacting water and wildlife;

Point 11:

Springwater Council -- the township in which these facilities are slated to be built -- continues to publicly show opposition to the development of this facility in this location.

Regards

Mary Wagner

**NICHOLYN FARMS INC., EDWARD KRAJCIR, and
FRIENDS OF SIMCOE FORESTS INC.**
Appellants

and **MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING and
THE COUNTY OF SIMCOE**
Respondents

LOCAL PLANNING APPEAL TRIBUNAL
PROCEEDING COMMENCED AT TORONTO

AFFIDAVIT OF MARY TERESA WAGNER

CANADIAN ENVIRONMENTAL LAW ASSOCIATION
1500 – 55 UNIVERSITY AVENUE
TORONTO, ONTARIO M5J 2H7

Ramani Nadarajah (30023U)
Tel: 416-960-2284, ext. 7217
Fax: 416-960-9392
ramani@cela.ca

Jacqueline Wilson (60330R)
Tel: 416-960-2284, ext. 7213
Fax: 416-960-9392
jacqueline@cela.ca

Counsel for the Appellant, Friends of Simcoe Forests Inc.

LOCAL PLANNING APPEAL TRIBUNAL

B E T W E E N :

**NICHOLYN FARMS INC., EDWARD KRAJCIR, and FRIENDS OF SIMCOE
FORESTS INC.**

Appellants

and

**MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING and THE COUNTY OF
SIMCOE**

Respondents

AFFIDAVIT OF JENNIFER LAWRENCE

I, JENNIFER LAWRENCE, of the City of Hamilton, Province of Ontario AFFIRM

THAT:

1. I received a Bachelor of Environmental Studies from the University of Waterloo in 1994.

2. I am a Registered Professional Planner. I have been the President at Jennifer Lawrence & Associates Inc. since 2013 and have over twenty years of experience in the environmental planning field.

3. Prior to founding my consulting firm, I worked as an environmental planner for Conservation Halton, including serving as the Coordinator of Environmental Planning and later as the Manager of Environmental Planning. Prior to my employment at Conservation Halton, I worked as a planning technician for the Niagara Escarpment Commission.

4. In my role as a private consultant I have been retained to provide professional planning advice to the Federal government, the Ontario government, municipalities, conservation authorities, conservation groups, land developers and individuals in relation to land-use planning proposals and environmental policy creation and research. I have extensive experience with the inter-relationship between land-use planning and natural heritage features and functions. Some examples of matters where I have been involved in providing natural heritage policy and planning advice include:
 - participated on a multi-disciplinary team in the creation of the Black Creek Subwatershed Study, Phase 3 Implementation Report for Credit Valley Conservation;

- participated on a multi-disciplinary team in the creation of the Nottawasaga Valley Conservation Authority Integrated Watershed Management Plan;
- created the Chatham-Kent Natural Heritage Implementation Strategy;
- research projects for Environment Canada – Canada Wildlife Services related to documenting the Southern Coastal Plain and Systematic Conservation Plans in Ontario;
- created the Environmental Flow Regime Decision-Making Framework for the Ministry of Natural Resources; and
- project management in the coordination of multi-disciplinary teams for the preparation of numerous Environmental Implementation Reports and Functional Servicing Studies within Oakville and Burlington and Subwatershed Impact Studies in Milton intended to identify, characterize and identify management requirements for natural heritage features and functions that have been identified for protection/conservation through the Secondary Plan for the respective areas.

5. I have appeared as a planning expert before the Ontario Municipal Board on two occasions and have been qualified each time as an expert witness on environmental planning matters.

6. Attached as **Exhibit “A”** is a copy of my Curriculum Vitae.
7. I understand my duties as an expert to the Local Planning Appeal Tribunal (“LPAT”). I have read and signed the LPAT Acknowledgement of Expert’s Duty Form. Attached as **Exhibit “B”** is a copy of the signed Acknowledgment of Expert’s Duty form dated March 25, 2019.
8. As such, I have knowledge of the matters of which I hereinafter depose, except where this knowledge is based on information and belief, in which case, my Affidavit so indicates.

A. Background

9. I was retained by the Friends of Simcoe Forests Inc. (“FSF”) to provide professional planning advice on the County of Simcoe’s (“County”) site selection process and subsequent Planning Act applications to establish an Environmental Resource Recovery Centre (“ERRC”). The ERRC is proposed to include an Organics Processing Facility (OPF), a Materials Management Facility (MMF), a potential future materials recovery facility and ancillary uses at 2976 Horseshoe Valley Road West, in the Township of Springwater (“subject lands”).
10. During the three part site selection process, the County originally intended to site the OPF and MMF on different properties (Parts 1 and 2).

When the County decided to co-locate the facilities (Part 3 of the site selection process), the joint facility became referred to as the ERRC.

The subject lands, which are owned by the County, are approximately 84 hectares and located entirely within the Freele County Forest. The entire 84 hectares of the subject lands is forested and is part of a much larger contiguous woodland area. There are wetlands present on the northeast and southeast corners of the subject lands.

11. The subject lands are within the Growth Plan for the Greater Golden Horseshoe's Natural Heritage System (Growth Plan NHS) and are designated as Greenlands in the County of Simcoe's Official Plan (County's Official Plan) and a portion of the subject lands are designated as Natural Heritage (Environmental Protection) Category 2 Lands in the Springwater Official Plan.
12. Based on the findings of GHD on behalf of the County of Simcoe and the expert opinion provided by Dougan and Associates on behalf of FSF, the subject lands meet the definition of significant woodland and significant wildlife habitat under the 2014 Provincial Policy Statement (PPS) and may contain the habitat of endangered and threatened species.
13. I have undertaken a detailed and comprehensive review of a number of reports and documents in relation to the County's site selection process

and planning applications. These include the Organics Processing Facility and Materials Management Facility site selection reports (Parts 1 and 2, prepared by Conestoga Rovers and Associates and GHD respectively), the Organics Processing Facility, Materials Management Facility and Co-located Facility report (Part 3, prepared by GHD), the Scoped Environmental Impact Study dated November 17, 2016 and the Amended Scoped Environmental Impact Study dated February 1, 2018, prepared by GHD (GHD's Scoped EIS and Amended Scoped EIS) and the Planning Justification Report dated November 17, 2017 and the Amended Planning Justification Report dated February 1, 2018 (GHD's PJR and Amended PJR) which were prepared by GHD Ltd on the County's behalf.

14. The County contends that the site selection process, which was undertaken without the benefit of a formal Environmental Assessment Act or Planning Act process, is not subject to review or analysis as part of the County and Local Official Plan Amendments and Zoning By-Law Amendment. The County contends that process that led to the selection of a preferred site (i.e., the subject lands), does not form part of the background documentation submitted in support of the Planning Act applications and, as such, does not need to meet the strict test of the Planning Act or the Provincial Policy Statement.

15. I have prepared my own professional planning opinion on the County's applications. My planning report on the Site Selection Reports, Scoped EIS and PJR is dated June 5, 2017 and my planning report on the Amended Scoped EIS and Amended PJR is dated April 19, 2018. I have listed additional documents I reviewed in relation to the County's application in my planning reports. Attached as **Exhibit "C"** is a copy of my planning report dated June 5, 2017. Attached as **Exhibit "D"** is a copy of my planning report dated April 19, 2018.

B. The Site Selection Process was fundamentally flawed

16. As outlined in my planning report of June 5, 2017 it is my opinion that there were fundamental errors made in the site selection process to establish the ERRC.

17. The proposal to establish the ERRC on the subject lands creates inherent conflicts with the PPS, the Growth Plan, the County's Official Plan and the Township of Springwater's Official Plan (Springwater's Official Plan)

18. Through the site selection process, the County began the process by considering a total of 502 candidate sites (302 County owned and 200 privately owned). Of the 302 County-owned sites, 249 of the sites (82.5%)

were County forests. In other words, approximately 50% of the sites considered by the County for establishing the ERRC were covered in woodland. (Ref pg. 12 June 5, 2017 report)

19. The 502 sites were first evaluated against one set of criteria referred to as Screen 1. Screen 1 criteria were used to establish a long list of potential sites. Given the large number of County-owned forests in the list of candidate sites under Screen 1, sites with significant natural heritage features and functions were allowed to pass to Screen 2, on the premise that they would be subject to a more rigorous evaluation during Screen 2. Screen 2 was then used to create a short list of potential sites. However, the Screen 2 environmental evaluation criteria did not include any natural heritage features or functions criteria for the sites to be screened against. Attached as **Exhibit “E”** is a copy of a diagram depicting Screen 1 which was included in the Part 2 Materials Management Facility Long List Evaluation report (July 23, 2015). Attached as **Exhibit “F”** is a copy of a diagram depicting Screen 2 which was also included in the Part 2 Materials Management Facility Long List Evaluation report.

20. Since the site selection process did not appropriately consider natural heritage features and functions in either Screen 1 or Screen 2 criteria (i.e. long list and short list evaluations) or the Provincial, County and Township policies governing such features and functions, it resulted in candidate

sites proceeding through the site selection process that otherwise may have been eliminated if the appropriate natural heritage feature and function criteria had been included in Screens 1 and 2.

21. Consequently, the site selection process resulted in the selection of a preferred site, the subject lands, that is within key natural heritage features of the Growth Plan's Natural Heritage System, the County's Greenlands designation and that meets the PPS definition of a significant woodland and significant wildlife habitat. Based on the analysis by Dougan and Associates, the subject lands may also contain the habitat of endangered and threatened species. It is my opinion that the selection of the subject lands as the preferred choice to establish the ERRC, was the result of a flawed process that allowed significant natural heritage features to pass Screen 1 on the premise that they would be subject to more rigorous review under Screen 2 however, such rigorous review was not included in the Screen 2 criteria/process. Such a screening process is not consistent with the PPS, Growth Plan, County or Township natural heritage planning policies.

C. The proposal to establish the ERRC on the subject lands is not consistent with the PPS.

22. Given that the site selection process to establish the ERRC started in 2014, the 2014 PPS is applicable to the decision-making process. In my opinion, the selection of the subject lands for the proposed ERRC is not consistent with the natural heritage policies of the PPS. The relevant PPS policies are:

- Natural features and areas shall be protected for the long term (Policy 2.1.1).
- The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features*. (Policy 2.1.2).
- Development and site alteration shall not be permitted in significant woodlands and significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (Policy 2.1.5 (b) and (d)).
- *Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*. (Policy 2.1.7).

- *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

23. It is my opinion that both the Scoped EIS, Amended Scoped EIS, PJR and Amended PJR misinterpret the requirements of the PPS policies which require a planning application to demonstrate **no negative impacts** to natural heritage features and functions. It should be noted that the requirement to demonstrate “no negative impacts” is also a requirement in section 3.3.1.15(ii)(v) of the County Official Plan and Section 16.2.1.2(ii)(c) of the Springwater Official Plan.

24. The Provincial Policy Statement defines ‘negative impact’ as:

- (d) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

25. The Scoped EIS and Amended Scoped EIS, and subsequently the PJR and Amended PJR, rely on the provision of no net effects or no net negative impacts to natural heritage features and functions, rather than demonstrating that the proposed land use will have no negative impacts on the natural heritage features and functions on the subject lands. No net effects is a term used in the Environmental Assessment Act but not the PPS. The term 'no net negative impacts' is not used in the PPS. By relying on the provision of no net effects or no net negative impacts, the County is proposing to use mitigation measures (i.e., off-site plantings) to compensate for the loss of woodlands and wildlife habitat on the subject lands. The PPS does not provide for the consideration of no net effects/no net negative impacts to natural heritage features and functions but rather requires that a proponent demonstrate no negative impact to natural heritage features and functions as a result of the proposed development or site alteration. This is an important distinction in natural heritage planning. The provision of mitigation measures can only be considered after no negative impact has been demonstrated and can not be utilized to assist with demonstrating no negative impact. The PPS does not include any contemplation of no net negative impacts.
26. In determining the net effects, the Part 1 Site Selection Reports indicate that *after* the Avoidance, Mitigation, Compensation and Enhancement (AMCE) measures are applied to the short-listed sites, the remaining net negative and net positive effects will be determined. This approach

erroneously conflates mitigative measures with the test of no negative impact and allowed for candidate sites to remain on the short list even if they did not, or could not, meet the requirement of “no negative impacts” as required by the PPS. By doing so, the County allowed the subject lands, which are entirely forested and meet the criteria for Significant Woodlands and Significant Wildlife Habitat, and potentially significant habitat of endangered and threatened species under the PPS, to be selected as the preferred site for the establishment of the ERRC.

27. FSF retained Dougan & Associates, an ecological consulting firm, to undertake a peer review (Dougan’s peer review study) of the Scoped EIS. The Scoped EIS was intended to evaluate the relevant natural features and functions of the subject lands and the potential impacts of the proposed land use. Dougan’s peer review study concluded that the Scoped EIS failed to demonstrate that there will be no negative impacts given the “inconsistencies, misinterpretations and exclusions” in the study. Dougan & Associates also undertook a peer review of the Amended EIS dated February 1, 2018. Their findings are provided in an affidavit sworn by James Dougan, Mary Anne Young and Karl Konze dated March 22, 2019. In their affidavit, they conclude that the EIS and the amended EIS did not support GHD’s conclusion that there would be “no negative impacts” on the subject lands.

D. The proposal to establish the ERRC on the subject lands does not comply with the Growth Plan

28. The proposal to establish the ERRC on the subject lands is not consistent with the Growth Plan. As noted in paragraph 11 above, the subject lands are within the Natural Heritage System of the Growth Plan.
29. The Growth Plan provides a unique land use planning framework for the Greater Golden Horseshoe area which aims to balance growth with protection of key natural heritage features and functions. GHD's Amended PJR, when referring to the Growth Plan, notes on page 18 that a "key section applying to the ERRC is Section 4 - Protecting What is Valuable." I agree with GHD that Section 4 of the Growth Plan is a key section that must be considered when analyzing the County's preferred site. Of note, Policy 4.2.2.2 of the Growth Plan states:
- 4.2.2.2 Municipalities will incorporate the *Natural Heritage System* as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or *hydrologic functions* of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4.

30. Policy 4.2.2.3(a)(i) of the Growth Plan requires that new development or site alteration within the Natural Heritage System demonstrate that:

- i) there are no *negative impacts on key natural heritage features or key hydrologic features* or their functions;

31. The term “*key natural heritage features*” is a defined term under the Growth Plan and includes “habitat of endangered species and threatened species; wetlands; significant woodlands and significant wildlife habitat”. All these features exist on the subject lands.

32. GHD’s Amended PJR on page 18 confirms that the subject lands meet the definition of key natural heritage features under the Growth Plan. The report states the “EIS has identified that the proposed site of the ERRC exhibits attributes such that it can be considered to comprise significant woodlands and significant wildlife habitat. The existence of these two attributes determines that the site falls within the definition of key natural heritage features.”

33. Therefore, there does not appear to be any issue that the subject lands are located within the Growth Plan’s Natural Heritage System and contain significant woodlands and significant wildlife habitat. Accordingly, the

policies in the Growth Plan regarding protection of key natural heritage features applies to the ERRC.

34. Dougan's peer review of the Scoped EIS and Amended EIS, as noted above, concluded that the County has not demonstrated that there will be no negative impacts on significant woodlands, significant wildlife habitat and potentially habitat of endangered or threatened species. Consequently, the County has not demonstrated that the application to establish the ERRC on the subject lands is consistent with Policy 4.2.2.3 (a) of the Growth Plan.

35. Policy 2.2.1.2 (d) of the Growth Plan requires development be directed to settlement areas, except where the Plan permits otherwise. The subject lands are located outside the Settlement Area boundary and is located entirely within the Growth Plan's Natural Heritage System.

36. Policy 4.2.3.1 of the Growth Plan outlines exceptions whereby development or site alterations could be considered outside of Settlement Areas within the Natural Heritage System. The Policy states:

Outside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System or in key hydrologic features, except for:

- a. activities that create or maintain *infrastructure* authorized under an environmental assessment process;

37. GHD maintains throughout their site selection reports that the site selection process has been undertaken through a process similar to an environmental assessment but confirms that an environmental assessment was not required for the site selection process. Policy 4.2.3.1(a) of the Growth Plan does not provide for an exception for activities authorized under a process similar to an environmental assessment process but rather, only those activities that have been authorized under an environmental assessment are privy to the exception.

38. GHD's Amended PJR assessed whether the ERRC would be subject to the Environment Assessment Act or Ontario Regulation 101/07 (Waste Management Projects). The PJR concludes that since neither the Materials Management Facility or the Organics Processing Facility would transfer, on an annual basis, an average of 1,000 tonnes of residual waste per day from the site for final disposal, they will not require any Environmental Assessment Act approvals as they are not designated as an undertaking to which the Act applies.

39. I have reviewed Ontario Regulation 101/07 as well as the Guide to Environmental Assessment Requirements for Waste Management Projects, prepared by the Ministry of Environment, dated March 15, 2007. I agree with GHD's conclusion that the estimated tonnage limit of waste per day from the ERRC site exempts it from the Environmental Assessment Act.

40. Since the project was exempt from preparing an environmental assessment, the County has never completed an environmental assessment for the proposed ERRC.

41. On page 19 of GHD's Amended PJR, they note that it is their position that the ERRC is "infrastructure authorized under an environmental assessment process". GHD and the County have taken the position that the exemption from the requirement to prepare an environmental assessment constitutes an "authorization" under the Environmental Assessment Act.

42. I question whether an exemption constitutes an authorization under an Act. Notwithstanding, the policies in the Growth Plan are clear, in the absence of an environmental assessment, infrastructure is not permitted within the Natural Heritage System. Since an environmental assessment

was never undertaken, the exception policy provided in Policy 4.2.3.1(a) of the Growth Plan should not apply.

43. Consequently, it is my professional planning opinion that a proposal to establish the ERRC on the subject lands is not consistent with the Growth Plan as it is proposing infrastructure outside of a Settlement Area, within agreed upon key natural heritage features within the Growth Plan's Natural Heritage System, that has not been subject to the formal and legislated processes prescribed by the Environmental Assessment Act.

E. The Proposed ERRC is not permitted in the “Greenlands” designation of the County of Simcoe’s Official Plan

44. The subject lands are located within the “Greenlands” designation of the County’s Official Plan. The objectives of the “Greenlands” designation are set out in Section 3.8.1 to 3.8.8 of the Official Plan. These include the need to protect and restore the natural heritage features and areas and ecological functions of natural heritage systems for future generations.

45. It is my professional planning opinion that the proposal to establish the ERRC on the subject lands is also contrary to the County’s Official Plan policies related to development within their “Greenlands” designation. Section 3.3.6 of the County’s Official Plan states:

Where feasible, and subject to local municipal policies and bylaws, infrastructure and passive recreational uses may be located in any designation of this Plan, subject to Sections 3.8, and 4.2, and the requirements of the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Lake Simcoe Protection Plan where applicable, and applicable provincial and federal policy and legislation. Where applicable, only such uses permitted in the Greenlands designation (see Section 3.8) are those which have successfully completed any required provincial and/or federal environmental assessment process or proceedings under the Drainage Act.

46. Based on the requirement of Section 3.3.6 any proposal for infrastructure must be assessed against the requirements of Section 3.8 and 4.2 of the County's Official Plan and must be consistent with the requirement of applicable provincial and federal policy and legislation. As noted in paragraphs 28 -43 above, in my opinion the proposed ERRC is not consistent with the Growth Plan and thus, does not meet the requirement of Section 3.3.6 of the County's Official Plan.

47. Section 3.8.15 of the County' Official Plan sets out the permitted uses within the "Greenlands" designation outside of settlement areas. These include the following:

- i. Agricultural uses;
- ii. Agriculture-related uses;
- iii. On-farm diversified uses;
- iv. Forestry on public lands or in County forests in accordance with an approved management plan and sustainable forest practices;
- v. Forestry on private lands as permitted by the County's Forest Conservation Bylaw or by a local municipality's tree bylaw under the Municipal Act, 2001;
- vi. Mineral aggregate operations, if approved through a local Official Plan amendment;
- vii. Outdoor passive recreational uses; and
- viii. Subject to demonstrating that the lands are not within a prime agricultural area, residential dwelling units on lots which were approved prior to the approval date of this policy (May 9, 2016).

48. Infrastructure is not a permitted use in the "Greenlands" designation.

However, Section 3.8.19 of the County Official Plan addresses infrastructure and states:

Infrastructure authorized under an environmental assessment process may be permitted within the Greenlands designation or on adjacent lands. Infrastructure not subject to the environmental

assessment process, may be permitted within the Greenlands designation or on adjacent land in accordance with Section 3.3.15.

49. Since the proposed ERRC was not subject to an environmental assessment process, the requirements of Section 3.3.15 of the County's Official Plan must be considered. Section 3.3.15 states:

Despite anything else in this Plan, except Section 4.4 as it applies to mineral aggregate operations only, development and site alteration shall not be permitted:

- i. In significant wetlands and significant coastal wetlands.
- ii. In the following unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions: Significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest (ANSIs), and coastal wetlands (not covered by 3.3.15 i) above).
- iii. In the following regional and local features, where a local official plan has identified such features, unless is

has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions: wetlands 2.0 hectares or larger in area determined to be locally significant by an approved EIS, including but not limited to evaluated wetlands, and Regional areas of natural and scientific interest (ANSIs).

- iv. In fish habitat except in accordance with provincial and federal requirements.
- v. In habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- vi. On adjacent lands to the natural heritage features and areas listed above, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Adjacent lands shall generally be considered to be:

- a. within 120 metres of habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2.0 hectares or larger determined to be locally significant by an approved EIS, significant woodlands, significant wildlife habitat, significant areas of natural and scientific interest – life science, significant valleylands, and fish habitat;

50. As noted in paragraphs 27 above, Dougan’s peer review of the Scoped EIS and Amended EIS, submitted in support of the County’s planning applications, concluded that the County had not demonstrated that there will be no negative impact on significant woodlands, significant wildlife habitat and potentially habitat of endangered and threatened species. Accordingly, it is my opinion that the proposed ERRC is not consistent with Sections 3.3.6, 3.8.15, 3.8.19 and 3.8.22 of the County’s Official Plan.

F. The proposed ERRC is not consistent with the Township of Springwater's Official Plan

51. The Township of Springwater is a lower-tier municipality in the County of Simcoe. As a lower-tier municipality, the Township is required to ensure that its Official Plan is consistent with the upper-tier Official Plan.

52. The Township is currently undergoing a review of its Official Plan (Springwater Official Plan) to ensure it conforms with provincial and County policies and plans. The Township launched the review of its Official Plan in 2016 but has not completed its review process. Consequently, it is my opinion that while the Springwater Official Plan policies are informative many of its policies either are, or will become, outdated following the review and that updated policies will be included that are consistent with the PPS and County Official Plan as it relates to natural heritage.

53. The first goal stipulated in the Springwater Official Plan is:

2.2.1 To ensure the maintenance, protection and enhancement of natural heritage features.

54. The purpose and basis of the Springwater Official Plan is outlined in Section 2. According to Section 2.3.5, the Township is to have three primary functions: natural heritage protection, growth management and

economic development. With respect to protection of the natural resource base and natural heritage system, Section 2.3.5.1 of the Springwater Official Plan states:

2.3.5.1 That of a rural municipality focusing on protection of its natural resources and natural heritage systems as follows:

- a) lands of good agricultural potential;
- b) Provincially and locally significant wetlands and significant regional and local groundwater aquifer areas;
- c) Significant woodlands;
- d) Valley lands;
- e) Fish and wildlife habitat and endangered and threatened species
- f) ANSI's
- g) Aggregate Resources
- h) *Surface and groundwater resources* **[Mod. #1 – 28 Jan. 98]**
- i) *Streams, rivers and lakes* **[Mod. #1 – 28 Jan. 98]**

55. The goals and policies of Springwater's Official Plan clearly demonstrate the municipality's intention to protect its natural heritage features and functions. This policy direction is reiterated in the Objectives related to Natural Heritage (Environmental Protection Policies) set out in Sections 16.1.1 to 16.1.6 as follows:

- 16.1.1 To conserve, maintain, and enhance the quality and integrity of the Natural Heritage features and ecological processes of the Township including air, water, land, and living resources for the benefit of future generations.
- 16.1.2. To preserve and protect all Internationally, Provincially and Locally significant Wetlands and Areas of Natural and Scientific Interest (A.N.S.I.'s) situated within the Township.
- 16.1.3. To prevent the diminishment of ecosystem biodiversity and provide for the long-term viability of the Natural Heritage System by approving only those land uses which are demonstrated to be environmentally sound and do not negatively impact natural features or environmental functions.
- 16.1.4. To encourage and promote the use of a variety of planning engineering and resource management approaches and techniques to realize the hydrological, biological, and socio-economic benefits derived from the long-term protection of the Natural Heritage System.

16.1.5. To ensure the wise use and conservation of the ground and surface water resources of the Township and to maintain and protect the function of sensitive ground water recharge/discharge, aquifer and headwaters areas on a watershed and subwatershed basis.

16.1.6. To prevent loss of life, minimize property damage and social disruption through the proper management and regulation of flood plain lands or lands possessing steep slopes, areas of soil or bedrock instability, high water tables or natural hazards.

56. Springwater's Official Plan creates two separate categories of natural heritage protection: Category 1 lands which are defined as undeveloped natural areas of high environmental quality and Category 2 lands which are defined as areas of lesser environmental significance and sensitivity although areas of high environmental quality may be present.

57. Section 16.2.1 of the Springwater Official Plan states the following:

It is intended that Natural Heritage features and areas are to be protected, maintained, and enhanced and not subject to the impact of incompatible and inappropriate land uses and development. In order to

provide adequate protection to especially sensitive and significant environmental features two categories of natural heritage features and areas have been established; areas where “development will not be permitted” (Category 1); and areas where “development may be permitted if it can be demonstrated that it will not negatively impact” the natural features or functions of areas (Category 2). The categorization of environmental significance and sensitivity is determined to various degrees by provincial guidelines, the nature and detail of existing information, municipal criteria, and other agency approaches. It is acknowledged that the majority of the Natural Heritage System designation lines, shown on the various map schedules of this Plan, have been established through air photograph interpretation and as such may be subject to further interpretation through site specific field testing. [Mod. #43 - Jan.28/98] [OMB Order #2575] It is anticipated that the delineation of the Natural Heritage System will be periodically revised and updated from time to time over the duration of the planning period to take into account new information, provincial guidelines, and agency and municipal approaches.

58. Based on Section 16.2.1, the Township anticipates that updates to the limit of the NHS can take place if site specific information is obtained that would result in changes.

59. Section 16.2.1.1(i) and (ii) respectively, identify what the Township considers to be Category 1 and Category 2 Natural Heritage Environmental Protection Lands as follows:

i. Natural Heritage (Environmental Protection) Category I Lands

Lands designated as Natural Heritage (Environmental Protection) Category 1 Lands on Schedule “A” include environmentally significant lands and/or waters of inherent ecological sensitivity, such as those areas containing the following natural features:

- Internationally, provincially, and locally significant wetlands (Classes 1 – 7)
- Provincially significant Areas of Natural and Scientific Interest (A.N.S.I.”s) or other combinations of habitat or landform which could be essential for scientific research or conservation education;
- Significant portions of the habitat of threatened and endangered species; and
- Significant natural watercourses and ravines.

ii. Natural Heritage (Environmental Protection) - Category 2 Lands

Lands delineated as Natural Heritage (Environmental Protection) - Category 2 Lands on Schedule “B” include, but are not limited to,

those environmentally significant lands and/or waters of ecological sensitivity, such as those areas containing the following natural features:

- Lands situated adjacent to provincially and locally significant wetlands and other Natural Heritage (Environmental Protection) - Category 1 Lands;
- Unique and significant biologically sensitive wildlife habitat;
- Forests and Wood lots;
- Natural connections through valley corridors or other linkages between core areas of the Natural Heritage System;
- Groundwater recharge and discharge, aquifer, and shoreline areas; and
- Natural Fish Habitat.

The above noted components of the Natural Heritage System are for the most part shown in the areas delineated as Natural Heritage (Environmental Protection) Category 2 Lands on Schedule "B".

Policies contained within this section apply specifically to these areas, however, additional policies are contained in this section which pertain to areas such as aquifer recharge/discharge and headwater areas which have yet to be delineated.

60. Based on the descriptions in Sections 16.2.1.1(i) and (ii), the subject lands contain both Category 1 Lands (wetlands and potentially habitat of

endangered and threatened species) and Category 2 Lands (lands situated adjacent to significant wetlands and other Category 1 Lands, unique and significant biologically sensitive wildlife habitat and forests/woodlots). However, the majority of the subject lands are currently designated as Rural and Agriculture with only a small portion of the subject lands designated as Category 2 lands on Schedule A-2 of the Springwater Official Plan.

61. Given Section 16.2.1, now that site specific information has been collected for the subject lands, it would be reasonable to assume that the Town could update their land use designations on Schedule A-2 to be reflective of the extent of Category 1 and 2 Lands that are now known to exist on the subject lands.

62. Section 16.2.1.1(iv) of the Springwater OP defines 'Incompatible Development and Site Alteration' as:

Incompatible development includes both development and site alteration that would negatively impact a natural heritage feature or area. The term "development" encompasses those activities which require approval under the Planning Act, and the term "site alteration" applies to activities that alter the landform or vegetative character of a site.

63. Section 16.2.1.1(v) of the Springwater OP defines 'Negative Impact' as:

Negative Impacts refer to those development or site alteration related activities that result in the loss of the natural feature or ecological functions for which the area was identified.

64. Section 16.2.1.2(i) outlines the Permitted Uses within Natural Heritage (Environmental Protection) Category 1 Lands as follows:

- a) The natural state of these areas is intended to be preserved and maintained to the greatest extent possible. Permitted uses on lands designated Natural Heritage (Environmental Protection) - Category I Lands as shown on Schedule "A" include existing approved agricultural uses. Other uses include forestry, passive outdoor recreation, scientific research and education, wildlife management, and other activities compatible with the conservation and preservation of the natural flora and fauna.

- b) No buildings or structures shall be allowed in Natural Heritage (Environmental Protection) - Category I Lands other than accessory buildings to permitted uses and those structures necessary for flood or erosion control or for conservation purposes as approved by Council in consultation with the appropriate agencies.

65. Section 16.2.1.4.1(c)(ii) of the Springwater Official Plan notes that it is “the policy of this Plan to prohibit development in areas of habitat of endangered or threatened species”.
66. Dougan’s analysis suggests that there is potential for the presence of habitat of endangered or threatened species within the subject lands however, the fieldwork undertaken for the GHD Scoped EIS and Amended EIS is insufficient to confirm presence or absence of such habitat. If such habitat is present, Sections 16.2.1.2(a) and (b) and Section 16.2.1.4.1(c)(ii) of the Springwater Official Plan would not permit the proposed ERRC building or its accessory uses (i.e., access routes, parking areas, etc.) within this habitat.
67. Section 16.2.1.2(ii) outlines the following permitted uses for Category 2 lands:
- a) Permitted uses on lands delineated on Schedule “B” as Natural Heritage (Environmental Protection) - Category 2 Lands are those uses which are permitted by the underlying land use designation provided that such uses conform to the policies of this Plan. The underlying land use designation on the majority of the subject lands is Agriculture.

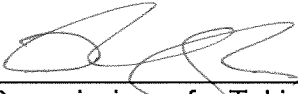
- b) Existing uses at the date of formal approval of this Plan may be recognized in the Zoning By-Law. The extent of any such existing use will be limited in the By-law to an area sufficient to the siting of such uses.
- c) It is the intention of this plan to direct development primarily to established settlement areas. Development in lands delineated Natural Heritage (Environmental Protection) - Category 2 Lands however may be permitted if it can be demonstrated, to the satisfaction of the municipality in consultation with the applicable commenting agencies and approving authorities, that negative impacts on the ecological features or functions of the components of the Natural Heritage System of the Township will not occur. The anticipated impact of development may be demonstrated by a proponent of development through the completion of an E.I.A. (Environmental Impact Assessment). The study requirements for an E.I.A. are contained in section 16.2.4 of this Plan.

68. Based on Section 16.2.1.2(ii)(c), the Springwater OP intends to direct development primarily to settlement areas however, does contemplate development within Category 2 lands if it can be demonstrated that negative impacts on the ecological features or functions of the NHS will not occur.

69. Section 16.2.4.2 (viii) of Springwater's Official Plan notes that, for a development proposal to be acceptable to the Township, the Environmental Impact Assessment shall demonstrate that the proposal will not cause a negative impact on the natural feature or ecological functions for which an area is identified and that the anticipated residual environmental impact complies with the applicable provincial and county policies and guidelines.
70. In summary, although Springwater's Official Plan is not up to date with the most current Provincial and County natural heritage protection policies, it does require a demonstration of no negative impacts to natural heritage features and functions associated with woodlands, wildlife habitat and habitat of endangered and threatened species. As noted above the County has not demonstrated no negative impacts to the ecological features and functions within the Growth Plan NHS, County Greenlands designation and Springwater Natural Heritage (Environmental Protection) Category 1 and 2 Lands specifically: significant woodlands (referred to as forests and woodlots within the Springwater Official Plan), significant wildlife habitat (referred to as unique and significant biologically sensitive wildlife habitat within the Springwater Official Plan) and potentially the habitat of endangered or threatened species (referred to as

significant portion of the habitat of endangered or threatened species
within the Springwater Official Plan).

AFFIRMED BEFORE ME at the
City of Toronto in the Province of
Ontario on this 27th day of March,
2019.



Commissioner for Taking Affidavits
Ramani Nadarajah



JENNIFER LAWRENCE

This is Exhibit....."A".....referred to in the affidavit of...Jennifer.Lawrence..... affirmed before me, this.....twenty-seventh..... day of.....March.....20..19..


A COMMISSIONER FOR TAKING AFFIDAVITS



Jennifer Lawrence, MCIP, RPP

8 Fieldgate Street, Dundas, ON L9H 6M6
(p) 289-442-2829 (e) jennifer@jlplanning.ca (w) www.jlplanning.ca

Professional Experience

Jennifer has over twenty years of experience in the environmental planning field. Jennifer's knowledge of environmental planning legislation coupled with her unique understanding of the complex inter-relationships between land use planning, ecology, engineering, hydrology and urban design allows Jennifer to bring dynamic and creative problem-solving skills to every project. Jennifer's philosophy is to work collaboratively with stakeholders to build understanding as well as consensus and that, in doing so, you will find viable and workable solutions to land use planning proposals that will benefit all aspects of the community. It is on this philosophy that Jennifer founded Jennifer Lawrence and Associates Inc. in 2013.

President
Jennifer Lawrence and Associates Inc.
Dundas, Ontario
July 2013 – present

- Specializing in environmental planning, policy creation and project management
- All types of land use planning proposals including Watershed and Subwatershed Studies, Subwatershed Impact Studies/Environmental Implementation Reports, Official Plan Amendments, Zoning By-Law Amendments, Draft Plans of Subdivision, Master Plans
- Public Sector projects include: Natural Heritage Strategies for municipalities; Watershed and Subwatershed Studies for conservation authorities, decision-making frameworks for Provincial Ministries; on-demand planning services for Provincial agencies; research projects for Federal Ministries; and, review of Environmental Implementation Reports, Official Plan Amendments, Zoning By-law Amendments and representation at the Ontario Municipal Board for conservation authorities
- Private sector projects include: providing strategic advice and coordination on complex projects involving multi-disciplinary teams to ensure effective communication and understanding of environmental policy and regulatory requirements; and, assisting private landowners through the environmental planning and regulatory approvals process

Education

Bachelor of Environmental Studies
Honours Environment and Resource
Studies (BES)
University of Waterloo
1994

Professional Designations

Ontario Professional Planners Institute
and Canadian Institute of Planners
(MCIP, RPP)

Professional Background

July 2013 – Present
President
Jennifer Lawrence and
Associates Inc.

2007-2013
Manager, Environmental Planning
Conservation Halton

2002-2007
Coordinator, Environmental Planning
Conservation Halton

1995-2002
Environmental Planner
Conservation Halton

1993 and 1995 (contract)
Planning Technician,
Plan Administration
Niagara Escarpment Commission

Nottawasaga Valley Conservation Authority Integrated Watershed Management Plan (on-going)

Jennifer Lawrence and Associates Inc., is part of a multi-disciplinary team, led by Ecosystem Recovery Inc., responsible for the preparation of an Integrated Watershed Management Plan for the NVCA. The purpose of the Plan is to gather information and engage stakeholders in a process that will ultimately provide recommendations related to water quality and quantity, flood and erosion management, biodiversity and habitats, sustainable economic and recreation opportunities and a greater ability for the watershed to adapt to the impacts of climate change, urbanization and other stressors. Jennifer is responsible for agency and stakeholder consultation as well as report writing.

Tremaine and Dundas Secondary Plan Subwatershed Study Update, City of Burlington (2016-2018)

Jennifer Lawrence and Associates Inc., in collaboration with Urbantech Consulting, Beacon Environmental, GeoProcess Research and AMEC FW, were asked by the City of Burlington to update the 2009 Subwatershed Study to address changes in planning policy at the Provincial, Regional and local level. Jennifer was responsible for project management, report writing and liaising with approval agencies to prepare the update.

Black Creek Subwatershed Study, Phase 3, Implementation, Management and Monitoring Plan, Credit Valley Conservation (2016-2018)

Jennifer Lawrence and Associates Inc., in collaboration with Ecosystem Recovery Inc., was retained by the CVC to create the final phase of the Black Creek Subwatershed Study to develop an Implementation, Management and Monitoring Plan. Jennifer was responsible for the implementation component including a policy and legislation review and analysis to recommend appropriate tools to implement the management recommendations. Jennifer was also responsible for stakeholder consultation.

Natural Heritage Services on an Emergent Basis, Metrolinx (2013-2018)

Jennifer Lawrence and Associates Inc. is part of a team, led by Dougan and Associates, retained by Metrolinx to provide consultation services and technical advice regarding natural heritage features for various construction projects. Jennifer's role is to provide Environmental/Land Use Planning services.

Vendor of Record for Natural Heritage Services, Infrastructure Ontario (on-going)

Jennifer Lawrence and Associates Inc. is part of a team led by Dougan and Associates to provide natural heritage consulting services to Infrastructure Ontario. As the team's land use / environmental planner, Jennifer is responsible for public and agency consultation and providing natural heritage and land use planning advice on any project that triggers the need for an assessment or study of natural heritage features.

Peer Review of Environmental Impact Statements, County of Elgin (on-going)

Jennifer Lawrence and Associates Inc. is part of a team led by Dougan and Associates to provide peer review of Environmental Impact Studies, submitted to the County of Elgin, in support of *Planning Act* applications. Jennifer's role on the team is to provide input into the Terms of Reference or Issues Scoping Reports to identify those Provincial and Municipal natural heritage policies that must be addressed in the applicant's study and to provide peer review advice as to whether the study addresses the required policies.

Landscapes of Southern Ontario: Summary of Southern Coastal Plain, Canadian Wildlife Service, Environment Canada (2015 - 2016)

Jennifer Lawrence and Associates Inc. was retained by the Canadian Wildlife Service to research and summarize the agencies, organizations, projects and programs addressing the protection and conservation of species and habitats. The database is intended to be used by Environment Canada to inform federal funding programs.

Fully Accounting for Canada's Conservation Lands: Systematic Conservation Plans in Ontario, Canadian Wildlife Service, Environment Canada (2014-2015)

Jennifer Lawrence and Associates Inc. was retained by the Canadian Wildlife Service to develop a database and complementary report documenting all Systematic Conservation Plans in Ontario. The database is intended to be used by Environment Canada to inform the National Conservation Plan.

Environmental Flow Regime Decision-Making Framework, Ministry of Natural Resources (2014-2015)

Jennifer Lawrence and Associates Inc., in collaboration with Matrix Solutions, Parish Geomorphic and Dr. Andrea Bradford, was retained by the MNR, to develop a Guide for Environmental Flow Regime in Ontario. Jennifer was responsible for creating the decision-making framework component of the guide which focuses on incorporating environmental flows into the water quantity decision-making process in southern Ontario. Jennifer organized and facilitated several meetings across southern and south-central Ontario to gather input from municipalities, conservation authorities, consultants and non-profit organizations involved in water quantity decision-making.

Natural Heritage Implementation Strategy, Municipality of Chatham-Kent (2013-2014)

Jennifer Lawrence and Associates Inc. was retained to prepare a Forest Conservation Policy in response to Council's request to investigate an alternative to a tree cutting by-law. Discussions with municipal and Conservation Authority staff, non-profit organizations and Jennifer's previous experience, resulted in the policy evolving into a more comprehensive Natural Heritage Implementation Strategy. The creation of the strategy involved collaborating with agency and non-profit staff to develop implementation actions that will enable the agencies to protect and enhance natural heritage features within the community.

Milton Heights Community Engagement, Conservation Halton (2013-2014)

Jennifer Lawrence and Associates Inc. was retained by Conservation Halton to represent their interests in an Ontario Municipal Board hearing and associated mediation. Jennifer identified the need to engage the local community to provide them an opportunity to share their concerns as well as to assist the community in gaining a better understanding of the natural heritage decisions that the public agencies made during the OMB mediation sessions. Jennifer organized a community meeting with the objective of building trust and improving communication between Conservation Halton and the Milton Heights community.

Environmental Implementation Reports / Functional Servicing Studies and Subwatershed Impact Studies (on-going)

Jennifer Lawrence and Associates Inc. is involved in the preparation, coordination and presentation of numerous Environmental Implementation Reports / Functional Servicing Studies and Subwatershed Impact Studies, prepared on behalf of private developers for large-scale subdivision applications in Burlington, Oakville, Milton and Mississauga. These studies provide a characterization of existing and proposed conditions, management recommendations and monitoring requirements.

Additional Experience

Manager, Environmental Planning Watershed Management Services Halton Region Conservation Authority (Conservation Halton) Burlington, Ontario

August 2007 to June 2013

Responsible and accountable for plan review, peer review for municipal partners, file administration and correspondence for Official Plan Amendments, Zoning By-Law Amendments, Niagara Escarpment Plan Amendments, Parkway Belt West Plan Amendments, Plans of Subdivision / Condominiums, Secondary Plans, Watershed / Subwatershed Studies and Environmental Assessments. Responsible for providing evidence at Ontario Municipal Board, Joint Board and Mining and Land Commissioner Hearings. Responsibilities also included:

- Supervision, training, development and performance reviews of 7 staff including Environmental Planners and Planning Technicians assigned to the Plan Input and Review Program and Watershed Permit Analyst assigned to the Permit Review Program;
- Coordination of Plan Input and Plan Review with staff in Watershed Engineering Services and Watershed Planning Services;
- Reviewing and updating Conservation Halton's planning policies as they pertain to Conservation Halton's role in plan input and review as well as reviewing and updating Conservation Halton's regulatory policies related to Ontario Regulation 162/06 under Section 28 of the *Conservation Authorities Act*;
- Preparing reports and presenting to Conservation Halton's Board of Directors; and

- Reviewing and participating in inter-agency advisory committees involving municipal, regional, conservation authority and provincial representatives.

**Coordinator, Environmental Planning, Watershed Management Services
Halton Region Conservation Authority
(Conservation Halton)
Burlington, Ontario**
April 2002 to August 2007

**Environmental Planner, Watershed Management Services
Halton Region Conservation Authority
(Conservation Halton)
Burlington, Ontario**
October 1995 to April 2002

**Planning Technician, Plan Administration
Niagara Escarpment Commission
Georgetown, Ontario**
June to September 1995 and May to September 1993

Ontario Municipal Board Hearings and Mediation

Vail v. Town of Oakville - OMB File: Z010039

Central Milton Holdings Limited and 665497 Ontario Ltd v. Region of Halton, NEC, Town of Milton and Halton Region Conservation Authority - Joint Board File: 99-036

599 Lyons Lane v. Town of Oakville and Conservation Halton - OMB File: PLO80691

Milton Heights Landowners Group v. Town of Milton, Region of Halton and Conservation Halton - OMB File: PL101316

Waterdown Bay v. City of Hamilton and Conservation Halton - OMB File: PLO61186

**City of Hamilton v. Various appellants
OMB File: PL090114**

Professional Courses

AODA Accessible Customer Service Regulation E-Training (2016)
Public Health and Planning 101 (2016)
Excel Thru Learning (2012)
Management/Leadership Training (2011)
Managing For Performance (Watmec, 2008)
Leading Change Agility (Watmec, 2007)
Excelling as a First-Time Manager or Supervisor (SkillPath Seminars, 2006)
Supervisors Workshop (2003)
Planner at the Ontario Municipal Board (OPPI, 2003)
Negotiation and Mediation (OPPI, 2000)
Inspiring Individual Leadership (McMaster University, 2000)

Presentations

Leadership and Emotional Intelligence
Credit Valley Conservation Lean In Session
December 2015

Canadian Water Resources Association
Environmental Flows Decision-Making Framework
November 2015

Hamilton Naturalist's Club, Planning for Nature,
January 2015

Carolinian Canada Ecosystem Recovery Forum,
Chatham-Kent Natural Heritage Implementation Strategy, October 2014



Ontario
 Local Planning Appeal Tribunal
 Tribunal d'appel de l'aménagement local

This is Exhibit "B" referred to in the affidavit of Jennifer Lawrence affirmed before me, this twenty-seventh day of March 2019.

Ramarsi Nadlerjahn
 COMMISSIONER FOR TAKING AFFIDAVITS

ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number PL190022	Municipality Hamilton
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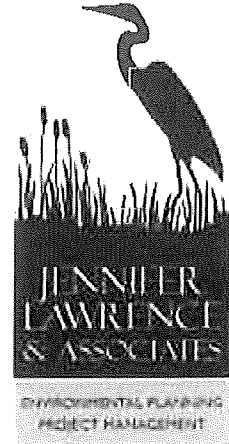
1. My name is Jennifer Lawrence. I live in the city of Hamilton, in the province of Ontario.
2. I have been engaged by or on behalf of, Friends of Simcoe Forests Inc. to provide evidence in relation to the above-noted LPAT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date: March ²⁷ 28, 2019

J Lawrence
 Signature

This is Exhibit....."C".....referred to in the
affidavit of.....Jennifer Lawrence.....
affirmed before me, this..twenty-seventh.....
day of.....March.....20..19..


.....
Ramani Nadarajan A COMMISSIONER FOR TAKING AFFIDAVITS



June 5, 2017

Friends of Simcoe Forests Inc.
c/o Mrs. Mary Wagner
2928 Horseshoe Valley Road West
Phelpston, ON
L0L 2K0

Dear Mrs. Wagner:

**Re: County of Simcoe Environmental Resource Recovery Centre
Regional and Local Official Plan Amendment and Zoning By-Law Amendment
Files: SC-OPA-1602, OP-2016-005 and ZB-2016-021
2976 Horseshoe Valley Road West
Township of Springwater**

Further to my letter dated April 28, 2017, I have had an opportunity to complete my review of the background documents and amendment application. This letter builds on the findings in my earlier letter and provides some additional detail.

I have reviewed the following reports, prepared by the County of Simcoe, in support of the above noted applications:

- *County of Simcoe Materials Management Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria*, prepared by Conestoga-Rovers & Associates, dated February 2015;
- *County of Simcoe Organics Processing Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria*, prepared by Conestoga-Rovers & Associates, dated February 2015;
- *County of Simcoe – Materials Management Facility, Part 2 – Long List Evaluation*, prepared by GHD, dated July 12, 2015;
- *County of Simcoe – Organics Processing Facility, Part 2 – Long List Evaluation*, prepared by GHD, dated July 23, 2015;
- *County of Simcoe Organics Processing Facility, Materials Management Facility and Co-Located Facility, Part 3 – Short List Evaluation*, prepared by GHD, dated February 26, 2016;
- *Scoped Environmental Impact Study, Proposed Environmental Resource Recovery Center, Springwater, Ontario*, prepared by GHD, dated November 17, 2016;
- *Planning Justification Report, Proposed Environmental Resource Recovery Center, Springwater, Ontario*, prepared by GHD, dated November 17, 2016;
- *Agricultural Impact Assessment Report*, prepared by AgPlan, dated November 16, 2016;

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- *Environmental Resource Recovery Centre 'Get the Facts', 2976 Horseshoe Valley Road West, Springwater, County of Simcoe, September 2016;*
- *County of Simcoe Environmental Resource Recovery Centre, Summary of Consultation and Notification (to December 2016); and,*
- *Neighbourhood Landowner Meeting, Final Meeting Notes and Follow-Up, Thursday September 8, 2016.*

In preparing my professional opinion on the proposal, I have also referenced the following documents:

- *Planning Act and Provincial Policy Statement (2014)*
- *Environmental Assessment Act, Ontario Regulation 101/07 and the Guide to Environmental Assessment Requirements for Waste Management Projects*
- *Simcoe County Official Plan (2016)*
- *Springwater Official Plan (1998) and Comprehensive Zoning By-Law (2004)*
- *Ministry of Environment and Climate Change Statement of Environmental Values*
- *Simcoe County Forests 2011-2030*
- *Guidelines for the Siting and Operation of Waste Transfer Stations, Nova Scotia Environment and Labour, 2006*
- *Environmental Standards for Municipal Solid Waste Transfer Stations / Local Waste Management Facilities, Guidance Document, Newfoundland and Labrador, 2010*
- *Waste Transfer Stations: A Manual for Decision-Making, United States Environmental Protection Agency, 2002*
- *Letter to Friends of Simcoe Forests Inc., prepared by Dougan and Associates Inc., dated June 2, 2017; and,*
- *Letter to County of Simcoe from Nottawasaga Valley Conservation Authority, dated March 2, 2017, NVCA ID #30106*

Overview

In 2010, the County of Simcoe approved a Solid Waste Management Strategy. Within that strategy, it was recommended that the County assess the development of a central composting facility as well as assess the long-term requirements for collection and processing of organics and recycling and waste export. The Strategy further recommended that consideration be given to developing a transfer station type facility. In August 2014, County Council endorsed Conestoga-Rovers & Associates (CRA) to determine an optimal site for a transfer facility, referred to as a Material Management Facility (MMF) as well as an Organics Processing Facility (OPF). The siting for these two facilities began as independent searches with specific, but similar, siting criteria. The methodology and evaluation criteria for siting the MMF and OPF is outlined in the CRA reports entitled *County of Simcoe Materials Management Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria* (February 2015) and the *County of Simcoe Organics Processing Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria* (February 2015), respectively. The purpose of the Part 1 studies was the same for both the OPF and the MMF; that is, the Part 1 study was to establish the framework for how the potential sites would be identified and evaluated by defining the search area, identifying a comprehensive list of candidate sites

(including County-owned and privately owned sites) and establishing a series of criteria to screen and evaluate potential sites. The Part 1 study created a list of exclusionary criteria that would be used to screen the comprehensive list of candidate sites. This exclusionary criteria is referred to as Screen 1. Screen 1 was applied to arrive at a long list of sites which would then be screened against a second set of criteria referred to as Screen 2.

The next set of reports are the Part 2 – Long List Evaluations for the MMF and OPF, prepared by GHD (formerly CRA), dated July 12 and July 23, 2015, respectively. The Part 2 reports include the Screen 2 criteria that were used to create a short list of sites which were then vetted through the final screen, referred to as Screen 3.

The final report associated with the siting process is the *Part 3 – Organics Processing Facility, Materials Management Facility and Co-Located Facility Short List Evaluation*, prepared by GHD dated February 26, 2016. This report combines the OPF and MMF selection process into one document and evaluates the short list of properties, identified in the respective Part 2 reports, to determine whether it is appropriate to continue siting these facilities independently or whether it would be appropriate to co-locate the two facilities on one site. Screen 3 was applied to the short-listed sites and each were subjected to a comparative evaluation process to identify a preferred location that has an appropriate balance of strengths (advantages) and weaknesses (disadvantages) and evaluated to determine how well the site satisfies the goals and objectives of the project. Of note, the comparative evaluation did not include site specific Environmental Impact Studies for each site to determine whether they could meet the federal, provincial, County and local natural heritage policies. Rather, this evaluation was deferred until the preferred site was selected. A preferred location for the co-located site is identified in the Part 3 report as 2976 Horseshoe Valley Road in Springwater, a wooded parcel known as the Freele County Forest. The Freele County Forest was purchased by the County in 1948 with the majority of the planting completed in 1949¹. In addition to the OPF and MMF, the preferred site is also intended to include a Solid Waste Management truck servicing area, a public education area and the potential for future expansion to include a recycling sorting facility. These additional uses were noted in the Part 1 reports but not mentioned specifically in either the Part 2 or 3 reports.

The preferred site is within the Greenlands designation of the County of Simcoe Official Plan. Waste disposal sites are not a permitted use within the Greenlands designation so the County has initiated an Official Plan Amendment (SC-OPA-1602). The proposed amendment is as follows:

- Modifying Schedule 5.6.1 by (a) renaming Schedule 5.6.1 "County Waste Disposal Sites" to Schedule 5.6.1 "County Waste Management System"; (b) adding Environmental Resource Recovery Centre to the legend; and, (c) adding a symbol for Environmental Resource Recovery Centre to the Schedule within Part Lot 2 Concession 1 Springwater Township.

¹ Website. <http://www.simcoe.ca/SolidWasteManagement/Pages/ERRC/What-is-the-history-of-the-Freele-Tract.aspx>. Obtained April 13, 2017.

- The addition of the following Section and text after Section 4.9.17:

*Section 4.9.18, Environmental Resource Recovery Centre
Part of Lot 2, Concession 1, Springwater (2976 Horseshoe Valley Road)*

Permitted uses on a portion of Part of Lot 2, Concession 1, Springwater Township (2976 Horseshoe Valley Road) as identified on Schedule 5.6.1 as Environmental Resource Recovery Centre shall include facilities for the purpose of the consolidation and transfer of various waste streams such as organics, recyclable materials and non-hazardous household garbage, processing of organic green bin materials under controlled conditions for conversion into other materials. Other ancillary uses would include a public education area, truck maintenance and servicing area and facility administration area. The temporary storage of waste is permitted on the lands but no permanent disposal of waste materials or landfilling of any kind is permitted within the lands subject to Section 4.9.18.

The County has also submitted applications to the Township of Springwater for an Official Plan and Zoning By-Law Amendment (OP-2016-005 and ZB-2016-021). Within the Springwater Official Plan (OP), the site is designated Rural and Agriculture on Schedule A-2 and Environmental Protection Category 2 on Schedule B. Section 2.20.4 of the OP requires that the establishment of new waste disposal sites shall require an amendment to the Official Plan. The property is zoned "A" Agriculture in the Springwater By-law 5000. The Agricultural zone does not permit waste disposal sites which has triggered the need for a Zoning By-Law Amendment.

In addition to the three site selection reports, supporting documentation has been prepared for the preferred site as part of the Official Plan and Zoning By-Law Amendment applications. These include a Scoped Environmental Impact Study, Planning Justification Report, Agricultural Impact Assessment and Hydrogeological Assessment.

Below is a review and assessment of the supporting documentation that ultimately led to the selection of the preferred location as well as the site-specific reports prepared for the preferred site.

Part 1 – Planning – Siting Methodology and Evaluation Criteria MMF and OPF Reports (CRA, February 2015)

The methodology and evaluation criteria in both studies are similar so, when providing my review, I will refer to them as if they are one document, unless there is a specific item that is relevant to only one of the reports, in which case I have referenced that specific report.

Executive Summary (OPF) – the summary notes that aerobic composting is being considered as part of the Phase I development of a site and that anaerobic digestion will be considered as part of a future expansion (Phase II). The Concept Plan (Figure 3.1) that was eventually prepared by GHD, dated November 15, 2016 as part of the OPA and ZBLA identifies an area of 1.0ha for an OPF. It is unclear whether this 1.0ha can accommodate both an aerobic and an anaerobic composting facility. The Concept Plan does not identify a location for any future expansion to accommodate anaerobic digestion. It is unclear whether anaerobic digestion would require

additional setbacks to sensitive land uses, to those considered for aerobic composting, and/or whether Phase II would result in sufficient quantities of waste being shipped to the site so as to trigger an Environmental Assessment. This requires further explanation.

Section 1.3 (Goals and Objectives) states that, in order to ensure that the optimal location is identified for the facility, the siting process should:

- Follow a clearly defined methodology
- Meet all applicable regulations and standards
- Be consistent with best practices
- Consider relevant evaluation criteria
- Provide opportunities for stakeholder input

Within this same section, it is noted that the general approach has been modeled on the Ministry of Environment and Climate Change (MOECC) Statement of Environmental Values (SEV) which, as stated in **Section 4.1** is, an "*Ontario with clean and safe air, land and water that contributes to healthy communities, ecological protection, and environmentally sustainable development for present and future generations*". **Section 2.2.1** goes on to state the mandate of the MOECC as being "*to ensure protection and, where degraded, rehabilitation of the natural environment, and the conservation of environmental and material resources for the enjoyment and benefit of present and future generations of people, as well as for other users of the environment*". Within **Section 4.1**, the report goes on to state that, in this regard, the siting and development of the facilities will be based on:

- Prevention, reduction, and elimination of impacts to the environment
- Protection and conservation of natural resources and ecologically sensitive areas
- Integration of social, economic and other considerations
- Provision of opportunities for an open and consultative process

A significant emphasis is placed on the MOECC SEV and MOECC mandate at the outset of this siting process which leaves the reader with the impression that the siting of these facilities will take an 'environment-first' approach whereby the protection and conservation of natural heritage features will be a top priority in the site selection process.

The report notes that an evaluation was undertaken at the beginning of the process to determine whether the facilities should be subject to the requirements of the *Environmental Assessment Act* (EAA) or Ontario Regulation 101/07 (Waste Management Projects). The reports conclude that, since neither facility will transfer, on an annual basis, an average of more than 1,000 tonnes of residual waste per day from the site for final disposal, they will not require any EAA approvals as they are not designated as an undertaking to which the Act applies. I have reviewed O.Reg. 101/07 as well as the *Guide to Environmental Assessment Requirements for Waste Management Projects*, prepared by the Ministry of Environment, dated March 15, 2007 and, in my opinion, this determination is correct. Although the consulting team concludes that an Environmental Assessment is not required, **Section 2.2** states that they intend to follow the EA process closely

given that the public can request that the application be subjected to a discretionary hearing and/or be designated under the EAA.

Given that the EAA does not apply, I would expect that the Siting and Methodology Criteria would then defer heavily to the *Planning Act* requirements, given that any future applications would be subject to *Planning Act* approvals (i.e., Official Plan Amendment, Zoning By-Law Amendment, Site Plan) and that Section 4.9.8 of the County OP specifically highlights the need for the establishment of waste disposal sites to be in accordance with the *Planning Act*. However, the Part 1 reports do not speak in any detail to the *Planning Act* or the PPS. **Section 2.2** (Regulatory Framework) of both reports outline in some detail the EAA, the *Environmental Protection Act* (EPA) and the *Ontario Water Resources Act* (OWRA) but only mentions in passing that standard municipal approvals such as building permits and site plan approval will be required and that the *Planning Act* establishes land use by way of Official Plans at the County and local level and through zoning by-laws at the local level. There is no mention of the potential for an Official Plan or Zoning By-Law Amendment as part of the OPF/MMF siting process and there is no detailed description of the *Planning Act* or the requirement for planning authorities to be consistent with the policies of the Provincial Policy Statement (PPS). **Section 4.2.2** (Evaluation Criteria) in both reports, does not include the *Planning Act* or PPS in the list of technical guidance documents that were used to create the evaluation criteria. In my opinion, this is a critical oversight at this preliminary stage of establishing methodology and evaluation criteria that is carried through the remainder of the study stages, resulting in the selection of locations based on criteria that is not in-keeping with the requirements of the PPS.

In the absence of this specific policy and legislative analysis in the MMF and OPF Part 1 documents, I provide the following brief outline of the *Planning Act* and its associated requirements:

Planning Act and Provincial Policy Statement

The purposes of the *Planning Act* are set out in Section 1.1 of the Act as follows:

- a. to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- b. to provide for a land use planning system led by provincial policy;
- c. to integrate matters of provincial interest in provincial and municipal planning decisions;
- d. to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- e. to encourage co-operation and co-ordination among various interests;
- f. to recognize the decision-making authority and accountability of municipal councils in planning.

Section 2 of the Act outlines those areas of Provincial interest that municipalities must have regard to and Section 3 of the Act further states that the Minister may issue policy statements on matters relating to municipal planning that are of provincial interest. Specifically, Section 3(5) requires that:

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and*
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. (emphasis added)*

In addition to Section 3(5), Section 3(6) requires that:

Comments, submissions or advice affecting a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date the comments, submissions or advice are provided; and*
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. (emphasis added)*

The PPS is issued under the authority of Section 3 of the *Planning Act* and came into effect on April 30, 2014. Based on the requirements of the Act, any exercise of any authority that affects a planning matter “**shall be consistent with**” policy statements issued under the Act. Prior to the 2014 PPS, the 2005 PPS was in effect. Given that this project started in 2014, the 2014 PPS is applicable to the decision-making process however, as explained later, some of the planning documents being referred to by GHD were prepared pursuant to either the 2005 PPS or, in the case of the Springwater Official Plan (OP) and Comprehensive Zoning By-Law (CZBL), prior to the 2005 PPS.

Section 4.7 of the 2014 PPS notes that the OP is the most important vehicle for the implementation of PPS policies and that OPs shall identify provincial interests and set out appropriate land use designations and policies. It is further noted that, to determine the significance of some natural heritage features and other resources, evaluation may be required. Section 4.7 goes on to state that OPs shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas and that, to protect these interests, planning authorities shall keep their OPs up-to-date with the PPS. Of note, the Section also states that the policies of the PPS continue to apply after adoption and approval of an OP. In other words, when reviewing an application, even if an OP has been approved by the Province pursuant to the PPS, the PPS policies must still be reviewed when considering any application.

Section 4.8 of the PPS notes that zoning and development permits are important for implementation of the PPS and that planning authorities shall keep their zoning and development permit by-laws up to date with their OPs and the PPS.

Sections 4.7 and 4.8 are key considerations when assessing any planning application as it is important to know under which PPS (2005 or 2014) the OP and ZBL were created and whether those policy documents have had an opportunity to catch up to the requirements of the most current PPS, through an OP and CZBL Review. The Simcoe County OP was approved by Council

on November 25, 2008 (with an updated version approved by Council on January 22, 2013) and approved by the OMB on December 29, 2016. One of the challenges facing the study team was the fact that, while Council had approved the new OP, it was not yet in force due to the OMB appeal. As a result, the study team refers to both the in force (i.e. older) OP as well as the Council approved OP in the reports. From a natural heritage perspective, the in force OP was much less restrictive, in terms of both policy and mapping, and included a Greenlands designation that only identified Provincially Significant Wetlands as features to be protected whereas, the Council approved OP took a natural heritage system approach to defining the Greenlands designation, as required by the 2014 PPS, which resulted in significantly larger areas of the County being identified in this more restrictive designation.

The Springwater OP was approved by Council on October 6, 1997 and by the OMB on January 28, 1998. The Springwater CZBL was approved by Council on August 5, 2003 and by the OMB on May 1, 2004 with mapping and text changes in January 2014. As such, the Springwater OP and ZBL will need to be updated to reflect the policy requirements of the upper tier municipal OP as well as the 2014 PPS. Springwater Township launched their OP Review in the fall of 2016 with the intention of having an updated OP by Spring 2018². Regardless, the 2014 PPS applies to all the background documents prepared in support of the County's planning applications related to the MMF/OPF site however, the County and local OP policies are at various stages of conformance with the PPS.

With respect to Natural Heritage Resources, the PPS requires municipalities to use a natural heritage system approach to planning. Section 2.0 of the PPS provides a preamble to the natural heritage policies, outlining the Province's vision for the wise use and management of resources. Specifically, the preamble reads:

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

The PPS natural heritage policies that, in my opinion, should have been outlined in the Part 1 reports and carried into the evaluation criteria in Table 4 (Criteria Rationale) in each report, are outlined below:

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

² Website. http://www.springwater.ca/municipal_services/planning_development/official_plan_review/. Obtained from website April 16, 2017.

2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.

2.1.4 Development and site alteration shall not be permitted in:
a) significant wetlands in Ecoregions 5E, 6E and 7E; and,
b) significant coastal wetlands.

2.1.5 Development and site alteration shall not be permitted in:
a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;
b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
d) significant wildlife habitat;
e) significant areas of natural and scientific interest; and
f) coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4(b)

unless it is demonstrated that there will be no negative impacts on the natural features or their ecological functions.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The PPS effectively creates a list of features that are 'no touch', such as Provincially Significant Wetlands (PSWs), fish habitat (subject to federal/provincial requirements) and habitat of endangered and threatened species (subject to federal/provincial requirements) as well as a list of features whereby development and site alteration *may be* permitted however, the onus is on the proponent to demonstrate that there will be no negative impacts on the natural features or their ecological functions. The importance however, of Policies 2.1.1 and 2.1.2 cannot be overlooked. Policy 2.1.1 states that it is the Province's intention that natural features and areas be **protected in the long term** while Policy 2.1.2 expands on this by stating that the long-term ecological function and biodiversity of natural heritage systems should be **maintained, restored or, where possible, improved**. This requires a comprehensive consideration of natural heritage features and functions and one cannot simply focus on the 'no touch' areas identified in Policies 2.1.4, 2.1.6 and 2.1.7 when evaluating impacts to a natural heritage system.

In establishing the evaluation criteria, **Section 2.3** of the reports states that, "GHD considered the evaluation criteria presented in various technical guidance documents applicable to the proposed undertaking (i.e., guidelines for siting/establishing waste transfer stations from other provinces including Nova Scotia and Newfoundland and Labrador and *Waste Transfer Stations: A Manual for Decision Making from the United States Environmental Protection Agency*". Again, given the requirement for planning authorities to be consistent with the PPS policies, and the requirement in Policy 4.9.8 of the County OP that the establishment of waste disposal sites be in accordance with the *Planning Act*, it is concerning that reference is made to guidelines from other Provinces and the U.S., but not specifically to Ontario's *Planning Act*, the PPS or the natural heritage guidelines released in support of the PPS including the Ministry of Natural Resources and Forestry (MNR) *Natural Heritage Reference Manual 2nd Edition (2010)* and the MNR *Significant Wildlife Habitat Technical Guide (2000)*.

Figure 3 in the reports is of significance when understanding the Screen 1 Evaluation Criteria and how it compares to the requirements of the PPS. Eight categories of criteria are included on the figure with an associated description (emphasis added):

- Suitability – **meets** minimum size requirement (OPF 13ha; MMF 7ha; facility and buffer)
- Surface Water – **avoids** wetlands and flood plains
- Groundwater – **avoids** Source Water Protection Areas
- Agricultural – **avoids** confirmed Prime Agricultural Areas (Specialty Crop Areas, Class 1, 2 and 3 Agricultural lands with noted exemptions)
- Terrestrial – **considers** impacts to County Greenlands, Niagara Escarpment and Oak Ridges Moraine areas with noted exemptions
- Sensitive Receptors – **avoids** sensitive receptors (e.g. residential areas, parks, recreational areas, and institutions)
- Archaeological – **avoids** known archaeologically significant areas;
- Heritage – **avoids** areas of known important cultural heritage.

In contrast to the other seven criteria, the Terrestrial criteria does not include the term 'avoid' but rather 'consider' impacts to County Greenlands, Niagara Escarpment and Oak Ridges Moraine areas. County Greenlands, at the time of the 2015 reports were only PSWs as per the in-force OP land use designations but included all the features listed in PPS policies 2.1.4 – 2.1.7 in the Council-approved OP.

In my opinion, for the siting methodology and evaluation criteria to be consistent with the PPS, and to be transparent as a decision-making tool, the report should have included reference to the *Planning Act* and the relevant PPS policies in Sections 2.2 and 4.2.2 of the Part 1 reports. In addition, to be consistent with the PPS, Screen 1 exclusionary criteria should have been to, at a minimum, **avoid** the habitat of endangered and threatened species, in addition to PSWs and floodplains. However, in addition to those exclusionary criteria, given: (1) the screening size criteria of the two facilities, including facility and buffer (OPF 13ha; MMF 7ha); (2) the purported reliance on the MOECC SEV; (3) the four principles upon which the siting and development of the facilities are to be based on; and, (4) the PPS natural heritage requirements, it would seem reasonable to assume, in an effort to be conservative, that a facility of the anticipated size(s)

would likely not be able to be constructed within an area of natural heritage significance without having a negative impact on the natural features or their ecological functions. As such, to be conservative, it would have been appropriate to eliminate any sites meeting these criteria, through Screen 1. Alternatively, if the County wanted to keep their options open with respect to undertaking additional environmental evaluations (as provided for in PPS Policy 2.1.5), certain natural heritage features could have been included in the evaluation criteria and, if properties passed all other exclusionary criteria, the property could have been carried forward to the Part 2 study for further consideration and closer and more detailed environmental evaluation. However, this additional evaluation during the Part 2 study would need to include natural heritage features and functions related specifically to significant woodlands, significant wildlife habitat, fish habitat, significant valleylands and areas of natural and scientific interest.

Section 4.4.2 outlines the net effects analysis that will be undertaken on the short-listed sites. Of interest, the term 'net effect' is based in the EAA however, the PPS does not allow for 'net effect' to be considered. To be consistent with the PPS, an application must demonstrate ***no negative impact*** to the natural heritage feature and function. The provision of mitigation measures (or net effects) can only be considered after no negative impact has been demonstrated and cannot be used to assist with demonstrating no negative impact. In determining the net effects, the reports indicate that, *after* the Avoidance, Mitigation, Compensation and Enhancement (AMCE) measures are applied to the short-listed sites, the remaining net negative and net positive effects will be determined. This approach allowed for sites to remain on the short-list even though they may not meet the requirement of 'no negative impact' as required in the PPS, County OP and Springwater OP. The reports defer the detailed evaluation of no negative impact to the Environmental Impact Study only after the preferred site is selected. By doing so, the County created a decision-making matrix that could end up identifying a preferred site that may not be able to meet the 'no negative impact' test under the PPS, County and Springwater OPs.

The following is a summary of the issues raised with respect to the Part 1 documents:

1. The document does not contain sufficient reference to the *Planning Act* and PPS;
2. Screen 1 Evaluation Criteria should have, at a minimum, included the avoidance of the habitat of endangered species and threatened species. Without this criterion, the Screen 1 evaluation is not consistent with the PPS;
3. Screen 1 Evaluation Criteria could have taken a conservative approach and eliminated all sites within the Council approved Greenlands designation;
4. When establishing evaluation criteria, reference is made to technical documents from other Provinces and the United States with no apparent reference to technical documents created pursuant to the PPS for evaluating impacts to natural heritage features and functions;
5. Screen 3 evaluation criteria refer to 'no net effects' which is not the same as the 'no negative impact' test established by the PPS. As such, the Screen 3 evaluation is not consistent with the PPS, County of Simcoe OP and Springwater OP.

Part 2 – County of Simcoe – Materials Management Facility – Long List Evaluation (GHD, July 12, 2015) and Organics Processing Facility – Long List Evaluation (GHD, July 23, 2015)

As with the Part 1 reports, the content of the MMF and OPF reports are essentially the same and, as such, are referred to as one report unless otherwise noted.

The Part 2 reports apply the Screen 1 exclusionary criteria process to candidate sites and then apply another layer of screening to narrow the sites further. For both the MMF and OPF, a total of 502 sites (302 County-owned sites and 200 privately-owned sites) were evaluated against the Screen 1 criteria. Of the 302 County-owned sites, 249 of the sites (82.5%) were County Forests. Stated in another way, 50% of all sites considered for the MMF and OPF were covered in woodland.

Section 2.3.2 of the Part 2 report outlines that there were certain exemptions that were considered during the application of the Screen 1 evaluation criteria. Sites that were exempt from meeting a given criteria were allowed to pass Screen 1 and were to be evaluated in greater detail in Screen 2. The report states the following:

Given that a number of the potential sites that are County-owned are forest tracts, or “Greenlands” under the County’s Official Plan, an exemption was reviewed for this type of site. County-owned Greenlands sites that met the rest of the Screen 1 criteria were carried forward to Screen 2 in order to confirm the current land use and the Official Plan designation of the lower-tier municipality. Further the County’s Official Plan does allow for developments to re-designate lands in the Greenlands designation if an EIS is prepared and demonstrates:

- i) That the subject lands do not contain natural features, or if they do, that the proposed development or site alteration will have no negative impacts on those natural features or their ecological functions or to natural features or their ecological functions on adjacent lands.*
- ii) That the lands are not required as a connection or ecological function to the natural heritage systems.*

This is a critical piece to the decision-making framework that sets up a problematic evaluation methodology. The first problem is that sites with significant natural heritage features and functions were exempt from Screen 1 on the basis that there would be a more rigorous environmental evaluation during Screen 2 however, the Screen 2 Environmental evaluation criteria (as outlined below on pages 19-20), does not include any natural heritage feature/function criteria for the sites to be screened against.

The second problem results from the expressed preference to find a site that is already owned by the County. Given that the vast majority of the candidate County landholdings (82.5%) are County Forests, the study team must work around PPS and OP policies that would, in almost all cases, direct them to look for sites outside of the natural heritage system before ever considering the placement of such infrastructure within a natural heritage feature or system. As a result, GHD relies on Policy 3.3.6 of the County OP (2016) which states the following:

- 3.3.6** Where feasible, and subject to local municipal policies and bylaws, infrastructure and passive recreational uses may be located in any designation of this Plan, subject to Sections 3.8 and 4.2, and the requirements of the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Lake Simcoe Protection Plan where applicable, and applicable provincial and federal policy and legislation. Where applicable, only such uses permitted in the Greenlands designation (see Section 3.8) are those which have successfully completed any required provincial and/or federal environmental assessment process or proceedings under the Drainage Act.

Of note, the policy states that infrastructure *may be* located in any designation but that such infrastructure would be subject to Section 3.8 and 4.2 of the OP as well as applicable provincial and federal policy and legislation. This would suggest that the PPS natural heritage policies are applicable when considering placing infrastructure within any land use designation as well as provincial and federal species at risk legislation. The wording of the policy also suggests that there is an opportunity for the County, especially if they are the proponent, to exclude a land use designation from consideration. In other words, Policy 3.3.6 *does not require* the County to consider Greenlands for the purpose of siting infrastructure and provides them with the ability to exclude Greenlands from such consideration.

Based on the requirements of Section 3.3.6, any proposal for infrastructure must be assessed against the requirements of Sections 3.8 and 4.2 of the OP. Section 3.8 (Greenlands) notes that the rationale for the Greenlands designation is based on a 1996 background report, revised in 2008, titled "*Development of a Natural Heritage System for the County of Simcoe*". The Objectives of the Greenlands designation are:

- 3.8.1** To protect and restore the natural character, form, function, and connectivity of the natural heritage system of the County of Simcoe, and to sustain the natural heritage features and areas and ecological functions of the Greenlands designation and local natural heritage systems for future generations.
- 3.8.2** To promote biodiversity and ecological integrity within the County's natural heritage features and areas and the Greenlands designation.
- 3.8.3** To improve the quality, connectivity and amount of woodlands and wetlands cover across the County.
- 3.8.4** To ensure that species and communities of conservation concern can continue to flourish and evolve throughout the County.
- 3.8.5** To contribute to the protection, improvement, and restoration of the quality and quantity of surface water and ground water and the function of sensitive surface water features and sensitive ground water features within the County.
- 3.8.6** To ensure that the Greenlands designation complements and supports the natural heritage systems established in provincial plans and is linked with the natural heritage systems of adjacent jurisdictions, and to require local municipalities to identify and

protect natural features and ecological functions that in turn complement and support the Greenlands.

- 3.8.7** To ensure that the location, scale and form of development respect and support the protection of the County's natural heritage system.
- 3.8.8** To provide opportunities for natural heritage enjoyment and appreciation and for recreational and tourism uses in keeping with the Greenlands objectives, that foster healthy and liveable communities and enhance the sense of place and quality of life that characterize the County.

The criteria for inclusion in the Greenlands designation is listed in Section 3.8.10:

3.8.10 The County's natural heritage system primarily includes the following natural heritage features and areas, wherever they occur in the County:

- a) Habitat of endangered species and threatened species;
- b) Significant wetlands, significant coastal wetlands, other coastal wetlands, and all wetlands 2.0ha or larger in area which have been determined to be locally significant, including but not limited to evaluated wetlands;
- c) Significant woodlands;
- d) Significant valleylands;
- e) Significant wildlife habitat;
- f) Significant areas of natural and scientific interest (ANSIs);
- g) Regional areas of natural and scientific interest (ANSIs)
- h) Fish habitat;
- i) Linkage areas in accordance with Section 3.3.16; and,
- j) Public lands as defined in the Public Lands Act.

The County's natural heritage system is generally identified as the Greenlands designation on Schedule 5.1.

Section 3.8.11 goes on to recognize that the mapping may not reflect certain features such as habitat of endangered and threatened species.

Section 3.8.15 outlines the permitted uses within the Greenlands designation outside of settlement areas as:

- i. Agricultural uses;
- ii. Agricultural-related uses;
- iii. On-farm diversified uses;
- iv. Forestry on public lands or in County forests in accordance with an approved management plan and sustainable forest practices;
- v. Forestry on private lands as permitted by the County's Forest Conservation Bylaw or by a local municipality's tree bylaw under the Municipal Act, 2001;

- vi. Mineral aggregate operations, if approved through a local Official Plan amendment;
- vii. Outdoor passive recreational use; and,
- viii. Subject to demonstrating that the lands are not within a prime agricultural area, residential dwelling units on lots which were approved prior to the approve date of this policy (May 9, 2016).

Infrastructure is not among the permitted uses in the Greenlands designation however, Section 3.8.19 speaks to infrastructure. Specifically, it states:

3.8.19 Infrastructure authorized under an environmental assessment process may be permitted within the Greenlands designation or on adjacent lands. Infrastructure not subject to the environmental assessment process, may be permitted within the Greenlands designation or on adjacent lands in accordance with Section 3.3.15.

Given that it was determined that this infrastructure was not subject to the environmental assessment process, the requirements of Section 3.3.15 (Natural Heritage) must be considered which state:

3.3.15 Despite anything else in this Plan, except Section 4.4 as it applies to mineral aggregate operations only, development and site alteration shall not be permitted:

- i. In significant wetlands and significant coastal wetlands.
- ii. In the following unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions: Significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest (ANSIs), and coastal wetlands (not covered by 3.3.15i) above).
- iii. In the following regional and local features, where a local official plan has identified such features, unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions: wetlands 2.0ha or larger in area determined to be locally significant by an approved EIS, including but not limited to evaluated wetlands, and Regional areas of natural and scientific interest (ANSIs).
- iv. In fish habitat except in accordance with provincial and federal requirements.
- v. In habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- vi. On adjacent lands to the natural heritage features and areas listed above, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Adjacent lands shall generally be considered to be:
 - a. Within 120m of habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2.0ha or larger determined to be locally significant by an approved EIS, significant

- woodlands, significant wildlife habitat, significant areas of natural and scientific interest – life science, significant valleylands, and fish habitat;
- b. Within 50m of significant areas of natural and scientific interest – earth science;
 - c. A reduced adjacent lands from the above may be considered based on the nature of intervening land uses. The extent of the reduced area will be determined by the approval authority in consultation with the applicant prior to the submission of a development application, and supported by an EIS, demonstrating there will be no negative impacts beyond the proposed reduced adjacent lands area.

The County is applying to re-designate a portion of the subject property to allow for the MMF/OPF. As such, Sections 3.8.22 and 3.8.23 apply which state:

3.8.22 Proposals to re-designate lands in the Greenlands designation shall not be permitted unless an EIS is submitted to the satisfaction of the County demonstrating that the policies of Section 3.3.15, 3.3.16, 3.8.15, 3.8.16 or 4.4.1 as applicable, and the relevant policies of the local municipal official plan are satisfied.

3.8.23 Proposals to re-designate lands in the Greenlands designation are required to demonstrate if the lands are within a prime agricultural area. Re-designation proposals for lands within a prime agricultural area shall only be permitted to the Agricultural designation.

Of interest, as noted within the Part 1 report description, GHD referred to both the in-force County OP as well as the Council-approved OP however, when preparing the mapping for the short-listed sites in the Part 2 report, they only use the Greenlands mapping from the in-force (i.e., older) OP. This results in a misrepresentation on the figures that would lead the reader to believe that the majority of the sites, including the site that was ultimately identified as the preferred site (Site C136), have limited natural heritage features present whereas, in many cases, the entire site is within the Greenlands designation of the Council-approved OP. The provision of such mapping in the report and at public meetings, in my opinion, does not achieve the stated goal of having an open and consultative process. I do note that later, in the Part 3 report, GHD does recognize that both sets of Greenlands mapping were utilized in evaluating the short-listed sites. It is unknown why such an approach was not incorporated into the Part 2 process.

Given the reliance by GHD on the provisions of the County OP, that would allow for the consideration of infrastructure within the Greenlands designation, I would have expected that the Part 1 and 2 reports would have taken a much more critical examination of the County's OP objectives and policies related to natural heritage system conservation and enhancement to assess whether it was appropriate to only exclude wetlands and floodplains in Screen 1 or whether, given GHD's reliance on the MOECC SEV, MOECC mandate and the stated principles for siting and developing the facilities (all of which have words that would direct GHD to create site selection criteria that would avoid natural heritage features and functions) it would have been appropriate to expand the exclusionary criteria to all areas designated as Greenland in the County OP.

As outlined above, **Section 2.3.2** of the report allows for sites to be exempt from the Screen 1 process if they meet all other requirements, other than the Greenlands requirements, because to do otherwise, would have likely removed all the County Forests from consideration. The reports justify this by suggesting that this would allow the County to more closely examine these parcels in the context of their existing land uses (which, for the County Forests, are already well-known) as well as the local OP designations. Deferral to the local OP designations is problematic because, as outlined earlier, the County OP was still under appeal at the OMB which means that the existing local OPs would only be reflective of the requirements of the 1997 County OP, a Plan which pre-dates even the 2005 PPS. GHD and the County should have known that the land use designations within the local OPs would have been much less restrictive than what current PPS policy requires as it relates to natural heritage. This establishes a decision-making framework whereby the County Forests will be assessed with a local land use designation that is not reflective of the natural heritage features and functions that exist on the parcel simply given the natural heritage policies under which those local OPs were created.

In addition to the County OP policies, it is important to understand the requirements of the Springwater OP given the requirement for a local OPA. One must keep in mind the age of the OP when considering the policy requirements and the fact that it has not been brought into conformity with the PPS or County OP. As a result, in my opinion, the Springwater OP policies are informative however, the application would still need to meet the requirements of the PPS.

The first Goal listed in the Springwater Official Plan is:

2.2.1 To ensure the maintenance, protection and enhancement of natural heritage features.

Section 2 of the OP outlines the purpose and basis of the Plan. Section 2.3.5 outlines three primary functions that the Township is intended to have. These three are related to natural heritage protection, growth management and economic development. With respect to the natural environment, Section 2.3.5.1 states:

2.3.5.1 That of a rural municipality focusing on protection of its natural resource base and natural heritage systems as follows:

- a) Lands of good agricultural potential;
- b) Provincially and locally significant wetlands and significant regional and local groundwater aquifer areas;
- c) Significant woodlands;
- d) Valley lands;
- e) And wildlife habitat and endangered and threatened species;
- f) ANSI's;
- g) Aggregate Resources;
- h) Surface and groundwater resources;
- i) Streams, rivers and lakes.

The goals and purpose of the Township clearly articulate the municipality's interest in protecting its natural heritage features and functions. This direction is further articulated in the Natural Heritage (Environmental Protection Policies) in Section 16. Specifically, the Natural Heritage Objectives are:

- 16.1.1** To conserve, maintain and enhance the quality and integrity of the Natural Heritage features and ecological processes of the Township including air, water, land, and living resources for the benefit of future generations.
- 16.1.2** To preserve and protect all internationally, Provincially and Locally significant Wetlands and Areas of Natural and Scientific Interest (A.N.S.I.'s) situated within the Township.
- 16.1.3** To prevent the diminishment of ecosystem biodiversity and provide for the long term viability of the Natural Heritage System by approving only those land uses which are demonstrated to be environmentally sound and do not negatively impact natural features or environmental functions.
- 16.1.4** To encourage and promote the use of a variety of planning engineering and resource management approaches and techniques to realize the hydrological, biological and socio-economic benefits derived from the long-term protection of the Natural Heritage System.
- 16.1.5** To ensure the wise use and conservation of the ground and surface water resources of the Township and to maintain and protect the function of sensitive groundwater recharge/discharge, aquifer and headwaters areas on a watershed and subwatershed basis.
- 16.1.6** To prevent loss of life, minimize property damage and social disruption through the proper management and regulation of flood plain lands or lands possessing steep slopes, areas of soil or bedrock instability, high water tables, or other constraints or natural hazards.

The OP then goes on to create two categories of natural heritage protection. Category 1 lands are defined as undeveloped natural areas of high environmental quality and significance and/or sensitivity. The following features are designated Category 1: Internationally, provincially and locally significant wetlands; Provincially significant ANSIs or other combinates of habitat or landform which could be essential for scientific research or conservation education; significant portions of the habitat of threatened and endangered species; and, significant natural watercourses and ravines. Category 2 lands are defined as areas of lesser environmental significance and/or sensitivity although areas of high environmental quality may also be present. The following features are designated Category 2: lands situated adjacent to provincially and locally significant wetlands and other Natural Heritage (Environmental Protection) – Category 1 lands; unique and significant biologically sensitive wildlife habitat; forests and woodlots; natural connections through valley corridors or other linkages between core areas of the Natural Heritage

System; groundwater recharge and discharge, aquifer, and shoreline areas; and, natural fish habitat.

It is important to note that the description of natural features, and the division of environmental protection areas into categories of varying significance, is reflective of the planning framework at the time that the Springwater OP was created (1990s). Given the updated County OP, Springwater Township is in the process of updating their OP which will need to be consistent with the County OP policies. This will lead to the creation of a Greenlands designation within the Springwater OP that will need to be, at a minimum, as restrictive as the County's OP as it relates to natural heritage protection. In other words, lands that were previously identified as Category 2 lands, will be incorporated into the overall Greenlands designation with the associated protective policies.

Of interest, Schedule A-2 of the Springwater OP designates the property as Rural and Agriculture with only a small portion designated as Environmental Protection Category 2 on Schedule B-2 however, the Category 2 criteria designation includes forests and woodlots as features that merit an Environmental Protection Category 2 designation. It would be interesting to know how the Township has approached such discrepancies in the past whereby the OP mapping is not representative of the environmental features that are now known to exist on the property. Section 16.2.1.3 does acknowledge that the municipality should amend the Schedules of the OP and ZBL to incorporate more detailed mapping of components of the Natural Heritage System when such mapping becomes available.

The Township's wetland policies (Section 16.2.1.4.1) prohibit development within wetlands that are designated as Category 1 on Schedule A and within unclassified wetlands not shown on Schedule A. The policies also prohibit development within 30m of a Class 1-3 wetland and within 15m of a Class 4-7 wetland. The Township's Significant Habitat of Endangered and Threatened species policies prohibit development in areas of habitat of endangered or threatened species and require the preparation of an EIA to identify the location, size amount, configuration and quality of the habitat requiring protection (Section 16.2.1.4.1(c)(ii) and (iv)). Section (v) also indicate that, as conditions change or new information becomes known regarding areas of habitat of endangered species, these lands/or waters may be designated Natural Heritage (Environmental Protection) Category 1 Lands on Schedule A and shall be placed in the appropriate zoning category to ensure no development or site alteration.

Section 16.2.1.4.2(b) contains the Township's policies related to Significant Biologically Sensitive Wildlife Habitat. Again, the policies are reflective of the planning process that was in place in the 1990s. The list of features that are considered significant wildlife habitat are not in-keeping with the vast list of habitats that would be considered as significant under the 2014 PPS and associated technical guidelines.

Within Section 16.2.1.4.2(c) Forests and Woodlots, forests are defined as treed areas that vary in their level of significance and provide a variety of diverse environmental and economic benefits such as erosion prevention, water retention, a sustainable harvest of wood and other forest products, provision of habitat, public recreational opportunities where permitted and aesthetic enjoyment. Subsection (d) indicates that significant forests may be determined by the Township

according to the combination of various factors such as species composition, age and maturity, contiguous size, terrain characteristics, Natural Heritage System linkages and connections, aesthetic and historical values and productive capacity. Again, subsequent to the approval of the Springwater OP, the Province has released criteria pursuant to the PPS for identifying significant woodlands. Subsection (e) allows for the consideration of development within or adjacent to significant forests if an EIA demonstrates that the proposal will not negatively impact the forest area and the values for which it is identified. Interestingly, this wording is very similar to the 2014 PPS requirement to demonstrate no negative impact.

Section 16.2.4.1 provides three levels of Environmental Impact Assessments (Studies) that may be required: Comprehensive, Site and Scoped. A Scoped EIA is defined as one which consists of a focused review which assesses small scale development where environmental impacts can reasonably be expected to result in minimal disruption and change and/or where the expected impacts can be easily mitigated. I am not certain whether the Scoped EIS that was prepared by the County was based on this definition. Regardless, in my opinion, the provision of a Scoped EIS, for a proposed development that had no detailed environmental evaluation undertaken as part of the site selection process, is not appropriate and the site should have been subject to a comprehensive assessment.

Based on the above, although the Springwater OP is not up to date with the most current Provincial and County natural heritage requirements, there are many policies that are at least similar to the current policies related to natural heritage conservation and the OP does require the demonstration of no negative impacts to natural heritage features and functions associated with wetlands, habitat of endangered and threatened species and woodlands.

Upon completion of the Screen 1 evaluation process, 23 sites were carried forward to the long list evaluation in Screen 2 for the MMF and 53 sites for the OPF. Of the 23 MMF sites, 16 were County Forests (70%) and of the OPF sites, 41 were County Forests (77%). Figure 5 (Screen 2 – Evaluation Criteria) illustrates the technical, environmental and social criteria upon which the long-list of sites were evaluated. The evaluation criteria are as follows:

Technical

- Suitability – site layout, topography and soil conditions
- Utilities and Services – availability and distance from utilities and services
- Permitting/Approvals – feasibility and complexity of permitting/approvals

Environmental

- Air Quality – Proximity to sensitive receptors
- Odour – Proximity to sensitive receptors
- Noise - Proximity to sensitive receptors

Social

- Land Use/Zoning – Compatibility with existing land uses/zoning designations on adjacent lands

- Land Use/Zoning – current land use, zoning, approved development plans and proposed land use change
- Transportation – existing/required transportation infrastructure

Given that many sites were exempted from the Screen 1 criteria for environmental reasons so that a more detailed evaluation could take place at the Screen 2 level, I would have expected specific reference to features such as significant woodlands, significant wildlife habitat, significant valleylands, fish habitat and ANSIs within the Environmental category. The absence of these brings into question whether the Screen 2 evaluation is consistent with the requirements of the PPS and whether it was appropriate to allow certain sites to advance to Screen 2, on the promise of a more detailed environmental evaluation, when such criteria are lacking from the Screen 2 process.

Upon completion of the Screen 2 evaluation process, 5 sites were carried forward to the short list evaluation for the MMF and 7 for the OPF site. Of the 5 MMF sites, 4 were County Forests (80%) and of the 7 OPF sites, 5 were County Forests (71%).

The following is a summary of the issues raised with respect to the Part 2 documents:

1. The County's stated preference for finding a site that is already owned by the County results in the inclusion of County-owned forests in the site selection process;
2. 82.5% of the County-owned sites that are included in the candidate sites are County Forests;
3. 50% of all candidate sites are County Forests;
4. After Screen 1 is applied, 70% of the MMF long-list sites are County Forests and 77% of the OPF long-list sites are County Forests;
5. After Screen 2 is applied, 4 out of 5 of the MMF short-list sites are County Forests (80%) and 5 out of 7 of the OPF short-list sites are County Forests (71%);
6. The preponderance of County Forests in the list of candidate sites, the lack of consideration for natural heritage features such as habitat of endangered and threatened species, significant woodlands and significant wildlife habitat as exclusionary criteria and the consideration of 'no net effect' rather than the PPS requirement of 'no negative impact' has led to the identification of a short-list of sites that may not be consistent with the PPS, County and Local OP policies;
7. The Springwater OP policies would suggest that the County Forest sites would, at a minimum, meet the Natural Heritage (Environmental Protection) Category 2 criteria however, the mapping has not been updated;
8. The County is relying on the out-of-date Springwater OP and zoning designations whereas they would be aware that the OP and ZBL will need to be brought into conformance with the County OP thereby resulting in the County Forests having a Greenlands designation at the local level.

Part 3 – County of Simcoe – Organics Processing Facility, Materials Management Facility, and Co-Located Facility – Short List Evaluation (GHD, February 26, 2016)

The Part 3 report merges the previous Part 1 and 2 reports for the OPF and MMF given that the majority of the short-list of sites in each report were identical, and ultimately recommends co-locating the facility on the same property. This is in direct contrast to **Section 1.2** of the MMF Part 1 report which states the following:

As noted in the Strategy and as previously directed by Council, the County is also currently considering the development of an Organics Processing Facility. While initial consideration would appear beneficial to co-locate these facilities, staff did not recommend siting the MMF and OPF together for the following reasons:

- **Different Siting Requirements** – an OPF and MMF are each suited to different types of properties. An OPF is best suited to a more rural setting, away from significantly populated areas and would require a large property to ensure compliance with provincial odour unit requirements. A MMF, with less potential for odour impacts, would not require a significant amount of land. It will be best suited in proximity to the 'waste centroid' – with a greater emphasis on access to transportation routes and a more central location.
- **Approvals Complexities** - siting two facilities together has the potential to further complicate already lengthy and difficult provincial approvals processes. The composting technology approvals process is more complicated than that for a transfer facility.
- **Continuity of Service** – in regards to business continuity planning, separate facilities would reduce the risk to the County in the event of an emergency situation. Impacts from a natural disaster, fire, or even a lengthy power outage would be mitigated by operating these facilities independently.

The Part 3 report does not reflect on these original staff recommendations or how these concerns have been addressed through the co-location of the facility. Reference is made, in **Section 1.1**, to a technical memorandum that GHD prepared, outlining the potential to co-locate both facilities, that was submitted with the Part 2 reports however, a copy of the memorandum could not be located online.

The Part 3 report evaluates the short-listed sites against the Screen 3 criteria and, according to the Executive Summary, is intended to include a discussion of how public and stakeholder feedback was addressed and incorporated into the evaluation of the short-listed sites. Of interest, I reviewed the public feedback that was appended to the Part 3 report. Of 234 comments received (not including comments that appear to be from either a Twitter account or the County website because it was not possible to determine whether I would be double counting comments by the same person given the lack of identification), 169 comments either specifically commented against the County's inclusion of County Forests in the candidate sites or, more generally, commented on the importance of not locating such a facility within a natural area. That represents 72% of the comments received. In addition, the County received petitions against the use of

several of the County Forest Sites, including the Sanford Forest (348 signatures), the Craighurst/Millennium Forest (317 signatures) and Sites C270 (Unnamed County Forest) and the Freele Forest (655 signatures combined) however, there is little to no dialogue in the Part 3 report with respect to the significant and valid concerns raised by the public and how the concerns have been addressed. This is especially concerning given the commitment at the outset of the process to provide opportunities for stakeholder input, to have an open and consultative process and to follow the MOECC SEV. In fact, the public's substantial concerns are diminished later in the *Scoped Environmental Impact Study*, prepared by GHD, dated November 17, 2016, by stating that the proposed area of forest removal represents less than a 1% loss of total contiguous woodland. By making this statement, the author of the EIS is essentially missing the point that the public was trying to make which is that, in their opinion, no forest removal is appropriate for the construction of such a facility.

It is difficult to evaluate the Part 3 report given that, in my opinion, the short-list of sites that have been derived has not been done based on a process that is consistent with the PPS or with current natural heritage systems planning. The evaluation of the sites refers to net effects which, again, is not the same as no negative impact. Thus, the Part 3 evaluations cannot be considered to be consistent with the PPS. Section 2.3.7 [Identification of the Preferred Site(s)] states that the rationale (trade-off) that favours one site over all others was derived from:

1. Study purpose
2. Legislation, policies/guidelines
3. Issues/concerns identified during consultation with stakeholders
4. Experience and expertise of the Project Team
5. The site rankings as completed during the comparative analysis.

Such an approach is problematic when you consider the following:

Study Purpose

A review of the three background documents reveals that a 'Study Purpose' was never specifically stated. As noted previously, GHD places heavy reliance on the MOECC SEV so, perhaps it would be reasonable to assume that Item 1 above is intended to refer to the site and development criteria listed in Section 4.1 of the Part 1 report, which were based on the SEV. If so, one would expect that the preferred site would:

- Prevent, reduce and eliminate impacts to the environment;
- Protect and conserve natural resources and sensitive areas;
- Integrate social, economic and other considerations; and,
- Provide opportunities for an open and consultative process.

Based on my analysis, the selection of a site that is entirely forested does not prevent, reduce or eliminate impacts to the environment and does not protect or conserve natural resources or sensitive areas. The substantial concerns raised by the public against the use of the County Forests, the specific petition against the use of several of the County Forest, and the general lack

of response from the study team to those concerns, is not indicative of an open and consultative process that has taken public concerns into consideration.

Legislation, policies/guidelines

The background reports include limited discussion of the *Planning Act*, Provincial Policy Statement and County and local OP policies and provide no analysis as to how the site selection process is consistent with the requirements of the Act and PPS. In my opinion, the County has not demonstrated that through the selection of the preferred site, they have adhered to the required legislation, policies and guidelines.

Issues/Concerns identified through consultation with stakeholders

In order to achieve this, GHD would have had to address the issues and concerns identified by the stakeholders during the consultation process. As noted above, little to no significance has been placed on the concerns raised by the public with respect to the inclusion of forested areas in the site selection process.

Experience and Expertise of the Project Team

I cannot speak to the experience and expertise of the Project Team in terms of evaluating development applications however, it would be interesting to know if the Project Team has been involved in any similar municipal study that included such a preponderance of natural heritage sites within the candidate site selection process.

Site Rankings as completed during the comparative analysis

Finally, given that the comparative analysis is qualitative, and that it considered **net effects**, rather than **no negative impacts**, the preferred site has not been selected based on the requirements of the PPS. Deferring the detailed environmental evaluation to a later stage in the process also eliminated the ability to evaluate the preferred site against other sites using the required test of no negative impact.

The following is a summary of the issues raised with respect to the Part 3 document:

1. The report concludes that co-locating the facilities is appropriate, contrary to a staff recommendation made earlier in the process. The issues raised by staff previously have not been addressed in the report;
2. At a minimum, 72% of the written comments received from the public requested that the County not consider the placement of these facilities within natural areas and, more specifically, within County Forests. In addition, a total of 1,320 signatures were collected on several petitions speaking out against the use of several of the County Forests under consideration in the short-list evaluation. The report does not provide sufficient discussion with respect to these numerous and valid concerns;
3. The evaluation uses a test of no net effects rather than no negative impact, which is not consistent with the requirements of the PPS, County or Springwater OPs; and,
4. The County has not demonstrated that they have adhered to the requirements of the PPS throughout the site selection process.

Neighbourhood Landowner Meeting Notes and Follow-Up, County of Simcoe, September 8, 2016

Meeting notes were prepared following a landowner meeting that was held by the County on September 8, 2016. On page 6, under the topic of County Forests, the following question and associated response is recorded:

Question – *Residents believe the County fixed the selection of the forested tract by allowing 48% of the long list to include Simcoe county forest assets. The process to evaluate the sites showed a clear bias in favour of returning Simcoe County Forest to wasteland instead of selecting an industrial site which would be a more appropriate location to dump waste.*

Response – *There is no requirement to declare a property surplus to change its use. We have been through the siting process, the County started with the premise that we did not want to expropriate land for this site, all County owned properties were looked at. We are past the siting process and now at the stage of proving the site is viable by the studies done.*

I have two concerns with the response provided by the County. First, the response states that they are past the siting process. While it is true that the County has completed the background studies, those studies are supporting documentation to an Official Plan and Zoning By-Law Amendment process that, at the time of the meeting, had yet to take place. At the time of the neighbourhood meeting there had been no ability for the public to participate in a legislated process (i.e. a process pursuant to the *Environmental Assessment Act* or the *Planning Act*). As such, the siting process is not complete but rather, still needs to be vetted through the *Planning Act* process. In my opinion, the response provided by the County gives the erroneous impression that the public has no further say in the site selection process and that they must simply accept the preferred site. My second concern is that the response reads, "now at the stage of proving the site is viable by the studies done". The meeting was held on September 8. The supporting studies (EIS, Agricultural Impact Assessment, Hydrogeologic Assessment, etc.) were not released until November so County staff could not have known, at that time, whether the studies supported the preferred site selection. In addition, the purpose of the studies is not to prove the site is viable but rather, to determine whether the site meets the requirements of the PPS and OPs from the perspective of natural heritage, water and agricultural policies. The response, in my opinion, further suggests to the public that the determination of viability has already been made based on the Part 1 – 3 reports even though those reports undertook no detailed site investigations of any of the candidate sites.

Scoped Environmental Impact Study, GHD, November 17, 2016

The purpose of the Scoped Environmental Impact Study (EIS) is to evaluate the proposed OPF/MMF at 2976 Horseshoe Valley Road against the PPS requirements related to natural heritage and water. As this is mainly an ecological analysis, I will defer most of the review to Dougan and Associates and have relied on their professional opinion, as outlined in their letter dated June 2, 2017 with respect to whether the fieldwork and analysis has demonstrated no

negative impact to the following: Provincially Significant Wetlands, habitat of endangered and threatened species, significant woodlands, significant wildlife habitat, significant valleylands, significant areas of natural and scientific interest and fish habitat. My review relates to the policy context of the assessment as well as some of the assumptions/conclusions that were drawn before and during the assessment.

Section 2 (Existing Conditions, Natural Features and Resources), Table 2.1 lists Secondary Source Information Reviewed. The list is missing the Provincial Policy Statement as well as the Springwater Official Plan. In addition, '*Freele County Forest management documents*' are listed however, no specific reference is provided. A copy of these management documents should be provided as it appears that they are being relied upon as part of this report.

Section 3 (Preliminary Development Plan) describes the proposed development and refers the reader to GHD's *Facility Characteristics Report*, provided under separate cover, for additional details. A site concept plan/layout is not included in the EIS for the reader to reference. There is no discussion of grading works that may be required to facilitate the entrance, site preparation, staging areas, etc. and the associated potential environmental impacts.

Section 4 (Regulatory/Policy Framework) provides a brief outline of the Springwater and County OP, the Nottawasaga Valley Conservation Authority, Species at Risk Legislation and Provincial Policy Statement. Given that the detailed natural heritage policy implications have been deferred to the EIS, I would have expected a robust explanation of all the applicable PPS policies, County and Local OP policies, and federal/provincial legislation within the document.

Within **Section 4.5 (Provincially Policy Statement)**, GHD states, "*Overall, the proposed ERRC footprint of 4.5ha represents an extremely small disturbance to a greater than 475ha contiguous woodland of the 32,000ha Simcoe County Forest (less than 1% and 0.01% respectively)*". It is unclear why GHD mentions this as this fact has nothing to do with the on-site evaluation that they have been tasked with undertaking. The size of the overall feature is only one aspect that needs to be considered when evaluating significance. It is concerning that such a statement is made within this document. Reference to the overall forested landholdings of the County (32,000 ha) also suggests that the author is minimizing the potential impacts associated with the proposed development. Again, the overall amount of landholdings by a municipality is not a criteria upon which to measure negative impact.

Also within **Section 4.5**, with respect to significant woodlands, GHD concludes that, based on the size of wooded area, the Study Area contributes to an interior forest habitat that meets the County's minimum size criteria for consideration as a Significant Woodland. The report then goes on to state that this interior forest habitat is temporary because the property (and ERRC footprint) is part of a managed and actively harvested woodlot. In my opinion, this conclusion is false and it is unclear what facts that author is using to support this conclusion. To remove the interior forest habitat, much of the site would need to be clear cut. Over a period of 69 years (1948 – 2017) such a forestry practice has not taken place on this tract nor does the County Forest Plan suggest that such a practice is contemplated in any County Forest. In fact, through good forestry practices, such as those practiced by the County according to their County Forest Plan, selective harvesting would have no impact on the extent of interior forest habitat. Building on their

conclusion, GHD then states that, 'As an actively managed and harvested plantation woodlot, the proposed ERRC footprint and immediately adjacent areas does not exhibit uncommon characteristics or economic and social functional values as defined in the *Natural Heritage Reference Manual (MNR, 2010)*.' I will defer to Dougan and Associates' analysis of significance however, I would recommend that GHD is building on an erroneous statement with respect to interior forest habitat so I would question the accuracy of the follow-up conclusion.

Finally, within **Section 4.5**, GHD concludes that the site does not meet the criteria of Significant Wildlife Habitat. This analysis takes place within one paragraph of the report. I will defer to Dougan and Associates with respect to their opinion as to whether it has been demonstrated that Significant Wildlife Habitat does not exist however, I would have expected the analysis to have been much more robust considering that a minimum of 4.5 ha of wooded area is proposed for removal to facilitate the footprint of the ERRC. Additional impacts associated with the need to widen the existing trail to create a driveway of an appropriate width to accommodate the truck traffic, the relocation of the existing trail and the potential for future expansion also requires additional consideration in the evaluation of no negative impacts.

As stated previously, GHD seems to be relying on **no net effects**. This is further demonstrated through their suggestion that the loss of forest cover can be compensated through the planting of trees elsewhere to offset the loss. Such an approach is not consistent with the PPS requirement to demonstrate **no negative impact**. The proponent must first demonstrate that the proposed development will not have a negative impact on the feature and/or function and only then, if no negative impact is demonstrated, can there be a suggestion of mitigation measures such as off-site tree planting. Even if one was to accept that off-site tree planting could be contemplated as a mitigation measure, the County should be obligated, as part of the EIS and OPA process, to identify where such a location exists that could accommodate 4.5-9ha of tree planting (based on a 1:1 or the preferred 2:1 ratio of planting expressed by GHD on page 23). If such a parcel of land is not already in County ownership, presumably the previous evaluation matrix (Parts 1 – 3 of the siting process) should have considered the cost of purchasing such a parcel as well as the cost of tree planting and maintenance. The parcel not only needs to be large enough to accommodate the 4.5-9ha worth of planting, it would also need to be an environmentally appropriate site that is adjacent to existing Greenlands, etc.

I have reviewed the letter prepared by Dougan and Associates dated June 2, 2017. Based on that letter, in their professional opinion, the County has not demonstrated no negative impact on significant woodlands, significant wildlife habitat or the habitat of endangered and threatened species. As such, from a planning perspective, the Scoped EIS has not demonstrated that the proposed development is consistent with the requirements of the *Planning Act*, PPS, County and Springwater OP. As a result, the County and Local Official Plan Amendments and the Local Zoning By-Law Amendment should not be approved as they do not meet the requirements of the Province, County or Township.

I have also reviewed the comments provided by the Nottawasaga Valley Conservation Authority (NVCA) dated March 2, 2017 and the Ministry of Municipal Affairs and Housing (MMAH) dated April 7, 2017. The NVCA and MMAH raise similar concerns to those raised by Dougan and

Associates related to insufficient documentation in the report to support the conclusion that significant wildlife habitat and species at risk habitat does not exist on the property.

Planning Justification Report, GHD, November 17, 2016

The Planning Justification Report provides an analysis of several PPS policies including those related to Land Use Compatibility, Infrastructure and Public Service Facilities, Waste Management, Natural Heritage, Water and Agriculture. With respect to Natural Heritage, the report relies on the assumptions and conclusions of the Scoped EIS which, as outlined above, has not, in my opinion, demonstrated consistency with the PPS.

Within **Section 6.1** (County of Simcoe Official Plan – Greenlands Section 3.8), the report concludes that the development of the ERRC will not result in a negative impact as defined in the PPS based on: the proposed location of the ERRC; the plantation history of the Site; the actively managed nature of the Study Area; and, the implementation of the recommended mitigation measures, which adequately avoid, compensate and replace natural features (i.e. vegetation plantings) within the wider wooded feature. **Section 10.2** (Scoped EIS & Natural Hazard Land Assessment) again concludes by stating that no net environmental impacts on the larger woodlot feature are anticipated from the development of the proposed ERRC. These conclusions reflect the erroneous inclusion of mitigation measures, and the idea of no net impacts, when determining whether a proposed development will have a negative impact on the natural heritage system, which is inconsistent with the requirements of the PPS.

Section 7.4 (Springwater Official Plan – Section 17, Agriculture), states that the proposed site area to be used by the ERRC is not currently used for agriculture and that further, due to conditions on the site, it is not considered to be prime land for agricultural use. It then states that, from a review of the proposed ERRC site, it is generally confirmed to be less capable for agriculture than other portions of the site. It would appear that GHD is suggesting that, because the site is forested, it is not currently used for agriculture and therefore not considered prime land for agriculture. The County however, is proposing to remove 4.5ha of woodland which would, presumably, open up that portion of the site for agriculture. In my opinion, the report is suggesting that the existence of a natural heritage feature on the site precludes it from being used for agriculture but does not preclude it from being used for a waste disposal site.

Summary/Recommendation

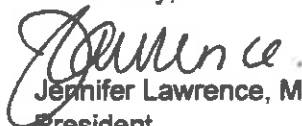
Of interest, the Simcoe County Forestry Department has prepared a report entitled *Simcoe County Forests 2011-2030*. The document outlines a 20-year management plan for the Simcoe County Forests (SCF) and includes a summary of how the SCF came to exist in Simcoe. The document outlines that, in 1922, Simcoe was the first County in Ontario to enter into an agreement with the Minister of Lands and Forests, under the *Reforestation Act*, to buy land for the purpose of planting and managing trees. By the 1980s, the County had purchased or acquired 10,525ha of land and, in 1982, the Canadian Forestry Association chose the County as the 'Forestry Capital

of Canada³. The report notes that SCF lands now total 12,663ha. Section 3.2 of the report includes a table that provides the number of forest tracts and number of hectares of forest tract in each municipality. The preamble to the table notes that the representation is much higher in the areas where the most significant problems (deforestation resulting in erosion and flooding) were occurring in the early 20th century. Of note, Springwater has the second highest number of forest tracts (37) and the largest acreage of forest tracts (4,056.2ha) within the County. This would suggest that Springwater experienced some of the most significant problems in the early 20th century related to soil erosion and flooding. In addition to the information provided in the County Plan, a fact sheet prepared by the County titled *Environmental Resource Recovery Centre, 2976 Horseshoe Valley Road West, Springwater, Get the Facts*, dated September 2016, notes that the Simcoe County Forest is the largest municipally-owned forest in Ontario and among the largest of its kind in Canada. Such an important legacy of forest creation, and the problems such creation was intended to solve, should be acknowledged and given significant weighting in the decision-making process. This is an addition to the PPS requirements that must also be considered.

In my experience working for, and with, government agencies, it is unusual for a municipality to propose the construction of substantial infrastructure within a natural heritage feature. In general, given the requirements of the PPS related to natural heritage, and the resulting OP requirements, many municipalities make every effort to avoid the placement of infrastructure within the natural heritage system. Municipalities have policies that only allow for the consideration of *essential* infrastructure (such as roads or utilities) within the natural heritage system and, in such cases, only if the placement of the infrastructure is supported by an Environmental Assessment. In doing so, they model the very behaviour that their OPs are expecting of the public – that natural heritage systems are to be identified, conserved and protected from the impacts of development.

Based on my review of the Part 1 – 3 siting documents, it is my opinion that the site selection process is not consistent with the *Planning Act* requirements pursuant to the Provincial Policy Statement natural heritage policies as sufficient consideration has not been given to PPS policies 2.1.1 through 2.1.8. In addition, the documents prepared in support of the Official Plan and Zoning By-Law Amendments are also not consistent with the PPS as it has not been demonstrated that the proposed development will have no negative impact on the habitat of endangered and threatened species, significant woodlands and significant wildlife habitat as required by PPS policies 2.1.2, 2.1.5, 2.1.7 and 2.1.8. As a result, the amendments are also not consistent with the County of Simcoe Official Plan policies 3.3.15, 3.8.11, 3.8.19 and 3.8.22 or the Springwater Official Plan policies 16.2.1.2(ii)(c), 16.2.1.3(iii) and (vii), 16.2.1.4.1(c), 16.2.1.4.2(a) and (b)(i)(iii)(vi) and 16.2.1.4.2(b) and (c)(i)(e). I trust the above is of assistance. If you require additional information, please do not hesitate to contact me.

Yours truly,



Jennifer Lawrence, MCIP, RPP
President

³ Simcoe County Forests 2011-2030, Simcoe County, page 5.

<http://www.simcoe.ca/Forestry/Documents/SCF%20final%20report.pdf>

This is Exhibit....."D".....referred to in the affidavit of.....Jennifer Lawrence..... affirmed before me, this.....twenty-seventh..... day of.....March.....20..19..


.....
A COMMISSIONER FOR TAKING AFFIDAVITS
Ramani Nadarajah

April 19, 2018

Friends of Simcoe Forests Inc.
c/o Mrs. Mary Wagner
2928 Horseshoe Valley Road West
Phelpston, ON
L0L 2K0



Dear Mrs. Wagner:

**Re: County of Simcoe Environmental Resource Recovery Centre
County and Local Official Plan Amendment and Zoning By-Law Amendment
Files: SC-OPA-1602, OP-2016-005 and ZB-2016-021
2976 Horseshoe Valley Road West
Township of Springwater**

I have been retained by the Friends of Simcoe Forest Inc. to provide a land use planning opinion regarding planning applications that have been made by the County of Simcoe to site an Environmental Resource Recovery Centre in the Township of Springwater. The preferred site, as identified by the County of Simcoe, is located within the Freele Forest, a significant woodland.

As outlined in my letter of June 5, 2017, it is my opinion that there were planning errors made in the site selection process which has resulted in the identification of a preferred site that creates inherent conflicts with natural heritage planning policy at the Provincial, County and Local levels. With respect to documentation that has been submitted by the County in support of the current planning applications, neither the amended Planning Justification Report nor the amended Environmental Impact Study, have demonstrated conformity with the Provincial Policy Statement, County Official Plan, Springwater Official Plan or the Growth Plan.

In order to arrive at this conclusion, I have reviewed the following updated reports, prepared by the County of Simcoe, in support of the above noted applications:

- *Amended Planning Justification Report, Proposed Environmental Resource Recovery Centre, Township of Springwater, County of Simcoe, Ontario*, prepared by GHD, dated revised February 2018;
- *Amended Scoped Environmental Impact Study, Proposed Environmental Resource Recovery Center, Springwater, Ontario, County of Simcoe*, prepared by GHD, dated February 1, 2018

In preparing my professional opinion on the proposal, in addition to the documents listed on page 2 of my June 5, 2017 letter, I have also referenced the following additional documents as part of this more current review:

- *Growth Plan 2017; and,*
- Growth Plan Natural Heritage System mapping, released by the Province February 9, 2018.

The amended ERRC documents were reviewed against comments that I provided in my June 5, 2017 letter. It is my understanding that this previous letter was shared with the County of Simcoe as part of their public consultation process.

I must reiterate at the outset, the site selection process remains part of the overall Official Plan Amendment (OPA) process and cannot be separated. The site selection process is essential background material and forms the basis for the preferred site that is being advanced in the OPA and Zoning By-Law Amendment (ZBLA) applications. The site selection process, although documented publicly, did not provide for any ability for the public to appeal the decision on the preferred site or the process whereby the preferred site was selected. It is only through this OPA and ZBLA process that the public have an opportunity to question and challenge the site selection process as well as the additional documents prepared in support of the OPA and ZBLA. If the site selection process had been undertaken as an Environmental Assessment, pursuant to the *Environmental Assessment Act*, the public would have had an opportunity to question and challenge the site selection decision-making framework through a formal appeal process, prior to the *Planning Act* applications for the site-specific ERRC. I continue to recommend that there are a number of flaws in the site screening process that continued to be carried through into subsequent stages of the site selection process that are not consistent with Provincial policy. This is even more important given that, according to Simcoe County, the Province has advised that the project is exempt from Growth Plan policy 4.2.3 which only permits infrastructure within the NHS if it has been approved through an environmental assessment (EA) process. Essentially, the Province appears to be accepting that the site selection process satisfies the rigorous requirements that would be expected of an EA process despite the fact that the site selection process had no formal appeal mechanism as would have been afforded the public through an EA. As such, I recommend that this letter be read in conjunction with my June 5, 2017 letter and that the Province be requested to advise how the site selection process met the EA process requirements.

Amended Planning Justification Report

The cover page notes that the study has been amended to address changes to policies contained within the Growth Plan, additional studies undertaken at the site and to address comments received from review agencies. Given the County's expressed interest in public consultation, I question why the cover page does not expressly note that the study was updated to also address comments received from the public. Unlike the amended EIS, the Planning Justification Report does not include a detailed comment/response matrix at the beginning of the document to identify specific comments received and how the report was amended to address those comments.

The updated report was issued prior to the Province releasing the final Natural Heritage System mapping for the Growth Plan. The report should be updated accordingly.

As outlined in my June 5, 2017 letter, my main concern relates to the fact that the Justification Report, as well as the Scoped EIS, erroneously interprets the Provincial Policy Statement (PPS) requirements related to no negative impact. Specifically, the PPS first requires that a proponent

demonstrate that a development or site alteration will have no negative impact on the natural heritage features or functions of an area. Only once they have demonstrated that the actual proposed development will not have a negative impact, can they move on to the next step which is mitigation. Unfortunately, the Planning Justification report relies on the EIS conclusion which erroneously incorporates mitigation into the decision-making associated with no negative impact creating a very clear distinction by using the term 'no **net** negative impact'. The Planning Justification Report repeats this erroneous interpretation of the PPS requirements in several locations, including the following statement on page 13 (Section 4.5):

*With the inclusion of afforestation areas, along with other forms of mitigation, it is anticipated that there would **be no net negative impact** on the significant woodland and significant wildlife habitat characteristics. (emphasis added)*

There is no provision for a proponent to demonstrate 'no **net** negative impacts' within the PPS. Rather, a proponent must first demonstrate 'no negative impacts' and only then can they propose mitigation. To include mitigation in the consideration of no negative impact is contrary to the PPS.

The Planning Justification Report only mentions significant woodlands, significant wildlife habitat and significant wetlands in their evaluation of Provincial, County and Local policy however, the significant habitat of endangered and threatened species has also been documented on the site and the Planning Justification Report should advise as to how the proposed development demonstrates no negative impact on these species or provide confirmation from the Ministry of Natural Resources and Forestry (MNR) that they have no concerns as it relates to the *Endangered Species Act*.

The Planning Justification Report, specifically as it relates to the impacts on natural heritage features and functions, has carried forward conclusions from the Amended Scoped EIS that, in my opinion, are not a correct interpretation of Provincial Policy and/or not a correct representation of the existing land use and management of the site. For example, in Section 4.5 of the Planning Justification Report, the following is stated:

From the site work and surveys undertaken for the EIS it was concluded that significant woodland was present in the study area. While the ERRC site did not exhibit uncommon woodland characteristics, the overall study area did contain significant woodland. The condition in part would be temporary with respect to the ERRC proposed location as this is comprised of a managed plantation.

There are a number of concerns with this statement. The concerning statement is first provided in *italics*, followed by my recommendation in normal font:

1. *EIS concludes that significant woodland was present in the study area.* The development envelope is within the study area and, therefore, is within significant woodland;
2. *EIS concludes that the ERRC site did not exhibit uncommon woodland characteristics.* The presence of uncommon woodland characteristics is one of only several characteristics that must be considered when determining the presence of significant woodland. Based on Item #1, GHD has concluded that the entire site, including the ERRC development footprint, is within a significant woodland. As such, the reference to no uncommon woodland characteristics is misleading and not necessary in this sentence.

3. *EIS concludes that the condition in part would be temporary with respect to the ERRC proposed location as it is comprised of a managed plantation. Although GHD does not define what they mean by 'the condition' I have assumed they mean that the significant woodland designation in the specific building envelope of the ERRC would be temporary because it is a managed forest. As noted in my previous letter, based on the County's documented approach to woodland management, the select removal/harvesting of trees in woodlands would not result in the area no longer being considered as significant woodland. The only way in which 'the condition' could be temporary would be if the County's woodland management strategy for the Freele Forest was that of clear cutting. As such, GHD's conclusion that a managed forest would result in the area not being considered significant woodland is not accurate.*

Section 3.1.1 (Site Description), 2nd paragraph, indicates that the proposed ERRC location was selected to address a number of considerations including avoidance of key natural heritage features such as wetlands. The subject property is now within the County's Greenlands designation and within the Growth Plan Natural Heritage System. Key natural heritage features in both plans include:

- Habitat of endangered species and threatened species;
- Fish habitat;
- Wetlands;
- Life science areas of natural and scientific interest;
- Significant valleylands;
- Significant woodlands;
- Significant wildlife habitat (including habitat of special concern species);
- Sand barrens, savannahs, tallgrass prairies and alvars.

It is unclear why the selection process only focused on avoiding one key natural heritage feature instead of all of them including significant woodlands, significant wildlife habitat and habitat of endangered species and threatened species.

Section 4.5 (PPS 2.1 – Natural Heritage), 1st paragraph speaks to PPS policies related to significant woodlands and significant wildlife habitat but neglects to mention habitat of endangered and threatened species. How has this been addressed?

Section 4.7 (PPS 2.3 – Agriculture), page 15, last sentence, states the following:

Clearly, based on the foregoing there is an identified need for the proposed facility as established by the Waste Management Strategy.

In my opinion, GHD has misinterpreted the requirement to demonstrate need within this policy. Specifically, PPS Policy 2.3 requires that a proponent demonstrate that there is an identified need within the planning horizon for additional land to be designated to accommodate the proposed use. While the Waste Management Strategy may have demonstrated a need for the ERRC, the Strategy did not demonstrate a need for additional land to be designated for non-agricultural uses within an agricultural area.

Section 5.3 (Section 4 -Protecting What is Valuable), refers to the draft Growth Plan Natural Heritage System. Although the mapping in the study area has not changed, the report should be updated to recognize that this mapping is now final and that the Growth Plan NHS policies now apply.

The last sentence on page 18 correctly notes that Section 4.2.3.1 of the Growth Plan restricts development within the NHS but provides an exception to activities that create or maintain infrastructure authorized under an EA process. GHD then indicates that the provincial staff have confirmed that, even though the ERRC did not go through an EA process, that the proposed facility is infrastructure authorized under an environmental assessment process and that therefore, the ERRC is exempt from the prohibition in Policy 4.2.3.1. As part of the transparent public process, I recommend that FSF request a copy of the correspondence from the Province that provides this confirmation and request that the Province provide the rationale for such an exemption given that the ERRC site selection process clearly did not take place within an EA process under the *Environmental Assessment Act*. This is concerning given that the County has repeatedly stated that the site selection process did not require an Environmental Assessment and, as noted in my previous letter, there were a number of concerns with the site selection that have been raised by the public that have not been addressed by the County.

Section 6.1 (County of Simcoe Official Plan – Greenlands Section 3.8), page 21, the report reiterates that the EIS has concluded that the development will not result in a negative impact and states the following:

This is based on the proposed location of the ERRC, the plantation history of the Site, the actively managed nature of the Study Area and the implementation of the recommended mitigation measures, which adequately avoid, compensate and replace natural features (i.e., vegetation / plantings) within the wider woodlot feature. The identified wetland and significant natural forest will be retained on the site.

Concerns related to the above statement include:

1. The proposed location of the ERRC is within a significant woodland, as documented by the EIS;
2. The plantation history of the site and the fact that it is managed using good forestry practices, does not remove the site from consideration as significant woodland, so these points are not relevant;
3. The statement is based on the notion that compensation and replacement of natural heritage features is contemplated by the PPS as part of the demonstration of no negative impact, which is not accurate;
4. Reference to replanting within the 'wider woodlot feature' is mentioned but there has been, to my knowledge, no study by the County to identify a publicly owned parcel that would be suitable to plant the necessary area to replicate the treed area lost through this proposal. Even if such an approach were supported by the PPS, which it is not, the proponent would need to demonstrate, through the EIS, that there is an appropriate location for the afforestation and the business plan would need to account for the cost of land acquisition, if necessary, planting and long-term maintenance;
5. Reference to 'significant natural forest' is not relevant. There is no such term in the PPS. The entire site has been deemed to be significant woodland, by the EIS.
6. This erroneous statement is repeated, in various forms, at least six times throughout the 38 page report.

Section 6.2 (County of Simcoe Official Plan – Resource Conservation Section 4.5), makes reference to a County policy that encourages the overall increase in the quantity of woodlands in the County. The previous EIS recommended a 2:1 replanting ratio which, if this was something that could be considered by the PPS, would represent an overall increase in the quantity of woodlands in the County over time. However, the Planning Justification Report is only recommending a 1:1 ratio whereas, the Amended EIS varies between recommending a 1:1 and a 2:1 replacement ratio. At a 1:1 replacement ratio, this would not be an increase in woodland quantity, as noted in County Policy 4.5, but rather a neutral area replacement. The County should be very clear on what planting ratio they are proposing. I question how the County will be required to implement this commitment? Would it be through a Holding zone, such that trees could not be removed until such time as the compensating area was planted?

Section 7 (Township of Springwater Official Plan), provides an overview of the Township's Official Plan policies. This section is concerning given that the County is aware that Springwater is updating their OP to be in-keeping with the PPS and County OP and that the current Springwater OP pre-dates the 2014 PPS, 2016 County OP and 2017 Growth Plan. Using out-dated designations and policies to justify the placement of the ERRC is concerning. At a minimum, if reference is to be made to Springwater OP policies, as pointed out in my previous letter, the author should acknowledge that, although the mapping does not identify the entire preferred site as Environmental Protection Category 2, based on the text description, it would qualify. For example, Category 2 lands are described in Policy 16.2.1.1(ii) as:

Lands delineated as Natural Heritage (Environmental Protection) - Category 2 Lands on Schedule 'B' include, but are not limited to, those environmentally significant lands and/or waters of ecological sensitivity, such as those areas containing the following natural features:

- Lands situated adjacent to provincially and locally significant wetlands and other Natural Heritage (Environmental Protection) - Category I Lands;
- **Unique and significant biologically sensitive wildlife habitat;**
- **Forests and Wood lots;**
- Natural connections through valley corridors or other linkages between core areas of the Natural Heritage System;
- Groundwater recharge and discharge, aquifer, and shoreline areas; and
- Natural Fish Habitat. (*emphasis added*)

In addition, it's possible that portions of the property could also be considered Category 1 lands which are described as follows in Policy 16.2.1.1(i):

Lands designated as Natural Heritage (Environmental Protection) Category 1 Lands on Schedule 'A' include environmentally significant lands and/or waters of inherent ecological sensitivity, such as those areas containing the following natural features (*emphasis added*):

- Internationally, **provincially, and locally significant wetlands** (Classes 1 - 7);
- Provincially significant Areas of Natural and Scientific Interest (A.N.S.I.s) or other combinations of habitat or landform which could be essential for scientific research or conservation education;
- **Significant portions of the habitat of threatened and endangered species;**

- Significant natural watercourses and ravines.

Section 11 (Recommendations Arising out of Planning Rationale), notes that tree replacement/compensation is a key recommendation that should be addressed in the consideration of the approvals of the applications. As noted earlier, even if the PPS permitted such consideration, which it does not, the proponent would be required to demonstrate, through the site selection process and EIS, that they have found and evaluated a site to provide the required size and characteristics to permit the tree planting to take place. Without this information, the proponent has not demonstrated that they can undertake the work that they have indicated is critical to their recommendation for approval. In addition, the report has not provided a planning mechanism to ensure that the compensation plantings take place in advance of any tree removal on the subject property. Without such a requirement, what planning mechanism would be used to enforce the compensation planting?

Amended Scoped Environmental Impact Study

There is a comment/response table included at the beginning of this study but the table only includes those comments that were provided by public agencies and do not include comments provided by the public. In keeping with the County's stated commitment to transparency, this table should be updated to include all comments received and the study team's response. A similar table, with all comments received and responses, should be included in all of the amended documents.

The amended EIS confirms that the subject property meets the definition of Significant Woodlands, Significant Wildlife Habitat and contains habitat of endangered and threatened species.

Table 2.1 (Secondary Source Information Reviewed), continues to list '*Freele County Forest management documents*'. A request was made, in FSF's previous letter to the County, for a copy of these documents. To date, it is my understanding that these documents have not been provided to FSF. Given that GHD appears to be relying on these documents, specifically as it relates to the previous and future anticipated management approaches to the Freele County Forest, it is essential that these documents be made public. Section 2.1.2 further describes forest inventory and stand health evaluations that were provided to GHD by the County. A copy of these reports should also be made public. It is my understanding FSF has retained experts to peer review these documents.

Section 2.2.2 (Natural Heritage Features), paragraph 4, refers to the 2015 Township of Springwater Official Plan (OP). I would defer to Springwater Township staff however, it is my understanding that the 2015 OP is an office consolidation and that the OP was actually approved in 1998 which pre-dates the 2014 Provincial Policy Statement. It is somewhat misleading to refer to a 2015 OP which could be read to suggest that the environmental protection policies are consistent with current policy requirements.

Section 2.2.3.1 (FODM5: Dry-Fresh Sugar Maple Naturalized Deciduous Plantation), I question whether this section should reference FOD5-1 as there is no FODM5 on Figure 4.

Section 2.2.3.2 (Flora), the text notes one-hundred and ninety-nine species were recorded however, the number in brackets indicates 197. This should be corrected.

Section 2.2.6.1 (Amphibian Surveys), notes that at Station 5, gray tree frog was recorded outside of the 100m survey station area. The direction that they were detected should be indicated since, if it was to the north, south or west, the frogs could have still been on the subject property.

Section 2.2.6.2 (Breeding Bird Surveys), paragraph 2, notes that, 'at Station 5, ovenbird was the only area sensitive species present; this is likely due to where the station is situated at the edge of the forest, adjacent to the road and an agricultural field'. I question whether this should be referring to Station 2 rather than Station 5 since Station 5 is in the interior of the site. This should be clarified.

Section 4.1 (Regulatory/Policy Framework - Township of Springwater), first paragraph, notes that Category 1 lands within the Springwater OP include PSWs, ANSIs, Species at Risk, and significant watercourses or ravines and that Category 2 lands include lands adjacent to Category 1 lands, unique and/or significant wildlife habitat, linkage features between core habitats, groundwater recharge areas and natural fish habitat. The second paragraph goes on to note that, since the Freele County Forest harbours several key components listed under Category 2, development within the forest must be subject to development requirements within the OP. This sentence should be revised to note that the Freele County Forest also includes several Category 1 components including assumed PSW and confirmed SAR.

Section 4.2 (Regulatory/Policy Framework – Simcoe County) provides a description of the OP designations but does not provide a planning analysis of the impacts of such policies. This should be updated.

Section 4.3 (Regulatory/Policy Framework – NVCA), final paragraph notes that the NVCA regulated areas are limited to the wetlands present in the northeast corner of the Study Area. Based on Figure 3 (Natural Heritage Features) there is an NVCA regulated wetland in the southeast corner as well. The text should be updated accordingly.

Section 4.4 (Species at Risk Legislation), 2nd paragraph includes the following sentence 'No ESA Threatened or Endangered species were directly observed within the Study Area during the course of this study, however, the acoustic surveys in 2017 identified use of this Study Area by SAR bat species.' Given that acoustic observations are often the only way to identify specific bat species, it is misleading to suggest that no threatened or endangered species were directly observed. This sentence should be revised.

Section 4.5.1 (Significant Woodland), 3rd paragraph, notes the following:

Therefore by size of the contiguous woodland feature, the minimum ecological functions criteria for interior forest size of 20 ha or more where forest cover is 60 percent or greater is satisfied, and Significant Woodland is by definition present within the Study Area. While this may be the initial limit for consideration of interior forest habitat, this feature is temporary as the proposed ERRC footprint is part of a managed and actively harvested woodlot.

As noted above in the Planning Justification Report review, the study team continues to perpetuate a false statement whereby they are suggesting that sustainable harvesting, which is the County's documented approach to forest management, would somehow result in the loss of interior forest habitat. As noted in my previous letter, the only way that interior forest habitat could be lost would be if the County's approach to harvesting was clear-cutting. It is evident in the

County's material related to their County forests, that clear cutting is not a method that they utilize when undertaking forest management. As such, the statement is erroneous and must be removed otherwise, the study team is misleading the reader.

Section 4.5.2 (Significant Wildlife Habitat), when speaking to animal movement corridors, notes that, '*although wildlife likely move along the trail within the Study Area....*'. I assume that wildlife is likely using the entire property for movement, not just the man-made trail. The wording should be revised appropriately.

Section 4.5.3 (Places to Grow), notes that, under Section 4.2.3 of the Growth Plan, outside settlement areas, development and site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System. The study team goes on to state that there are certain exceptions to this provision related to forest management, flood and erosion control, infrastructure authorized under an environmental assessment process, mineral aggregates and agriculture. The section concludes that, since the proposed ERRC is defined as infrastructure under the Growth Plan definitions, it is exempt from the provisions of Section 4.2.3. While waste management systems are considered infrastructure as per the Growth Plan's definition, the exemption in Section 4.2.3.1 is only applicable if the infrastructure has been authorized under an EA process. This is a concerning statement by the study team given that the ERRC did not proceed through an EA process and numerous concerns have been raised, by the public, with the site selection process that have never been addressed by the County. If the Province is suggesting that the County can utilize the exemption policy under Section 4.2.3 of the Growth Plan, the Province should be required to explain how they have granted such an exemption given the lack of an EA process and the lack of clear and transparent decision making that led to the preferred site selection.

Section 5.1 (Impact Assessment Process), as outlined in my previous letter, one of the most concerning aspects of the EIS is that the study team is suggesting that tree planting off-site (i.e., mitigation) should be used when determining whether there is a negative impact to the features and functions on the site. Negative impacts must first be assessed based on the proposed development/site alteration. If no negative impacts are demonstrated, only then can mitigation be proposed. Mitigation cannot be used to demonstrate no negative impacts.

Table 5.1 (Ecosystem Component Impact and Mitigation Summary), I recommend that the overall area of impact is likely greater than 5.5ha as it has not included the area of impact associated with the relocated OFSC trail. This should be included in the impact assessment and mitigation. This would also apply to Section 5.2.1.

Section 5.2.2 (Mitigation) notes that afforestation efforts that will increase the available contiguous woodland vegetation by a minimum of 5.5 ha should take place within 5 km of the Study Area however, no specific areas are identified that the County owns or has access to for such tree planting. If land needs to be purchased to facilitate the tree planting, that must be included in the overall cost-benefit assessment for the project and should have been considered in the overall site selection process (as it could impact the viability of the project if an appropriate site cannot be found). In Section 5.3.2, it is noted that a minimum of 5.5 ha should be forested however, the study team indicates that 11 ha would be preferable. Section 6 (Conclusions) states '*a commitment to afforestation at a 2:1 ratio (e.g. 11ha) to expand and/or enhance the contiguous woodland feature within the vicinity of the Study Area will, along with the detailed site design and operation considerations, serve to mitigate the loss*'. It is unclear what GHD's professional recommendation to the County is with respect to the area, 5.5 ha or 11 ha and it is equally unclear as to what the County is committing to. Again, the availability of an appropriate 11 ha patch of

land has not been demonstrated and should have been part of the overall site selection and assessment process. If this project had been undertaken as an EA, such identification would have been a requirement during the assessment of alternatives.

Figure 5 (Wildlife and Habitat Features), the emergency access road should be shown on this figure.

Conclusion

Based on my review of the Amended Planning Justification Report and Amended Environmental Impact Study there remain outstanding issues with the contents of these reports, as outlined above. As part of an open and transparent public process, the County should provide responses to all comments received, not just those received from public agencies. I recommend that FSF request a written response from the County to all comments that have been submitted to date. If this process had been undertaken as an Environmental Assessment, such documentation would have been a requirement. I further recommend that FSF continue to request the Freele County Forest management documentation that is referred to in the EIS given that the study team is relying on this information in its determination of harvesting practices and woodland significance.

It is my opinion that neither report has demonstrated conformity with the Provincial Policy Statement, County Official Plan, Springwater Official Plan or the Growth Plan. This is based on the following:

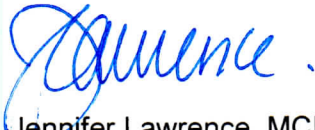
1. Both reports rely on correspondence that the County has reportedly received from the Province in which the Province advises that the ERRC is considered infrastructure that has been approved through an Environmental Assessment process and is therefore exempt from Growth Plan policy 4.2.3. This is extremely significant given that, if not for this exemption, the Growth Plan would not permit the ERRC on the subject property as it is outside of the Urban Area and within the Natural Heritage System. The site selection process was **not** completed as part of an Environmental Assessment and policy 4.2.3 does not provide for infrastructure to be approved through a process 'similar to an environmental assessment'. As such, I strongly recommend that FSF request a copy of the documentation from the Province that the County is referring to and further request that the Province document: (1) what ability they have to revise Growth Plan policy requirements that specifically requires an Environmental Assessment to obtain an exemption to a study that does not meet the standards of an Environmental Assessment; and, (2) to specify how the County's site selection process meets all of the requirements of an Environmental Assessment, including adequate and appropriate investigation into alternatives and preferred alternatives as well as an appropriate appeal process for the public specifically related to the site selection process. A copy of my June 5, 2017 letter should be provided to the Province which provides an outline of the concerns related to the site selection process. Until this documentation is provided, the proposed development appears to be contrary to Growth Plan policy 4.2.3;
2. Both reports rely on off-site compensation planting to demonstrate no negative impacts. Such an approach is not demonstrating '*no negative impacts*' but rather, is an attempt to demonstrate '*no net negative impacts*'. Such an approach is not supported by the Provincial Policy Statement. A proponent must first demonstrate that the proposed development and/or site alteration will not have a negative impact and, only once that is demonstrated, can the proponent recommend mitigation measures to ensure no negative impact takes place. Given that the proponent is relying on off-site compensation to offset the negative impact of the proposed development on the woodland, it is clear that the

development will result in a negative impact to the woodland which is not consistent with PPS policy 2.1.5;

3. Even if off-site compensation planting was consistent with Provincial policy, to address negative impacts of a development (which it is not), the County has not committed to a planting compensation ratio. The reports alternate between recommending a 1:1 ratio and a 2:1 ratio however, the County has not, to my knowledge, advised which planting ratio they are committed to achieving. In addition, the County has not identified a 5.5 ha – 11 ha vacant parcel of land, adjacent to a similar forested area as that which is being removed, within 5 km of the site (as recommended by the EIS), that is currently owned by the County and/or that the County has the ability to purchase. The County has also not included the cost of purchasing such a piece of land, reforesting 5.5 ha – 11 ha of that land and long-term maintenance costs into their business plan. Finally, the County has not committed to a specific planning mechanism that would ensure such compensation planting would take place prior to the removal of any trees on the subject property; and,
4. Both reports conclude that harvesting practices in the Freele County Forest results in the significant woodland designation being only a temporary condition. This is used to justify development within a significant woodland and to minimize the importance of the feature. Unless the County intended to clear-cut the Freele County Forest, a practice that is not supported by their own documented approaches to forest management, there would be no impact to the significance of the woodland as a result of sustainable harvesting. The reports should acknowledge that the woodland is significant with no qualifiers on this designation.

I trust the above is of assistance. Please let me know if you require anything further.

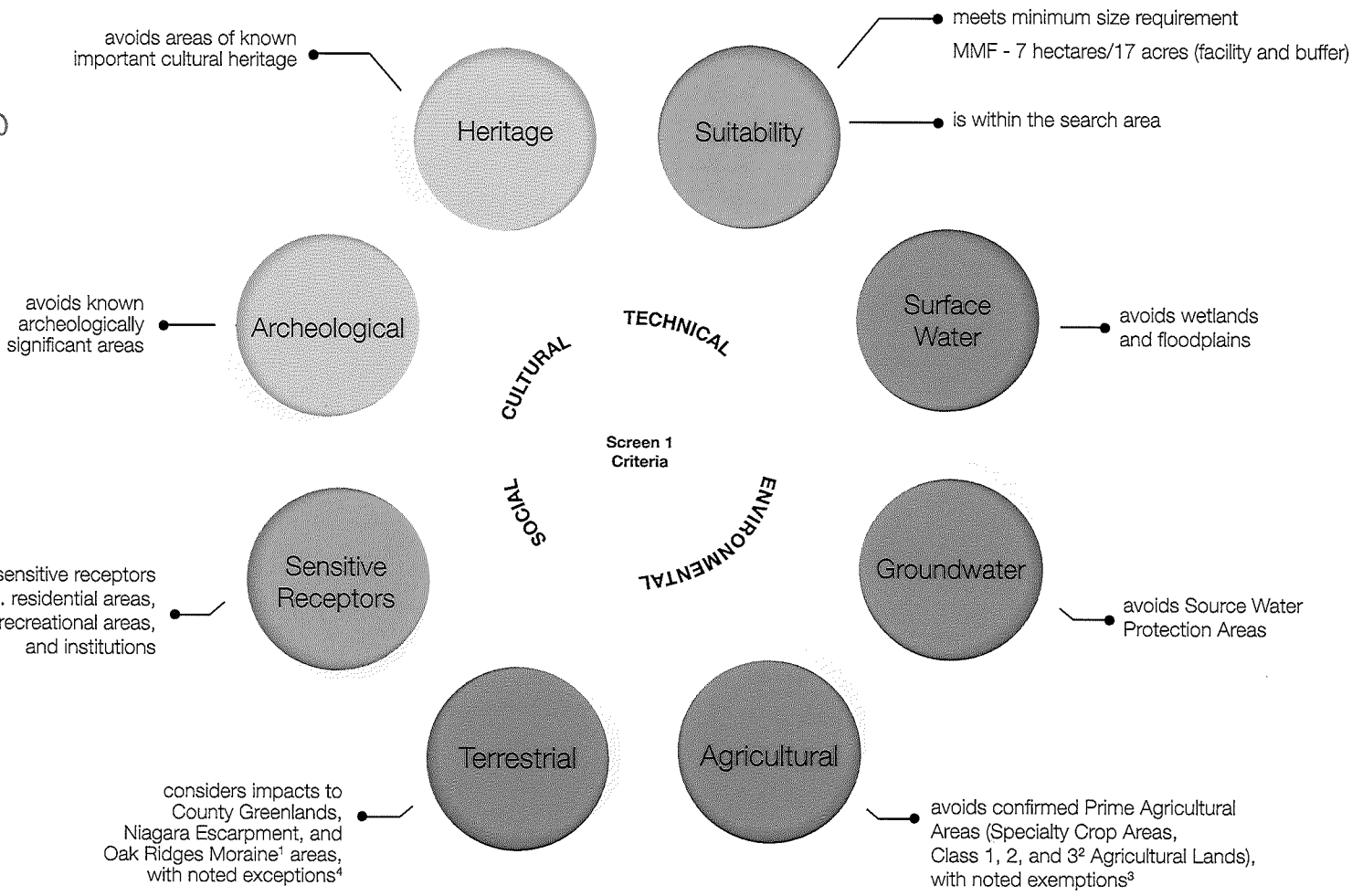
Yours truly,



Jennifer Lawrence, MCIP, RPP
President

This is Exhibit "E" referred to in the affidavit of Jennifer Lawrence affirmed before me, this 20th day of March, 2019.

Raman Nudavajja
 A COMMISSIONER FOR TAKING AFFIDAVITS



NOTES:
 1. Oak Ridges Moraine added as per public feedback received.
 2. Revised to reflect all Prime Agricultural Areas based on public feedback to include Class 3 Agricultural Lands.
 3. Certain sites may be exempt meeting this criterion based on their existing zoning or land use. Exemptions include lands that have not been farmed in the last 10 years, and lands that have been historically used for a purpose other than agriculture (e.g., quarries, waste management facilities). Exempted sites will pass Screen 1, and will be assessed in greater detail in subsequent screens by confirming the current land use and the official plan designation of the lower-tier municipality.
 4. Certain sites may be exempt meeting this criterion based on their existing zoning or land use. Exemptions include lands that have been historically used for a purpose other than the given classification (e.g., quarries, waste management facilities). Exempted sites will pass Screen 1 for this criterion, and will be assessed in greater detail in subsequent screens by confirming the current land use and the official plan designation of the lower-tier municipality.

Figure 4
 SCREEN 1 - EVALUATION CRITERIA
 COUNTY OF SIMCOE MATERIALS MANAGEMENT FACILITY
 PART 2 - LONG LIST EVALUATION

This is Exhibit "E" referred to in the affidavit of Jennifer Lawrence affirmed before me, this twenty-seventh day of March 2019.

Ramari Nadarajah
 COMMISSIONER FOR TAKING AFFIDAVITS

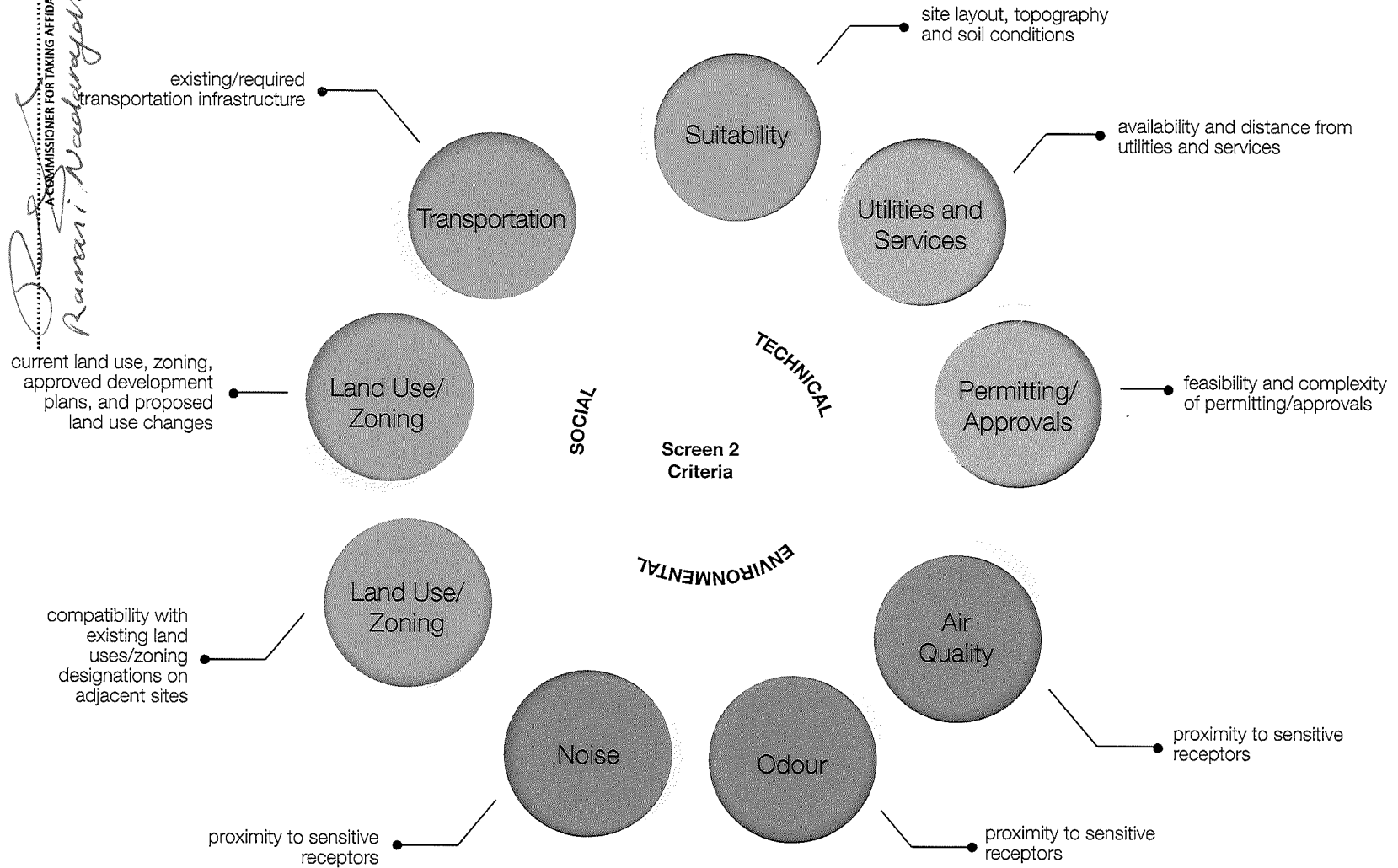


Figure 5



SOURCE: CORPORATION OF THE COUNTY OF SIMCOE

SCREEN 2 - EVALUATION CRITERIA
 COUNTY OF SIMCOE MATERIALS MANAGEMENT FACILITY
 PART 2 - LONG LIST EVALUATION

**NICHOLYN FARMS INC., EDWARD KRAJCIR, and
FRIENDS OF SIMCOE FORESTS INC.**
Appellants

and **MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING and
THE COUNTY OF SIMCOE**
Respondents

LOCAL PLANNING APPEAL TRIBUNAL
PROCEEDING COMMENCED AT TORONTO

AFFIDAVIT OF JENNIFER LAWRENCE

CANADIAN ENVIRONMENTAL LAW ASSOCIATION
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Counsel for the Appellant, Friends of Simcoe Forests Inc.

LOCAL PLANNING APPEAL TRIBUNAL

B E T W E E N :

**NICHOLYN FARMS INC., EDWARD KRAJCIR, and FRIENDS OF SIMCOE
FORESTS INC.**

Appellants

and

**MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING and THE COUNTY
OF SIMCOE**

Respondents

AFFIDAVIT OF JAMES DOUGAN, MARY ANNE YOUNG and KARL KONZE

WE, JAMES DOUGAN of the Township of Mapleton, MARY ANNE YOUNG and KARL KONZE of the City of Guelph, in the Province of Ontario, AFFIRM THAT:

1. We are employed by Dougan & Associates, Ecological Consulting & Design. In March 2017, we were retained by Friends of Simcoe Forests Inc. ("FSF") to perform a peer review of the terrestrial resources information in the *Scoped Environmental Impact Study, Proposed Environmental Resource Recovery Centre, Springwater, Ontario*, November 17, 2016 prepared by GHD Ltd. ("EIS"). As such, we have knowledge of the matters to which we hereinafter depose, except where

this knowledge is based on information and belief, in which case, this Affidavit so indicates.

A. Professional Expertise of James Dougan

2. I, James Dougan, received a Bachelor of Science (Honours) degree in Biological Sciences from Bishop's University in 1972 and a Master of Science degree in Environmental Biology from the University of Guelph in 1975.
3. Since 1975, I have been working as an environmental consultant.
4. I am currently a senior ecologist and natural heritage expert with Dougan & Associates, Ecological Consulting Services. I am also a Director of the firm. My firm currently employs fifteen people, including eight trained ecologists with extensive expertise in natural heritage assessment and planning, four International Society of Arboriculture-accredited arborists, and three Ontario Association of Landscape Architects-accredited landscape architects with training and experience in natural heritage planning, restoration design and habitat management.
5. My firm has prepared many Environmental Impact Studies for a diverse range of projects including infrastructure and mining, urban development, and industrial development projects. I have been personally involved in a senior capacity on several hundred such studies.
6. My firm is regularly retained to conduct peer reviews of natural heritage planning and impact studies, and I have previously provided expert opinion evidence for development matters before the Ontario Municipal

Board (“OMB”), most recently in the City of Guelph (2017), City of Burlington (2015), City of Hamilton (2015–2019), City of Waterloo (2018), and City of Brantford (2013). This evidence examined the interpretation of natural heritage policies and Significant Woodlands as defined under the *Provincial Policy Statement, 2014* (“PPS”) and local Official Plans.

7. In addition to my full-time consulting practice, I have taught natural heritage planning, landscape ecology, and ecological design from 1993 to 2013 at undergraduate and graduate levels at the University of Toronto (1993 – 2008), University of Guelph (2008 – 2012), and post-graduate diploma level in the Niagara College Ecosystem Restoration Program (1997 – 2001). I have also served on graduate and advisory committees at these institutions.
8. Attached as **Exhibit ‘A’** is a copy of my Curriculum Vitae. Attached as **Exhibit ‘B’** is a copy of my signed Acknowledgement of Expert’s Duty Form dated March 22, 2019.

B. Professional Experience of Mary Anne Young

9. I, Mary Anne Young, graduated with a Bachelor of Landscape Architecture degree from the University of Guelph in 2006 and completed a Post-Graduate Certificate in Ecosystem Restoration at Niagara College in 2008.
10. I am a Landscape Architect and Ecologist at Dougan & Associates. I have worked at Dougan & Associates for ten years.

11. I am a certified arborist with the International Society of Arboriculture, and frequently perform tree inventories and assessments.
12. I have extensive experience with Ecological Land Classification (ELC) and field botany.
13. I have been a lecturer in Landscape Ecology at the University of Guelph since 2014.
14. I have worked on Environmental Impact Studies throughout my ten years of employment at Dougan & Associates, primarily conducting vegetation inventories, arborist studies, evaluating impacts, and recommending mitigation measures.
15. I testified as an expert witness in 2017 at the OMB regarding urban forestry.
16. Attached as **Exhibit 'C'** is a copy of my Curriculum Vitae. Attached as **Exhibit 'D'** is a copy of my signed Acknowledgement of Expert's Duty Form dated March 22, 2019.

C. Professional Experience of Karl Konze

17. I, Karl Konze, graduated with a Bachelor of Science (Honours) degree from the University of Guelph in 1992.
18. I am a Senior Wildlife Ecologist at Dougan & Associates. I have worked at Dougan & Associates for twenty years.
19. My areas of expertise include surveys for birds, Species at Risk, and reptiles and amphibians. I have significant expertise in wildlife and significant wildlife habitat assessment, impact assessment and mitigation,

wildlife monitoring plans and studies, and mapping support and air photo interpretation. I have participated in more than 100 Environmental Impact Studies over the past 20 years, and have served as project manager for many of these studies.

20. I have conducted peer reviews for OMB matters relating to wildlife (including Species at Risk), wildlife habitat (including Significant Wildlife Habitat), and standard wildlife survey methodologies. I appeared as an expert witness at the OMB hearing of the Dundas Storage Facility matter (201 King Street East, Dundas) in 2009 (OMB File No.: PL090372) as a wildlife ecologist with a specialization in the interpretation of wildlife habitat. I have provided expert support for many other hearings.
21. Attached as **Exhibit 'E'** is a copy of my Curriculum Vitae. Attached as **Exhibit 'F'** is a copy of my signed Acknowledgement of Expert's Duty Form dated March 22, 2019.

D. Peer Review of June 16, 2017

22. We completed a peer review of GHD's EIS on June 16, 2017. Attached as **Exhibit 'G'** is a copy of our peer review dated June 16, 2017.
23. For the purposes of this affidavit, we have also reviewed GHD's *County of Simcoe Environmental Resource Recovery Centre, Amended Scoped Environmental Impact Study Report* dated February 1, 2018 ("Amended EIS") to determine whether the issues raised in our peer review were addressed. Findings from our review of the original EIS and Amended EIS are summarized below.

24. Our reviews focused on whether the EIS adequately reflected protocols and interpretation under the PPS and its guiding documents, including the Natural Heritage Reference Manual 2nd Ed. (OMNR 2010), the Significant Wildlife Habitat Technical Guide (OMNR 2000), and Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (OMNRF, 2015). We also reviewed local planning documents including the Simcoe County Forest Plan (2011) and the Simcoe County ONE SITE – ONE SOLUTION (2016) study, which outlines background information for the siting of the proposed development. Our full list of references for our June 16, 2017 peer review is found at pages 16 – 17 of the peer review.
25. We all participated in a site visit on May 3, 2017.
26. We identified several major inadequacies and inconsistencies in the original EIS. Our full review of these inadequacies, as documented at the time, is found at pages 2 – 15 of the peer review.

Significant Wildlife Habitat

27. Significant Wildlife Habitat (“SWH”) is protected under the PPS. Identification of SWH is a municipal responsibility, however most municipalities in Ontario rely on two guidance documents prepared by the Provincial government: (1) the Significant Wildlife Habitat Technical Guide (SWHTG) (OMNR, 2000), and (2) the Significant Wildlife Habitat Criteria Schedules (SWHCS). With respect to the Proposed Environmental Resource Recovery Center in Springwater, Ontario, the SWHCS for Ecoregion 6E (OMNRF, 2015) is applicable.

28. The November 2016 EIS prepared by GHD concluded that the Study Area did not meet the test for any SWH. However, in the Amended EIS submitted in February 2018, GHD subsequently acknowledged the presence of four SWH types in the Study Area, namely: “Bat Maternity Colonies”, “Amphibian Breeding Habitat (Woodland)”, “Woodland Area-Sensitive Bird Breeding Habitat” and “Species of Conservation Concern”.
29. Despite the fact that the Amended EIS has acknowledged the presence of SWH in the Study Area, we continue to be concerned with GHD’s identification of SWH and their interpretation of potential impacts on SWH. The following points summarize our concerns.
30. *“Bat Maternity Colonies” SWH*
- a) Following submission of the original EIS, GHD conducted an acoustic monitoring survey for bats and concluded that Big Brown Bats were present within the Study Area in sufficient numbers to confirm the likely presence of Bat Maternity Colonies. However, nowhere in the Amended EIS do they define or map the limits of this SWH.
 - b) According to the SWHCS for Ecoregion 6E, *“The area of the habitat includes the entire woodland or a forest stand ELC Ecosite or an Ecoelement containing the maternity colonies.”* However, since the limits of the SWH was not defined, the Amended EIS does not acknowledge the possibility that the proposed development will have

negative impacts on the SWH and therefore may be in contravention of the PPS.

31. *“Amphibian Breeding Habitat (Woodland)” SWH*

- a) Spotted Salamander egg masses were found by GHD in ELC polygon SWMM2-1 (north of the proposed facility footprint) in 2016. Spotted Salamander egg masses were also found by GHD in ELC polygon SWCM2-1 (close to the southeast edge of the Study Area) in 2017. We confirmed these observations while on site on May 3, 2017. Both observations trigger SWH status and the habitats can only be encroached upon if the EIS demonstrates that there will be no negative impacts on the natural features or their ecological functions (PPS, 2014).
- b) According to the SWHCS for Ecoregion 6E, *“The [SWH] habitat is the wetland area plus a 230 metre radius of woodland area”*. According to Ministry of Natural Resources and Forestry (MNRF) staff, naturalized plantation is considered ‘woodland area’ and should be included in the 230 m wide buffer.
- c) Based on our calculations, the 230 m wide woodland buffer around the northern ELC polygon SWMM2-1 overlaps with approximately 11% of the proposed facility footprint. Similarly, the 230 m woodland buffer around southern ELC polygon SWCM2-1 overlaps approximately 400 m of the proposed new access road, including approximately 53% of its total length. The Amended EIS does not

acknowledge or map the buffer recommended by the MNRF or indicate how the proposed undertaking will negatively impact SWH.

- d) The original EIS and Amended EIS discussed enhancing the habitat for Spotted Salamanders by placing felled logs on the ground to provide cover and hibernation habitat, however Spotted Salamanders typically hibernate underground in small mammal burrows beneath the soil surface.

32. *“Woodland Area-Sensitive Bird Breeding Habitat” SWH*

- a) The original EIS discounted the presence of “Woodland Area-Sensitive Bird Breeding Habitat” SWH within the Study Area, and no new breeding bird survey data was subsequently collected. However, the Amended EIS now recognizes this SWH type to be present.
- b) The Amended EIS did not define or map the limits of this SWH type within the Study Area. According to the SWHCS for Ecoregion 6E, *“interior forest habitat is at least 200 m from forest edge habitat”*; the majority of the site qualifies as SWH.
- c) The Amended EIS also did not acknowledge that the proposed development, located roughly in the centre of the Study Area, would partially eliminate and therefore negatively impact the SWH, contrary to Policy 2.1.5 of the PPS. In fact, they conclude that (p. 30) *“The development of the ERRC will not result in a negative impact...”*

33. *“Special Concern and Rare Species” SWH*

- a) The Amended EIS acknowledged that two ‘Special Concern’ Species at Risk were documented in the Study Area: Eastern Wood-Pewee and Wood Thrush. However, it excluded Western Chorus Frog from this list. Table 2.3 in the Amended EIS incorrectly listed its status as S4 (*i.e.* “Apparently Secure”), whereas, its current status is S3 (*i.e.* “Vulnerable”).
- b) Although the general locations where these two forest songbird species were documented are now noted in Table 2.5 of the Amended EIS, the exact habitats occupied by the species were not mapped or adequately identified. According to the SWHCS for Ecoregion 6E, *“The area of the habitat to the finest ELC scale that protects the habitat form and function is the SWH, this must be delineated through detailed field studies. The habitat needs to be easily mapped and cover an important life stage component for a species e.g. specific nesting habitat or foraging habitat.”*
- c) Since the Amended EIS did not map or provide detailed habitat information for the two bird species, it is not possible to determine whether the proposed development will negatively impact the species or its habitat. As a result, it is not clear whether the EIS findings comply with Policies 2.1.5 and 2.1.8 of the PPS.
- d) Similarly, although specific location information was not provided in the original EIS for Western Chorus Frog, the Amended EIS now

states that they were detected immediately north of Rainbow Valley Road, outside the Study Area. The Amended EIS does not discuss whether SWH for this species overlaps with the study area and whether it will be negatively impacted by the proposed development.

34. *“Woodland Raptor Nesting Habitat” SWH*

- a) The possibility of Woodland Raptor Nesting Habitat SWH was not considered in the original EIS, despite the fact that GHD documented three of the six SWH listed as indicator species by MNRF (*i.e.* Red-shouldered Hawk, Broad-winged Hawk and Barred Owl). We observed two of the indicator species during our site visit on May 3, 2017.
- b) According to the Amended EIS, *“Due to the observation of red-shouldered hawk and broad-wing hawk during field investigations, the Study Area was identified as candidate SWH for Woodland Raptor Nesting Habitat. During the 2017 leaf-off season, a stick nest survey was conducted to determine the presence or absence of nesting raptors.”*
- c) Despite a single stick nest survey conducted by GHD, there is not enough information to support the conclusion in the Amended EIS that Woodland Raptor Nesting Habitat SWH is absent from the study area, for the following reasons:
 - o The Amended EIS does not document how the stick nest survey was conducted and therefore it cannot be verified that

it was conducted appropriately. The Study Area is approximately 84 hectares in size. In our view, a thorough survey for nests would likely have required considerably more time than the single day survey conducted by GHD, especially considering a Snag Density survey for bats across the site was also conducted the same day.

- o The Amended EIS did not acknowledge Barred Owl as being one of the SWH indicator species that triggers candidate SWH status; this species was apparently not targeted during the stick nest survey. Unlike Red-shouldered Hawks and Broad-winged Hawks, Barred Owls usually nest in cavities, which are more difficult to detect, especially when such a large area is surveyed in a single day.

- d) A single active nest of any of the indicator species would trigger SWH designation, which, depending on the species, requires a 100 – 400 metre radius protective buffer around the nest.

35. The Amended EIS did not clearly address whether the proposed development complies with Policy 2.1.5 of the PPS, or whether it complies with Policy 2.1.8 of the PPS, which specifically addresses “adjacent lands”. According to the Natural Heritage Reference Manual, *“Adjacent lands are the lands relevant to which impacts must be considered and the compatibility of a development proposal must be addressed. The*

Province recommends that adjacent lands are those within a minimum of 120 metres of significant wildlife habitat.”

36. The Amended EIS now acknowledges four SWH types to be present on the site, but has not provided clarity as to where the SWH types are located, and the potential for impacts as required under the PPS. Based on our knowledge of the site and of the types of SWH, we believe there will be negative impacts and loss of SWH.

Significant Woodland

37. Although the original EIS identified the site as Significant Woodland, it downplayed its significance throughout the report. It minimized the value of the forest without reference to its functional attributes, which underlies the concept of ‘significance’ in the PPS.
38. The Amended EIS continues to downplay the natural characteristics and quality of the forest, despite now acknowledging the presence of significant quality indicators and SWH that GHD failed to identify in the original EIS.
39. We disagree with GHD’s characterization of the forest function as ‘temporary’ because it is part of a “managed and actively-harvested woodlot”. Clear-cutting is not part of the normal forest management practice in the Simcoe County Forest Plan, which identifies sustaining forests and conservation of biodiversity as high priorities. The Forest Plan does not contemplate activities other than recreation and recommends

that High Conservation Value Forests be identified, mapped, maintained and enhanced.

40. The EIS mischaracterized the site as only including natural blocks of mature woodland in the northeast and southeast corners. Based on our review, approximately 96% of the site is natural or naturalized. As tree planting was completed in 1949, the site currently supports mature forest with trees over 60 years old, consistent with the Woodland Area-Sensitive Bird Breeding Habitat SWH designation.
41. The presence of twenty-one species of area-sensitive birds and other SWH indicates that this site is a highly functioning habitat, irrespective of the presence of planted conifers and long-term management.
42. In our opinion, the proposed facility will cause significant fragmentation of the woodland. The EIS does not adequately address the impact of the facility on either the quantity or quality of the site's forest interior.
43. The proposed development would cause the loss of the forest interior functions of an area much larger than the footprint of the facility. We estimate that approximately 18 hectares of forest interior would be eliminated based on interior conditions more than 200 m from the forest edge. We also note that there is a strong potential for the development to be expanded, as discussed further below under cumulative effects, which would lead to even larger losses of forest interior.

Species at Risk

44. The Amended EIS provided general location information for several Species at Risk. However, more detailed habitat use information and mapping is required, especially in relation to the location of the proposed facility and main access road, so that potential negative impacts can be better identified and if possible, addressed.
45. GHD concluded that no suitable Eastern Whip-poor-will habitat was present in the study area. We disagree based on the following:
 - a) The literature on this species, as outlined on page 9 of our peer review, as well as our habitat assessment conducted on May 3, 2017, indicate that suitable habitat is present.
 - b) Local residents reported that Eastern Whip-poor-will have nested within the Freele County Forest in recent years.
46. We believe this site could provide suitable breeding habitat for Eastern Whip-poor-will. Nocturnal surveys as per the survey protocols prepared by Bird Studies Canada (2014) should be conducted. Until such surveys have been completed, it is premature to conclude that the proposed development would not negatively impact this Threatened species.
47. Potential habitat for Jefferson Salamander is present given the vernal pools on site and the documented presence of other related salamander species, yet no surveys to detect its presence were conducted. Jefferson Salamander is designated as “Endangered” in Ontario and protected under the Endangered Species Act (2007). If Jefferson Salamanders

were documented on the subject lands, the proposed facility footprint may overlap (*i.e.* negatively impact) with its protected habitat.

48. The Amended EIS has not adequately addressed Species at Risk; surveys for all potentially occurring species were not conducted and impacts to species that were documented were not adequately identified or acknowledged.

Vegetation Classification

49. The vascular plant list is inadequate. The list does not provide sufficient information to quantitatively assess the ecological diversity of each vegetation polygon as plants are not identified by ELC polygon. In addition, we observed several easily-identified species on site during our site visit which are not listed in Appendix B, including Common Oak Fern, Common Mullein, and Plantain-leaved Sedge. These deficiencies are a concern given the EIS's conclusion that the vegetation is mostly low-quality plantations.
50. The ELC community descriptions in the EIS section 2.2 are generally consistent with our observations on our site visit on May 3, 2017, with the exception that all of the "naturalizing plantation" descriptions understate the extent of naturalization that is occurring. We observed on our site visit that the plantation communities exhibit relatively rich native understory regeneration and a low proportion of non-native species. This would not be typical in actively managed plantations, where lower diversity would

be expected. This diversity is also reflected in the bird diversity found at the site.

51. The Amended EIS notes native vs. non-native species proportions on the site, as well as an indication of general coefficients of conservatism values for the site as a whole (*i.e.* 25 species with coefficients of conservatism of 7–8, 81% of species with coefficients of conservatism of 0–6). However, as species are not noted by vegetation community in the vascular plant list, this information cannot be broken out by community and thus the overall impacts of the development on species of higher conservation concern cannot adequately be assessed.
52. Based on the 1998 ELC System, we disagree with GHD's classification of the FODM5 community as FODM5. Based on our site observations, this community is better classified as FOD5-1, a Dry-Fresh Sugar Maple Deciduous Forest Type. The following characteristics indicate that the FOD5-1 classification should apply: there is a tree cover of over 60%, over 75% of the canopy cover is a deciduous tree species, the area is almost entirely dominated by Sugar Maple, and there were limited observations of anthropogenic disturbances. Note that in the Amended EIS, this community is described as FODM5 in the report text but mapped as FOD5-1 on Figure 4, Ecological Land Classification.
53. The community described as FODM5 contains the richest flora of spring ephemeral species on site and the most complex topography; the footprint of the proposed facility is largely within this vegetation community. Other

communities on the study site, such as TAGM1, FOCM6, and FOCM6-2, have characteristics more indicative of cultural disturbances, including a canopy of conifers planted in rows as well as trails.

54. GHD observed locally significant plant species during its field work, some of which are located in ELC communities that will be disturbed by development. Locations are given only for False Sunflower (*Helianthus helianthoides*); the regional significance of the remainder of the regionally rare species is downplayed without reference to why the species may be widespread in Simcoe County. An understanding of the abundance and location of the remaining locally significant plants on the study site as well as references to support claims of non-significance would give a more quantified understanding of the impacts to these populations due to the proposed work. Mitigation is only provided for False Sunflower.
55. The impact description for vegetation communities identifies that vegetation will be lost and that permanent alteration of wetland habitat may occur. Mitigation including enhancement and habitat offsetting is suggested but details of these measures are not provided.
56. No information is provided about the ecological impacts to the forest community of creating a major opening with intensive development in the center of what is currently a contiguous woodland.

Wetlands

57. In Section 4.3, the EIS identified wetlands in the northeast and southeast parts of the site and stated that a 120 metre offset for the assessment of

impacts had been used for the assessment. However, the wetland in the southeast of the site was not provided with an offset area and no rationale for this exclusion is provided.

58. The emergency access road is very close to the SWMM2-1 community and within the 230 metre radius buffer for SWH recommended by MNRF to protect salamanders. Therefore, negative impacts to wetlands and ecological functions can be expected.
59. The Amended EIS does not add any significant new insights as to how wetlands will be protected.

Invasive and Predatory Species

60. The proposed facility will include an Organics Processing Facility. Pests may be introduced to the area, and can include mice and rats, non-native insects, and infectious organisms imported as waste. Invasive plant and pest species could invade the surrounding forest which currently has a low proportion of non-native species (24% as calculated by GHD).
61. In our view, there will likely be negative effects on local wildlife because of increases in populations of mice, rats, skunks, raccoons and coyotes, which are attracted to organic waste and other refuse and are predators for sensitive species such as ground-nesting area-sensitive forest birds.
62. Existing resource recovery facilities use control techniques for pests such as poison baits and live trapping. These techniques and their effects are neither identified nor discussed in the EIS. In our view, they would likely

have negative impacts on woodland habitats and biota well beyond the development site.

63. The Amended EIS only addressed the potential introduction of invasive plants, and generally proposed fencing and containment. The Amended EIS does not recognize that invasive plants may also enter the area during construction in imported fill and topsoil. Leakage and spillage of incoming waste is not mentioned, nor the risks from delivery by private vehicles. In addition to invasive plants, other biohazards that could enter the waste stream in the proposed facility during operation, such as invasive insects or microbial pests that could infest the forest, are not identified or discussed. If the facility was developed in an industrial park, these concerns would be minimized, and quarantined if required.

Adjacent Lands

64. The original EIS and the Amended EIS do not clearly discuss lands adjacent to the site.
65. Section 6 of the PPS defines Adjacent Lands as *“those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives”*.
66. The MNRF recommends that Adjacent Lands extend a minimum of 120 metres beyond the limit of the following natural heritage features:

Significant Habitat of Endangered and Threatened Species, Significant Wetlands, Significant Woodlands, and Significant Wildlife Habitat.

67. In EIS Section 4.1, GHD suggested that adjacent lands are within 50 metres of natural heritage features. The likely reason for this error is that the Township of Springwater's Official Plan has not yet undergone a review to bring it into conformity with the 2014 PPS and includes the 50 metre standard. However, section 4.7 of the PPS directs that the policies of the current PPS apply despite less stringent Official Plan policies. The 120 metre adjacent lands definition currently applies.
68. In our view, the proposed facility will create negative changes to ecological functions on a large footprint, likely more than 200 metres from the limits of the site's natural heritage features. The proposed facility will eliminate approximately 18 hectares of interior habitat and create new forest edges by clearing the centre of what is currently interior forest. This will result in two much smaller fragments of interior forest, which will be less ecologically viable than the existing large forest block.
69. There is also a potential for even greater negative impacts due to the possibility of future expansion of the site, fundamental changes to habitat quality, and the introduction of invasive species.

Cumulative Effects

70. The original EIS did not identify, discuss or address potential cumulative effects.

71. Section 3 (Preliminary Development Plan) indicated that the facility may be expanded in the future. The EIS considered a 5.5 hectare development site, however, the County's ONE SITE – ONE SOLUTION document identifies the size specification for the ERRC as 20 hectares, and promoted this site because of its 84 hectares of largely usable space to accommodate future expansion, which was not addressed in the EIS.
72. The footprint of the site should also include indirect impacts associated with the laneway accessing the facility.
73. The Amended EIS recognized that the first phase of facility development will directly affect 5.5 hectares of the site. There was no discussion of impacts created by the likely future expansion of the facility.

E. Letter to Ministry of Municipal Affairs and Housing, March 2, 2018

74. We provided a letter report to the Ministry of Municipal Affairs and Housing ("MMAH") on March 2, 2018. Attached as **Exhibit 'H'** is a copy of the report to MMAH dated March 2, 2018. This report was based on the GHD EIS (Nov 2016) and other references on the County website.
75. The purpose of our report was to inform MMAH of the known significance of the natural heritage system at the site and the surrounding lands, based on our review of documents prepared to support the facility by GHD, our site visit, and observations of others affiliated with FSF including Mr. Bob Bowles, a highly respected field scientist.
76. According to the province's Regional Natural Heritage System ("RNHS") mapping, the site is located within the RNHS, with woodland cover

throughout the site and unevaluated wetlands in the northeast corner of the site.

77. The March 2, 2018 report highlights our main observations documented in our peer review, including the presence of (1) Significant Woodland, (2) Significant Wetlands, (3) Significant Wildlife Habitat, and (4) Habitat of Endangered or Threatened species.
78. We outlined our key concerns regarding the County's proposal to locate the facility in the Freele County Forest:
 - a) The facility will cause significant fragmentation and degradation of the forest natural heritage system. We estimate that 18 hectares of forest interior will be eliminated.
 - b) The proposed facility is within Significant Woodlands.
 - c) Habitat for Endangered Species at Risk will be removed or otherwise negatively impacted.
 - d) The Site contains key hydrologic features and key hydrologic areas as defined by the Province, and impacts to these resources are likely.
 - e) Invasive and predatory species are typically transported or attracted by organic waste and other refuse. The introduction of such infrastructure into a high-functioning area of the RNHS is clearly a high risk venture that will inevitably affect many sensitive plant and wildlife attributes.

- f) Site studies have not adequately addressed Adjacent Lands as defined in the PPS. The facility will have effects capable of extending well beyond the minimum 120 metres recommended in the Natural Heritage Reference Manual.
- g) The proposed facility will also include a waste handling and fleet maintenance facility. The effects of traffic and emergency road access cannot be adequately addressed without serious harm to the RNHS and its functions on the site and in its vicinity.
- h) The proposed facility and site will occupy 5.5 hectares, however the County's ONE SITE, ONE SOLUTION study criteria require adequate space for a 20 hectare facility. Significant cumulative effects are considered very likely once the initial facility is established.

79. We concluded that the County's proposal to place this facility within the RNHS is not consistent with the PPS or the RNHS policies within the Growth Plan.

Conclusion

80. GHD did not adequately characterize the study area, provide appropriate interpretation of policy, or consider impacts and mitigation in sufficient detail.

81. The significance of the forest habitat was repeatedly understated. For example, given the results of the breeding bird surveys, we noted:

- Forty-nine species of birds were documented during the breeding bird surveys, 48 of which were possible breeders. In our experience, this is very diverse for an entirely forested area, suggesting high quality and diversity of habitats.
- Twenty-one area-sensitive bird species were documented. In our view, this is an exceptionally high number, indicating the size and high quality of the habitats present. This high quality is not acknowledged in the EIS.

82. We conclude at page 14 of our peer review that the EIS's conclusion that it is not anticipated that there will be negative impacts on natural features and ecological functions is without foundation.

83. The conclusion of no negative impacts is not supported by the evidence in the original EIS or the Amended EIS, particularly given the inconsistencies, misinterpretation and exclusions outlined by us in this affidavit and in our peer review.

84. GHD acknowledged that the site meets woodland significance targets under Simcoe County's Official Plan Greenlands designation and the PPS, but still downplayed the importance of this feature. Their rationale is not provided. Our view is that the site is more significant than is portrayed in the original EIS and Amended EIS.

85. Waste recovery facilities are an industrial use. They would normally be sited on designated industrial land. Instead, in this case, the proposed site is a quality forested area, which will undoubtedly create conflicts with


natural biodiversity, and which could be further exacerbated by operational management practices.

86. Traffic, noise and other disturbances, including the introduction of potential invasive species and predators, directed to the centre of the forest will clearly have a negative impact on resident flora and fauna.
87. The identified constraints are not mapped on any figure; this omission downplays the extent of the constraints and therefore the negative impacts associated with construction and operation of the facility. Further, the clear intention of the County to expand the facility in the future is not addressed by the EIS.
88. There is no mitigation plan within the original EIS or Amended EIS, which would normally include a figure indicating the development concept plan, ecological features and functions being protected, and locations for mitigation measures being applied on the site or adjacent lands.
89. The Amended EIS did not address most of the concerns that we raised in our June 2017 peer review comments. It continued to downplay the quality and significance of the site despite meeting Significant Woodland criteria.
90. With minimal new data, the Amended EIS now recognizes four categories of Significant Wildlife Habitat as being present, however, these are not adequately mapped or delineated. These features and functions require protection under the PPS, but this is not clearly addressed in the


Amended EIS, which still does not adequately address impacts and their mitigation.

91. The Amended EIS has not addressed our key concerns. While it now acknowledges the presence of Significant Wildlife Habitat and Significant Woodlands, it continues to assert that the resources on site are not significant as defined under the PPS. These protected features will be removed and/or significantly altered by the proposed development. Future expansion of the facility is still not addressed in terms of cumulative effects.
92. We make this affidavit in support of the appeal by FSF of the MMAH's approval of the County of Simcoe's Official Plan Amendment 2 for the proposed Environmental Resource Recovery Centre at 2976 Horseshoe Valley Road and for no improper purpose.


AFFIRMED before me in the City of Guelph in the Province of Ontario on March 22, 2019.




Commissioner for Taking Affidavits




JAMES DOUGAN



Commissioner for Taking Affidavits



MARY ANNE YOUNG



Commissioner for Taking Affidavits



KARL KONZE

This is Exhibit "A" referred to in the affidavit of James Dougan, Mary Anne Young and Karl Konze affirmed before me, this twenty-second day of March 2019.

JAMES (JIM) DOUGAN, B.Sc., M.Sc., OALA
CURRICULUM VITAE


A COMMISSIONER FOR TAKING AFFIDAVITS

- Education:**
- B.Sc.** Biological Sciences (Hons.), Bishop's University, 1972
 - M.Sc.** Applied Ecology, University of Guelph, 1975
- Career History:**
- 1975 Park Planner, Life Science Surveys, Ontario Ministry of Natural Resources
 - 1976 Project Botanist, Forest Management Institute, Environment Canada
 - 1976-1981 Ecologist / Environmental Inspector, Ecoplans Ltd., Waterloo, Ontario
 - 1981-present Principal & Senior Ecologist, Dougan & Associates - Ecological Consulting and Design Services
 - 1993 -2009 Adjunct Assistant Professor in Ecology, Faculty of Architecture, Landscape & Design, University of Toronto
 - 2008-2011 Lecturer in Landscape Ecology, School of Environmental Design and Rural Development, University of Guelph
 - 1997-present Co-proprietor, Grand Moraine Growers, Native Plant Nursery
- Honorary Awards:**
- 2011 Honorary Member, Ontario Association of Landscape Architects (OALA)

Profile:

Mr. Dougan was Principal of Dougan & Associates, an Ontario-based ecological consulting firm for the past 30 years and is currently a Director. He has provided ecological expertise for more than 1500 projects in the public and private sectors, primarily in Ontario. He has directed many terrestrial impact assessments, coordinated natural heritage studies and master plans for watersheds and secondary plan areas, and provided expert testimony on natural heritage planning matters for various boards, Provincial Court, and hearings. He first presented OMB evidence in 1978.

Mr. Dougan regularly collaborates with associates (hydrology, aquatic biology, engineering, planning and other disciplines) on multi-disciplinary teams. His key areas of expertise encompass landscape ecology, natural heritage planning, terrestrial habitat assessment and management, ecological research, ecological restoration, pit and quarry rehabilitation, urban woodlot restoration, and species at risk strategies. He has pioneered progressive ecological restoration strategies through his work, and has actively disseminated his experience through teaching and conference presentations.

In addition to full time consulting, Mr. Dougan was Assistant Professor in the Faculty of Architecture, Landscape and Design at the University of Toronto 1993-2009 and was an instructor in Landscape Ecology in the Environmental Design and Rural Development Program at the University of Guelph from 2008 - 2013. From 1997 to 2007 he served as advisor and occasional guest lecturer to the Niagara College Ecological Restoration Program.

EXPERT WITNESS AND HEARING PREPARATION

Ontario Municipal Board (1978-2016)
Ontario Land Compensation Board
Ontario Provincial Court
Ontario Energy Board
National Energy Board
Niagara Escarpment Commission

AFFILIATIONS

Society for Ecological Restoration (*Ontario Chapter Co-Founder and Board member 1992 to 1998*)
Ontario Nature
Field Botanists of Ontario
International Society of Arboriculture (1980 to present)
Waterloo-Wellington Wildflower Society

PROJECT EXPERIENCE

Selected projects (organized by category), publications, presentations and teaching experience are presented on the following pages. This is not a comprehensive listing.

Canadian Environmental Assessment Act

- 2015-2019 *CEAA Screening and Impact Assessment for CN Milton intermodal Facility.* Peer review of CN's EIS studies and CEAA Panel Review for Region of Halton and Town of Milton.
- 2001-2003 *CEAA Screening and Impact Assessment for Red Hill Creek Expressway.* CEAA screening, technical studies, EIA and expert support for City of Hamilton case in Federal Court on CEAA applicability.

Peer Reviews & OMB/LPAT Involvement (including testimony, direction and support roles)

- 2018-2019 *Reid Quarry Peer Review and LPAT Evidence for Region of Halton and Town of Milton.* Expert review of environmental impact study for proposed quarry, and LPAT hearing preparation.
- 2018-2019 *200 Keele St. Rezoning Appeal, for concerned residents, City of Toronto.* Peer review and LPAT preparation re: rezoning for development in Ravine By-law lands.
- 2018-2019 *Hidden Quarry Peer Review and LPAT Evidence for Concerned Residents Association.* Expert review of environmental impact study for proposed quarry, and LPAT hearing preparation.
- 2011-2017 *Town of Milton SIS Peer Reviews.* Expert reviews and OMB negotiations for Subwatershed Impact Statements and detailed design of channel works for new development areas in the Town.
- 2015-2019 *City of Hamilton Peer Reviews and OMB Support.* Peer reviews of two EIS and OMB hearing support for City of Hamilton.
- 2004-2015 *North West Brantford EIS Peer Reviews and OMB Testimony.* Expert support and testimony for City of Brantford on four proposed development sites adjacent to the Grand River.
- 2011 *Aurora 2C Secondary Plan, Town of Aurora* for Aurora-Leslie Development Limited. Support for hearing team on natural heritage planning matters.
- 2010-2012 *David Dunlop Observatory Secondary Plan, Town of Richmond Hill.* Support for Town of Richmond Hill team on natural heritage planning matters.
- 2010-2012 *Milton Heights Peer Review of Subwatershed Impact Study Areas 1-4.* Support for Town of Milton hearing team on natural heritage planning matters.

- 2007-10 *Expert Witness for West Side Developers, City of Waterloo.* Environmental Impact Study preparation, expert and settlement negotiations for subdivision plans in vicinity of Environmentally Sensitive Policy Areas and Provincially Significant Wetland.
- 2006-2010 *Dundas Business Park EIS and OMB Testimony, Hamilton, ON.* Impact assessment for proposed rezoning of industrial lands. Included research and testimony on significant wildlife habitat.
- 2005-2010 *St. Mary's Cement Proposed Flamborough Quarry Peer Review, Hamilton, ON.* Peer review (for Joint Agency Review Team) of natural environment report and haul route study for proposed new quarry.
- 2008-2011 *Dufferin Aggregates Proposed Acton Quarry Expansion, Halton Hills, ON.* Peer review (for Joint Agency Review Team) of natural environment study and adaptive management plan for four new phases of quarry extraction.
- 2007 *Forbes Creek Peer Review for City of Cambridge.* Review of Environmental Impact Study prepared for Mattamy Homes Developments in regards to compliance with Forbes Creek Subwatershed Study recommendations.
- 2006-07 *Reeb Quarry Peer Review and OMB Testimony for Region of Niagara.* Review and commentary on proponent's impact assessment for proposed new quarry in Township of Wainfleet. Negotiation of rehabilitation strategy.
- 2006 *Castle Glen Peer Review & OMB Hearing, Collingwood for Niagara Escarpment Commission.* Provided peer review of Natural Heritage Assessment and related documents for proposed development on the Niagara Escarpment. Key issues included presence of Species at Risk, significant wildlife habitat and landscape approach to natural heritage system planning.
- 2006 *Fernwood Peer Review, Region of Niagara.* Provided peer review of EIS and related documents for proposed development. Key issues included presence of breeding amphibian habitat and significant species within the woodland/wetlands on site.
- 2005 *Browning Island Peer Review, Muskoka.* Peer review related to water quality issues adjacent to proposed golf course.
- 2004 – 2007 *Peer Review and Expert Testimony for the Region of Waterloo's Environmentally Sensitive Landscapes (ESL).* Literature review of Landscape Ecology, assessed draft criteria for ESLs identification and provided process to delineate ESLs.
- 2004-05 *Niagara River Proposed Golf Club Peer Review for the Town of Fort Erie.* Peer review for proposed golf course in unevaluated wetlands.
- 2004 *Proposed Golf Course Peer Review, Bracebridge.* Involved review of proponent's findings, critique of original report, preparation for PIC and Council presentation.
- 2003 *Peer Review for Proposed Rockfort Quarry, Town of Caledon.* Opinion letter on natural environment and hydrological studies, and EIA submitted for this proposed quarry.
- 2001-03 *OPA 129 Oak Ridges Moraine (ORM) Sustainable Development Peer Review for the City of Toronto.* Provided peer review and expert testimony services on the ecological impacts of development on natural resources (Jefferson Salamander and other amphibians) and landscape functions.

Natural Heritage Expertise for Regional Landscape and Watershed-based Studies

- 2015-2019 *South Milton Subwatershed Study, Town of Milton.* Natural heritage planning for major expansion of Milton's urban area.
- 2011-2013 *Heritage Heights Subwatershed Study – Landscape Scale Analysis (LSA), City of Brampton.* Regional natural heritage assessment to support secondary planning and major highway infrastructure.
- 2006-2013 *North West Brampton Subwatershed Study and Landscape Scale Analysis (LSA), City of Brampton.* Natural heritage assessment and analysis for 600 ha urban expansion area. Progressive analysis for natural heritage planning on a landscape scale using GIS.
- 2008-2013 *Mayfield West Phase 2 Comprehensive Environmental Impact Study, Town of Caledon.* Natural heritage planning in support of a new Secondary Plan area.
- 2007-2013 *Sixteen Mile Creek Subwatershed Update Study, Town of Milton.* Natural heritage planning for two Secondary Plan areas.
- 2005-06 *Town of Fort Erie Watershed Plan, NPCA.* GIS-based analysis of natural heritage resources as a basis for watershed planning.
- 2004-07 *Region of Waterloo Environmentally Sensitive Landscapes Policy, RM Waterloo.* Peer review of draft policies and application of criteria to two candidate ESL's. Included OMB testimony.
- 2005-06 *Niagara Water Quality Protection Strategy – Terrestrial Monitoring, Region of Niagara.* GIS-based monitoring in support of the original water protection strategy (2002-03).
- 2003-05 *NW Brampton Environmental Open Space Study.* GIS analysis and identification of natural heritage strategy for Official Plan update.
- 2001-02 *Welland River Restoration Works, Niagara.* Assessment of effects of water taking by Ontario Power Generation on natural habitats upstream of the Niagara River confluence.
- 2001-04 *Indian Creek Subwatershed Study, Town of Milton.* Natural heritage system plan for Niagara Escarpment and clay plain areas in the Town of Milton.
- 2000-04 *Hanlon Creek State of the Watershed Report, City of Guelph.* Review of urban development impacts on wetlands and other habitats in Hanlon Creek watershed.
- 2001-03 *Hespeler West Subwatershed Study, City of Cambridge.* Natural heritage system design for three subwatersheds.
- 2000-01 *Forbes Creek Subwatershed Study, City of Cambridge.* Natural heritage assessment of subwatershed slated for future urban and rural uses.
- 1998-99 *Sixteen Mile Creek Subwatersheds 2&7 Study, Milton, Ont.* Assessment and natural heritage plan for a rural watershed subject to future development.
- 1993-200 *Warren Creek Subwatershed Study, City of Niagara Falls.* Natural heritage assessment of subwatershed slated for future urban and employment uses.
- 1994-95 *Georgetown West and South Master Drainage Plan Update.* Sub-watershed assessment.

Official Plan and Secondary Plan Policies

- 2011-2013 *2029 Regional Official Plan, Region of Waterloo.* Peer review of natural heritage policies for OMB appeals.
- 2004-2010 *Natural Heritage Strategy, City of Guelph.* Natural heritage analysis of entire municipality to support Official Plan conformity with PPS (2005). Support for OMB appeals.
- 2008-2009 *Peel-Caledon Significant Wildlife Habitat Study, Region of Peel and Town of Caledon.* Analysis of regional natural heritage and development of draft criteria for Significant Wildlife Habitat to support Official Plan conformity with PPS (2005). This was the first municipal SWH initiative in Ontario.
- 2004-13 *Northwest Brantford (Hardy Rd.) Peer Review and OMB Testimony.* Review and critique of the proponents' impact assessments and supporting studies for two proposed developments along the Grand River including lands with environmental designations. OMB evidence in support of City OPA to implement the 2010 Waterfront Master Plan.

Environmental Impact Assessments/Studies (EIA/EIS)

- 2005-2017 *Blue Springs EIS, Eramosa Twp., ON.* Impact assessment for proposed site alteration of industrial zoned lands in vicinity of PSW and significant woodlands.
- 2004-2012 *Woodland Way Estates EIS, Town of Whitchurch-Stouffville, ON.* Impact assessment for Phases 1 & 2 of estate development located on Oak Ridges Moraine.
- 2009-1010 *Fairview Condominiums EIS, Fergus, ON.* Impact assessment for residential condominium development in the vicinity of wetlands and significant woodlands.
- 2008-2010 *1355 Upper Wellington Street EIS, Hamilton, ON.* Impact assessment for proposed reconstruction of place of worship, affecting potential significant woodlands.
- 2008-2009 *St. Joseph's Health Care Hamilton EIS, Hamilton, ON.* Impact assessment for hospital redevelopment located adjacent to Niagara Escarpment.
- 2005-07 *Community Beaches EIS, City of Hamilton.* Provided migratory bird (Significant Wildlife Habitat) inventories and assessments, as well as buffer recommendations.
- 2004-2010 *Limekiln Road EIS, City of Hamilton, ON.* Impact assessment for residential infill in vicinity of Environmentally Sensitive Area. OMB support re: interpretation of significant woodlands.
- 2003-2009 *Waterloo West Side EIS, Waterloo, ON.* Impact assessment for proposed residential development located within Waterloo Moraine. Included OMB preparation and negotiations.
- 2000-02 *Environmental Impact Study, Stoney Creek Ravine, City of Hamilton.* Impact assessment for trunk sewer through Environmentally Sensitive Area.
- 1996-98 *Environmental Impact Study and OMB Hearing. City of Vaughan Block 10.* Natural heritage planning on 400 ac future development, including six woodlots.

Terrestrial Ecology Expertise for Planning Guidelines, Policies & Strategies

- 2005-06 *City of Windsor Environmental Strategy Plan (ESP).* Provision of Natural Heritage technical expertise, workshop facilitation and input into the ESP (team led by DPRA).

- 2005-06 *Natural Flow Paradigm Critique and Research – Terrestrial Component, for Ontario Power Generation (OPG).* Focus on impacts to riparian vegetation and wildlife.
- 2005 *Terrestrial Ecology Best Practices for EAs & Other Planning – workshop for City of Hamilton Planning Staff.* Development and presentation of materials for full day workshop.
- 2004-05 *TRCA Stream Crossing Guidelines.* Development of ecological parameters in support of guidelines, with Parish Geomorphic, and educational primer.
- 2003-05 *Town of Oakville Environmental Strategy Plan (ESP).* Provision of best practices research and Natural Heritage technical expertise and input into the ESP (team led by DPRA).
- 2003-04 *Upper Canada College Green Master Plan, Georgetown and Toronto campuses.* Assessment of natural areas and identification of restoration opportunities.
- 1992-94 *Metro Toronto & Region Conservation Authority Woody Plants Project.* Specification of native species for revegetation projects within the Greater Toronto Area.
- 1991-92 *City of Brampton Woodlot Development Guidelines. City of Brampton, Ont.* Guidelines for planning, design and ongoing management of urban woodlots.
- 1990-92 *Brampton Official Plan Review.* GIS-based environmental inventory and policy review for planning within 280 sq km municipality.

Terrestrial Ecology Studies: Site-Specific

- 2006-2016 *Downsview Park Terrestrial Assessments, Toronto.* Provision of terrestrial expertise to Parc Downsview Park and multi-disciplinary team regarding implementation of the Master Plan, and new urban development on the associated William Baker lands.
- 2003 *Twiss Road Environmental Assessment, Town of Milton.* Vegetation and wildlife inventories, impact assessment, mitigation options and review of design alternatives. Included issues related to crossing Niagara Escarpment and Jefferson Salamander.
- 2000-02 *Environmental Impact Study, Stoney Creek Ravine, City of Hamilton.* Impact assessment for trunk sewer through Environmentally Sensitive Area.
- 1999-2001 *Southern Flying Squirrel Study, Red Hill Creek Valley, City of Hamilton.* Population study of *Glaucomys volans*, and assessment of species response to highway gaps.
- 1998-99 *Sixteen Mile Creek Subwatersheds 2&7 Study, Milton, Ont.* Assessment and natural heritage plan for a rural watershed subject to future development.
- 1997 *Environmental Impact Study and OMB Hearing, Halton Escarpment Wetland Complex.* EIS and hearings for proposed estate developments.
- 1996-97 *Albion Mills Estates/Montgomery Creek Assessment and OMB, Hamilton.* Inventory and assessment of proposed development area within 2 ESA's on Niagara Escarpment and expert witness testimony (Montgomery Creek watershed, Felkers Falls Escarpment and Red Hill Creek Valley).
- 1991-92 *Ancaster Creek Flood and Erosion Control Project, Ancaster, Ont.* Class EA for modifications to an urbanized drainage system crossing the Niagara Escarpment.

Habitat Management and Restoration Studies: Site-Specific

- 2006-07 *Huron Natural Area Master Plan Update & Implementation Plan, City of Kitchener.* Updates to natural heritage of +100ha urban natural area, development of natural heritage database, direction master plan updates, input to detail design of Phase 1 trails and infrastructure, provision of 10-year management plan, and provision of public consultation.
- 2006-09 *Brickworks Park Design Implementation, Toronto.* Provision of technical expertise to identify restoration opportunities and facilitate implementation of high-profile Master Plan.
- 2003-04 *Creditview Wetland Management Plan, Mississauga.* Management plan, conceptual plan for recreational infrastructure, and monitoring plan for this PSW.
- 2001-02 *Welland River Restoration Works, Niagara.* Assessment of effects of water taking by Ontario Power Generation of natural habitats upstream of the Niagara River.
- 1999-2001 *South Keele Woodlot Management Plan, York University.* Analysis of sustainability and management requirements for urban woodlot on campus.
- 1997 *Hillborn Oak Savanna Management Plan, City of Cambridge.* Strategy for restoration and long-term management of a degraded oak savanna.
- 1995-96 *Mazinaw Rock Cliff Survey. Bon Echo Provincial Park.* Cliff community inventory and analysis to assess rock climbing impacts.
- 1994-99 *Wetland Design, Construction and Monitoring, Town of Penetanguishene.* Restoration and monitoring of shoreline wetlands within waterfront park.
- 1993-94 *Wetland Evaluation, University of Western Ontario Property.* Sifton Properties, London, Ont. Evaluation of wetland located within urbanizing context.
- 1992-93 *Tiffany Creek Headwaters Wetland Evaluation, Ancaster, Ont.* Hamilton-Wentworth Regional Roads Dept. Wetland evaluation in urban fringe area (Class 3 - Tiffany Creek Headwaters Wetland Complex).
- 1991-92 *Ancaster Creek Flood and Erosion Control Project, Ancaster, Ont.* Class EA for modifications to an urbanized drainage system crossing the Niagara Escarpment.
- 1989 *Marl Lake Wetland Assessment, Wasaga Beach, Ont.* Assessment of golf course expansion impacts on Class I wetland (Marl Lake).
- 1988-89 *Mullett Creek Wetland Restoration, Mississauga, Ont.* Wetland restoration plan for a stormwater management pond and sanitary service corridor development.
- 1986 *Welland Canal Natural Resource Management Study. Public Works Canada.* Habitat restoration strategy for 8 km of abandoned canal lands and spoil areas.
- 1984-88 *Toronto Island Wetland Management Study. Metro Parks Dept., Toronto.* Design, implementation and monitoring of management program for regionally-significant Lake Ontario Shoreline wetland.
- 1982 *Parliament Hill Slope Rehabilitation. Public Works Canada.* Vegetation assessment, design and management strategy to restore native slope vegetation.

Species at Risk Assessment, Conservation & Monitoring

- 2011 *Detailed Butternut (Juglans cinerea) Surveys at 16 Provincial Parks.* Ontraio Parks. Detailed searches and health assessments of individual Butternut populations.
- 2009-2013 *Status Update for American Ginseng (Panax quinquefolia), COSEWIC.* Field review of selected sites and updating of status.
- 2009-2011 *Status Update for American Chestnut (Castanea dentata), COSEWIC.*
- 2004-07 *SAR Inventories & ELC Mapping for Point Pelee National Park.* Detailed searches for 48 S1-S3 plant taxa and SAR herpetofauna, including collection/reporting of relevant quantitative/qualitative data. Provided mapping, data and reporting.
- 2006-07 *SAR Surveys, Bruce Peninsula Park.* Intensive field surveys for Queen Snake (*Regina septemvittata*) and Eastern Prairie Fringed-Orchid (*Platanthera leucophaea*) as well as other SAR known to occur with the park.
- 2005-06 *Detailed Inventory of Branched Bartononia (Bartonia paniculata ssp. Paniculata).* Conducted thorough population assessments at all Ontario populations for this threatened species. Provided detailed habitat mapping and future management.
- 2005-06 *Detailed Butternut (Juglans cinerea) Surveys at 12 Provincial Parks.* Performed detailed searches and quantitative health assessments of individual Butternut populations.
- 2005 *Rare Sedge (Carex) & Provincially Significant Wetland Inventories for Hydro One.* Carried out detailed rare sedge and other S1-S3 plant searches in Provincially Significant Wetland habitat in the Niagara Region on behalf of Hydro One.
- 2004 *Petroglyphs Provincial Park Detailed Wetland Inventory & Mapping.* Conducted detailed searches for 4 SAR reptiles, along with critical habitat identification. Identified, mapped and digitized all wetland communities and remaining upland habitat using ELC.
- 2003 – 2005 *Eastern Prickly Pear Cactus – Lake Erie Sand Spit Savanna Recovery Strategy.* Background research and liaison with Recovery Team and other experts. Comprehensive, ecosystem-based recovery strategy for this endangered species, and associated SAR, and Lake Erie Sand Spit Savanna ecosystems.
- 2003-04 *Recovery Strategy for Eastern Prairie Fringed-orchid (Platanthera leucophaea).* Developed Recovery Strategy for Eastern Prairie Fringed Orchid for the OMNR.
- 2001 *Bronte Creek Provincial Park Vegetation Management Plan, Ont. Ministry of Natural Resources.* Plan for management of specialized habitats within the Provincial Park.
- 1999-2001 *Southern Flying Squirrel Study, Red Hill Creek Valley, City of Hamilton.* Population study of *Glaucomys volans*, and assessment of species response to highway gaps.
- 1998 *Cucumber Tree Population Monitoring, Ontario Ministry of Natural Resources.* Mapping of trees and habitats for *Magnolia acuminata*, an endangered species.

PUBLICATIONS & PRESENTATIONS

- Scheckenberger, R. and J. Dougan. 2011. Comprehensive Adaptive Management Plan (CAMP), Town of Caledon. Presented to the Municipal Stormwater Discussion Group Meeting at Town of Caledon.
- Dougan, J. 2011. Bugs n' Bunnies, Birds n' Bees: Ecological Risk Assessment For Everyone. Presented to Environmental Law Section, Ontario Bar Association. 2 March 2011.
- Murnaghan, J., J. Dougan and J. Rockwood. 2011. Red Hill Creek Parkway - Balancing Ecology, Archaeology and Cultural Implications. Conference Proceedings of the Centre for the Study of Architecture in the Arab Region, Aman Jordan.
- Snell, E. A., J. M. Dougan, and S. Sampson. 2010. Riparian Corridor Rating for Natural Heritage Functional Importance at a Landscape Scale: North West Brampton Example. Presented at 2010 Natural Channel Design Conference, Mississauga, ON.
- Dougan, J. 2008. NHS Planning Experiences: Case Examples, Issues and Challenges. Presented to: *Natural Heritage Systems in Southern Ontario: Case Studies, Lessons Learned and Moving Forward*. MNR Southern Region Joint Natural Heritage and Planning Forum, October 8 2008.
- Dougan, J. 2007. Moving "Balance" Towards "Integrity" 2007. Presented at the Environmental Advisory Committee Symposium: Face to Face to Face: Landscape Integrity, Connectivity and Linkages. Kitchener, ON. May 2007.
- Red Hill Valley Project - From a Watershed View to Built Design. 2007. Presented at the Urban Ecological Restoration: Thinking Beyond the Curb Workshop, Transportation Association of Canada Conference, Saskatoon, SK., October 2007.
- Snell, Elizabeth and James Dougan. 2003. Assessing the Functional Role of Natural Areas for the Niagara Water Quality Protection Strategy. In Lemieux, C., J.G. Nelson, T. Beechey and M. Troughton (eds.) *Protected Areas and Watershed Management: Proceedings of the Parks Research Forum of Ontario (PRFO) AGM 2003*. Heritage Resources Centre, University of Waterloo, Waterloo ON. pp. 313-325.
- Snell, Elizabeth and James Dougan. 2004. Natural Terrestrial Infrastructure in a Water Protection Strategy: Niagara Peninsula Case. Presented at the Conference of Canadian Society for Landscape Ecology and Management, Wilfrid Laurier Univ., Waterloo
- Dougan, J. 2004. Urban Hydrology Effects & Restoration: Insights from Wet Forests on the Clay Plain. Carolinian Canada Conference: 3R's - Rehabilitation - Restoration - Recreation, May 2004, University of Western Ontario, London, ON.
- Dougan, J. 2003. Performance Monitoring and Sustainable Development Practices Under the Provincial Policy Statement. Protecting the Source from Upstream to Downstream, 10th A.D. Latornell Conservation Symposium, November 14, 2003, Creemore, ON.
- Dougan, J. 2003. People or Pumas? Natural Heritage Planning. Power of Place, OPPI - OALA Conference, September 2003, Huntsville, ON.
- Dougan, J. 2003. Performance Evaluation & Monitoring. Take it to the Limit Carolinian Canada EIS Conference, Feb. 2003, GRCA, Cambridge, ON.
- Snell, E., and J. Dougan. 2003. Assessing the Functional Role of Natural Areas for the Niagara Water Quality Protection Strategy. Presented at the Parks Research Forum of Ontario Conference, University of Western Ontario, London ON, May 2003.
- Dougan, J. 2001. Urban Forest Planning - Then and Now. Getting to Know Your Urban Forest in the New Millennium. 52nd International Society of Arboriculture Ontario Annual Conference, Gravenhurst, ON.

Dougan, J. 1999. Integration of Native Plant Communities into Watershed and Stream Corridor Management. Effective Streambank Stabilization and Stormwater Channel Design, EPIC Continuing Education Lecture Series, Nov. 15-16, Toronto, ON.

Dougan, J. 1999. Natural Riparian Habitats in Urban Hydrologic Regimes. Effective Streambank Stabilization and Stormwater Channel Design, EPIC Continuing Education Lecture Series, Nov. 15-16, Toronto, ON.

Ursic, M. and J. Dougan. 1999. Biodiversity Recycling: Using Soil Propagule Banks for Restoration. The Future of Conservation, 6th Annual A. D. Latornell Conservation Symposium, Oct. 18-20, Alliston, Ontario.

Dougan, J., M. Ursic and S. Crispin. 1999. Soil propagule banks – opportunities for biodiversity recycling in temperate restoration projects. Reweaving the World, International Conference of the Society for Ecological Restoration, Sept. 23-25, San Francisco, California.

Ursic, K., M. Ursic and J. Dougan. 1998. A natural heritage approach to the rehabilitation of southern Ontario's limestone quarries. Reclamation and Restoration of Settled Landscapes, proceedings of the 23rd annual meeting, CLRA with SER Ontario, Sept. 27-30, Markham, Ont.

Crispin, S., J. Dougan, C. Portt, C. Dimock and K. Sherman. 1998. Penetanguishine harbour shore habitat restoration & monitoring. Reclamation and Restoration of Settled Landscapes, proceedings of the 23rd annual meeting, CLRA with SER Ontario, Sept. 27-30, Markham, Ont.

Dougan, J. How Hydrology Influences Plants, and What Plants Tell Us About Hydrology. Presented to Waterloo-Wellington Chapter, Canadian Wildflower Society. February, 1997.

Aboud, S. and J. Dougan. A System for Selection and Use of Native Woody Plants in the Toronto Bioregion. Presented to the International Conference of the Society for Ecological Restoration, Seattle, Washington. September, 1995.

Dougan, J. Exotic species and re-vegetation design. Presented to Watershed Revegetation: Principles and Practice Workshop, Metro Toronto & Region Conservation Authority. March, 1994.

Dougan, J. Habitat corridors: evaluation methods and considerations for the Guelph River System Management Study. Presented to the Guelph Field Naturalists, April, 1993.

Dougan, J. Weed and exotic plant management: issues and strategies for urban natural areas of southern Ontario, Canada. Presented at the 4th Conference of the Society for Ecological Restoration (SER), held in Waterloo, Ontario. August, 1992.

Dougan, J. A community restoration approach to reforestation. Presented to symposium on Vegetation Management, Metro Toronto & Region Conservation Authority, May, 1991.

Dougan, J. and G. Gartshore. Restoration and management of a shoreline wet meadow-prairie habitat in the Toronto Region of southern Ontario. Presented at the 2nd Conference of the Society for Ecological Restoration, held in Chicago, Illinois. May, 1990.

Technical Reports (Selected Examples)

2011. AMEC Earth and Environmental, Dougan & Associates, Parish Geomorphic, C. Portt and Associates, Blackport & Associates. *Huttonville and Fletchers Creeks Subwatershed Study*, City of Brampton.

2011. Dougan & Associates. *North West Brampton Landscape Scale Analysis: Huttonville & Fletcher's Creeks Subwatershed Study and Mount Pleasant Secondary Plan*. Prepared for the City of Brampton, Region of Peel, and Credit Valley Conservation. May 2011. 58 pp. + Maps and Appendices.

2009. North-South Environmental Inc., Dougan & Associates, and Sorenson Gravely Lowes. *Peel-Caledon Significant Woodlands and Significant Wildlife Habitat Study*. Prepared for the Region of Peel and the Town of Caledon. 187pp. + Appendices.

2005. Parish Geomorphic and Dougan & Associates. *Urban Stream Crossing Guidelines, Working Document, Phase 2*. Toronto Region Conservation Authority, July 2005, 19 pp.
2005. *NW Brampton Environmental Open Space Study*. Submitted to the City of Brampton by a multi-disciplinary team led by Dougan & Associates.
2004. *Indian Creek Subwatershed Study, Town of Milton*. Submitted to the Town of Milton by a multi-disciplinary team including Dougan & Associates led by Macauley Shiomi Howson Ltd.
2004. Planning and Engineering Initiatives Ltd., Dougan & Associates, C. Portt & Associates, and P. Chrisholm. 2004. *Hanlon Creek State-of-the-Subwatershed Study*. Final Report, May 2004.
2003. *Niagara Water Quality Protection Strategy, Region of Niagara*. Submitted to the Region of Niagara by a multi-disciplinary team including Dougan & Associates led by MacViro Ltd.
2003. *Hespeler West Subwatershed Study, City of Cambridge*. Submitted to the City of Cambridge by a multi-disciplinary team including Dougan & Associates led by Planning & Engineering Initiatives Ltd.
2003. Dougan & Associates. *Creditview Wetland Management Plan*. Submitted to the City of Mississauga.
2002. Diamond, M., J. Dougan, N. Helferty, E. Hodge, P. Niblett, M. Rose and S. Rowe. *Natural Heritage Systems in Urbanizing Settings: Sustainable Practices for the Oak Ridges Moraine*. Prepared on behalf of Save the Rouge Valley Systems Inc. and the City of Toronto.
2002. Dougan, J. *Natural Heritage Protection Under OPA 129: Performance Evaluation*. Prepared for Save the Rouge Valley Systems Inc., July 2002.
2001. Dougan & Associates. *South Keele Woodlot Management Plan*. Submitted to York University
2001. Dougan & Associates. *Southern Flying Squirrel Study, Red Hill Creek Valley, City of Hamilton*.
2001. *Forbes Creek Subwatershed Study, City of Cambridge*. Submitted to the City of Cambridge by a multi-disciplinary team including Dougan & Associates led by Planning & Engineering Initiatives Ltd.
2001. *Bronte Creek Provincial Park Vegetation Management Plan*. Ontario Ministry of Natural Resources.
2000. Philips Planning and Engineering Limited, Dougan & Associates, C. Portt & Associates, Parish Geomorphic, Blackport & Associates, Dr. George Dixon and Terraprobe. *Technical Appendix, Watercourse Systems, Sixteen Mile Creek Subwatershed Planning Study, Areas 2 and 7, Town of Milton*. Prepared for the Town of Milton, January 2000.
1994. Aboud, S. and J. Dougan. *Recommended Combinations of Woody Plant Materials for Plantings within the Jurisdiction of Metropolitan Toronto and Region Conservation Authority, Final Report*. Prepared for Metropolitan Toronto and Region Conservation Authority, August 1994.

TEACHING EXPERIENCE

Adjunct Assistant Professor, Daniels Faculty of Architecture, Landscape and Design, University of Toronto. 1993-2009. Instructor in field ecology and urban forestry, at 3rd year and graduate level.

Lecturer in Landscape Ecology, School of Environmental Design and Rural Development, University of Guelph, 2008-2013

Guest Lecturer and Program Advisor, Ecological Restoration Program, Niagara College of Applied Arts and Sciences, St. Catharines, Ont. 1997-2009.

Special Graduate Faculty Member, Department of Botany, University of Guelph. 1999-2001.

Special Graduate Faculty Member, School of Environmental Design and Rural Development, University of Guelph. 2010-2013.

Seminar Lecturer for EPIC (Educational Program Innovations Center), Effective Streambank Stabilization and Stormwater Channel Design Seminar, Toronto – “Integration of Native Plant Communities into Watershed and Stream Corridor Management” and “Natural Riparian Habitats in Urban Hydrologic Regimes”, 1999.

Eagle Hill Seminars in Restoration. Leader for – “Habitat Restoration in Pulse-Influenced Environments” and Co-Leader for “Ecological Restoration: Special Problems and Advanced Master Class”, Eagle Hill Field Seminars, Humboldt Field Research Institute, University of Maine, 1999 - 2002.

CERTIFICATIONS

Wetland Evaluation Training

Completed MNR training workshop for the Ontario Wetland Evaluation System, 3rd Edition, in 1993.

ELC Training

Completed MNR training workshop for the Ecological Land Classification System, conducted in Guelph, Ont. in 1998. He was also involved in the development of Intensive Methodology Courses for Ecological Land Classification (ELC) System for Southern Ontario, with Gartner Lee Ltd., for the OMNR from 2000 onward.

AWARDS FOR ENVIRONMENTAL PROJECTS

OALA Carl Borgstrom Award for Service to the Environment: In recognition of special contributions to sensitive, sustainable stewardship of the environment; Legacy of projects over 35 years; 2016.

OALA Certificate of Merit for Service to the Environment: The Restoration Framework; Team: Town of Milton, Dougan & Associates; Location: Milton, Ontario, 2016.

Toronto Urban Design Award: Large Places Category; Evergreen Brick Works; Team: DTAH, Claude Cormier + Associes, Dougan & Associates; Location: Toronto, Ontario, 2013.

Mississauga Urban Design Award of Excellence: Industrial Category; Lakeside Park Redevelopment; Team: John George Associates; Location: Mississauga, Ontario, 2013.

CSLA National Honour Award: Design Category; Evergreen Brick Works; Team: DTAH, Claude Cormier + Associes, Dougan & Associates; Location: Toronto, Ontario, 2013.

CSLA Regional Merit Award: Design Category; East Hamilton Recreational Trail Hub and Waterfront Link; Team: City of Hamilton, Dougan & Associates, DTAH, McCormick Rankin, St. Williams Nursery and EcoLogic Centre, IBI Group, Dillon Consulting, Ecoplans Ltd.; Location: Hamilton, Ontario, 2013.

Mississauga Urban Design Award of Merit: Community Scale, Living Green, Innovation and Execution; O'Connor Park; Team: PMA Landscape Architects; Location: Mississauga, Ontario, 2012.

CSLA National Honour Award: Category, New Directions – Wildlife Crossings: RED - Research Evolve Design (with Janet Rosenberg + Associates, Blackwell Bowick Partnership, Eco-Kare International, Temple Grandin, HGC Engineering, CM2R & Guardian Bridge Inc.); Denver, Colorado, 2011.

OPPI Excellence in Planning Award: Category, Research/New Directions: Peel-Caledon Significant Woodlands and Significant Wildlife Habitat Study; (with Regional Municipality of Peel, Town of Caledon, North-South Environmental Inc., Sorensen Gravely Lowes Planning Associates Inc.); 2009.

Management Innovation Award, Ontario Public Works Association: Niagara Water Quality Protection Strategy, awarded to Regional Municipality of Niagara (with MacViro, CH2MHill and Philips Engineering Ltd.) for

management and implementation of public works in serving the public and protecting the environment; Regional Municipality of Niagara, 2004.

Environmental Achievement Award: Red Hill Valley Project (with City of Hamilton and multi-disciplinary team); Transportation Association of Canada; City of Hamilton, 2004.

Canadian Architect Award of Excellence: Ashbridges Bay Treatment Plant Site Design, Ecological Restoration Component (Architects Alliance-led multi-disciplinary team); City of Toronto, 2003.

CIP Award for Planning Excellence: Red Hill Creek Watershed Plan – Process and Documents, Canadian Institute of Planners (with Hamilton-Wentworth Region and multi-disciplinary team); Hamilton, 1999.

Award of Excellence: Rennie & Brampton Streets Landfill Reclamation (as part of a multi-disciplinary team led by Dillon Consulting Ltd.) Consulting Engineers of Ontario (CEO) 2004, City of Hamilton.

Environment Award 2007, Consulting Engineers of Ontario (with Philips Engineering and multi-disciplinary team) for Red Hill Creek Reconstruction, City of Hamilton.

Project of the Year, Environmental Project Category for Montgomery Creek Stormwater Management Design, (as part of a multi-disciplinary team led by Philips Engineering Ltd.) OPWA, 2003, City of Hamilton.

Silver Leaf Award for Maitland Park Naturalization, City of Brampton (D&A only, with NAK Design Group, Toronto), 1996.

CSLA Citation for Mountain Transportation Corridor Tree Preservation Design, Hamilton Wentworth Region (D&A, with Moore George Associates Inc., Toronto), 1989, City of Hamilton.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local



This is Exhibit....."B".....referred to in the
affidavit of.....James Dougan, Mary Anne Young and Karl Konze
affirmed before me, this.....twenty-second
day of.....March.....20..19..


.....
A COMMISSIONER FOR TAKING AFFIDAVITS

ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality
PL190022	County of Simcoe

1. My name is James Dougan. I live in the municipality of Mapleton, in the County of Wellington, in the province of Ontario.
2. I have been engaged by or on behalf of the appellant, Friends of Simcoe Forests Inc. to provide evidence in relation to the above-noted LPAT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date: March 22, 2019


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Signature



Mary Anne Young
 BLA, Cert. Ecosystem Restoration
 O.A.L.A, C.S.L.A, I.S.A.
 Landscape Architect, Ecologist,
 ISA Certified Arborist

Curriculum vitae

Mary Anne Young is a graduate from the Landscape Architecture program at the University of Guelph and the Ecosystem Restoration program at Niagara College. She is a full member of the Ontario Association of Landscape Architects (OALA) and the Canadian Society of Landscape Architects (CSLA), and the International Society of Arboriculture (ISA).

As Landscape Architect, consulting arborist, and experienced field ecologist, Mary Anne's multi-disciplinary skills allow her to work fluidly with different professions both within D&A and externally. Since 2010 she has been a certified arborist with the International Society of Arboriculture (ISA), and frequently performs tree inventories and assessments, prepares preservation plans, and reviews work prepared by other D&A staff. Mary Anne is ISA Tree Risk Assessment Qualified and has taken additional training in the Council of Tree and Landscape Appraisers tree appraisal methods and Butternut Health Assessment.

On design projects, Mary Anne leads conceptual and detailed design for ecological restoration projects and supervises junior staff in the production of construction drawing sets. Her extensive experience in field botany and Ecological Land Classification helps her to complete design work which is appropriate to the site conditions and ecological target community.

For ecology projects, Mary Anne's experience in botanical field work, agency liaison, impact assessment, and implementation of ecological mitigation and compensation recommendations help to ensure a seamless work flow from field work to final reports. She has a strong interest in urban ecology and development of best practices for restoring degraded ecosystems.

EDUCATION

- 2008: Post-Graduate Certificate in Ecosystem Restoration, Niagara College, St Catharines, ON
- 2006: B.L.A. (Landscape Architecture), University of Guelph, Guelph, ON

This is Exhibit....."C".....referred to in the
 affidavit of.....James Dougan, Mary Anne Young and Karl Konze.....
 affirmed before me, this...twenty-second.....
 day of.....March.....20.19.....


 A COMMISSIONER FOR TAKING AFFIDAVITS

AFFILIATIONS

- Ontario Association of Landscape Architects (*full member with stamp*)
- Canadian Society of Landscape Architects (*full member*)
- International Society of Arboriculture (*member*)
- Field Botanists of Ontario (*board member*)

CONTINUING EDUCATION

Ecology

- 2014: Butternut Health Assessment training (Ministry of Natural Resources and Forestry, MNRF);
- 2012: Ontario Wetland Evaluation System (OWES) certified (MNRF);
- 2011: Aster & Goldenrod Identification Course (Royal Botanical Gardens);
- 2009: Wetland Plant Identification course (Beacon Environmental);
- 2009: Ecological Land Classification (ELC) training course (MNRF).

Arboriculture

- 2017: Tree Risk Assessment Qualification re-certification (ISA)
- 2014: Butternut Health Assessment training (Ministry of Natural Resources and Forestry, MNRF);
- 2012: Tree Risk Assessor training course (ISA);
- 2010: Advanced Tree Appraisal Workshop (Council of Tree and Landscape Appraisers);
- 2010: Certified as a consulting arborist (ISA);

CAREER EXPERIENCE

- 2008 – present Landscape Architect, Ecologist, Arborist
Dougan & Associates
- 2014 – present Lecturer in Landscape Ecology, School of Environmental Design and Rural Development, University of Guelph
- 2006 – 2007 Landscape Architectural Intern,
Basterfield & Associates
- 2005 – 2006 Landscape Architectural Intern,
Stempski Kelly Associates



Mary Anne Young
BLA, Cert. Ecosystem Restoration
O.A.L.A., C.S.L.A., I.S.A.
Landscape Architect, Ecologist,
ISA Certified Arborist

Curriculum vitae

SAFETY TRAINING

- 2018: St. John Ambulance STD First Aid- CPR A-AED
- 2014: Canadian National (CN) Contractor Safety Orientation
- 2014: Metrolinx Contractor Safety Orientation

SELECT PROJECT EXPERIENCE

Species-at-Risk Surveys & Reporting

2017 *Category 3 Butternut Assessment & Agency Permitting, Milton.* As part of a creek erosion control project, D&A worked with the MNRF to ensure protection of a Category 3 (archivable) Butternut tree.

2016 – present *Metrolinx Uxbridge Eastern Meadowlark Habitat Compensation Implementation, Uxbridge.* Updates to and implementation of Habitat Management Plan for Eastern Meadowlark habitat compensation.

2016 – present *Shaver Estates Trail Butternut permitting, Hamilton.* Category 2 (retainable) Butternut were found beside a proposed trail; D&A worked with client & MNRF to secure permits & ensure protection of these trees.

2016: *King City Butternut site screening & BHA, King City:* Collecting genetic material and undertaking Butternut Health Assessments for >20 Butternut at site in King City

2014 – 2018 *Metrolinx Richmond Hill Layover Facility Bobolink & Redside Dace Overall Benefits Annual Monitoring, Richmond Hill.* Annual monitoring program and report for Species-at-Risk habitat compensation project.

Arboricultural Assessments

2017 *University of Guelph Tree Valuation, Guelph.* Completed valuation of trees to be removed due to infrastructure development.

2016 – present *Arvin Avenue Extension Arborist Assessment, Hamilton.* Assessment of trees along corridors for creek realignment and road extension.

2015 – present *William Baker Woods Arborist Assessment, Toronto.* Assessment of trees within future development area of Downsview lands, including Ravine and Natural Feature By-law and Natural Heritage System lands.

2015 – present *Shaver Estates Trail Tree Assessment, Hamilton.* Assessment of trees (including risk assessment) along proposed City trail alignment. Includes Butternut Health Assessment.

2012– 2013 *Toronto Water Chapman Valley Ravine Arborist Services, Etobicoke.* Arborist assessment for trees along servicing upgrade corridor.

2010 – 2012 *Ainslie Property Woodlot Restoration Valuation, Essex.* Assessment of woodlot disturbed by Ash cutting; preparation valuation of potential restoration activities.

2010– 2017 *Hamilton Capital Projects Tree Inventories, Hamilton.* Updates to City of Hamilton street tree database.

Biophysical Monitoring and Characterization Reports

2016 *Taylor Massey Ravine Characterization, Toronto.* Wildlife and vegetation assessments on City of Toronto lands.

2015 - 2017 *Amaruq Exploration Road Terrestrial Ecosystem Characterization, Nunavut.* Wildlife & vegetation data collection and monitoring report for arctic mining project.

2014 – 2018 *Richmond Hill Layover Facility Bobolink & Redside Dace Overall Benefits Annual Monitoring, Richmond Hill.* Annual monitoring program and report for Metrolinx Species-at-Risk habitat compensation projects.

2012 – 2013 *Charles Sauriol Conservation Reserve data updates, Toronto.* ELC inventory and trails mapping plus restoration opportunities in a City-owned natural area

2011 – 2012 *O'Connor Park Baseline Monitoring, Mississauga.* 2 years of post-construction urban constructed wetland monitoring.

2008 – 2012 *Red Hill Valley Expressway EMAN plot and photomonitoring, Hamilton.* Field support to multi-year post-construction monitoring program.

Ontario Municipal Board Testimony

2017 *Connelly vs. City of Guelph, Guelph.* Urban forestry expert witness testimony as part of urban infill project OMB appeal.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local



This is Exhibit....."D".....referred to in the
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.....
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ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality
PL190022	County of Simcoe

1. My name is Mary Anne Young. I live in the municipality of Guelph, in the County of Wellington, in the province of Ontario.
2. I have been engaged by or on behalf of the appellant, Friends of Simcoe Forests Inc. to provide evidence in relation to the above-noted LPAT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date: March 22, 2019


.....
Signature



Karl Konze
B.Sc.
Senior Wildlife Ecologist
Project Manager

Karl has 35 years of experience in identification of birds, amphibians, reptiles, mammals, damselflies & dragonflies, and butterflies across Ontario. Karl specializes in field ornithology and has applied these birding skills throughout Ontario, as well as in Saskatchewan, Nunavut, and Hawaii. Karl has worked with D&A for 19 years, and in addition to conducting wildlife assessments, he now directs the work of wildlife sub-consultants and manages selected natural heritage planning, monitoring and peer review studies.

Karl's expertise encompasses seasonal wildlife surveys, wildlife habitat assessments, identification of Significant Wildlife Habitat, 'Species at Risk' (SAR) legislation and regulations, wildlife monitoring (i.e. developing plans, conducting surveys, and reporting), ecological research, peer review input, OMB witness testimony, Migratory Birds Convention Act, and the development of lists of regionally significant wildlife. He also has an excellent knowledge of the various wildlife inventory and monitoring protocols (e.g., SAR-specific, Ontario Breeding Bird Atlas, Forest Bird Monitoring Program, Marsh Monitoring Program, etc.).

Karl is involved in all aspects of the life of a project, including: background review, field assessments, data analysis, report writing, review of mapping products, quality control, client liaison, & budget administration.

EDUCATION

- 1992: B.Sc. (Hons.) University of Guelph

Continuing Education:

- 2018: St. John Ambulance STD First Aid- CPR A-AED
- 2016: Ontario Reptile & Amphibian Survey Course (Georgian Bay Islands N.P., ON)
- 2013: Regulatory Changes to ESA & FWCA Consultant Information Session (Mississauga, ON)
- 2013: Ont. End. Species Act Conference (Toronto)
- 2012: Ministry of Natural Resources' Bat Maternity Colony Training (Peterborough, ON)
- 2010: Social Marketing and Chelonian Sustainability Workshop (Toronto, ON)
- 2010: GIS Course (Conestoga College)
- 2009: Symposium on Bird Conservation in Urban Areas (Toronto, ON)
- 2006: University of Guelph Fern Workshop and Dragonflies & Damselflies Workshop (Guelph, ON)
- 2004: Linking Landscapes Symposium (Toronto)
- 2003: Ecological Land Classification Course (Turkey Point, ON)

CAREER EXPERIENCE

Prior to working with D&A, Karl worked as a research consultant and project coordinator for federal, provincial and NGO agencies engaged in wildlife management. Karl has also worked as a Bird Expert/Guide at Point Pelee N.P. every spring since 1993.

Areas of Expertise

- Surveys for: birds, 'Species-at-Risk', reptiles & amphibians, damselflies & dragonflies & butterflies
- Wildlife & "Significant Wildlife Habitat" Assessment
- Impact Assessment & Mitigation
- Wildlife Monitoring Plans & Studies
- Support for Peer Reviews & Hearings
- Mapping Support & Air Photo Interpretation

SELECT PROJECT EXPERIENCE

OMB Hearing Support & Peer Reviews

- Misc. SWS Impact Study Peer Reviews (PR) (Milton)
- CNR Milton Intermodal Peer Review (Milton)
- Friends of Simcoe Forests OMB (Phelpston)
- Saugeen Ojibway Nation – Wind Power Projects
- 1200 Sheppard Ave East OMB (Toronto)
- Hardy Rd/Telephone City Agg PR&OMB (Brantford)
- Acton Quarry Peer Review (Halton)
- Dundas Business Park OMB (Hamilton)
- Flamborough Quarry Peer Review (Hamilton)
- Oak Ridges Moraine OMB (Richmond Hill)

Watershed & Large-scale Natural Heritage Studies

- Milton Urban Expansion Area SWS (Milton)
- 16 Mile Cr. Subwatershed Update Study (Milton)
- Erbsville South Environmental Study (Waterloo)
- Barrie Secondary Plan (Barrie)
- Toronto ESA, PSA & ANSI Inventories (Toronto)
- Peel & Caledon Significant Wildlife Habitat Study
- Mt. Pleasant Subwatershed (SW) Study (Brampton)
- City of Guelph Natural Heritage Strategy (Guelph)
- Hespeler West & Forbes Ck SW Studies (Cambridge)
- Indian Creek SWS Subwatershed Study (Milton)
- Red Hill Creek Watershed Study (Hamilton)

Site Specific Wildlife Assessments & Surveys

- Maple Leaf Foods Species at Risk (Hamilton)
- Mayfield West Secondary Plan (Caledon)
- ORC Natural Heritage Study (Cambridge)
- Lyons Creek Wetlands Assessment (Welland)
- Huron Natural Area Assessment (Kitchener)
- Rare Snake Surveys (Bruce Peninsula National Park)

This is Exhibit....."E".....referred to in the
affidavit of.....James Dougan, Mary Anne Young and Karl Konze
affirmed before me, this.....twenty-second.....
day of.....March.....20.....19.....


49
A COMMISSIONER FOR TAKING AFFIDAVITS



Karl Konze
B.Sc.
Senior Wildlife Ecologist
Project Manager

Wildlife Research & Monitoring Studies

- Metrolinx/GO Transit Bobolink & Eastern Meadowlark Monitoring (Richmond Hill & Uxbridge)
- Biggars Lane Landfill Bat Surveys (Mt. Pleasant)
- Maple Leaf Foods Bobolink Monitoring (Binbrook)
- Agnico Eagle Mines Ltd. Bird Monitoring (Nunavut)
- Nestlé Waters Terrestrial Monitoring (Guelph & Erin)
- Milton Phase 2 & 3 Holistic Monitoring (Milton)
- City of Toronto Migratory Birds Study
- Impacts of Wind Turbines on Birds & Bats – Literature Review & Policy Input (Essex County)
- Hwy 401 Deer Monitoring Study (MTO)
- TRCA Urban Stream Crossing Guidelines (GTA)

Environmental Impact Studies/Assessments

- Kafco Homes EIS (Strathroy)
- 4597 Aurora Road EIS (Whitchurch-Stouffville)
- Northgate Business Park EIS (Burlington)
- Newmarket Islamic Centre EIS & TPP (Newmarket)
- U of G Turfgrass Institute EIS (Guelph)
- 471045 A Line EIS (Orangeville)
- Amaranth Estate EIS (Shelburne)
- Southeast Galt EISs (Cambridge)
- Regal Place Scoped EIS (Waterloo)
- Community Beaches EIA (Hamilton)

Environmental Assessments (EAs)

- Idlewood Creek Erosion EA (Kitchener)
- Bridges 33, 344, and 451 EA (Flamborough)
- Greenhill Ave. Storm Drainage EA (Hamilton)
- Dartnall Road and Rymal Road Class EA (Hamilton)
- Louis St. Laurent Creek Crossing (Milton)
- Waterdown Rd. Intersection (Burlington)

PROFESSIONAL ACTIVITIES (volunteer)

- Assistant editor of *Ontario Birds*, Journal of the Ontario Field Ornithologists (2011–2012)
- Species account author and reviewer for the Atlas of the Breeding Birds of Ontario (2006–2007)
- CVC 'Species of Conservation Concern' wildlife working group member (2004–2005)
- Remote field surveyor (James Bay & Hudson Bay) for Ontario Breeding Bird Atlas (2003–2004)

SELECTED PAPERS & PRESENTATIONS

Konze, K. 2012. Comet Darter (*Anax longipes*) – Another record from the Hamilton Study Area and a review of Canadian records. *The Wood Duck*. 65(9): 201–203.

Konze, K. 2011. Citrine Forktail (*Ischnura hastata*) – First documented record for the Hamilton Study Area. *The Wood Duck*. 65(3): 51–53.

Konze, K. 2011. Significant Wildlife Habitat. Invited Speaker at Principles of Landscape Ecology course, U of G, Nov. 23rd 2011, Nov. 10th 2010, and Nov. 4th 2009.

Konze, K. 2009. Migratory Birds in the City of Toronto. Co-presenter at Symposium on Bird Conservation in Urban Areas, Toronto. November 19th, 2009.

Konze, K. 2009. Development of Criteria and Thresholds for Significant Wildlife Habitat in the Region of Peel & Town of Caledon. Invited Speaker at Ministry of Natural Resources' Planners Forum, September 22nd, Newmarket, 2009.

Konze, K. 2007. Long-eared Owl. Pg. 300 – 301, *In*, Atlas of the Breeding Birds of Ontario, 2001 – 2005 (Cadman *et al.*, 2007) xxii + 706 pp.

Konze, K. 2005. Current Wildlife Planning Issues in Ontario. Speaker: Restoration Ecology Pgrm., Niagara College, Apr. 8.

Coady, G., M. K. Peck K. R. Konze and G. Binsfeld. 2005. An unusual ground nest of the Merlin. *Ontario Birds* 23(1): 15-19.

Peck, M.P. G. Coady, G. Binsfeld and K. R. Konze. 2004a. First Documented Nest Record of Pine Grosbeak in Ontario. *Ontario Birds* 22(1): 2–8.

Peck, M.P. G. Coady, G. Binsfeld and K. R. Konze. 2004b. First Documented Nest Record of Bohemian Waxwing in Ontario. *Ontario Birds* 22(1): 9–14.

Konze, K. 2000. Point Pelee National Park (chapter revision), *In A Bird Finding Guide to Canada*, Revised. Ed. J. Cam Finlay. McClelland & Stewart Inc., pp. 209–212.

Konze, K. and A. Wormington. 2000. Point Pelee National Park and Vicinity Checklist of Birds. 10th ed.

Konze, K. and M. McLaren. 1997. Wildlife monitoring programs and inventory techniques for Ontario. OMNR, Northeast Science & Technology Manual, TM-009, 139 p.

Konze, K. 1993–1998. The Annual Spring Migration Summary. Point Pelee National Park. Point Pelee, ON

AWARDS

Team member: 2009 Excellence in Planning Award in the Research/New Directions category, Ontario Professional Planners Institute for the *Peel-Caledon Significant Woodlands and Significant Wildlife Habitat Study*.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local



This is Exhibit "F" referred to in the
affidavit of James Dougan, Mary Anne Young and Karl Konze
affirmed before me, this twenty-second
day of March 2019.


A COMMISSIONER FOR TAKING AFFIDAVITS

ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality
PL190022	County of Simcoe

1. My name is Karl Konze. I live in the municipality of Guelph, in the County of Wellington, in the province of Ontario.
2. I have been engaged by or on behalf of the appellant, Friends of Simcoe Forests Inc. to provide evidence in relation to the above-noted LPAT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date: March 22, 2019


Signature

June 16, 2017

Friends of Simcoe Forests Inc.
 c/o Bob and Mary Wagner
 2928 Horseshoe Valley Road West
 Phelpston, Ontario, L0L 2K0

This is Exhibit....."G".....referred to in the
 affidavit of...James Dougan, Mary Anne Young and Karl Konze
 affirmed before me, this...twenty-second.....
 day of.....March.....20..19..



.....
 A COMMISSIONER FOR TAKING AFFIDAVITS

Re: Peer Review of Scoped Environmental Impact Study, Proposed Environmental Resource Recovery Center, Springwater, Ontario prepared by GHD

Dear Mr. and Mrs. Wagner:

Dougan & Associates (D&A) was retained by Friends of Simcoe Forests Inc. in March 2017 to complete a peer review of the terrestrial resources information contained within the report *Scoped Environmental Impact Study, Proposed Environmental Resource Recovery Center, Springwater, Ontario* prepared by GHD Ltd. (November 17, 2016).

This peer review applies Dougan & Associates standard approach for reviews of natural heritage planning reports, which focuses on whether the EIS adequately reflects relevant protocols and interpretation as required under the Provincial Policy Statement (OMMAH 2014) and its guiding documents, such as the Natural Heritage Reference Manual 2nd Ed. (OMNR 2010), Significant Wildlife Habitat Technical Guide (OMNR 2000), and other provincial references, as well as the Simcoe County Official Plan (2007) and other local documents, including the Simcoe County Forest Plan (2011) and the Simcoe County ONE SITE – ONE SOLUTION (2016) document. D&A peer review authors also completed a site review on May 3, 2017 to review existing conditions on the site.

GOALS AND OBJECTIVES OF SCOPED ENVIRONMENTAL IMPACT STUDY

Goals and objectives for the EIS report are not clearly stated in a stand-alone report section. In Section 1.1 Introduction, the GHD goal is "...to complete a *Scoped Environmental Impact Study (Scoped EIS)* for the proposed co-located development of a *Materials Management Facility (MMF)*, an *Organics Processing Facility (OPF)*, and related support activities, collectively referred to as the *Environmental Resource Recovery Centre (ERRC)*." Two inferred objectives include "...to include an evaluation of all relevant natural features and species within the Study Area." and "This report has been prepared to address the requirements stipulated in the Simcoe County OP to satisfy the requirements of Provincial and County OP policies, as well as other relevant legislation."

MAJOR COMMENTS

In our review of the Scoped EIS document (hereafter referred to as the “EIS”) and based on site conditions observed on May 3, 2017, D&A have identified the following major inadequacies and/or inconsistencies in the report:

1. Significant Wildlife Habitat (SWH)

SWH is protected under the Provincial Policy Statement (OMMAH 2014). Based on the data provided GHD (2016a), the site meets criteria for several more SWH categories than are indicated in the EIS, and there are some weaknesses in the data required to assess SWH. Specifically:

- Amphibian data is incomplete as it does not indicate calling species abundance levels per the Marsh Monitoring Program (MMP) protocols, which are required to assess SWH status; further, no documentation of the weather conditions during surveys is provided which would clarify if MMP protocols have been addressed;
- Spotted Salamander egg masses were found by GHD in 2016, and the Amphibian Breeding Habitat (Woodland) criterion is met, triggering SWH. Additional Spotted Salamander egg masses were documented by Friends of Simcoe Forests Inc. in 2017 from other locations within the Simcoe County Forest “Freele Tract” site;
- Presence of Western Chorus Frog (an S3 provincially ranked species) triggers SWH;
- Twenty-one (21) area-sensitive bird species were documented, and the affected forest is sufficiently large to warrant SWH designation as Woodland Area-Sensitive Bird Breeding Habitat, which would be directly and indirectly impacted by the facility;
- Woodland Raptor Nesting Habitat may be present as three of six SWH indicator species were documented by GHD during the bird surveys, but no raptor nest surveys were apparently conducted. Two of the same species were observed on May 3, 2017; and
- The EIS opines incorrectly that cultural plantations cannot qualify as SWH; the SWH Ecoregion 6E Criteria Schedule does not exclude cultural plantations, and in some cases, highlights them as potential habitat (e.g. raptor nesting).

The facility would cause significant fragmentation of the forest patch where it is proposed; the EIS does not adequately address the impact on both quantity and quality of forest interior on the site (see also Comment 5 below). The use of this site as proposed would result in loss of forest interior functions over a much larger area than the simple footprint of the facility; we estimate that approximately 18 ha of forest interior would be eliminated, based on the definition that interior forest habitat is at least 200 m from the forest edge (OMNRF 2015).

2. Significant Woodlands

The report notes that the site qualifies as Significant Woodland but the implications of this designation are not brought forward into the impact assessment. In fact, the EIS downplays the value of the Significant Woodland without speaking to functional attributes which underlie the concept of “significance” as defined under the Provincial Policy Statement (PPS). The presence of a diverse group of area-sensitive forest bird species (21 species based on MNRF criteria), and other Significant Wildlife Habitat (SWH) indicates that this is currently highly functioning habitat, irrespective of the presence of planted conifers.

3. Species at Risk (SAR)

Species at Risk findings and impact assessment are insufficient. According to the EIS, no Eastern Whip-poor-will habitat is present within the study area. However, our review of the literature and our May 3rd 2017 visit to the site indicate otherwise. Potential habitat for Jefferson Salamander complex is present given the vernal pools on site. Also, no systematic bat surveys were conducted although up to three Endangered bat species could be present based on the habitats present; the Executive Summary of the EIS states that no SAR are present, but this is incorrect as several Special Concern species are present and discussed elsewhere in the EIS.

4. Vegetation Classification

Dougan & Associates is concerned with the accuracy of the vascular plant identification and Ecological Land Classification (ELC) vegetation classification completed for the Freele Tract, based on both the adequacy of the vascular plant list and the accuracy of the ELC classification. Appendix B, Vegetation Inventory has several errors and inconsistencies, and the ELC community descriptions in Section 2.2 downplay the extent of naturalization that is occurring in the 'naturalizing plantation' polygons. Based on our single spring visit, we noted species on the study site that are not listed in Appendix B, and observed that the plantation communities exhibit relatively rich native understory regeneration and a low proportion of non-native species. In particular, the community described as FODM5 is arguably FOD5-1, a natural forest community. The inadequacies in the vascular plant list and the ELC community descriptions understate the significance of impacts of the proposed facility on the ecological features and functions of the site.

5. Invasive Species and Predatory Species

The facility will handle compostable waste in the Organics Processing Facility, which would include invasive plant species and pests affiliated with waste materials, which could then invade the surrounding forest. There will also likely be effects on local wildlife, with increases in populations of species such as mice, rats, skunks, raccoons and coyotes, which can predate sensitive species such as ground-nesting area-sensitive forest birds. Based on facility experience elsewhere, pests will be introduced in waste delivered to the site; this could include mice and rats, non-native insects, and infectious organisms. Control techniques used by existing resource recovery facilities include poison baits and live trapping. These agents and their effects are neither identified nor discussed in the EIS; they would likely have implications into woodland habitats well beyond the site.

Notably, recovery facilities are considered an industrial use, and would normally be sited on designated industrial lands; the choice of a quality forested site for such a facility will undoubtedly create conflicts with natural biodiversity, which could be further exacerbated by operational management practices.

6. Adjacent Lands

There is no clear discussion of Adjacent Lands in the EIS. The PPS defines Adjacent Lands as *"those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives (OMMAH 2014).* MNRF recommends Adjacent Lands extend a minimum of 120 m beyond the limit of the following natural heritage features: Significant Habitat of Endangered and Threatened Species, Significant Wetlands, Significant Woodlands,

and SWH, (OMNR 2010). The proposed facility will create changes to ecological functions on a larger footprint, likely in the order of 200+ m, and with potential for greater impacts due to future expansion, fundamental changes to habitat quality, and introduction of invasive species.

7. Vehicular Impacts Associated with Facility

The EIS does not adequately address road and traffic impacts of the facility. The required internal road system for the facility includes the main entrance road, and an emergency access route which will be located along the existing trail to the north of the facility. Section 3 (Preliminary Development Plan) indicates that the site will also be a *“Truck Servicing Facility – a location for servicing the County’s fleet of industrial Solid Waste Management vehicles.”* With respect to construction of the facility, Section 5.2.2 (Mitigation) recommends that *“Vehicle fueling, storage, and maintenance should occur outside of the Study Area (off site)”*; this concern seems contradictory given the order of magnitude of eventual operations which is not adequately discussed, quantified, or mitigated. Vehicular traffic including waste management trucks, as well as private vehicles engaged in drop-offs, will undoubtedly produce a heavy traffic load, possibly including truck movements outside the normal drop-off hours. The Facility Characteristics Report (GHD 2016b) for the site states that the clearing for the access road will be 15–20 m (not including turn lanes); this clearing is not addressed or quantified in the EIS.

8. Lack of Site Plan

Environmental Impact Studies normally include a site concept plan which allows a clear understanding of the proposed development; the GHD EIS does not include any graphic representation of the project apart from the generic mapping of the current proposed development footprint shown on Figures 4 and 5.

9. Water Balance Impacts

The GHD EIS only makes passing reference to the GHD Hydrogeological Assessment for the ERRC, without a summary of its key findings. That assessment determined that there will be a significant reduction in infiltration due to the impervious character of the proposed development; it provided only generic mitigation measures but did not specifically address how the existing wetland features are sustained today, and will be sustained after development (GHD 2016c). Our field visit confirmed that the proposed footprint of the facility is within a topographically complex portion of the overall tract, where significant infiltration is a factor given that the proposed facility will be located on a glaciofluvial sand deposit, that behaves as an aquifer (GHD Hydrogeological Assessment, 2016). The EIS should include a fulsome discussion of the existing ecosystem features and their reliance on ground and surface water sources; the potential impact to these resources; and a detailed mitigation strategy (including reference to a site plan showing the location(s) of potential mitigation).

10. Cumulative Effects

The EIS does not address potential cumulative effects. EIS Section 3 (Preliminary Development Plan) indicates that the facility may be expanded in the future; the EIS considers a 4.5 ha development site, however the County’s *“ONE SITE, ONE SOLUTION”* (2016) document identifies the size specification as 20 ha, and also promotes this preferred site on the basis of its size (84 ha) described as *“large usable space”*, accommodating potential expansion. Given the high likelihood of expansion, and the constraints identified outside of the proposed 4.5 ha development site, it is likely that further effects will occur in the future; however cumulative effects are not identified, discussed or addressed in the EIS.

DETAILED COMMENTS

In addition to the major comments summarized above, D&A staff have other comments that support or supplement our major comments, organized according to section and page of the EIS.

Section 2 – Existing Conditions, Natural Features and Resources

Section 2.1 – Background Review

Section 2.1.1 – Secondary Sources, Page 2

1. The Ministry of Natural Resources and Forestry (MNRF) Natural Heritage Information Centre should have been contacted for information on file.
2. Ontario Breeding Bird Atlas (OBBA) data should have been reviewed; point count information may have been available for the site. OBBA data could also provide additional context when assessing the diversity of breeding birds documented from the site.
3. Potential sources of additional natural heritage data, such as the York-Simcoe Naturalists or individual naturalists familiar with the area, were apparently not consulted. Given the presence of trails for public access, potential users are worth consulting for background.

Section 2.1.2 – Previous Studies, Page 2

4. This section refers to “relevant documents” obtained from the County related to tree inventories and tree health surveys. These documents should have been described in more detail and sourced in the EIS report, as the report states in several places that the significance of the forests on this site are limited by their management as plantation.

Section 2.2 – Field Investigations, Page 3

5. This section contains methods, findings, and in some cases, conclusions. This is contrary to standard EIS practice, which should summarize the characterization methods and findings, examine the policy basis of findings that represent constraints, describe the proposed undertaking in sufficient detail, and then identify the potential impacts (direct, indirect, cumulative). Insertion of opinions on impacts into the characterization is inappropriate, and detracts from the objectivity of the EIS.

Section 2.2.2, Natural Heritage Features, Page 3

6. This section describes available natural heritage mapping, policy analysis, timing of field visits and findings related to the watercourse on site. The policy findings should have been addressed in a discrete policy focused section elsewhere in the report.

Section 2.2.3, Ecological Land Classification (ELC), Page 4

7. The specific dates and methods of ELC surveys are not provided. As such, it is difficult to determine whether the surveys were carried out according to normal protocols (*i.e.* surveys in all three seasons of spring, summer, fall).
8. The rationale for using the 2008 ELC codes instead of the codes contained in the 1998 ELC Manual, which is the manual formally in effect and published by the MNRF, is not given. The ELC manual (Lee *et al.*, 1998) is referenced in the text but is not included in the Reference section.
9. No areas are provided for the ELC communities, nor are coefficients of conservatism or ratios of native to non-native species calculated. This data is important for quantifying the ecological quality of a vegetation community in an objective manner.

10. The ELC data sheets for the field work are not provided in the EIS, therefore no review of the data collected can be undertaken.
11. The EIS notes that plantation trees were introduced to the study area approximately 65 years ago, and that these communities are undergoing natural succession, “developing some characteristics of a naturalized woodlot” (p. 4). The EIS notes that the woodlot is managed, but does not expand on how this impacts the ELC and vascular plant findings. D&A used the data in the species list (Appendix B) to generate a Floristic Quality Index (FQI) rating for the site as a whole; FQI is defined as “an evaluation procedure that uses measures of ecological conservatism (expressed numerically as a coefficient of conservatism or C value) and richness of the native plant community to derive a score (I) that is an estimate of habitat quality” (Miller *et al.*, 2006, Oldham *et al.* 1995). The FQI calculation for GHD’s data is 36.07 (native) and 30.82 (with adventives), and non-native species constitute 19% of the flora observed. These calculations indicate a moderate to high-quality vegetation composition, indicating a system towards the natural end of the `naturalization` spectrum.
12. The ELC community descriptions given in Section 2.2 are generally consistent with our own observations on May 3, 2017, except that all of the ‘naturalizing plantation’ descriptions tend to understate the extent of naturalization that is occurring. The plantation communities are dominated by native understory regeneration and a low proportion of non-native species. In particular, we observed that the community mapped as FODM5 (which covers most of the proposed facility footprint), contains the richest flora of spring ephemeral species on the site, as well as the most complex topography (a factor contributing to species richness). The remainder of communities identified as naturalized plantation had characteristics more indicative of cultural disturbances, including an overstory of conifers planted in rows, and trails. Based on the 1998 ELC system, we believe that the FODM5 community should be redefined as FOD5-1, Dry-Fresh Sugar Maple Deciduous Forest Type, a natural forest community, based on the following characteristics, which are indications of deciduous forest communities from the ELC Manual (Lee *et al.*, 1998):

• Tree cover >60%	• Almost entirely dominated by Sugar Maple
• Deciduous tree species >75% of canopy cover	• Limited observation of anthropogenic disturbances

Section 2.2.4, Watercourse Verification, Page 7

13. The EIS notes that GHD and Nottawasaga Valley Conservation Authority (NVCA) reviewed the site for the mapped watercourse that is identified on the NVCA mapping, but no methods are given for how it was determined not to be present.
14. There was no discussion of the potential effects of widespread drought conditions in the spring and summer of 2016, which could explain the lack of flowing water. During our site visit on May 3, 2017, we did note active surface flows across the extensive complex of wetland pools in the southeast area of the site. The EIS mapping only included 5 m contour intervals on selected maps (Figures 1, 2, 3, 6) and discussed topography only in very general terms.

Section 2.2.5, Wetland Delineation, Page 7

15. The wetland boundaries were located using handheld Garmin GPS devices, and the accuracy of the devices used was not provided. Wetland boundaries are a significant constraint for the facility siting, and forest cover affects accuracy of GPS readings; therefore, clarity on the accuracy of these boundaries is very important. On our site visit, we were surprised at the extent and complexity of vernal pools in the southeast and north sections of the site; in our opinion the EIS does not provide an adequate account of this complexity.

Section 2.2.6, Wildlife

Section 2.2.6.1 – Amphibian Surveys, Page 8

16. Western Chorus Frog (*Pseudacris triseriata*) was one of the five species of calling amphibians detected during the amphibian surveys. However, the EIS does not indicate how many were documented and exactly where.
17. In Table 2.3, the S-Rank for Western Chorus Frog was incorrectly depicted as S4. Great Lakes/St. Lawrence - Canadian Shield population, to which these individuals would belong, is listed as S3. Furthermore, it is a Species at Risk, designated “Threatened” in Canada but not in Ontario.
18. The S-Rank for Western Chorus Frog (S3) and its federal status (Threatened) would trigger Significant Wildlife Habitat designation (OMNRF 2015). According to MNR’s Ecoregion 6E Criteria Schedules, Confirmed SWH is defined as the area of the habitat to the finest ELC scale that protects the habitat form and function.
19. It is not possible to determine whether the “Amphibian Breeding Habitat (Woodland)” SWH criterion is present (with respect to calling frogs) because the EIS Table 2.4 does not provide any abundance information and levels of calling that are normally assessed under the Marsh Monitoring Program (MMP) protocol. However, the presence of Spotted Salamander triggers SWH.
20. EIS Table 2.4 does not provide information on the weather conditions at the time of the surveys, including temperature at the beginning and end of the survey, wind speed, cloud cover etc. Given the information provided, it isn’t possible to verify that surveys were conducted according to the standardized MMP methodology, and that the results adequately capture the diversity and numbers of individuals present.

Section 2.2.6.2 – Breeding Bird Surveys, Page 8

21. Forty-nine (49) species of birds were documented during the surveys, 48 of which are possible breeders. In our experience, the list is very diverse for an entirely forested site, suggesting high quality and diversity of habitats present.
22. Twenty-one (21) area-sensitive species were documented based on the Significant Wildlife Habitat Technical Guide (SWHTG) (OMNR 2000). We would consider this an exceptionally high number, indicative of the size and high quality of the habitats present. This quality was not acknowledged in the EIS.
23. Table 2.3 (Wildlife Observations) only includes the names of the species documented, as well as their provincial and national conservation status. The EIS should consider regional conservation information (e.g. Environment Canada’s (2014) priority species for conservation in Bird Conservation Region 13). Eight of the species documented in the EIS fall under this category.
24. Table 2.3 should include polygon-specific breeding bird data to help assess potential impacts.
25. Additional tables or appendices should be included that include point count breeding bird data, to inform which species were documented within and adjacent to the proposed facility footprint, adjacent to the proposed access road, and in the vicinity of the proposed emergency access road.
26. The EIS indicated that three ‘Species at Risk’ were documented, Eastern Wood-Pewee, Wood Thrush and Red-shouldered Hawk. It also indicated that Species at Risk are discussed in greater detail in Section 2.2.7. However, aside from listing these species in Table 2.5, they are not discussed in Section 2.2.7. The EIS should indicate where these birds were observed in relation to the proposed facility footprint and main access road, so that potential impacts on these species can be adequately assessed.

27. In our opinion, the site triggers SWH “Woodland Area-Sensitive Bird Breeding Habitat” criteria, because:
- Qualifying ELC Community Series include: FOC, FOM, FOD, SWC, SWM. These communities account for the majority of the site.
 - The entire 84 ha site is forested, far larger than the 30 ha size threshold. The forest on the site is also contiguous with forested habitat located east of the site.
 - It supports interior forest habitat at least 200 m from forest edge habitat.
 - It supports breeding by 10 of the SWHTG listed species (more than the 3 required). Notably, the proposed facility will eliminate at least 18 ha of existing interior forest, based on the definition that interior forest habitat is at least 200 m from forest edge habitat a 200 m (OMNRF 2015).
28. In our opinion, portions of the site may also meet the “Woodland Raptor Nesting Habitat” SWH criterion (OMNRF 2015). Although no active nests were apparently discovered, three of the six listed species in the Ecoregional 6E Criteria Schedule were documented during the surveys (Barred Owl, Red-shouldered Hawk, Broad-winged Hawk). A single active nest would trigger SWH designation, which includes a 100 m to 400 m radius around the nest. According to the Ecoregion 6E Criteria Schedule, this category “*May be found in all forested ELC Ecosites. May also be found in SWC, SWM, SWD and CUP3*”. Note that cultural plantations are not excluded from consideration as SWH. We observed both Red-shouldered Hawk and Broad-winged Hawk calling and flying low over the site (*i.e.* probably not migrating) on May 3rd 2017.

Section 2.2.6.3 – Wildlife Habitat Features, Page 9

29. The EIS stated, “*Snags that had the potential to provide roosting habitat for bats were encountered throughout the Study Area.*” however, no bat surveys were conducted. Although snags were documented by GPS when encountered, it doesn’t appear that a systematic survey was conducted. This is a significant issue as all the listed bat species are designated Endangered in Ontario and would trigger protection under the Endangered Species Act (Government of Ontario 2007). If snags containing cavities are proposed to be removed, acoustic surveys would need to be conducted to determine presence or absence of Endangered bat species. Appropriate documentation of consultation with MNRF should be provided if consultation has determined that no acoustic surveys are required.
30. Spotted Salamander egg masses were observed in a vernal pool in 2016 by GHD. EIS Figure 5 suggests that they were present in a wetland in the north end of the site. The wetland is depicted as SWMM2-1 on Figure 4 in the EIS. Applying MNRF’s 2015 *Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E* as the guide, the vernal pool where the salamander egg masses were documented is one of the ELC ecosite types listed as Candidate Significant Wildlife Habitat (SWH). It also exceeds the minimum size threshold for Candidate SWH. Therefore, based on the presence of a breeding population of Spotted Salamanders, Confirmed SWH status (“Amphibian Breeding Habitat (Woodland)” is present (OMNRF 2015). According to the 6E Ecoregion Schedules, “*The habitat is the wetland area plus a 230 m radius of woodland area.*” According to MNRF staff, “naturalized” plantation would be considered “woodland area” and therefore included with the 230 m area (M. Eplett pers. comm., 2017).
31. Spotted Salamander egg masses were discovered by Friends of Simcoe Forests Inc. in 2017 in a complex of wetland pools in the southeast part of the site. The wetland is generally depicted as SWCM2-1 on Figure 4 in the EIS. The presence of this breeding population also triggers Confirmed SWH status. The included 230 m radius of woodland buffer area extends across the proposed access road, into the proposed development area.

Section 2.2.7 – Species at Risk and Regionally Rare Species, Page 9

32. In addition to the sources listed, local residents and area naturalists clubs should have been consulted. Local knowledge, especially with respect to rare or cryptic species, is often more comprehensive and current than data on file with agency staff. Local residents believe that Eastern Whip-poor-will has nested within the Freele Tract in recent years.
33. Jefferson Salamander, designated Endangered in Ontario (OMNRF, 2017) and Canada (COSEWIC, 2016), should be included in Table 2.5 (Species at Risk Summary). Critical habitat for this species has been documented within approximately 50 km of this site (EC, 2015), and suitable habitat, currently supporting Spotted Salamander, is present on the site.
34. Western Chorus Frog should be included in Table 2.5 (Species at Risk Summary)
35. Eastern Milksnake was delisted as a Species at Risk in Ontario in June 2016; Table 2.5 should be corrected.
36. According to Section 2.2.6.2 of the EIS, three bird Species at Risk were documented by GHD: Eastern Wood-Pewee, Wood Thrush and Red-shouldered Hawk. However, none of them are discussed in this Section. Their observed locations with respect to the proposed development footprint and broader impact area should be discussed.
37. The EIS concluded that no habitat for Eastern Whip-poor-will was present within the Study Area due to the “relatively closed forest canopy”. However, according to the Royal Ontario Museum’s “Breeding Birds of Ontario Nidology and Distribution, Volume 1: Nonpasserines” (Peck and James 1983), Whip-poor-will “Breeds in both dense and open areas, in deciduous, mixed, or coniferous woods. Nesting habitats were large forests, small wood lots in agricultural areas, pine plantations, and tree-recovered sand dunes. Some nests were on hillsides and hilltops.” Mills (2007), in “The Atlas of the Breeding Birds of Ontario” (Cadman *et al.*, 2007) writes: “The Whip-poor-will shuns both wide-open spaces and deep forest. In Ontario, its preferred habitats included rock or sand barrens with scattered trees, savannahs, old burns in a state of early forest succession, and open conifer plantations.” Sandilands (2010) writes, “The Whip-poor-will appears to avoid extensive areas of pure conifers (except for plantations), preferring young poplar-birch stands, successional areas, and hardwood and mixed forest as mature at pole stage.” Sandilands further writes that “Nests are on well-drained, dry soils, usually near the edge of a woodlot or in a forest clearing. They are usually in areas where the forest understory is sparse, but occasionally they are among dense shrubbery in open sites, or beside logs.” Based on the descriptions above, and our assessment of the site during our May 3rd 2017 reconnaissance visit, we believe that the site could provide suitable breeding habitat for this species and that nocturnal surveys per the survey protocols prepared by Bird Studies Canada (2014) should be conducted. Until such surveys have been completed, it is premature to conclude that the proposed development would not negatively affect this Threatened species.
38. Little Brown Myotis and Northern Myotis were listed in the Species at Risk Summary (Table 2.5), yet no bat surveys were conducted in support of the EIS. “GHD documented any snags that were encountered,” but it does not appear that this was part of a systematic and comprehensive inventory. Our May 3rd 2017 site visit noted numerous sizeable snags across the site that could potentially support maternity roosts.
39. Locally significant species (Ox Eye Sunflower, *Heliopsis helianthoides*; Running Strawberry Bush, *Euonymus obovatus*; Tall Goldenrod, *Solidago altissima var. altissima*) observed during the field work are identified in this section, and all three species are found in ELC communities to be disturbed by development; no avoidance or mitigation is proposed. No specific locations are given for the locally significant plants observed.

Section 3 – Preliminary Development Plan, Page 11

40. The text does not adequately describe the relative areas of disturbance; in Section 4.5 (Provincial Policy Statement) the proposed footprint of development is discussed, however the text does not confirm whether this footprint is final, given the County's specification for a 20 ha site. It is not clear if the areas of the access road and emergency road are included. Details such as access road widths, grading allowances, truck turning lanes, vehicle servicing parking, waste vehicle storage etc. are important factors to be considered, yet not provided in the EIS. No information is provided on grading required to accommodate the site development and roadways.
41. EIS normally include a site concept plan which allows a clear understanding of the proposed development; the EIS does not include any graphic representation of the project apart from the generic mapping of the currently proposed development footprint shown on Figures 4 and 5;
42. Although additional information is available in the Facility Characteristics Report, as noted in the EIS, information about the development relevant to the EIS (e.g. scale, grading, and features such as fencing) should be summarized and discussed in the EIS report.
43. No indication is given how the natural heritage sensitivities of the study site were used to site the facility footprint or allowances for future expansion to meet the County's defined needs.

Section 4 – Regulatory/Policy Framework, Page 12

44. The dates of the policy documents reviewed are not given in the text, nor are these documents included in the References.
45. No overall summary of policy constraints is provided.

Section 4.1 – Township of Springwater, Page 12

46. The text describes the policy restrictions within the Township's Official Plan, but does not interpret these policies with respect to the site and the proposed development; this is inadequate to understand the conformity with Township policies.
47. The text suggests that adjacent lands to Significant Wildlife Habitat (SWH) are those lands within 50 m. However, the Natural Heritage Reference Manual (NHRM) 2nd Ed., (OMNR 2010) defines adjacent lands to SWH as 120 m. The likely reason for the difference is that the Township of Springwater Official Plan (OP) has not yet undergone an OP review to bring it into conformity with the 2014 PPS. Nevertheless, Section 4.7 of the PPS (2014) directs that the policies of the current PPS apply despite less stringent policies in an OP which has not yet been updated to be in conformity with the current PPS. In other words, the 120 m adjacent lands definition provided in the NHRM should apply, regardless of the Township's OP definition.

Section 4.2 – Simcoe County, Page 12

48. The text describes the policy restrictions within the County's Official Plan, specifically the site's designation as County Greenlands, but does not interpret these policies with respect to the site and the proposed development. This is inadequate to understand the conformity with County policies.

Section 4.3 – Nottawasaga Valley Conservation Authority, Page 13

49. The text notes that wetlands are features regulated by the NVCA, and that wetlands are present in both the north-east and south-east parts of the site. The text also states that a 120 m offset for assessment of impacts has been used for this EIS, however the wetland in the south-east portion of the study area is excluded from this offset area and no rationale for this exclusion is given.

50. A statement about a mapped watercourse not being present on the site is given, however there is no discussion of the record drought conditions in the spring and summer of 2016.

Section 4.4 – Species at Risk Legislation, Page 13

51. The EIS states that *“As the Study Area is not on federal lands, and aquatic features are absent from the Study Area, SARA is not applicable to this review.”* This statement is incorrect, as the identification of Significant Wildlife Habitat (SWH) requires consideration of SARA status, specifically COSEWIC status. Page 54 of the SWHTG (OMNR, 2000) states: *“Species that can be considered species of conservation concern include: species identified as nationally endangered or threatened by the Committee on the Status of Endangered Wildlife in Canada, which are not protected in regulation under Ontario’s Endangered Species Act.”* This SWH criterion applies to Western Chorus Frog (*Pseudacris triseriata*); the Great Lakes/St. Lawrence – Canadian Shield population (to which those individuals documented during the EIS belong) are designated Threatened in Canada, but Not at Risk in Ontario. Therefore, habitat of the Western Chorus Frog merits designation as SWH.

Section 4.5 – Provincial Policy Statement, Page 14

52. The EIS notes that *“the Study Area is predominantly comprised of mixed tree plantation, with limited natural woodland communities in the northeast and southeast corners. Conservatively, these natural woodlands within the Study Area comprise less than 25% of the Study Area, but are associated with the contiguous communities on adjacent lands to the East.”* However, according to the Ecological Land Classification information provided in the EIS (see Figure 4), this statement is incorrect. Only two of the 12 vegetation communities are “Cultural” (i.e. not “Natural” or “Naturalized”). They are: TAGM1 (Course Mineral Coniferous Plantation) and CVI-1 (Transportation). Of the 84 ha site, they occupy approximately 2.8 ha and 0.5 ha respectively, or just under 4% of the total site.
53. The EIS states that the proposed ERRC footprint is 4.5 ha. However, the direct impact of the proposed facility alone appears to be closer to 4.7 ha based on our own aerial photo interpretation. Regardless, the calculation of the “footprint” does not quantify the potential extent of indirect impacts, which will likely extend onto adjacent lands. The footprint should also include the indirect impacts associated with the laneway accessing the facility. Traffic, noise and other disturbances (including the introduction of potential invasive species and predators), directed into the centre of the forest, will clearly have a negative impact on resident flora and fauna. Further, the potential impacts of the County’s stated intentions to expand the facility in the future are not addressed in the EIS.
54. The EIS acknowledges that the site meets one Significant Woodland criteria, i.e. the presence of interior forest 20 ha or greater where woodland cover is greater than 60%, however, it downplays the significance of this determination by stating: *“this function is temporary as the proposed ERRC footprint is part of a managed and actively-harvested woodlot.”* However, clear-cutting is not part of the normal forest management approach identified in the Simcoe County Forest Plan (Simcoe County 2011), which identifies as high priorities sustaining forests including maintaining ecological processes, and conservation of biodiversity. Developments other than for recreation are not anticipated in the SCFP, a guiding document which recommends that *“High Conservation Value Forests”* be identified, mapped, and maintained/enhanced. Notably, the EIS does not mention the SCFP.
55. With respect to Significant Wildlife Habitat, the only potential SWH criterion discussed is *“Woodland area-sensitive breeding bird habitat”*. The EIS states: *“As natural blocks of mature woodland within the Study Area are limited to the northeast and southeast corners, the area of the*

proposed ERRC footprint **does not satisfy the considerations as candidate Significant Wildlife Habitat** for Woodland Area-Sensitive Breeding Bird Habitat." However, according to ELC information depicted on Figure 4, only natural or naturalized vegetation communities occupy the ERRC footprint. In fact, about 96% of the lands are categorized as natural or naturalized. Because the majority of tree planting was completed in 1949 (Simcoe County 2017), the site currently supports mature forest (*i.e.* > 60 years old), consistent with the SWH designation criteria.

56. Based on the field data provided in the EIS and our May 3, 2017 field visit to the site, we believe that additional SWH criteria are present and should also be addressed (*e.g.* Amphibian Breeding Habitat (Woodland), Special Concern and Rare Wildlife Species, *etc.*).

Section 5 – Potential Environmental Impacts and Mitigation

Section 5.1 – Impact Assessment Process, Page 15

57. As a site handling compost, the introduction and spread of invasive or otherwise deleterious species should be considered as an impact in Table 5.1.

58. Re: Table 5.1:

- Impacts are not adequately defined (*i.e.* direct / indirect / cumulative)
- Limiting daily construction and facility operation hours from 6 a.m. to 7 p.m. does not represent adequate mitigation, as:
 - the stated hours also reflect the hours of peak wildlife activity;
 - the public hours may not adequately reflect actual operations as the site is intended to be the County's Truck Servicing Facility and a major transfer site for the County's growing waste stream.
- Additional options to mitigate noise impacts should be provided. Noise and disturbance associated with the access roads is an impact to be mitigated.
- An increase in the local abundance or concentration of omnivorous and carnivorous wildlife species such as mice, rats, Striped Skunks, Raccoons, and Coyotes, (C. McCausland *pers. com.*, 2017), as well as Weasels, American Crows, Blue Jays, Common Grackles, *etc.*) should be considered as a potential impact, which will lead to greater depredation of ground-nesting birds. Approximately 20% of the breeding bird species documented are ground-nesting.

Section 5.2 – Vegetation Communities (Including Wetlands), Page 19

Section 5.2.1 – Potential Impacts, Page 19

59. We are concerned that the inadequate vascular plant list and the ELC community descriptions downplay the significance of the ecological features, and therefore the EIS understates impacts of the proposed facility on the ecological features and functions of the site. The main footprint of the ERRC facility is proposed in the FODM5 community, which we observed to be the most 'natural' community on the site apart from the wetlands and associated lowland forests.

60. The EIS states that vegetation loss will be restricted to the proposed facility footprint and "entrance". However, it is reasonable to assume that the entire length of the access road will need to be widened to accommodate inbound and outbound truck traffic, along with necessary roadside verges and grading allowances. The roadway standards (including requirements for future expansion), and for parking accommodation of the County's fleet of Solid Waste Management vehicles are not clearly described or included in the discussion of impacts.

61. Text in Section 5.3.1 indicates that the existing portion of the north access road is intended to be retained for emergency access. The standards for the emergency access road, which

presumably must be capable of handling trucks and emergency vehicles, will undoubtedly require vegetation removal and significant works to provide a full-season access road. In addition, this proposed road is very close to the SWMM2-1 community and within the 230 m SWH buffer recommended by MNRF; therefore, impacts to wetlands and ecological functions can be expected.

62. As per Section 4.3, the wetland in the south-east corner of site is excluded from discussion of impacts to wetlands.
63. There is no discussion of impacts to locally significant plant species, and the specific locations of plants found are not identified.

Section 5.2.2 – Mitigation, Page 19

64. The EIS states the vegetation communities that will be altered are not unique or locally rare/significant. However, the vegetation communities clearly trigger Significant Wildlife Habitat policy as “Woodland area-sensitive breeding bird habitat”, which will be impacted.
65. There is no Mitigation Plan included with the EIS, which would normally include a figure indicating the development concept plan, ecological features and functions (e.g. SWH extent, including buffers) being protected, and indicating the locations for measures being applied on the development site or adjoining lands where mitigation is proposed.
66. No discussion of mitigation is provided related to locally significant plant species.
67. No specific monitoring of impacts and mitigation approaches is discussed or recommended; this is relegated to a future Environmental Monitoring Plan, however the limited detail in the EIS discussion of impacts renders it inadequate to guide design, construction and operation of the facility.

Section 5.3 – Wildlife and Habitat, Page 21

Section 5.3.1 – Potential Impacts, Page 21

68. The text should acknowledge impacts to Significant Wildlife Habitat (SWH). Based on the field data provided in the EIS and our May 3, 2017 field visit to the site, we believe that several SWH criteria are present (e.g. Amphibian Breeding Habitat (Woodland), Woodland Area-Sensitive Bird-Breeding Habitat, Special Concern and Rare Wildlife Species) (OMNRF 2015).

Section 5.3.2 – Mitigation, Page 21

69. Operating the facility during 6:00 a.m. and 7:00 p.m. should not be considered mitigation, since these hours correspond to when wildlife are most active, i.e. the daylight hours required for foraging and feeding young.
70. To protect pond-breeding salamander species, the EIS suggests that terrestrial buffer zones should extend away from the edge of breeding ponds by approximately 160 m, as “*this distance represents the movements of 95% of the adults in a population (Savage and Zamudio, 2016.)*” However, the Significant Wildlife Habitat Ecoregion 6E Criteria Schedule defines SWH habitat as the wetland area plus a 230 m radius of woodland area. On this basis, a portion of the proposed ERRC facility footprint would overlap with the SWH.
71. The EIS states that “*Provision of permanent amphibian tunnels north of the ERRC, beneath the emergency access road, with associated drift nets along the perimeter of the emergency access road should mitigate loss of connectivity and collision mortalities of amphibians under increased road traffic.*” It is not clear why this recommendation merits the required effort and expense, as the emergency access road will only be used in emergency situations. Notably, wildlife impacts and mitigation of the main access road are not considered with the same level of detail, e.g. the

"Amphibian Breeding Habitat (Woodland)" SWH criterion (OMNRF 2015) overlaps with the proposed main access road. The main access road will be within the 230 m buffer recommended by MNR for this category of SWH.

72. The EIS discusses enhancing the habitat in vegetation community TAGM1 for Spotted Salamanders by placing felled logs on the ground for additional cover and hibernation habitat, however Spotted Salamanders typically hibernate underground in small mammal burrows.
73. The EIS recommendation that "*Clearing, grubbing, and tree removal works should be conducted in a manner to avoid nesting birds and wildlife where possible.*" is too vague. General operational dates should be provided, with explicit reference to the Migratory Birds Convention Act (Government of Canada 1994 a,b).
74. No avoidance or other mitigation is provided for loss of habitat for bat species, *i.e.* snag removal.
75. Based on our review of the information contained in the EIS and its appendices, the conclusion that "*negative impacts to the identified natural features and ecological function are not anticipated*" is without foundation.

Section 6 – Conclusions, Page 23

76. The EIS again states that the site meets woodland significance targets under the Simcoe County Official Plan's Greenlands designation and the Provincial Policy Statement, but downplays the importance of the feature. The rationale is not supported adequately in the text, and our review indicates that the site is more significant than indicated in the EIS.
77. The statement of no negative impacts is not supported by EIS evidence, particularly given the inconsistencies, misinterpretations and exclusions noted by D&A.

Appendix A: Environmental Impact Study Terms of Reference

78. No minutes are provided confirming TOR approval at the April 1, 2016 agency meeting.

Appendix B: Vegetation Inventory

79. Our review of the vascular plant list provided in the EIS (Appendix 2) identified some inaccuracies and inconsistencies. First, several plants are identified with the incorrect botanical name (*i.e.* *Geum virginianum* is listed as Rough Avens, but should be Pale Avens; Common dock is listed as *Rumex* sp., this should be Dock sp.), and several plants listed to genus level have the wrong genus attributed to the common name listed (*i.e.* Sedge sp. is listed as *Scirpus* sp., and should be *Carex* sp.; Grass species is listed as *Panicum* sp. but could be one of many species of graminoid. In addition, some records have incorrect capitalization. These errors should have been addressed as part of normal reporting data quality control. Second, plants are listed which are not known to be present in Ontario (*Anemone nemorosa*, Wood anemone; *Lactuca virosa*, Bitter lettuce). Finally, during the site visit, D&A staff encountered several easily-identifiable species which would have been present during the ELC visits conducted by GHD. These species include Common Oak Fern (*Gymnocarpium dryopteris*), Wild Red Raspberry (*Rubus occidentalis*), Common Mullein (*Verbascum thapsis*), and Plantain-leaved Sedge (*Carex plantaginea*). These weaknesses are a concern given that a major conclusion of the EIS is that the vegetation communities are mostly low quality plantations.
80. The vascular plant list does not identify vegetation communities where plants were found; ELC field data is not provided; Coefficient of Conservatism (CC) values for plants are not provided. This weakens the understanding of the significance of particular ELC communities, their levels of disturbance, and the overall diversity of the site.

Figures

81. Policy constraints are not mapped *i.e.* no 'opportunities and constraints' figure is provided. A figure would clarify whether negative impacts to significant constraints (*i.e.* sensitive features and functions) are being avoided or require impact mitigation consideration.
82. The overall extent of the proposed development (*i.e.* the facility footprint, the access route, emergency access route, associated grading, future expansion area) is not shown on any of the Figures; Figure 4 and 5 do show the facility footprint and access road separately, but not the emergency access. This omission downplays the potential physical scale of these features and therefore the impacts associated with their construction and operation.
83. Figure 4 (Ecological Land Classification) does not provide numbers for vegetation communities, making references difficult between the figure, its legend, and EIS text. Where there are multiple polygons of the same ELC community, this omission makes Sect. 2.2.3 difficult to interpret.
84. No locations of locally significant plant species are provided. An understanding of the abundance and location of the plants would give a more quantified understanding of the impacts to these populations due to the proposed work.
85. No conceptual or detailed mitigation plans are provided. These plans would help to demonstrate the effectiveness of the proposed works.

CONCLUSION

Based on this review, D&A believes that the GHD *Scoped EIS* does not adequately characterize the study area, provide appropriate interpretation of policy, or discuss impacts and mitigation in sufficient detail. Figures lack sufficient detail on the proposed development, policy constraints, location and extent of impacts, and mitigation.

LIMITATION

The opinions in this letter report document are based on the *Scoped Environmental Impact Study, Proposed Environmental Resource Recovery Center, Springwater, Ontario* (GHD Ltd., November 17, 2016), other documents referenced; opinions are subject to modification if revised documents are provided.

Sincerely,



Jim Dougan, BSc, MSc, OALA (Hon)
Director, Senior Ecologist



Mary Anne Young, BLA, OALA, ISA
Landscape Architect, Arborist, Ecologist



Karl Konze, B.Sc.
Senior Wildlife Ecologist

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March 2, 2018

Aldo Ingraldi, MCIP, RPP
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This is Exhibit....."H".....referred to in the
 affidavit of.....James Dougan, Mary Anne Young and Karl Konze.....
 affirmed before me, this.....twenty-second.....
 day of.....March.....20...19..



.....
 A COMMISSIONER FOR TAKING AFFIDAVITS

Dear sir;

**Re: Impacts to Regional Natural Heritage System by Proposed County of Simcoe
 Environmental Resource Recovery Center (ERRC), Springwater, Ontario**

Dougan & Associates Ecological Consulting and Design (D&A) was retained by Friends of Simcoe Forests Inc. in March 2017 to provide peer review services for natural heritage impact studies being completed for the proposed Environmental Resource Recovery Center, Springwater, Ontario. This facility has been proposed by the County of Simcoe to be located within the Simcoe County Forest, within an area known as the Freele Tract.

Our purpose in writing at this time is to inform MMAH of the known significance of the natural heritage system at the site and in its vicinity, based on our review of documents prepared in support of the facility by GHD Ltd., our own site reconnaissance, and observations of others affiliated with the Friends of Simcoe Forests Inc., including Mr. Bob Bowles, a highly respected field scientist who is also engaged by the FSF Inc.

We note that the Province has published its own Regional Natural Heritage System (RNHS) mapping that will form the basis of planning under the Growth Plan (2017), and under the Greenbelt Plan (2017). On-line mapping of this system currently indicates the County's preferred ERRC site is located within the RNHS, with woodland cover throughout the site, and unevaluated wetlands in the northeast corner of the site.

Based on the GHD studies and reconnaissance on behalf of FSF Inc., we believe that the following Provincial Policy Statement categories of natural heritage features are present on the site:

Significant Woodlands – the site includes natural forest (upland deciduous forest and swamp) as well as plantations that are all in an advanced stage of succession towards mixed natural forest with associated understorey flora typical of natural forest. At least 21 species of area-sensitive birds (based on MNRF criteria) have been documented by GHD, indicating that this forest is part of a larger forested system and the site itself is relatively free of forest edge influences. The forest is located on varied terrain, ranging from low-lying areas with vernal pools, to significant sandy feature deposits (the latter directly under the proposed ERRC).

Significant Wetlands – the site contains two areas of wetlands with swamp and marsh cover; the RNHS mapping shows the northeast component; a second area of forested swamp is located in the southeast corner of the site, tied to a seasonal headwater watercourse. Vernal pools are present in both areas of wetland (see Significant Wildlife Habitat). These wetlands are not currently evaluated, but given their connection to offsite wetlands, and the documented presence of significant and diverse biota, we believe that it is quite feasible that they would score as a Provincially Significant Wetland.

Significant Wildlife Habitat (SWH) – the following categories of Significant Wildlife Habitat, per MNRF SWH Criteria Schedules for Ecoregion 6E (2015):

- Amphibian Breeding Habitat (Woodland) which is present in both the northeast and southeast wetlands; MNRF guidelines recommend a 230 m buffer around such features;
- Special Concern and Rare Wildlife Species (Western Chorus Frog, Eastern Wood-Pewee, Red-Shouldered Hawk, Wood Thrush); rare plants;
- Woodland Area-Sensitive Bird Breeding Habitat, well exceeding the MNRF threshold for significance;
- Woodland Raptor Nesting Habitat (potential) as three of six indicator species were documented by GHD;
- Bat Maternity Colonies.

Notably, in 2016 GHD incorrectly concluded that cultural plantations do not qualify as SWH; this is counter to MNRF Ecoregion 6E Criteria, which do not exclude plantations, and in some cases (e.g. raptor nesting) highlights them as potential habitat.

Habitat of Endangered and Threatened Species – Three Provincially Endangered bat species have been documented on the Freele Tract site, and habitat use by these species includes maternity roosts, day roosting and foraging. We believe that there is also potential for Endangered Jefferson Salamander hybrids to be using the vernal pools.

Natural Heritage Concerns with the County ERRC Proposal

Our June 2017 review of the studies supporting the County’s proposal to locate the ERRC in the Freele Tract identified several key concerns regarding natural heritage impacts, including the following:

1. The facility will cause significant fragmentation of the forested NHS, and will degrade the quality of forest. We estimate that approximately 18 ha of forest interior will be eliminated.
2. The proposed facility is within identified Significant Woodlands, as recognized in the County Official Plan (2016), and the Province’s Regional NHS.
3. Habitat for Endangered Species at Risk will be removed or otherwise impacted.
4. The site contains Key Hydrologic Features and Key Hydrologic Areas as defined by the Province; impacts to these resources are likely, particularly given the ultimate scale of infrastructure development (20 ha) to meet the County’s future requirements.
5. Invasive and/or predatory species are typically transported or attracted by recycling waste, based on the experience of established recycling centres. Introduction of such an infrastructure facility into a high-functioning area of the RNHS is clearly a high risk venture that will inevitably affect many sensitive plant and wildlife attributes.
6. Site studies to date have not adequately addressed ‘adjacent lands’ as defined under the PPS and its supporting documents. The waste facility will have effects capable of extending well beyond the minimum 120 m recommended in the Natural Heritage Reference Manual (2010).

7. The proposed facility will double as a waste handling and fleet maintenance facility. In our opinion the effects of traffic and emergency access cannot be adequately addressed without serious harm to the RNHS and its functions on the site and in its vicinity.
8. Although the proposed facility and access roads will occupy 5.5 ha, the County's "ONE SITE, ONE SOLUTION" study criteria include adequate space for a 20 ha facility as a basic requirement. Therefore significant cumulative effects are considered very likely once the initial facility is established.

Conclusions

We believe that the County's proposal to place this facility within the RNHS is not consistent with the Provincial Policy Statement or the RNHS policies within the Growth Plan. The area protected under the Greenbelt Plan (2017) may be extended in the future to cover this area of the Oro Moraine; Greenbelt Policy 4.2.1.2(h) would prohibit such a use.

We understand that MMA will be serving in a review capacity when Official Plan Amendments and re-zoning applications are put forward by the County and Township. We strongly recommend that the serious implications and precedents affecting the RNHS for the long term be carefully considered by the Province.

Sincerely,



Jim Dougan, BSc, MSc, OALA (Hon)
Director and Senior Ecologist

c.c. County of Simcoe
Township of Springwater
Friends of Simcoe Forests Inc.

Tab 7: RELEVANT STATUTORY AND POLICY PROVISIONS

Growth Plan for the Greater Golden Horseshoe, 2017

1.2.1 Guiding Principles

The successful realization of this vision for the GGH centres on effective collaboration amongst the Province, other levels of government, First Nations and Métis communities, residents, private and non-profit sectors across all industries, and other stakeholders.

The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.
- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards low-carbon communities, with the long-term goal of net-zero communities, by incorporating approaches to reduce greenhouse gas emissions.

2.2 Policies for Where and How to Grow

2.2.1 Managing Growth

1. Population and employment forecasts contained in Schedule 3 will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.
2. Forecasted growth to the horizon of this Plan will be allocated based on the following:
 - a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and
 - iii. can support the achievement of complete communities;
 - b) growth will be limited in settlement areas that:
 - i. are undelineated built-up areas;
 - ii. are not serviced by existing or planned municipal water and wastewater systems;
 - or
 - iii. are in the Greenbelt Area;
 - c) within settlement areas, growth will be focused in:
 - i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
 - iv. areas with existing or planned public service facilities;
 - d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;
 - e) development will be generally directed away from hazardous lands; and
 - f) the establishment of new settlement areas is prohibited.

4.2.2 Natural Heritage System

1. The Province will map a Natural Heritage System for the GGH to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The Natural Heritage System mapping will exclude lands within settlement area boundaries that were approved and in effect as of July 1, 2017.
2. Municipalities will incorporate the Natural Heritage System as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the longterm ecological or hydrologic functions of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4.
3. Within the Natural Heritage System:
 - a) new development or site alteration will demonstrate that:
 - i. there are no negative impacts on key natural heritage features or key hydrologic features or their functions;

- ii. connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
 - iii. the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
 - iv. except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the total developable area, and the impervious surface will not exceed 10 per cent of the total developable area;
 - v. with respect to golf courses, the disturbed area will not exceed 40 per cent of the total developable area; and
 - vi. at least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in subsection 4.2.8; and
- b) the full range of existing and new agricultural uses, agriculturerelated uses, on-farm diversified uses, and normal farm practices are permitted. However, new buildings or structures for agricultural uses, agriculture-related uses, or on-farm diversified uses are not subject to policy 4.2.2.3 a), but are subject to the policies in subsections 4.2.3 and 4.2.4.
4. The natural heritage systems identified in official plans that are approved and in effect as of July 1, 2017 will continue to be protected in accordance with the relevant official plan until the Natural Heritage System has been issued.
5. In implementing the Natural Heritage System, upper- and single-tier municipalities may, through a municipal comprehensive review, refine provincial mapping with greater precision in a manner that is consistent with this Plan.
6. Beyond the Natural Heritage System, including within settlement areas, the municipality:
- a) will continue to protect any other natural heritage features in a manner that is consistent with the PPS; and
 - b) may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS.
7. If a settlement area is expanded into the Natural Heritage System in accordance with the policies in subsection 2.2.8, the portion that is within the revised settlement area boundary will:

- a) be designated in official plans;
- b) no longer be subject to policy 4.2.2.3; and
- c) continue to be protected in a manner that ensures that the connectivity between, and diversity and functions of, the natural heritage features and areas will be maintained, restored, or enhanced.

4.2.3 Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features

1. Outside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System or in key hydrologic features, except for:

- c) activities that create or maintain infrastructure authorized under an environmental assessment process;

4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features

1. Outside settlement areas, a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone, which:

- a) is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change;
- b) is established to achieve and be maintained as natural self-sustaining vegetation; and
- c) for key hydrologic features, fish habitat, and significant woodlands, is no less than 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.

2. Evaluations undertaken in accordance with policy 4.2.4.1 will identify any additional restrictions to be applied before, during, and after development to protect the hydrologic functions and ecological functions of the feature.

7. Definitions

Key Natural Heritage Features: Habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.

4.2.1 General Infrastructure Policies

For lands falling within the Protected Countryside, the following policies shall apply:

2. The location and construction of infrastructure and expansions, extensions, operations and maintenance of infrastructure in the Protected Countryside are subject to the following:

h) New waste disposal sites and facilities, and organic soil conditioning sites are prohibited in *key natural heritage features*, *key hydrologic features* and their associated *vegetation protection zones*.

Planning Act, RSO 1990, c. P.13

Purposes

1.1 The purposes of this Act are,

- (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s. 4.

Provincial Interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

Policy statements

3 (1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. R.S.O. 1990, c. P.13, s. 3 (1).

Policy statements and provincial plans

3 (5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and

(b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

Same

3 (6) Comments, submissions or advice affecting a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date the comments, submissions or advice are provided; and

(b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

Ontario Provincial Policy Statement, 2014

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.

2.1.4 Development and site alteration shall not be permitted in:

- a) significant wetlands in Ecoregions 5E, 6E and 7E; and
- b) significant coastal wetlands.

2.1.5 Development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);

- d) significant wildlife habitat;
- e) significant areas of natural and scientific interest; and
- f) coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

2.3 Agriculture

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

2.3.2 Planning authorities shall designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time.

2.3.3 Permitted Uses

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
and

2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;
and

d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

2.3.4.3 The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).

2.3.5 Removal of Land from Prime Agricultural Areas

2.3.5.1 Planning authorities may only exclude land from prime agricultural areas for expansions of or identification of settlement areas in accordance with policy 1.1.3.8.

2.3.6 Non-Agricultural Uses in Prime Agricultural Areas

2.3.6.1 Planning authorities may only permit non-agricultural uses in prime agricultural areas for:

a) extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with policies 2.4 and 2.5; or

b) limited non-residential uses, provided that all of the following are demonstrated:

1. the land does not comprise a specialty crop area;
2. the proposed use complies with the minimum distance separation formulae;
3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid prime agricultural areas; and
 - ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

4.5 - In implementing the Provincial Policy Statement, the Minister of Municipal Affairs and Housing may take into account other considerations when making decisions to support strong communities, a clean and healthy environment and the economic vitality of the Province.

4.7 - The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions.

Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

4.8 Zoning and development permit by-laws are important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement.

6.0 Definitions

Adjacent lands: means

- a) for the purposes of policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where development would have a negative impact on the corridor or facility. The extent of the adjacent lands may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives;
- b) for the purposes of policy 2.1.8, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives;
- c) for the purposes of policies 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of known petroleum resources, mineral deposits, or deposits of mineral aggregate resources where it is likely that development would constrain future access to the resources. The extent of the adjacent lands may be recommended by the Province; and
- d) for the purposes of policy 2.6.3, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan

Statement of Environmental Values, Ministry of Environment, Conservation and Parks

Statement of Environmental Values: Ministry of the Environment and Climate Change

1. INTRODUCTION

The Ontario Environmental Bill of Rights (EBR) was proclaimed in February 1994. The founding principles of the EBR are stated in its Preamble:

- The people of Ontario recognize the inherent value of the natural environment.
- The people of Ontario have a right to a healthful environment.
- The people of Ontario have as a common goal the protection, conservation and restoration of the natural environment for the benefit of present and future generations.

While the government has the primary responsibility for achieving this goal, Ontarians should have the means to ensure that it is achieved in an effective, timely, open and fair manner.

The purposes of the Act are:

- To protect, conserve and where reasonable, restore the integrity of the environment;
- To provide sustainability of the environment by the means provided in the Act; and
- To protect the right to a healthful environment by the means provided in the Act.

These purposes include the following:

- The prevention, reduction and elimination of the use, generation and release of pollutants that are an unreasonable threat to the integrity of the environment.
- The protection and conservation of biological, ecological and genetic diversity.
- The protection and conservation of natural resources, including plant life, animal life and ecological systems.
- The encouragement of the wise management of our natural resources, including plant life, animal life and ecological systems.
- The identification, protection and conservation of ecologically sensitive areas or processes.

To assist in fulfilling these purposes, the Act provides:

- The means by which Ontarians may participate in the making of environmentally significant decisions by the Government of Ontario;
- Increased accountability of the Government of Ontario for its environmental decision-making;
- Increased access to the courts by residents of Ontario for the protection of the environment; and
- Enhanced protection for employees who take action in respect of environmental harm.

The EBR requires a Statement of Environmental Values from all designated ministries. The designated ministries are listed at: <http://www.ebr.gov.on.ca/ERS-WEB->

External/content/index2.jsp?f0=aboutTheRegistry.statement&f1=aboutTheRegistry.statement.value&menuIndex=0_3

Statements of Environmental Values (SEV) are a means for designated government ministries to record their commitment to the environment and be accountable for ensuring consideration of the environment in their decisions. A SEV explains:

- How the purposes of the EBR will be applied when decisions that might significantly affect the environment are made in the Ministry; and
- How consideration of the purposes of the EBR will be integrated with other considerations, including social, economic and scientific considerations, which are part of decision-making in the Ministry.

It is each Minister's responsibility to take every reasonable step to ensure that the SEV is considered whenever decisions that might significantly affect the environment are made in the Ministry.

The Ministry will examine the SEV on a periodic basis to ensure the Statements are current.

2. MINISTRY VISION, MANDATE AND BUSINESS

The Ministry of the Environment and Climate Change's vision is an Ontario with clean and safe air, land and water that contributes to healthy communities, ecological protection, and environmentally sustainable development for present and future generations.

The Ministry of the Environment and Climate Change develops and implements environmental legislation, regulations, standards, policies, guidelines and programs. The Ministry's research, monitoring, inspection, investigations and enforcement activities are integral to achieving Ontario's environmental goals.

Specific details on the responsibilities of the Ministry of the Environment and Climate Change can be found on the Ministry website www.ene.gov.on.ca.

3. APPLICATION OF THE SEV

The Ministry of the Environment and Climate Change is committed to applying the purposes of the EBR when decisions that might significantly affect the environment are made in the Ministry. As it develops Acts, regulations and policies, the Ministry will apply the following principles:

- The Ministry adopts an ecosystem approach to environmental protection and resource management. This approach views the ecosystem as composed of air, land, water and living organisms, including humans, and the interactions among them.

- The Ministry considers the cumulative effects on the environment; the interdependence of air, land, water and living organisms; and the relationships among the environment, the economy and society.
- The Ministry considers the effects of its decisions on current and future generations, consistent with sustainable development principles.
- The Ministry uses a precautionary, science-based approach in its decision-making to protect human health and the environment.
- The Ministry's environmental protection strategy will place priority on preventing pollution and minimizing the creation of pollutants that can adversely affect the environment.
- The Ministry endeavours to have the perpetrator of pollution pay for the cost of clean up and rehabilitation consistent with the polluter pays principle.
- In the event that significant environmental harm is caused, the Ministry will work to ensure that the environment is rehabilitated to the extent feasible.
- Planning and management for environmental protection should strive for continuous improvement and effectiveness through adaptive management.
- The Ministry supports and promotes a range of tools that encourage environmental protection and sustainability (e.g. stewardship, outreach, education).
- The Ministry will encourage increased transparency, timely reporting and enhanced ongoing engagement with the public as part of environmental decision making.

Decisions on proposed Acts, regulations and policies reflect the above principles. The ministry works to protect, restore and enhance the natural environment by:

- Developing policies, legislation, regulations and standards to protect the environment and human health,
- Using science and research to support policy development, environmental solutions and reporting,
- Ensuring that planning, which aims to identify and evaluate environmental benefits and risks, takes place at the earliest stages in the decision- making process;
- Undertaking compliance and enforcement actions to ensure consistency with environmental laws, and
- Environmental monitoring and reporting to track progress over time and inform the public on environmental quality.

In addition, the Ministry of the Environment and Climate Change uses a range of innovative programs and initiatives, including strong partnerships, public engagement, strategic knowledge management, and economic incentives and disincentives to carry out its responsibilities.

4. INTEGRATION WITH OTHER CONSIDERATIONS

The Ministry of the Environment and Climate Change will take into account social, economic and other considerations; these will be integrated with the purposes of the EBR when decisions that might significantly affect the environment need to be made. In making

decisions, the Ministry will use the best science available. It will support scientific research, the development and application of technologies, processes and services.

The Ministry will encourage energy conservation in those sectors where it provides policy direction or programs.

5. MONITORING USE OF THE SEV

The Ministry of the Environment and Climate Change will document how the SEV was considered each time a decision on an Act, regulation or policy is posted on the Environmental Registry. The Ministry will ensure that staff involved in decisions that might significantly affect the environment is aware of the Ministry's Environmental Bill of Rights obligations.

The Ministry of the Environment and Climate Change monitors and assesses changes in the environment. The Ministry reviews and reports, both internally and to the Environmental Commissioner's Office, on its progress in implementing the SEV.

6. CONSULTATION

The Ministry of the Environment and Climate Change believes that public consultation is vital to sound environmental decision-making. The Ministry will provide opportunities for an open and consultative process when making decisions that might significantly affect the environment.

7. CONSIDERATION OF ABORIGINAL PEOPLES

The Ministry of the Environment and Climate Change recognizes the value that Aboriginal peoples place on the environment. When making decisions that might significantly affect the environment, the Ministry will provide opportunities for involvement of Aboriginal peoples whose interests may be affected by such decisions so that Aboriginal interests can be appropriately considered. This commitment is not intended to alter or detract from any constitutional obligation the province may have to consult with Aboriginal peoples.

8. GREENING INTERNAL OPERATIONS

The Ministry of the Environment and Climate Change believes in the wise use and conservation of natural resources. The Ministry will support Government of Ontario initiatives to conserve energy and water, and to wisely use our air, water and land resources in order to generate sustainable environmental, health and economic benefits for present and future generations.

The Ministry of the Environment and Climate Change is committed to reducing its environmental footprint by greening its internal operations, and supporting environmentally sustainable practices for its partners, stakeholders and suppliers. A range of activities is being undertaken to reduce the Ministry's air emissions, energy use,

water consumption, and waste generation. These include: monitoring and reducing the Ministry's carbon footprint, promoting energy and water conservation in ministry outreach and educational activities, and supporting government-wide greening and sustainability initiatives.

County of Simcoe Official Plan

3.3.6 Where feasible, and subject to local municipal policies and bylaws, infrastructure and passive recreational uses may be located in any designation of this Plan, subject to Sections 3.8, and 4.2, and the requirements of the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Lake Simcoe Protection Plan where applicable, and applicable provincial and federal policy and legislation. Where applicable, only such uses permitted in the Greenlands designation (see Section 3.8) are those which have successfully completed any required provincial and/or federal environmental assessment process or proceedings under the Drainage Act. Lot creation for infrastructure in the Agricultural designation is discouraged and should only be permitted where the use cannot be accommodated through an easement or right-of-way.

Natural Heritage

3.3.15 Despite anything else in this Plan, except Section 4.4 as it applies to mineral aggregate operations only, development and site alteration shall not be permitted:

- i. In significant wetlands and significant coastal wetlands.
- ii. In the following unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions: Significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest (ANSIs), and coastal wetlands (not covered by 3.3.15 i) above).
- iii. In the following regional and local features, where a local official plan has identified such features, unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions: wetlands 2.0 hectares or larger in area determined to be locally significant by an approved EIS, including but not limited to evaluated wetlands, and Regional areas of natural and scientific interest (ANSIs).
- iv. In fish habitat except in accordance with provincial and federal requirements.
- v. In habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- vi. On adjacent lands to the natural heritage features and areas listed above, unless the ecological function of the adjacent lands has been evaluated and it has been

demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Adjacent lands shall generally be considered to be:

- a. within 120 metres of habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2.0 hectares or larger determined to be locally significant by an approved EIS, significant woodlands, significant wildlife habitat, significant areas of natural and scientific interest – life science, significant valleylands, and fish habitat;
- b. within 50 metres of significant areas of natural and scientific interest – earth science;
- c. A reduced adjacent lands from the above may be considered based on the nature of intervening land uses. The extent of the reduced area will be determined by the approval authority in consultation with the applicant prior to the submission of a development application, and supported by an EIS, demonstrating there will be no negative impacts beyond the proposed reduced adjacent lands area.

Nothing in the above policies is intended to limit the ability of agricultural uses to continue.

Despite anything else in Sections 3.3 and 3.8, in those portions of the Greenlands designation including Section 3.8.10 that are also designated in Provincial plans as listed in Section 3.8.10 (a) to (h), if the provisions of the Provincial plan are more restrictive than those of Section 3.8, then the Provincial plan prevails.

3.8 Greenlands

The rationale for the Greenlands Designation is found in the 1996 background report prepared for the County of Simcoe Official Plan titled “Development of a Natural Heritage System for the County of Simcoe”. The Greenlands Designation is mapped on Schedule 5.1. This mapping is based on the findings of the 1996 report, revised in 2008 to reflect more accurate and complete information.

Objectives

3.8.1 To protect and restore the natural character, form, function, and connectivity of the natural heritage system of the County of Simcoe, and to sustain the natural heritage features and areas and ecological functions of the Greenlands designation and local natural heritage systems for future generations.

3.8.2 To promote biodiversity and ecological integrity within the County’s natural heritage features and areas and the Greenlands designation.

3.8.3 To improve the quality, connectivity and amount of woodlands and wetlands cover across the County.

3.8.4 To ensure that species and communities of conservation concern can continue to flourish and evolve throughout the County.

3.8.5 To contribute to the protection, improvement, and restoration of the quality and quantity of surface water and ground water and the function of sensitive surface water features and sensitive ground water features within the County.

3.8.6 To ensure that the Greenlands designation complements and supports the natural heritage systems established in provincial plans and is linked with the natural heritage systems of adjacent jurisdictions, and to require local municipalities to identify and protect natural features and ecological functions that in turn complement and support the Greenlands.

3.8.7 To ensure that the location, scale, and form of development respect and support the protection of the County's natural heritage system.

3.8.8 To provide opportunities for natural heritage enjoyment and appreciation and for recreational and tourism uses in keeping with the Greenlands objectives, that foster healthy and liveable communities and enhance the sense of place and quality of life that characterize the County.

Natural Heritage Systems

3.8.9 Natural heritage in Simcoe County will be protected by:

- a) The Greenlands designation, which is the natural heritage system of the County of Simcoe; and
- b) The natural heritage systems of the 16 local municipalities which may identify local natural features and areas in addition to the County's Greenlands designation.

3.8.10 The County's natural heritage system primarily includes the following natural heritage features and areas, wherever they occur in the County:

- a) Habitat of endangered species and threatened species;
- b) Significant wetlands, significant coastal wetlands, other coastal wetlands, and all wetlands 2.0 ha or larger in area which have been determined to be locally significant, including but not limited to evaluated wetlands;
- c) Significant woodlands;
- d) Significant valleylands ;
- e) Significant wildlife habitat;
- f) Significant Areas of natural and scientific interest (ANSIs);
- g) Regional Areas of natural and scientific interest (ANSIs);
- h) Fish Habitat;
- i) Linkage areas in accordance with Section 3.3.16; and,
- j) Public lands as defined in the Public Lands Act.

The County's natural heritage system is generally identified as the Greenlands designation on Schedule 5.1.

3.8.11 The mapping of the Greenlands designation on Schedule 5.1 is approximate, and does not reflect certain features such as habitat of endangered species and threatened species, or new or more accurate information identifying natural heritage features and areas. Any minor adjustment to the Greenlands designation as determined through more detailed mapping, field surveys, the results of an EIS, information received from the Ministry of Natural Resources and Forestry or conservation authorities or local municipal official plans will not require an amendment to this Plan.

Despite anything else in Section 3.8, if any lands are demonstrated to be of a feature type listed in Section 3.8.10, even if they are not mapped in Schedules 5.1, those lands are to be protected in accordance with 3.3.15 and 3.3.16. With respect to settlement areas and expansions to settlement areas, the policies of 3.8.17 and 3.8.18 apply.

Development Control

3.8.15 Outside of settlement areas, and subject to Section 3.3.15 (other than for 3.8.15 vi. which is subject to policy 4.4.1), the following uses may be permitted in the Greenlands designation or on adjacent lands as described in Section 3.3.15:

- i. Agricultural uses;
- ii. Agriculture-related uses;
- iii. On-farm diversified uses;
- iv. Forestry on public lands or in County forests in accordance with an approved management plan and sustainable forest practices;
- v. Forestry on private lands as permitted by the County's Forest Conservation Bylaw or by a local municipality's tree bylaw under the Municipal Act, 2001;
- vi. Mineral aggregate operations, if approved through a local Official Plan amendment;
- vii. Outdoor passive recreational uses; and
- viii. Subject to demonstrating that the lands are not within a prime agricultural area, residential dwelling units on lots which were approved prior to the approval date of this policy (May 9, 2016).

3.8.19 Infrastructure authorized under an environmental assessment process may be permitted within the Greenlands designation or on adjacent lands. Infrastructure not subject to the environmental assessment process, may be permitted within the Greenlands designation or on adjacent lands in accordance with Section 3.3.15.

3.8.20 If it is determined by the County at the pre-consultation stage in the planning application process, that the subject property does not contain any natural heritage features and areas on the subject or adjacent lands which could be impacted by the proposed development and that the lands are not required as a connection, linkage or providing an ecological function to the natural heritage system, no EIS would be required to be submitted.

3.8.21 When considering planning applications in the Greenlands designation, more detailed mapping, field surveys, the results of an EIS, information received from the Ministry of Natural Resources and Forestry or conservation authorities or local municipal official plans may be used to determine more precise boundaries of the Greenlands designation or individual natural heritage features and areas.

Any minor adjustment to the Greenlands designation as determined by this information will not require an amendment to this Plan.

Where a refinement or adjustment to the Greenlands designation is facilitated without an amendment to this *Plan*, the land use designation abutting that portion of the Greenlands designation shall apply. A change to any other designation is subject to the policies of this Plan and shall require an amendment to this Plan if required by the applicable policies.

3.8.22 Proposals to re-designate lands in the Greenlands designation shall not be permitted unless an EIS is submitted to the satisfaction of the County demonstrating that the policies of Section 3.3.15, 3.3.16, 3.8.15, 3.8.16 or 4.4.1 as applicable, and the relevant policies of the local municipal official plan are satisfied. Policies 3.3.15 iii to vi) and 3.3.16 are not applicable to settlement area expansions.

3.8.23 Proposals to re-designate lands in the Greenlands designation are required to demonstrate if the lands are within a prime agricultural area. Re-designation proposals for lands within a prime agricultural area shall only be permitted to the Agricultural designation.

Implementation

3.8.24 The Greenlands designation does not imply that all lands within it are completely restricted from development and site alteration, or that a public agency must or will purchase any such land on which a planning application is refused or modified not to the applicant's satisfaction.

3.8.25 If natural heritage features and areas or ecological functions within the Greenlands Designation are damaged or destroyed after July 1, 2008 by causes not beyond the control of the landowner, the designation of the affected lands in this Plan or the local municipal official plan will not be changed as a result. Development will only be considered if it is a condition of approval that the damaged or destroyed features

4.5 Resource Conservation

Water is a crucial resource to almost every form of land use and economic sector. The resource traverses municipal boundaries and is subject to intensive use affecting its quality and available quantity. Water conservation, or the wise management of it as a resource, is essential; watershed-based planning is needed, including assessment of cumulative effects of water use. The County wishes to promote the gathering of

information regarding water resources and watershed-based management of the resource.

Landform and soil conservation are also important for environmental, economic and social reasons. Landform features such as moraines must be managed wisely. Energy conservation and alternative energy and renewable energy systems must also be wisely planned and managed for the overall benefit to the County and the environment.

Water

4.5.1 Land use planning and development within the County shall protect, improve or restore the quality and quantity of water and related resources and aquatic ecosystems on an integrated watershed management basis.

4.5.2 Water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas which are necessary for the ecological and hydrological integrity of the watersheds within the County shall be identified in local municipal official plans, and include policies for their protection, improvement or restoration including maintaining linkages and related functions.

Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. This will be demonstrated through a Risk Assessment Study for Ground and Surface Water where applicable.

Local municipal official plans shall provide that mitigative measures and/or alternative development approaches may be required in order to protect, improve, or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

4.5.3 Proposals for major growth and major development shall be reviewed on a watershed management basis where applicable and appropriate to ensure the watershed is maintained in an environmentally sustainable fashion.

4.5.4 Development in the County shall occur in a manner that will protect human life and property from water related hazards such as flooding and erosion. Flood plain management shall occur on a watershed management basis giving due consideration to the upstream, downstream, and cumulative effects of development.

4.5.5 The County will work with local municipalities, Conservation Authorities, Source Protection Authorities, Parks Canada-Trent-Severn Waterway, and other Provincial agencies in the development of watershed and sub-watershed management plans. This may include the determination of cumulative flooding risks and impacts and the determination of a river system's capacity to assimilate effluent from point and non-point sources.

4.5.6 Aquifers, headwater areas, and recharge and discharge areas shall be identified and protected in the policies and maps of local municipal official plans and/or through the development and subdivision approval process. Development should generally be directed away from areas with a high water table and/or highly permeable soils. In

settlement areas or other development centres where this is not possible, potential environmental impacts shall be mitigated using all reasonable methods.

4.5.7 Local municipalities shall ensure that stormwater management practices match pre development stormwater flow rates and where possible, minimize flow rates, minimize containment loads, and where feasible maintain or increase the extent of vegetative and pervious surfaces.

4.5.8 For those lands where York Region's wellhead protections areas extend into the County of Simcoe, the County recognizes that York Region comments must be obtained prior to approval being considered.

Flood Plains and Other Hazard Lands

4.5.9 Development shall generally be directed to areas outside of:

a) hazardous lands adjacent to the shorelines of the Great Lakes – St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;

b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and

c) hazardous sites.

4.5.10 Development and site alteration shall not be permitted within:

a) the dynamic beach hazards;

b) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and

c) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

4.5.11 Notwithstanding 4.5.10, development and site alternation may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems within an approved Special Policy Area(s) according to their respective policies, or where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows. Any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications.

4.5.12 Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; and
- c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

4.5.13 Local municipalities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

4.5.14 Where there is a Two Zone Concept applied, and except as prohibited in policy 4.5.10, development and site alteration may be permitted within the flood fringe of a river, stream, approval being considered.

Flood Plains and Other Hazard Lands

4.5.9 Development shall generally be directed to areas outside of:

- a) hazardous lands adjacent to the shorelines of the Great Lakes – St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and
- c) hazardous sites.

4.5.10 Development and site alteration shall not be permitted within:

- a) the dynamic beach hazards;
- b) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- c) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

4.5.11 Notwithstanding 4.5.10, development and site alternation may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems within an approved Special Policy Area(s) according to their respective policies, or where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows. Any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing

and Natural Resources and Forestry prior to the approval authority approving such changes or modifications.

4.5.12 Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; and
- c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

4.5.13 Local municipalities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

4.5.14 Where there is a Two Zone Concept applied, and except as prohibited in policy 4.5.10, development and site alteration may be permitted within the flood fringe of a river, stream, professional, and the local municipality. The cost of preparing the study and professional review if required shall be borne by the applicant.

Steep Slopes

4.5.19 Development will be prohibited on slopes and ravines which could be subject to active erosion hazards or historic slope failure.

Minerals and Petroleum Resources

4.5.20 Minerals and petroleum resources shall be protected for long-term use.

4.5.21 Mineral mining operations and petroleum resource operations shall be identified and protected from development and activities that would preclude or hinder expansions or continued use.

4.5.22 Known mineral deposits, known petroleum resources, and significant areas of mineral potential shall be identified and development and activities in these resources or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall be identified and only be permitted if: a) resource use would not be feasible; or b) the proposed land use or development serves a greater long-term public interests; and c) issues of public health, public safety and environmental impacts are addressed.

Human-Made Hazards

4.5.23 Development on, abutting, or adjacent to contaminated sites, lands affected by mine hazards, oil, gas, and salt hazards, or former mineral mining operations, mineral aggregate operations, or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

Sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

Conservation Authority Jurisdiction

4.5.24 For the portion of the County under the jurisdiction of a Conservation Authority, regulations made under the Conservation Authorities Act apply to development or site alteration activities unless the activity is exempt in accordance with the Conservation Authorities Act.

Where appropriate, detailed delineation of the Conservation Authority regulated areas should be identified on schedules of local municipal plans.

For areas outside Conservation Authority jurisdiction, development applicants should consult local municipalities.

Watercourses, Shorelines, and Lake Management Plans

4.5.25 New development and redevelopment should be sufficiently set back from rivers, streams, and lakes within the County in order to develop vegetative corridors along shorelines and watercourses. The development setback distance shall be determined on-site in consultation with a qualified professional at the applicant's expense. The following factors shall be considered when establishing the setback distance, established through an EIS and slope stability report if necessary, with the intent of protecting significant natural heritage features and ecological functions, providing riparian habitat, and minimizing risk to public safety and property:

- i. soil type;
- ii. vegetation type and cover;
- iii. slope of the land including existing drainage patterns;
- iv. natural heritage features and ecological functions including fish habitat;
- v. the nature of the development;
- vi. defined portions of dynamic beaches; and
- vii. flooding and erosion hazards.

4.5.26 Agricultural land users should have regard to the factors in 4.5.25 and farm management plans within their agricultural practice.

4.5.27 Where waterfront or shoreline development is proposed, the preservation of existing public accesses to publicly owned shorelines shall be maintained and the creation of new opportunities for public ownership of and access to shorelines in new developments may be obtained where appropriate. Open space corridors linking shorelines with upland areas should be provided where appropriate.

4.5.28 Development in shoreline areas must address, among other matters: the protection of water quality and quantity; the prevention of erosion resulting from surface water runoff and structural development or fill; the conservation of, and where appropriate the enhancement of linkages between the water bodies and upland areas;

opportunities to naturalize the shoreline; and opportunities to conserve, and where appropriate to improve, public access to the shorelines.

For the purposes of this policy, shoreline areas include the land that is physically and functionally connected to rivers, streams and lakes, and may be defined by prominent topographic and man-made features, the depth of the existing development oriented to the shoreline, and/or the presence of natural heritage features and areas and functions directly linked to the shoreline.

4.5.29 In shoreline areas, a Stormwater Management Report shall be prepared in accordance with Section 3.3.19 of this Plan, for developments identified in 3.3.19, to the satisfaction of the appropriate approval authorities.

4.5.30 Where individual on-site sewage services and individual on-site water services are provided to existing lots or new developments, local municipalities shall establish minimum lot sizes sufficient to ensure sustainable development and no impact on water quality or water quantity.

4.5.31 Development proposed near lakes and water bodies with an established management plan shall be developed in accordance with the management plan. The County encourages the preparation of such plans, and will participate in their preparation.

4.5.32 New development proposed along the shoreline of Lake Huron/Georgian Bay, Lake Simcoe and other large inland lakes may require the preparation of a Coastal Engineering Study. The Coastal Engineering Study, prepared by a coastal engineer, must identify the coastal processes associated with the Lake or Bay. Where development is permitted, the Study must demonstrate the proposed mitigation measures to address the shoreline hazard. The Coastal Engineering Study must be prepared to the satisfaction of the municipality and local conservation authority or appropriate agency.

Fish Habitat

4.5.33 Development and site alteration are not permitted in fish habitat except in accordance with provincial and federal requirements.

Woodlands

4.5.34 Significant woodlands shall be subject to the policies of Section 3.3.15 and 3.8. Woodlands within the County of Simcoe shall continue to be protected in accordance with the County of Simcoe Forest Conservation Bylaw.

4.5.35 The County shall continue to acquire County Forest Lands in accordance with the County Forest Acquisition Principles.

4.5.36 The County encourages forestry management practices that sustain the viability of both the woodlot and the harvest of woodland products.

4.5.37 The County encourages measures, in accordance with the policies of this Plan, including but not limited to Section 3.8, which will result in an increase in the overall forest cover within the County.

4.5.38 Where the policies of this Plan require, or an EIS recommends, any development setback or area of environmental constraint on the shoreline of any water body, the County will, where appropriate, encourage re-vegetation or forest restoration with native species within the required setback.

Landform Conservation

4.5.39 Local municipalities should prohibit the disruption and destruction of regionally significant landform features by mass grading and other extensive land alteration unless an acceptable assessment has demonstrated no negative impacts on the landform features, with the exception of mineral aggregate operations.

4.5.40 The County supports the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan and will assist in ensuring development takes place in accordance with those plans and according to Sections 3.10 and 3.11 of this Plan respectively.

Soil Conservation

4.5.41 The County encourages local municipalities to pass bylaws to restrict the removal and movement of topsoil before appropriate development agreements are in place. The removal of topsoil or vegetation, or other disturbances of land, associated with a proposed land use change, should not proceed until approvals have been granted under the Planning Act. Where such activities take place to foster a development application prior to its consideration and approval, such activities will not be considered a basis for supporting the land use change.

Air Quality

4.5.42 This Plan promotes improved air quality through land use development patterns that promote compact and mixed use development, transit usage where appropriate, alternative transportation and active transportation systems, and forest management and reforestation efforts as a means of fostering maintenance and improvement of air quality. The County will work in co-operation with the appropriate agencies to assist in the maintenance and improvement of air quality in the County.

Energy Conservation and Renewable Energy

4.5.43 The County will promote energy conservation through land use development patterns that:

- a) promote compact, mixed use development;
- b) promote active transportation and the use of transit;
- c) maximize, where appropriate, the use and production of alternative energy systems or renewable energy systems, such as solar, wind, biomass or geothermal energy; and

d) maximize the use of existing natural areas and newly planted vegetation to reduce the urban heat island effect.

4.5.44 Renewable energy systems and alternative energy systems should be promoted, where feasible, in accordance with provincial and federal requirements.

4.5.45 Development of renewable energy systems shall be in accordance with the Green Energy and Green Economy Act. Renewable energy undertakings are exempted from Planning Act approvals as per Schedule K of the Green Energy and Green Economy Act.

4.9.8 Notwithstanding any policies herein, *waste disposal sites* will be established in accordance with the *Environmental Assessment Act* and the *Planning Act* and will be operated in accordance with the *Environmental Protection Act* and the Environmental Compliance Approval for the *waste disposal site*.

Township of Springwater Official Plan

2.2. Goals

2.2.1. To ensure the maintenance, protection and enhancement of natural heritage features.

2.3.5.1. That of a rural municipality focusing on protection of its natural resource base and natural heritage systems as follows:

- a) lands of good agricultural potential;
- b) Provincially and locally significant wetlands and significant regional and local groundwater aquifer areas;
- c) Significant woodlands;
- d) Valley lands;
- e) Fish and wildlife habitat and endangered and threatened species
- f) ANSI's
- g) Aggregate Resources
- h) Surface and groundwater resources
- i) Streams, rivers and lakes

16.1. Objectives

16.1.1. To conserve, maintain, and enhance the quality and integrity of the Natural Heritage features and ecological processes of the Township including air, water, land, and living resources for the benefit of future generations.

16.1.2. To preserve and protect all Internationally, Provincially and Locally significant Wetlands and Areas of Natural and Scientific Interest (A.N.S.I.'s) situated within the Township.

16.1.3. To prevent the diminishment of ecosystem biodiversity and provide for the long term viability of the Natural Heritage System by approving only those land uses which are demonstrated to be environmentally sound and do not negatively impact natural features or environmental functions.

16.1.4. To encourage and promote the use of a variety of planning engineering and resource management approaches and techniques to realize the hydrological, biological, and socio-economic benefits derived from the long term protection of the Natural Heritage System.

16.1.5. To ensure the wise use and conservation of the ground and surface water resources of the Township and to maintain and protect the function of sensitive ground water recharge/discharge, aquifer and headwaters areas on a watershed and subwatershed basis.

16.1.6. To prevent loss of life, minimize property damage and social disruption through the proper management and regulation of flood plain lands or lands possessing steep slopes, areas of soil or bedrock instability, high water tables, or other constraints or natural hazards.

16.2.1.1. Definitions.

Natural Heritage (Environmental Protection) - Category 1 Lands may primarily be characterized as undeveloped natural areas of high environmental quality and significance and/or sensitivity. These areas typically will be both publicly and privately owned.

Natural Heritage (Environmental Protection) - Category 2 Lands may be characterized as areas of lesser environmental significance and/or sensitivity, although areas of high environmental quality may also be present. Category 2 Lands also presently contain lands/or waters previously altered or impacted (i.e. former agricultural or aggregate extractive areas) and developed areas which exhibit a variety and mix of existing uses.

i. Natural Heritage (Environmental Protection) Category 1 Lands

Lands designated as Natural Heritage (Environmental Protection) Category 1 Lands on Schedule "A" include environmentally significant lands and/or waters of inherent ecological sensitivity, such as those areas containing the following natural features:

- Internationally, provincially, and locally significant wetlands (Classes 1 – 7),
- Provincially significant Areas of Natural and Scientific Interest (A.N.S.I."s) or other combinations of habitat or landform which could be essential for scientific research or conservation education;
- Significant portions of the habitat of threatened and endangered species; and

- Significant natural watercourses and ravines.

Notwithstanding that all significant natural watercourses and ravines within the Township may not be shown as Natural Heritage (Environmental Protection) - Category I Lands on Schedule “A”, policies are contained within this section which apply specifically to these areas

ii. Natural Heritage (Environmental Protection) - Category 2 Lands

Lands delineated as Natural Heritage (Environmental Protection) - Category 2 Lands on Schedule “B” include, but are not limited to, those environmentally significant lands and/or waters of ecological sensitivity, such as those areas containing the following natural features:

- Lands situated adjacent to provincially and locally significant wetlands and other Natural Heritage (Environmental Protection) - Category I Lands;
- Unique and significant biologically sensitive wildlife habitat; Forests and Wood lots;
- Natural connections through valley corridors or other linkages between core areas of the Natural Heritage System;
- Groundwater recharge and discharge, aquifer, and shoreline areas; and
- Natural Fish Habitat.

The above noted components of the Natural Heritage System are for the most part shown in the areas delineated as Natural Heritage (Environmental Protection) Category 2 Lands on Schedule “B”. Policies contained within this section apply specifically to these areas, however, additional policies are contained in this section which pertain to areas such as aquifer recharge/discharge and headwater areas which have yet to be delineated.

16.2.1.2. Permitted Uses

ii. Natural Heritage (Environmental Protection – Category 2 Lands

- a) Permitted uses on lands delineated on Schedule “B” as Natural Heritage (Environmental Protection) - Category 2 Lands are those uses which are permitted by the underlying land use designation provided that such uses conform to the policies of this Plan.
- b) Existing uses at the date of formal approval of this Plan may be recognized in the Zoning By-Law. The extent of any such existing use will be limited in the By-law to an area sufficient to the siting of such uses.
- c) It is the intention of this plan to direct development primarily to established settlement areas. Development in lands delineated Natural Heritage (Environmental Protection) - Category 2 Lands however may be permitted if it can be demonstrated, to the satisfaction of the municipality in consultation with the applicable commenting

agencies and approving authorities, that negative impacts on the ecological features or functions of the components of the Natural Heritage System of the Township will not occur. The anticipated impact of development may be demonstrated by a proponent of development through the completion of an E.I.A. (Environmental Impact Assessment). The study requirements for an E.I.A. are contained in section 16.2.4 of this Plan.

16.2.1.3. General Policies

iii. The re-designation of Natural Heritage (Environmental Protection) Category 2 Lands of the Township for development may require an E.I.A. (Environmental Impact Assessment) to be completed by a professional qualified in the field of environmental sciences to the satisfaction of the Township and other approval agencies.

vii. In the absence of more detailed mapping, Natural Heritage System boundaries shall be used as guides for the implementation of the policies contained within this Plan. The municipality should amend the Schedules of the Official Plan and Comprehensive Zoning By-law to incorporate more detailed mapping of components of the Natural Heritage System when such mapping becomes available.

16.2.1.4.1. Natural Heritage (Environmental Protection) – Category 1 Lands

16.2.1.4. Policies

16.2.1.4.1. Natural Heritage (Environmental Protection) – Category 1 Lands

a) Wetlands

- i. The Township contains parts or all of 15 different Wetlands and Wetland Complexes. The following policies shall apply to protect all Wetlands (Classes 1- 7) and unclassified Wetlands in the Township.
- ii. Development shall not be permitted in Wetlands which are designated Natural Heritage (Environmental Protection) -Category I Lands on Schedule “A” to this Plan. Development shall also not be permitted in any unclassified Wetlands not shown on Schedule “A” to this Plan.
- iii. No development shall be permitted within 30 metres (98 feet) of a provincially significant Class 1 - 3 Wetland or 15 metres (49 feet) of a locally significant Class 4 - 7 Wetland. Where the boundary of a Wetland is undefined or unclear, it will need to be defined in consultation with the applicable commenting and approval agencies.

- iv. The municipality may assist stakeholders and others with implementing the recommended actions of the Minesing Swamp Management Plan (1995) or its successor.
- v. The Township shall encourage the development of Management Plans for other Wetlands or Wetland Complexes in consultation with the applicable approving and commenting agencies.
- vi. Wetlands shall be placed in a Zone in the implementing Zoning Bylaw which protects them in accordance with these policies.

c) Significant Habitat of Endangered and Threatened Species

- i. For the purposes of this section endangered species means any native species, as listed in the Regulations under the Endangered Species Act. Threatened species means any native species at risk of becoming endangered through all or a portion of its Ontario range if the limiting factors are not reversed.
- ii. Natural areas within the Township not yet identified or recognized may be inhabited by endangered or threatened species for all or part of their life cycle. It is the policy of this Plan to prohibit development in areas of habitat of endangered or threatened species.
- iii. Where a development proposal may have the potential to cause negative impacts to significant habitat of endangered and threatened species and where a recovery/management plan has been prepared, the Township shall implement, as conditions of approval, the relevant habitat protection sections in the area to which the development proposal applies.
- iv. Where a development proposal may have the potential to cause negative impacts to significant habitat of endangered and threatened species and where a recovery/management plan has not been prepared, the Township shall follow the protocol for the identification of the significant portions of the habitat of Endangered and Threatened Species and may require the applicant to identify and confirm through the completion of an E.I.A., the location, size, amount, configuration, and quality of the habitat requiring protection.
- v. As conditions change or new information becomes known in regard to areas of habitat of endangered species, these lands/or waters may be designated Natural Heritage (Environmental Protection) Category I Lands on Schedule “A” of this Plan.

- vi. Areas of Significant Habitat of Endangered and Threatened Species shall be placed in the appropriate Zoning category to ensure no development or site alteration.

16.2.1.4.2. Natural Heritage (Environmental Protection) - Category 2 Lands

a) Lands Adjacent to Category 1 Lands

- i. Development proposals for lands situated within 120 metres (394 feet) of Wetlands may be permitted by the Township subject to the completion of an Environmental Impact Assessment (E.I.A.) to the satisfaction of the Township and applicable commenting agencies. Notwithstanding the above, no development shall be permitted within 30 metres (98 feet) of a provincially significant Class 1-3 Wetland or 15 metres (49 feet) of a locally significant Class 4-7 Wetland in accordance with Section 16.2.1.4.1 (a)

(iii) of this Plan. The study shall demonstrate that the proposal will not result in any of the following:

- a) loss of Wetland functions;
- b) loss of contiguous Wetland;
- c) the potential for the proposal to introduce subsequent development pressure which will lead to a future loss of Wetland areas or functions; and
- d) conflict with local Wetland management practices or an approved Management Plan.

- ii. Development proposals for lands situated within 65 metres (213 feet) of A.N.S.I. Areas and/or the habitat of threatened or endangered species may be permitted by the Township of Springwater subject to the completion of an Environmental Impact Assessment (E.I.A.) to the satisfaction of the Township and applicable commenting agencies. Notwithstanding the above, no development shall be permitted within 30 metres (98 feet) of an Area of Natural and Scientific Interest (ANSI) in accordance with Section 16.2.1.4.1 b) (iii) of this Plan. The study shall demonstrate that the proposal will not negatively impact the viability of the habitat or the natural features or ecological functions for which the area is identified.

b) Significant Biologically Sensitive Wildlife Habitat

- i. The Township possesses extensive areas containing terrestrial and aquatic flora and fauna typical of the Great Lakes mixed forest region. It is the policy of this

Plan to maintain the biodiversity and integrity of the Natural Heritage System through the protection and management of significant biologically sensitive wildlife habitat. For the purposes of this section significant biologically sensitive wildlife habitat may include those areas where species concentrate at a vulnerable point in their annual or life cycle, areas which are important to migratory or non-migratory species, rare or specialized habitats, and habitats of species of conservation concern excluding endangered or threatened species.

ii. In the Township significant biologically sensitive wildlife habitat refers specifically to deer wintering yards, fish spawning and nursery areas, and waterfowl production and staging areas. These land/or water areas have been identified by the Ministry of Natural Resources and are situated within the Natural Heritage System as defined by Schedule "B" of this Plan. Specific areas are delineated in Figure 6 of the Background Report to this document.

iii. Development may be permitted within 50 metres (164 feet) of and in significant biologically sensitive wildlife habitat subject to the completion of an Environmental Impact Assessment (E.I.A.) to the satisfaction of the Township and applicable approval and commenting agencies. The study shall demonstrate that the proposal will not negatively impact the viability of the habitat or the ecological value and functions for which the area is identified. The study shall contain the following information:

a) a biological assessment of the extent and characteristics of the habitat area that may be affected;

b) an analysis of the potential impact of the proposal on the biological viability of the habitat area;

c) a strategy whereby the design, construction and operation of the proposal will maintain the environmental quality of the habitat and preserve the biological viability of the affected habitat area; and

d) a method for the replacement or compensation for any used or converted portions of the significant biologically sensitive wildlife habitat which will, generally be equal to the ecological functions of the areas converted from the former natural habitat use.

iv. The Township, where reliable information on habitat use is lacking, may encourage and co-operate with wildlife conservation groups, non-governmental organizations, or interested agencies to promote the undertaking of inventories, habitat assessments, and other information gathering activities.

v. It is the policy of this Plan to promote and encourage the continuation of study of the biological aspects of the Natural Heritage System of the Township over the duration of the planning period. The purpose of the additional studies would be to ensure the adequate protection of the biodiversity and viability of the Natural Heritage System through the further evaluation and identification of the attributes of the specific system components. Study topics may include, but are not limited to, the following issues and matters:

- a) The identification of species of regional and local conservation concern and their corresponding habitat areas; and
- b) The delineation of regionally or locally rare or specialized habitats for wildlife with specialized needs; and
- c) The examination of the local context of larger scale (i.e. North American flyways) animal movement linkages and of the regional and local animal movement corridors between the core areas of the Natural Heritage System features of the Township; and
- d) The determination of the present and historical ecological significance of habitat areas associated with seasonal concentrations of animals.

vi. As additional information is submitted and found to be acceptable to the Ministry of Natural Resources and the Township in regard to the location of areas of Significant Biologically Sensitive Wildlife Habitat, these lands/or waters may be designated Natural Heritage (Environmental Protection) - Category 2 Lands on Schedule "B" of this Plan.

vii. Areas of Significant Biologically Sensitive Wildlife Habitat may be placed in a Zone in the implementing Zoning By-law which protects them in accordance with these policies.

c) Forests and Woodlots

i. Forests

a) For the purposes of this Plan, Forests mean treed areas that vary in their level of significance and provide a variety of diverse environmental and economic benefits such as erosion prevention, water retention, a sustainable harvest of wood and other forest products, provision of habitat, public recreational opportunities where permitted, and aesthetic enjoyment. It is the policy of this Plan to generally maintain the present forest coverage of approximately 30 % of the Township.

- b) The Township shall encourage best forestry management practices and Management Plans prepared for forest areas in the Township shall generally endeavour to achieve the following basic objectives:
 - i. To allow the continuous and sustainable production and harvesting of the optimal volume of wood and other forest products; and
 - ii. The conservation and/or preservation of forest habitat of threatened and/or endangered species or other significant wildlife populations; and
 - iii. To permit passive and other non-intensive uses where permitted that are compatible with the above.
- c) It is the policy of this Plan to encourage the continuation of the study and inventory of the Forest areas of the Township. Studies may be conducted in co-operation with nongovernmental organizations and/or interested groups with the purpose of the studies being the evaluation of the significance of the individual forest areas of the Township. This would permit their rating and prioritization of importance by the municipality for both protection and production purposes.
- d) Significant forests may be determined by the Township according to the combination of various factors such as species composition, age and maturity, contiguous size, terrain characteristics, Natural Heritage System linkages and connections, aesthetic and historical values, and productive capacity.
- e) Development may be permitted within 50 metres (164 feet) of and in significant forests subject to the completion of an Environmental Impact Assessment (E.I.A.) to the satisfaction of the Township and applicable approval and commenting agencies. The E.I.A. shall demonstrate that the proposal will not negatively impact the forest area and the values for which it is identified.
- f) Areas of Significant Forests may be placed in a Zone in the implementing Zoning By-law which protects them in accordance with these policies.

16.2.4.1. Definitions

It is the intention of this Plan that Environmental Impact Assessments generally should only be as complex as they need to be and that the process of environmental review be adaptable and flexible in order to take into account the size, scale, and complexity of the proposal being assessed. The two basic levels of Environmental Impact Assessment include:

- i. Comprehensive E.I.A.: A Comprehensive E.I.A. may be required to assess impacts over large and extensive geographical areas. A Comprehensive E.I.A. is typically

broad in scope and would provide sufficient analysis to formulate land use designations and policies. A Comprehensive E.I.A. may require detailed objectives outlined in a Terms of Reference and input from an Advisory or Technical Review Committee.

- ii. Site E.I.A.: A Site Environmental Impact Assessment is intended to assess the potential impact of a specific development proposal on the natural features and/or functions of a particular site. Depending upon the complexity and scale of a proposal, a Full Site or a Scoped Site E.I.A. may be required by the municipality to adequately assess the anticipated environmental impact/s. An Issues/Summary Report (I.S.R.) may also be required by the Township as a preliminary step in order to more closely define the basis of study for a required Site E.I.A. The following is a brief definition and description of an I.S.R., Full Site, and Scoped Site E.I.A.:
 - a) Issues/Summary Review: An I.S.R. would identify key natural features and functions and briefly outline and summarize fundamental issues relating to potential impacts. An I.S.R. would also recommend the scale and type of Site E.I.A. necessary for a proponent to undertake in order to satisfactorily assess anticipated impacts.

The two basic levels of Site E.I.A.s include:

- b) Full Site E.I.A.: A full site E.I.A. may contain a number of detailed assessments of various potential impacts and may be required by the Township to assess large scale development where impacts are unknown and when appropriate mitigative measures may not be readily available.
- c) Scoped Site E.I.A.: A scoped site E.I.A. consists of a focused review which assesses small scale development where environmental impacts can reasonably be expected to result in minimal disruption and change and/or where the expected impacts can be easily mitigated.

Section 20 – Waste Disposal Policies

20.2. Policies

20.2.4. The establishment of new waste disposal sites within the Township or the expansion of existing sites shall require an amendment to this Official Plan. Any such amendments will have to comply with the policies of this Official Plan.

SECTION 33 - AGRICULTURAL (A) ZONE

33.1 Within an Agricultural (A) Zone, no person shall use any land; erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

33.2 PERMITTED USES

33.2.1 Residential Uses:

- a) single detached dwelling in accordance with Sections 33.3.14.1, 33.3.14.2 and 33.3.14.3.
- b) single detached dwelling which is accessory to the permitted uses of Section 33.2.2 b) in accordance with Section 33.3.14.4.

33.2.2 Non-Residential Uses:

- a) agricultural use in accordance with the General Provisions Section.
- b) hobby kennel in accordance with subsection 3.6(c) of the Kennel (K) Zone.
- c) conservation and wildlife sanctuary, including a forestry use.
- d) veterinary clinic
- e) equestrian facility
- f) market garden or farm produce sales outlet
- g) home occupation in accordance with General Provisions Section
- h) home industry in accordance with General Provisions Section and 33.3.13
- i) bed & breakfast establishment
- j) radio, television, telephone or other communications tower or transmission facility.
- k) passive outdoor recreation use
- l) public use in accordance with the General Provisions Section

33.3 ZONE PROVISIONS

33.3.1 Refer to Section 3 - General Provisions

33.3.2 Lot area (minimum) 35 ha (86.48 acres)

33.3.3 Lot Frontage (minimum) 150 m (492.13 ft.)

33.3.4 Front Yard Depth (minimum) or the MDS II requirement whichever is the greater 30 m (98.43 ft.)

33.3.5 Rear Yard Depth (minimum) or the MDS II requirement whichever is the greater 30 m (98.43 ft.)

33.3.6 Interior Side Yard Width (minimum) or the MDS II requirement whichever is the greater 30 m (98.43 ft.)

33.3.7 Exterior Side Yard Width (minimum) or the MDS II requirement whichever is the greater 30 m (98.43 ft.)

33.3.8 Maximum Building Height for all non-agricultural buildings 11 m (36.09 ft.)

33.3.9 Maximum Building Height for all agriculturally related buildings N/A

33.3.10 Dwelling units per lot (maximum) 1

33.3.11 Accessory buildings refer to the General Provisions Section

- a) In addition to the above and notwithstanding the General Provisions Section, the following shall apply in regard to buildings accessory to an agricultural use;
- i) minimum front yard for an accessory building 15m (49.22 ft.)
 - ii) minimum interior side yard for an accessory building 8m (26.25 ft.)
 - iii) minimum exterior side yard for an accessory building 15m (49.22 ft.)
 - iv) minimum rear yard for an accessory building 8m (26.25 ft.)

33.3.12 Off Street Parking in accordance with the General Provisions Section.

33.3.13 Special Lot Area Requirement:

- a) No minimum lot area is required in the case of a radio, television, telephone or other communications tower.
- b) The minimum lot area for a lot to be used for a market garden shall be 4 hectares (9.88 acres) and the use shall comply with the regulations of Section 26.3. In addition to the above the minimum front yard setback for a market garden outlet shall be 90 metres (295.28 ft.).
- c) The minimum lot area for a lot to be used for a home industry shall be 0.8 hectares (1.98 acres) and the minimum frontage shall be 60 metres (196.85 ft.). In addition to the above the provisions of Section 33.3.14.1 shall apply.

33.3.14 Single Detached Dwelling Unit Provisions

33.3.14.1 In the case of a lot used or intended to be used for a residential purpose or a lot created by consent subsequent to the passing of this Bylaw, the following zone provisions shall apply:

- a) Minimum Frontage 30 m (98.43 ft.)
- b) Minimum Area 1855 m² (19967.71 ft. ²)
- c) Minimum Yards
 - Front 9.0 m (29.53 ft.)
 - Rear 7.5 m (24.61 ft.)
 - Interior Side 3.0 m (9.84 ft.)
 - Exterior Side 9.0 m (29.53 ft.)
- d) Maximum Lot Coverage 20%
- e) Dwelling Unit Area (Min. Ground Floor Area) 100 m² (1076.43 ft. ²)
 - i) In the case of a 1½ storey or 2 storey dwelling, the minimum ground floor area may be reduced to 80 percent of the minimum ground floor area required.
- f) Maximum Building Height 11.0 m (36.09 ft.)
- g) Dwelling Units per Lot (maximum) 1
- h) Accessory Buildings

In addition to the General Provisions Section, the maximum total area of accessory buildings or structures shall be 115 m² (1238 ft.²) in total.

Minimum Yards

Front	9.0 m (29.53 ft.)
Rear	3.0 m (9.84 ft.)
Interior Side	3.0 m (9.84 ft.)
Exterior Side	9.0 m (29.53 ft.)

- i) Parking
 - i) Refer to the General Provisions Section for additional parking requirements;
 - ii) No part of the required front yard of any lot, or the required exterior side yard of a corner lot, shall be used for the parking or storage of the whole or any part of a boat trailer, boat, truck, bus, coach or streetcar.
 - iii) Not more than 50 percent of the area of a side yard or rear yard of any lot shall be occupied by parking area.

33.3.14.2 In the case of a single detached dwelling unit which is used in conjunction with an agricultural or equestrian facility use, the following zone provisions shall apply.

- a) Minimum Frontage 150.0 m (492.13 ft.)
- b) Minimum Area 35.0 ha (86.48 acres)
- c) Minimum Yards
 - Front 9.0 m (29.53 ft.)
 - Rear 7.5 m (24.61 ft.)
 - Interior Side 3.0 m (9.84 ft.)
 - Exterior Side 9.0 m (29.53 ft.)
- d) Maximum Lot Coverage 20%
- e) Dwelling Unit Area (Min. Ground Floor Area) 100 m² (1076.43 ft.²)
 - i) In the case of a 1½ storey or 2 storey dwelling, the minimum ground floor area may be reduced to 80 percent of the minimum ground floor area required.
- f) Maximum Building Height 11.0 m (36.09 ft.)
- g) Dwelling Units per Lot (maximum) 1
- h) Accessory Buildings

In addition to the General Provisions Section, the maximum total area of accessory buildings or structures shall be 115 m² (1238 ft.²) in total.

Minimum Yards

Front	9.0 m (29.53 ft.)
Rear	3.0 m (9.84 ft.)
Interior Side	3.0 m (9.84 ft.)
Exterior Side	9.0 m (29.53 ft.)

- i) Parking

- i) Refer to the General Provisions Section for additional parking requirements;
- ii) No part of the required front yard of any lot, or the required exterior side yard of a corner lot, shall be used for the parking or storage of the whole or any part of a boat trailer, boat, truck, bus, coach or streetcar.
- iii) Not more than 50 percent of the area of a side yard or rear yard of any lot shall be occupied by parking area.

33.3.14.3 In the case of a veterinary clinic or where a single detached dwelling unit is used in conjunction with a veterinary clinic, the following zone provisions shall apply:

- a) Minimum Frontage 30.0 m (98.43 ft.)
- b) Minimum Area 1.0 ha (2.47 acres)
- c) Minimum Yards for Veterinary Clinic
 - Front 9.0 m (29.53 ft.)
 - Rear 7.5 m (24.61 ft.)
 - Interior Side 7.5 m (24.61 ft.)
 - Exterior Side 9.0 m (29.53 ft.)
- d) Minimum Yards for a Single Detached Dwelling Refer to Section 33.3.14.1
- e) Dwelling Unit Area (Min. Ground Floor Area) 100 m² (1076.43 ft.²)
 - i) In the case of a 1½ storey or 2 storey dwelling, the minimum ground floor area may be reduced to 80 percent of the minimum ground floor area required.
- f) Maximum Building Height 11.0 m (36.09 ft.)
- g) Dwelling Units per Lot (maximum) 1
- h) Accessory Buildings

In addition to the General Provisions Section, the maximum total area of accessory buildings or structures shall be 115 m² (1238 ft.²) in total.

Minimum Yards

- Front 9.0 m (29.53 ft.)
- Rear 3.0 m (9.84 ft.)
- Interior Side 3.0 m (9.84 ft.)
- Exterior Side 9.0 m (29.53 ft.)

- i) Parking
 - i) Refer to the General Provisions Section for additional parking requirements;
 - ii) No part of the required front yard of any lot, or the required exterior side yard of a corner lot, shall be used for the parking or storage of the whole or any part of a boat trailer, boat, truck, bus, coach or streetcar.
 - iii) Not more than 50 percent of the area of a side yard or rear yard of any lot shall be occupied by parking area.

33.3.14.4 Hobby Kennel - Refer to the Kennel (K) Zone

33.4 ZONE EXCEPTIONS

- 33.4.1 A-1, Lot 18, Concession VI (Vespra)
560 Anne Street North, Roll No. 43 41 010 004 089 00 0000 & 43 41 010 004 088 01 0000
Vespra ZBA. 84-8 Schedule 'D' as amended by ZBA. 98-102

An airfield, driving range and nine hole putting and chipping course are permitted. For the purpose of this By-law an airfield means any land, lot or building used for the purpose of landing, storing, taxiing, or taking off of private or commercial aircraft, pursuant to the regulations of the Department of Transport. Accessory uses to such a facility including business offices, flight training school, restaurants, maintenance and repair facilities, associated storage and similar uses are permitted.

- 33.4.2 A-2, Lot 18, Concession IV (Vespra)
651 Bayfield Street North, Roll No. 43 41 010 004 029 00 0000
Vespra Zoning By-law Amendment No. 90-3

The required lot frontage (minimum) shall be 5.24 metres.

- 33.4.3 A-3, Lot 22, Concession X (Vespra)
3734 George Johnston Road, Roll No. 43 41 010 006 181 00 0000
Vespra Zoning By-law Amendment No. 91-23

The processing of fine grade hardwoods within a wholly enclosed structure is permitted. In addition the following provision shall apply; lot frontage (minimum) is 30 metres, lot area (minimum) is 4000 square metres, maximum lot coverage is 10%, building height (maximum) is 11 metres, gross floor area (maximum) is 124.86 square metres, front yard depth (minimum) is 55m, rear yard depth (minimum) is 1m, interior side yard width (minimum) is 12 metres and the exterior side yard width (minimum) is 12 metres. No outside storage shall be permitted. No off-street parking shall be permitted within any area of the front yard as defined by the front yard building line; parking is also prohibited within any exterior side and/or rear yard setback area. No detached accessory buildings, uses or structures will be permitted. A loading space area is not permitted beyond the front building line or within any required yard. No outside display area shall be permitted. An area of landscaped open space consisting of existing mature trees shall be maintained around the proposed building as shown in the site plan agreement and plans. The location, size and style of signage shall be facilitated within the site plan agreement.

- 33.4.4 A-4, Lot 32, Concession II (Vespra), Part 1 of Reference Plan 51R-16305
1700 Old Second South, Part of Roll No. 43 41 010 001 261 01 0000
Vespra Zoning By-law Amendment No. 91-38

The following provisions shall apply; lot frontage (minimum) is 21 metres, front yard depth (minimum) is 9 metres, rear yard depth (minimum) is 15 metres, interior side yard width (minimum) is 3 metres. The existing playground equipment located within the minimum side yard is considered a legal conforming use. The zone boundary between the E.P. and A-4 Zones is the existing tree line along the top of the valley.

- 33.4.5 A-5, Lot 18, Concession XI (Vespra)
3165 Pinegrove Road, Roll No. 43 41 010 006 221 00 0000
Vespra Zoning By-law Amendment No. 91-48

The following provisions shall apply; lot frontage (minimum) is 121.92 metres, lot area (minimum) is 14864 square metres and the interior side yard width (minimum) for the southern boundary shall be 45 metres.

- 33.4.6 A-6, Lot 3, Concession IV (Vespra)
1318 Gill Road, Part of Roll No. 43 41 010 002 120 02 0000
Vespra Zoning By-law Amendment No. 92-26

The lot frontage (minimum) required shall be 12.2 metres.

- 33.4.7 A-7, Lot 5, Concession VII (Vespra)
1690 Hendrie Road, Roll No. 43 41 010 002 242 02 0000
Vespra Zoning By-law Amendment No. 93-37

The lot frontage (minimum) required shall be 7.62 metres.

- 33.4.8 A-8, Lot 5, Concession X (Vespra),
2466 Ronald Road, Part of Roll No. 43 41 010 005 156 00 0000
Zoning By-law Amendment No. 94-149 (Giffen)

The lot area (minimum) required shall be 37.0 hectares.

- 33.4.9 A-9, Lot 31, Concession II (Vespra)
572 Storey Road, Roll No. 43 41 010 001 257 10 0000
Zoning By-law Amendment No. 95-035 - Bowey

The permitted uses within this zone are restricted to a single detached dwelling, an agricultural use and a home occupation. The lot area (minimum) shall be 9.7 hectares. Furthermore, the permitted single detached dwelling shall not be located on the area affected by this By-law within 300m of any livestock building or structure on any surrounding property.

- 33.4.10 A-10, Lot 16, Concession VIII (Vespra)
2935 Barrie Hill Road, Part of Roll No. 43 41 010 006 024 00 0000
Zoning By-law Amendment No. 95-040 - Barrie Hill Farms / Gervais

A temporary seasonal residence in the form of a converted bunkhouse for migrant farm labourers is permitted. For the purpose of this section, a converted bunk-house shall mean a building that is used or intended to be used for short term or seasonal occupancy.

- 33.4.11 A-11, Lots 32 and 33, Concession I W.P.R. (Vespra)
1633 Old Second South, Part of 43 41 010 001 190 00 0000
1655 Old Second South, Part of 43 41 010 001 192 00 0000
Zoning By-law Amendment No. 97-037 as amended by Zoning By-law Amendment No. 2000-077 - Farrington Moto-cross

A motorcycle motorcross track is permitted.

- 33.4.12 A-12, Lot 18, Concession VI (Vespra),
600 Anne Street North, Roll No. 43 41 010 004 088 00 0000
Zoning By-law Amendment No. 97-064 - P & R Investments - St. Onge Golf

The lot area (minimum) required shall be 20 hectares.

- 33.4.13 A-13, Lot 10, Concession VII, Part I, Plan 51R-11887, (Vespra)
1665 Highway 26, Roll No. 43 41 010 003 332 02 0000

An accessory building consisting of 157.94 square metres (1700 ft²) shall be permitted.

33.4.14 A-14, Lot 5, Concession IX (Flos)
81 Yonge Street North, Roll No. 43 41 030 002 389 00 000

A duplex dwelling is permitted.

33.4.15 A-15, Lot 8, Concession IX (Flos)
220 Queen Street West, Part of Roll No. 43 41 030 006 104 00 0000
Zoning By-law Amendment 97-023 (Elliott / Country Connection)

A retail store for the display and sale of environmentally friendly products and furniture including assembly; sale and service of swimming pools; sale and service repair shop for small engines; outside storage in the rear yard for RV's (recreational vehicles), licensed vehicles, house trailers, boats and mini-storage units and associated professional offices are permitted. A single detached dwelling and accessory uses thereto is also permitted.

33.4.16 A-16, Lot 5, Concession XI (Flos)
15695 County Road 27, Part of Roll No. 43 41 030 002 418 00 0000

No building may be erected or used for the purpose of keeping or housing any livestock or other animals within 84 metres of the front lot line.

33.4.17 A-17, Lot 17, Concession VIII (Flos)
2446 Flos Road 8 West, Roll No. 43 41 030 007 053 00 0000

A maximum of 2 dwellings may be erected provided the minimum lot size is 30 hectares and the use of the lot is agricultural.

33.4.18 A-18, Lot 21, Concession II (Flos)
2894 Rainbow Valley Road West, Roll No. 43 41 030 008 037 00 0000

A converted dwelling is permitted. The combined minimum overall floor area of the dwelling units is 186 square metres.

33.4.19 A-19, Lot 10, Concession VIII (Flos)
3211 Ushers Road, Roll No. 43 41 030 006 085 00 0000
Flos By-law P88-02 as included in Flos Zoning By-law P88-05

A maximum of two dwelling units may be permitted on these lands.

33.4.20 A-20, Lot 6, Concession II (Flos)
1041 Flos Road 3 West, Part of Roll No. 43 41 030 003 042 00 0000
Flos ZBA No. 90-38 & 5000-022, Huronia Equestrian Estates

No livestock use shall be made of the lands zoned A-20.

33.4.21 A-21, Lots 18 and 19, Concession III (Flos)
2586 Flos Road 3 W., Roll No. 43 41 030 005 019 00 0000
Flos Zoning By-law Amendment No. 92-33 (Moreau)

No building or structure shall be used to house livestock within 173 metres of any commercial zone. Furthermore the interior side yard width (minimum) for any building or structure along the eastern boundary of the Rural Commercial (CR) Zone shall be 9 metres.

33.4.22 A-22, Lot 21, Concession VIII (Flos)
3274 Vigo Road, Roll No. 43 41 030 007 065 00 0000
Zoning By-law Amendment No. 94-63 - Langman

A second residential dwelling unit is permitted on the subject parcel of land being some 20 hectares more or less in size, however the creation of a separate lot for residential purposes shall not be permitted in regard to this lot.

33.4.23 A-23, Lot 6, Concession IV (Flos)
1094 Flos Road Four West, Part of Roll No. 43 41 030 003 134 01 0000
Zoning By-law Amendment No. 94-150 - Craddock / Schutt

A motor vehicle repair garage and a farm implement dealer is permitted. Furthermore the lot frontage (minimum) is 52 metre, the lot area (minimum) is 0.85 hectares and the interior side yard width (minimum) for the eastern side yard is 3 metres. A dwelling is not a permitted use. The existing barn is limited to non-livestock uses.

33.4.24 A-24, Lot 7, Concession I, (Flos)
1147 Rainbow Valley Road West, Roll No. 43 41 030 003 002 20 0000

A rear yard depth (minimum) of 7.01 metres (23 ft.) shall be required.

33.4.25 A-25, Lot 7, Concession X, (Flos)
1175 Flos Road Eleven West, Roll No. 43 41 030 006 138 00 0000
Zoning By-law Amendment No. 2000-098 - Morris

The interior side yard width (minimum) to the north and east of the existing accessory building shall be 1.5 metres and the rear yard depth (minimum) to the south of the existing accessory building shall be 1.2 metres.

33.4.26 A-26, Lot 17, Concession IV, (Vespra)
734 St. Vincent Street, Roll No. 43 41 010 004 025 00 0000

An accessory building, no larger than 84 square metres (900 sq. ft.) and which is used only for the storage of personal possessions may be permitted.

33.4.27 A-27, Lot 13, Concession VIII, (Vespra)
2038 Snow Valley Road, Roll No. 43 41 010 006 003 03 0000
Zoning By-law Amendment No. 98-061 (Patterson)

An accessory building, not larger than 90.2 square metres in area and having a horizontal distance of not more than 13.5 metres may be permitted.

33.4.28 A-28, Lot 31, Concession I, W.P.R. (Vespra)
1777 Old Second South, Part of Roll No. 43 41 010 001 186 00 0000
Zoning By-law Amendment No. 2000-077 - Hillway Vespra Pit

In addition to the permitted uses of this section a weigh scale, scale house and maintenance building shall also be permitted as related to a licensed gravel pit located on the same lot.

33.4.29 A-29, Lot 51, Concession I, (Medonte)
4191 Penetanguishene Road, Part of Roll No. 43 41 020 001 031 00 0000

A contractor's yard is permitted.

33.4.30 A-30, Lot 50, Concession I, (Medonte)
4121 Penetanguishene Road, Roll No. 43 41 020 001 028 01 0000

A machine shop and welding shop are permitted.

33.4.31 A-31, Pt. Lot 65, Concession I E.P.R., (Medonte)
5435 Penetanguishene Road, Roll No. 43 41 020 009 006 00 0000
Zoning By-law Amendment No. 95-101 (Seed)

An accessory building may be erected prior to the main building on the lot.

33.4.32 A-32, Lot 55, Concession I E.P.R.,(Medonte)
31 Martin Street, Roll No. 43 41 020 081 082 01 0000
Zoning By-law No. 98-010 (Borchuk / Martin)

The minimum lot frontage shall be 9.1 metres and the minimum lot area shall be 8.3 hectares.

33.4.33 A-33, Part of Lots 12 & 13, Concession IX (Flos)
1922 County Road 92, Roll No. 43 41 030 006 127 00 0000
Zoning By-law Amendment No. 2002-099 - Rounds Farm & Zoning By-law Amendment 5000-067

In addition to the permitted uses under Section 33.2, agriculturally-related uses such as petting zoos, wagon rides, farm tours, group functions, education, corporate training as well as an accessory concession stand for on-site patrons shall be permitted.

33.4.34 A-34, Part of Lots 8 & 9, Concession IX (Vespra)
1972 Vespra Valley Road, Part of Roll No. 43 41 010 005 135 01 0000
Zoning By-law Amendment No. 2002-090 - Chalmers

The minimum lot area is 15.4 hectares (38.05 acres) and the minimum lot frontage is 98.9 (324.47 feet) metres.

33.4.35 A-35, Part of South Half of Lot 10, Concession IX (Flos)
1586 County Road 92, Roll No. 43 41 030 006 121 00 0000 - Weatherill

An existing attached second dwelling unit is a permitted use.

33.4.36 A-36, Part of Lot 6, Concession IX (Vespra)
2309 Ronald Road, Part of Roll No. 4341 010 005 125 00 0000
Zoning By-law Amendment No. 2001-158 - Minesing Meadow Subdivision

Permitted uses are limited to existing uses at date of by-law. No buildings or structures are allowed, save and except those associated with public uses in accordance with the provisions of Section 3.29.

33.4.37 A-37, Part of Lot 3, Concession IV, Part 5, Plan 51R-10489
Roll No. 43 41 010 002 12000 0000
Zoning By-law Amendment no. 2002-104 - Richardson

Permitted uses are limited to a single detached dwelling and related accessory uses.

- 33.4.38 A-38, Part of the West Half of Lot 2, Concession IV, Vespra
Parts 3, 4, 5 & 6 on RP 51R-31676 subject to right-of-way, 12595 County Road 27 Roll No. 43
41 010 002 118 84 0000; Zoning By-law Amendment No. 2002-146 - Barnden (McKay)

The minimum lot frontage shall be 15.2 metres.

- 33.4.39 A-39, Fergusonvale Area of Natural and Scientific Interest (ANSI), Flos
1819 Old Second South, Property Roll No. 4341 010 001 18002 00000 added by ZBA 5000-057
Stillinger

The permitted uses of Section 33.2.1 "Residential Uses" and Section 33.2.2 "Non-Residential"
Uses shall apply with the exception of forestry uses and equestrian facilities.

- 33.4.40 A-40, Lot 5, Concession VII, Vespra
1586 Wilson Drive, Part of 43 41 010 002 240 00 0000
Pinehurst Estates Subdivision ZBA 2003-008

The minimum lot area shall be 29.01 hectares.

- 33.4.41 A-41, part of North Half of Lots 3 & 4, Con. 10, Flos,
1163 Flos Road Eleven East, Roll No. 4341 030 002 401 00 0000
Dyer / Griedanus Farm Consolidation ZBA 5000-032

The permitted uses of Section 33.2.1 "Residential Uses" and Section 33.2.2 "Non-residential
Uses" shall apply, with the exception of 33.2.2(b), (d) and (e) and notwithstanding the definition
of Agricultural Uses in Section 28.5, no land or structures shall be used for the keeping, feeding
or raising of livestock, including, but not limited to, dairying, and exclusive of two horses which
may be kept for the personal use of the household. And further that, notwithstanding the
provisions of Section 33.3.14.1, the maximum total lot coverage for accessory buildings shall be
1850 square metres and the maximum horizontal dimension for an accessory building shall be 50
metres. In the event that any or all of the accessory buildings are destroyed or removed, they
cannot be replaced unless destroyed by fire or other insured perils, except for in compliance with
the provisions of Section 3.7.4.

- 33.4.42 A-42, Schedule "A", Part of East Halves of Lots 4 and 5, Con. 9, former Township of Vespra,
1456 Vespra Valley Road, Roll No. 4341 010 005 054 00 0000
Priest ZBA 5000-052

The permitted uses under this zone are limited to Section 33.2.1 "Residential Uses" and the
keeping of up to two horses for the personal use of the household. And further that,
notwithstanding the provisions of Section 33.3.14.1, the maximum total lot coverage for accessory
buildings shall be 415 square metres. In the event that any or all of the accessory buildings are
destroyed or removed, they shall not be replaced unless destroyed by fire or other insured perils,
except for in compliance with the provisions of Section 3.7.4.

- 33.4.43 A-43, Pt Lot 6, Con. 7 & Pt of Rd All between Lots 5 & 6, Con. 7 & Pt 2, RP 51R-32183
1012 Flos Road Seven East, Property Roll No. 4341 030 006 040 01 0000
Slavish ZBA 5000-053

Notwithstanding the provisions of Section 3.34, (c), the maximum above grade floor area of any
accessory building devoted to the home industry shall not exceed 280 square metres (3014
square feet).

- 33.4.44 A-44, N Pt Lot 18, Con. 2, Flos,
2665A Flos Road Three West – Property Roll No. 4341 030 005 003000000
(VanLaarhoven ZBA – By-law No. 5000-065)

That the use of the existing buildings located in the north-eastern corner of the property shall be limited to the storage of farm equipment and other farm related materials.

- 33.4.45 A-45, Part Lot 7, Concession VIII, Vespra
Part 1, Plan 51R-35288, 1826 Golf Course Road, Part of 4341 010 005 021 00 0000
Ramolla ZBA No. 5000-081

Permitted uses shall include the keeping of two horses for personal use. The minimum side yard setback for an accessory building shall be 6.2 metres.

- 33.4.46 A-46 South Half Lot 17, Concession 6, Flos
2422 Flos Rd Six W, Property Roll No. 4341 030 007 00600 0000
Zoning By-law Amendment No. 5000-096 , Langman & Langcrest Farms B02/08

Notwithstanding the provisions of Section 3.7 regarding lot coverage, accessory buildings existing at the date of this By-law shall be permitted.

- 33.4.46 A1-46, North Half Lot 56 plus North & South Half Lot 57, Concession 1, (Medonte) – Heritage Village Subdivision (SP-0504) By-law No. 5000-099

33.4.46.1 PERMITTED USES

Public uses as per Section 3.29, which include, but are not limited to, stormwater management facilities including ponds and conveyance structures, wastewater treatment facilities including structures, and sub-surface appurtenances.

- 33.4.47 A-47, Part Lot 6, Con. 5 (Flos)
1102 Flos Rd Five W, Roll No. 4341 030 003 187 00 0000
Moreau Farm Consolidation ZBA 5000-092

The permitted uses of Section 33.2.1 “Residential Uses” and Section 33.2.2 “Non-residential Uses” shall apply, with the exception of 33.2.2(b), (d) and (e) and notwithstanding the definition of Agricultural Uses in Section 28.5, no land or structures shall be used for the keeping, feeding or raising of livestock, including, but not limited to, dairying, and exclusive of two livestock units which may be kept for the personal use of the household. And further that, notwithstanding the provisions of Section 33.3.14.1, the maximum total lot coverage for accessory buildings and the maximum horizontal dimension for an accessory building shall be limited the maximum dimensions of the existing accessory buildings. In the event that any or all of the accessory buildings are destroyed or removed, they cannot be replaced unless destroyed by fire or other insured perils, except for in compliance with the provisions of Section 3.7.4.

- 33.4.48 A-48, West Half Lot 3, Concession 11 (Vespra)
1153 Glengarry Landing South, 4341 010 005 201 00 0000
Downey Consent ZBA No.5000-097, Consent B27/07

The construction of a house and/or other buildings on the subject lands is prohibited.

33.4.49 A-49, Part Lot 2, Concession XIII, Vespra
1185 Richardson Rd., Roll No. 4341 010 007 02400 0000,
Zoning By-law Amendment No. 5000-106, Schaer

Pt Lot 3, Concession 11, (Vespra)
1366 Fralick Road, Roll 434101000520200
By-law 5000-148, ZB-2011-004 Degasparro

Notwithstanding the provisions of Section 33.3.14.1, the maximum total lot coverage for accessory buildings and the maximum horizontal dimension for an accessory building shall be limited to the dimensions of the existing accessory buildings. In the event that any or all of the accessory buildings are destroyed or removed, they shall not be replaced unless destroyed by fire or other insured perils, except for in compliance with the provisions of Section 3.7.4.

33.4.50 A-50, Part Lot 58, Concession 1 (Flos)
2449 Old Second Road North, Roll No. 4341 030 002 009 01 0000
Matveev Beekeeping, ZBA No. 5000-115

The required lot area shall be 2.7 hectares (6.58 acres) and the minimum interior side yard setback for an accessory building to an agricultural use shall be 8 metres (26 ft.). An accessory structure to a maximum of 325 square metres (3,500 sq. ft.) is permitted.

33.4.51 A-51 Part Lot 15, Concession 1 (Vespra); Parts 1, 4 and 5, Plan 51R-25081
748 Penetanguishene Rd., Roll No. 434101000109200
Eisses ZBA 5000-119

That the minimum rear yard setback for the severed lands to the metal clad shed shall be 4.70 metres (15.42 ft.).”

33.4.52 South Half of Lot 6, Concession 8, former Township of Flos
96 Yonge St. S., Roll No.434103000606700
By-law No. 5000-125, Hummelink

Lot 6, Con. 11, Pt. 1 on RP 51R-36951, Flos
1112 Flos Road Eleven West, Roll No. 4341 030 006 16902 0000
ZBA 5000-170 – ZB-2012-012 McLean

Notwithstanding the provisions of Section 3.7 regarding lot coverage, accessory buildings existing at the date of this By-law shall be permitted, however the keeping of livestock therein is prohibited.

33.4.53 A-53, Part of Lot 11, Concession 3, Vespra
2276 Russell Road, Roll No. 434101000300900
ZBA 5000-132, Rudy Clinic

A day spa, business or professional office and a clinic shall also be permitted uses within the existing residential dwelling.

33.4.54 A-54

3314 George Johnston Rd., Roll No. 434101000617200 East Part Lots 18 & 19, Con. 10
(Vespra) By-law 5000-131 (ZB-2010-007 Scott)

2319 County Rd. 92, Roll No. 434103000705000 Pt Lot 16, Con. 8 (Flos) By-law 5000-134
(ZB-2010-010 Springvalley Farms)

710 Penetanguishene Road, Roll No. 434101000108903 By-law 5000-153 (ZB-2011-010)
Drury

4340 Horseshoe Valley Road W., Roll No. 434103000303000 Part Lot 13, Con. 1 (Flos)
By-law 5000-155, ZB-2011-14 Kapteyn

2571 Flos Road Ten W, Roll No. 4341030004011000000 Part Lot 18, Con. 9, By-law 5000-163 (ZB-2012-006) Minty

1866 George Johnston Road, Roll No. 4341010005189000000 Lot 7, Con. 10, Vespra,
By-law 5000-164 (ZB-2012-008) Dobson/Giroux

1792 Flos Rd Seven West, No. 4341030006056000000, Roll Part of Lot 12, Concession 7,
(Flos), By-law 5000-171 (ZB-2013-003) Spence Farms

1586 Scarlett Line, 4341020009192000000 Part of Lots 73 & 74, Con. 1, Medonte, By-law
5000-175 (ZB-2013-014) DeLarge

2563 Old Second North, Roll No. 4341030002013000000, Lot 59, Con. 1, Flos,
By-law 5000-176 (ZB-2013-015) Langman Meadow Farms Ltd.

2544 Old Second North, Roll No. 4341030002298000000, Lot 59, Con. 2, Flos,
By-law 5000-177 (ZB-2013-016) Langnic Farms Ltd.

2184 Flos Road Eleven West, Roll No. 4341030006181000000, Lot 15, Con. 11, Flos,
By-law 5000-182 (ZB-2013-020) Springvalley Farms (Elmvale) Ltd.

15695 County Rd 27, Roll No. 4341030002418000000, E Half Lots 4 & 5, Con. 11, Flos,
By-law 5000-185 (ZB-2013-021) G. Archer

1880 Flos Rd Ten West – Roll 4341 030 006 15300 0000, Pt of Lots 12 & 13, Con. 10, Flos
By-law 5000-188 (ZB-2014-01) Beacock

1352 Vespra Valley Rd., 4341010005051000000, E1/2 Lot 3, Concession 9, Vespra
By-law 5000-189 (ZB-2014-002) Vespra Valley Farms

4295 Horseshoe Valley Rd., 4341010005001010000,W. Part E1/2 Lot 1, Con. 8, Vespra
By-law 5000-190 (ZB-2014-003) Clarke

1787 & 1887 Flos Road Eleven W., 4341030006151000000, N ½ Lot 12, Con. 10, Flos
By-law 5000-193 (ZB-2013-023) A Spence Estate

2026 Old Second North, Roll 4341030001040000000, Lot 53, Con. 2, Flos,
By-law 5000-194 (ZB-2014-004) Langcrest Farms Ltd.,

Existing accessory buildings are permitted. The keeping of livestock in the existing accessory structure is prohibited.

33.4.55 A-55, Part Lot 63, Concession 1, EPR, Medonte
1733 Moonstone Road, Roll No. 434102000921202
ZB-2010-009 Nicholls ZBA

In addition to the uses permitted within the Agricultural Zone the following provisions will apply. Detached accessory buildings are not to exceed a total ground floor area of 211 square metres (2,271 square feet) and are to be used for storage or uses that are accessory to the residential use of the property.

33.4.56 A-56, Pt. Lot 14, Con. 1, Vespra
708 Penetanguishene Road, Roll 434101000108900
By-law 5000-153, Drury

The minimum lot frontage shall be 98 metres (322 ft.) and the minimum lot area shall be 18.6 hectares. (46 acres).

33.4.57 A-57a – Part Lots 14 & 15, Con. 3, Vespra
1391 Pooles Road, Roll 4341010003023000000
By-law 5000-156A Midves Court Extension (ZB-2012-001)

Provisions:

i)	Minimum Lot Area	1.5 acres
ii)	Minimum developable lot area	0.8 acres
iii)	Minimum Lot Frontage	45 metres
iv)	Minimum front yard setback	15 metres
v)	Minimum rear yard setback	15 metres
vi)	Minimum interior sideyard setback	7.5 metres
vii)	Minimum exterior sideyard setback	15 metres
viii)	Maximum lot coverage	10% of total lot area
viii)	Minimum Gross Floor Area for two storey	278m ²
ix)	Minimum Gross Floor Area for one storey	250m ²

Permitted uses for the lands zoned A57(H) be limited to the following:

Residential Uses:

Single detached dwelling.

33.4.57 A-57b, S. Pt Lot 10, Con. 1, 51R-21677 Pts 3, 4 & 5 Flos
Roll Number 4341030003018000000
ZB-2012-004 Coughlin, ZBA 5000-158

The minimum frontage required shall be 70 metres (229.7 ft.) and the minimum lot area shall be 31.1 hectares (76.9 acres).

33.4.58 A-58 Part of Lots 18 & 19, Con. 3, Flos
2586 Flos Road Three West, Roll No. 434103000501900000
ZB-2012-003 VanLaarhoven, 5000-159

No building or structure shall be used to house livestock within 173 metres of any commercial zone. Furthermore, the interior side yard width (minimum) for any building or structure along the eastern boundary of the Rural Commercial (CR) Zone shall be 9 metres. Existing accessory buildings are permitted. The keeping of livestock in the existing accessory structure is prohibited.”

33.4.59 A-59 Lot 14, Con. 4 Flos
2108 Flos Road Four West, Roll No. 4341030003183000000
By-law 5000-184, ZB-2011-009 Willmart Grain Ltd., as approved by OMB.

No dwelling unit shall be permitted.

- 33.4.60 A-60 Part of Lot 10, Concession 3 (Flos)
1582 Flos Rd Three W., Roll No. 4341 030 003 11400 0000
Camack (Loftus Properties (Flos) Inc. ZBA 5000-167

The maximum GFA for detached accessory buildings shall be 120 square metres (1,291.66 ft²) and the minimum lot frontage shall be 10 metres.

- 33.4.61 (A-61) Part of Lot 10, Concession 3 (Flos)
1582 Flos Rd Three W., Roll No. 4341 030 003 11400 0000
Camack (Loftus Properties (Flos) Inc. ZBA 5000-167

The minimum lot frontage shall be 27.6 metres.

- 33.4.62 A-62, N Pt Lot 6, Con. 9; Flos, Pt 1, 51R-17219
120 Yonge St. N, 43410300061011100000
ZBA 5000-186, B. Roberts / Oggie Investments Ltd.

Outdoor storage in conjunction with a contractor's yard is a permitted use.

- 33.4.63 A-63, Pt. Lot 13, Con. 1, Flos, Pt 1 on RP 51R-38330
4340 Horseshoe Valley Road W., 4341030003030020000
ZB-2013-022, By-law 5000-187, Lampriere

The maximum lot coverage of all accessory buildings shall be 244 square metres.

- 33.4.64 A-64 - Part Lot 31, Concession 2 Vespra
1704 Story Road; 4341010001257010000
ZB-2014-008 G. D'Aoust

A 148.6 square metre (1,600 ft²) detached garage with a maximum height of 5.13 metre (16.83 ft.) is permitted.

Chronology of Relevant Policy Documents

Statement of Environmental Values, Ministry of the Environment, Conservation and Parks (no date)

Township of Springwater Official Plan (adopted 6th October, 1997)

Significant Wildlife Habitat Technical Guide (2000)

Section 33, By-Law 5000 for the Township of Springwater (Adopted by Springwater Council August 5, 2003)

Natural Heritage Reference Manual, 2nd Ed. (2010)

Simcoe County Forest Plan (2011)

Ontario Provincial Policy Statement, 2014 (Came into effect April 30, 2014)

Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (January 2015)

Simcoe County Official Plan (Came into effect June 2016)

Simcoe County ONE SITE- ONE SOLUTION (2016)

Growth Plan for the Greater Golden Horseshoe, 2017 (Came into effect July 1, 2017)

Greenbelt Plan, 2017 (Came into effect July 1, 2017)

SIMCOE COUNTY FORESTS

2011-2030



The mark of
responsible forestry



Acknowledgements

Effective forest management planning can only be achieved when the experience, values, and opinions of a wide variety of interested parties come together to formulate a vision for the future. The knowledge and expertise of professionals must be combined with the needs and values of people who earn their living from the forest, those who recreate in it, and those who have a spiritual attachment to it. To all those who have contributed to this plan, the author is grateful.

Particular thanks go to:

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- The Stakeholder Advisory Committee; a group of individuals representing very diverse interests yet willing to respect the values and opinions of others
- Midhurst District staff of the Ontario Ministry of Natural Resources
- Former staff, retired professionals, and consultants who provided invaluable guidance
- County Council, both past and present, who have supported the ideals and objectives of the Simcoe County Forests for nearly 90 years

The foresight, dedication and commitment of many past individuals including managers, professional foresters, technicians, and others has resulted in today's Simcoe County Forests. Without their contribution this plan would not have been possible.

Plan Author



Graeme Davis, R.P.F.
Simcoe County Forester



Table of Contents

PART 1 INTRODUCTION

1.1 Purpose and Scope	1
1.2 Historical Influences on Forest Development	2
1.2.1 Soils and Climate	2
1.2.2 Human Impacts	3
1.2.3 Natural Disturbance Factors	6

PART 2 FEATURES OF THE COUNTY

2.1 Physical Geography	8
2.2 Settlement and Growth	9
2.3 The County Forests – Significance within the County	10

PART 3 CURRENT STATE OF THE FOREST

3.1 Historical Context	12
3.1.1 Land Acquisition and Tree Planting	13
3.1.2 Comparison to past plans	14
3.2 Area and Distribution	16
3.3 Production Forest Area by Working Group	17
3.4 Average Annual Timber Production	18
3.5 Forest Health	19
3.5.1 Primary Insect and disease factors	19
3.5.2 Abiotic factors	22
3.5.3 Invasive Plants	22

PART 4 DESIRED STATE / STRATEGIC DIRECTION

4.1 Simcoe County Forest - Mission	23
4.2 Simcoe County Forest - Principles	24
4.3 Simcoe County Forest - Goals	24
4.4 Strategies	25
4.4.1 Economic Sustainability	25
4.4.2 Environmental Enhancement	27
4.4.3 Social Benefit	28

Table of Contents

PART 5	IMPLEMENTATION	
5.1	Production Forest Units, Objectives and Management	30
5.2	Projected Harvest 2011 - 2020	37
5.2.1	Estimated Volume Growth	38
5.2.2	Average Annual Harvest 2011 – 2020	38
5.2.3	Red Pine – Long-Term Harvest Trends	40
5.2.4	Options to Mitigate the Impact of the Variable Age Class Structure of Red Pine	44
5.3	Identification & Protection of Natural & Cultural Heritage Values	47
5.3.1	The Course and Fine Filter Approach	47
5.3.2	High Conservation Value Forests	48
5.3.3	Operational Guidelines for Habitat Improvement in Natural Forest Stands	54
5.3.4	Operational Guidelines for Habitat Improvement in Plantations	56
5.3.5	Modified Operations Summary for the Protection of Natural & Cultural Heritage Values	57
5.4	Forest Protection	61
5.4.1	Insects and disease	61
5.4.2	Fire	61
5.4.3	Invasive Plants	62
5.5	Recreational Use	63
5.6	Property Maintenance	64
5.7	Property Acquisition / Disposition	66
5.8	Promotion of the SCF and the Sustainable Management of Our Forests	67
5.9	Research	68
PART 6	MONITORING / REPORTING	
6.1	Annual Reports	70
6.2	Five-Year Review	70
PART 7	STANDARD OPERATING PROCEDURES	
7.1	Forest Stewardship Council Chain-of-Custody and Use of Trademark	71
7.2	Health & Safety Guidelines (Forest Operators)	73
7.3	Property Boundaries	74
7.4	Raptor Nest Reporting Procedure	75
7.5	Endangered Species Act Compliance	76
PART 8	APPENDICES	
8.1	Recreation Policy Summary	77
8.2	Related Policies and By-laws	78
8.3	References	79

1.1 Purpose and Scope

The wise use and stewardship of our forests is essential to our quality of life. Decisions made and actions taken today in the Simcoe County Forests (SCF) can affect a wide range of economic, environmental and social values both now and into the future.

Forest management planning has traditionally been conducted on a 20-year planning horizon due to the time required for forests to develop and grow. Forests are not static; long-range planning is vital to foresee trends and make adjustments to current operations as required.

Previous 20-year plans have been completed for the SCF in 1962 and 1983, and there have been many changes which have occurred since the last Forest Management Plan (FMP) was completed:

- The SCF was still an 'Agreement Forest' at that time, with all planning and operations conducted by the Ministry of Natural Resources;
- Expansion has continued with the addition of approximately 1,400 hectares;
- Many of the oldest plantation areas are at or nearing the end of rotation age;
- Invasive exotic species have been introduced;
- Enhanced protection of other ecological values is expected;
- Significant technological advances have occurred including Geographic Information Systems (GIS) technology;
- Changing timber values and market opportunities;
- Recreational use has continued to increase;
- Public perceptions and values have changed along with increased expectations of transparency;
- Increasing concerns with respect to liability;
- Reduced resources;
- Potential implications associated with climate change;
- The certification of woodlands is gaining momentum worldwide.

The SCF Recreation Policy was recently approved (July 2006) following extensive consultation, and as such is not included within the scope of this plan. The Recreation Policy Summary is provided in Appendix 8.1.

This Plan applies to all parcels of land currently owned by the County and identified as a 'County Forest' in addition to lands acquired in subsequent years. It is intended to complement the County of Simcoe Official Plan and ensure that the goals and objectives for the County Forests align with the strategic directions identified within the County's Strategic Plan.

Introduction

1.1 Purpose and Scope *continued*

Forests must be seen as ecosystems, not just trees. Forest ecosystems, while dominated by trees, also include many other components including shrubs, herbs, mammals, birds, microscopic creatures, soil, air and water. As such, subsequent references to the forest will encompass all aspects of forest ecosystems which are all critical components of a healthy, functioning and sustainable ecosystem.

1.2 Historical Influences on Forest Development

1.2.1 Soils and Climate

The characteristics of today's forest ecosystems have been shaped by many factors since the retreat of the last glacier. Moisture and temperature comprise the climatic conditions which enable, or limit, the development and growth of living organisms. In a forest system, the soils which are such a critical component are a result of the interaction between the plants and animals, climate, and the geological materials. Just as the trees and forest are not static, the soils also change and develop over time.

Simcoe County is predominantly underlain by limestone and shale parent material, with the surface geology and soils formed largely by the action of ice and water following the last ice age:

- Much of the heavier and more fertile soils are the result of lake deposits from glacial Lake Algonquin. These areas consist largely of Lacustrine silts and clays and offshore sands with some tills reworked by water of Lake Algonquin, mainly of loam and clay loam texture. Much of this area, generally described as the Simcoe Lowlands, is maintained in agricultural production today.
- The dominant soil type on upland sites is well-drained stoney or sandy loam. These areas resulted from islands in Lake Algonquin and include at least one interlobate moraine and several till plains. The resulting soils are generally moderately acidic with low fertility and very well-drained. The County Forests are predominantly located on these sites.

The climate of Simcoe County is relatively humid with large seasonal variations moderated somewhat by the great lakes. Minor variations occur due to changes in topography including elevated areas such as the Oro Moraine and the Nottawasaga Valley which is impacted by the higher elevations to the west. Summers are warm and humid with a significant percentage of rain often occurring during storm events. Winter seasons are highly variable but significant snowfall is common due to 'lake effect' snow.

Introduction

1.2 Historical Influences on Forest Development

1.2.2 Human Impacts

Pre-European

Most would suggest that it was the arrival of the European settlers in the 19th century that shaped the landscape in South Central Ontario, yet human influence played a pivotal role for hundreds of years prior to that time. In fact, the ‘virgin’ stands of white pine encountered by the early settlers were not what most people think.

Humans first appeared in Ontario approximately 12,000 years ago, although any substantive impact to the forest did not occur until much later. In Southern Ontario, agricultural use began between 1,500 and 3,000 ago, initially with corn and followed by other basic crops. By about 800 years ago it was generally widespread, and with it came a significant increase in population. ‘It is at this time that the first major human cultural impacts occurred on Ontario’s forests, setting in place land use patterns that have had an influence to this day.’ (Armson, K.A., 2001). Estimates based largely upon records compiled from Champlain and missionaries in the early 1600s indicate that the Huron nation, which occupied much of the area today called ‘Huronian’, totalled 20-30,000 or more. Villages were constructed and abandoned approximately every eight to 12 years as a result of decreasing soil fertility and increasing distances for firewood and timber for construction. Evidence exists to suggest that areas were re-colonized approximately every 60 years; as such the landscape of Simcoe County during this period was dominated by agricultural lands and young forests in various stages of succession with only small pockets of mature trees. It was not until the near collapse of the Aboriginal population in the 1600s from war and disease that much of Simcoe County reverted to forest. Thus, much of what was perceived by the early European settlers as ‘virgin’ forest had in fact resulted from the abandonment of agricultural lands less than 200 years prior. The forested landscape of Simcoe County has been heavily influenced by human occupation for at least 800 years.

European Settlement

European settlement in the Simcoe County area began in the late 1700s; impacts to the forest were renewed with the clearing of land for agriculture and the production of timber and firewood. The Napoleonic Wars in the early 1800s created a huge demand for the ‘virgin’ white and red pine, much of which was squared and shipped to Britain. The push for settlement and agricultural expansion accelerated throughout the 1800s with the forest often viewed more as an impediment. Much of the hardwood timber at the time was burned with the resulting potash used for making soap. Although the original white pine was viewed as ‘inexhaustible’ by the first timber barons,

Introduction

1.2 Historical Influences on Forest Development

1.2.2 Human Impacts *continued*

it was eliminated in less than 100 years, and by the late 1800s most of the cultivated lands had already been cleared by settlers.

A Conservation Ethic Begins

As early as the 1870s, concern was growing that the forest was being cleared with no forethought regarding both the future supply of timber and the potential impacts to the landscape. In 1879, a report from the Fruit Growers Association of Ontario indicated the need to ‘carefully instruct the farming community how much depends on the judicious planting of forest trees, their presence producing abundant rainfall, preserving and distributing moisture and thereby forming a preventative against drought and devastating floods’. In some areas of Ontario, large tracts of land that had once supported thriving farms had become wastelands as the sandy soils could not support the agricultural practices of the day.

A preliminary effort of the Ontario Legislature in the late 1800s resulted in the planting of many of the roadside maple trees that we see today. In the early 1900s, momentum began to build toward a more substantial effort to increase tree cover in critical areas of the province, including several areas identified within Simcoe County. Two key figures; E.J. Zavitz, the Provincial Forester, and E.C. Drury, who would become Premier in 1919, were instrumental in identifying the need and developing the framework to not only assist farmers replant waste land, but also to establish ‘forest reserves’ in key areas throughout Southern Ontario.

In 1909, Zavitz authored a government report entitled “Reforestation of Waste Lands in Southern Ontario”. The report identified and mapped the most problematic areas which had been devastated by a lack of tree cover, and recommended that assistance be provided to private landowners to protect remaining woodlands and replant marginal lands. He also recommended that the large ‘wastelands’ identified should be publicly owned and managed for the greater good. The final paragraph states:

‘The policy of putting these lands under forest management has many arguments in its favour. It will pay as a financial investment; assist in insuring a wood supply; protect the headwaters of streams; provide breeding ground for wild game; provide object lessons in forestry; and prevent citizens from developing under conditions which can end only in failure’.

Introduction

1.2 Historical Influences on Forest Development

1.2.2 Human Impacts *continued*

In 1921 the Reforestation Act was passed which enabled the Minister of Lands and Forests to enter into agreements for reforesting, developing and managing lands held by counties. In 1922, Simcoe County led the way and was the first to enter into an agreement. County officials bought the land and the government planted and managed the trees. The Hendrie Tract, 1,000 acres located on Concession VI in Vespra Township, was the first property to be planted beginning on May 8, 1922.

During the rest of the 1920s, 1930s and 1940s several additional large tracts were purchased. These included Orr Lake, Waverley, Tosorontio, Drury, Barr and Wildman. Much of the land put under agreement, originally submarginal farmland either too light or too stony to farm, was reforested with over 20 million trees. Many properties also included remnant woodlots which had been poorly managed and were unproductive.

During the 1970s less emphasis was placed on reforestation; instead increasing focus was placed on purchasing land that was already naturally forested. In 1974 the County incorporated the townships of Rama and Mara, adding an additional 3,525 acres of forest and provincially significant wetlands to the SCF.

Land prices rose dramatically in the late 1970s and purchasing additional lands for forestry purposes was questioned. However, by 1980 revenue exceeded expenses and the County had purchased and or acquired approximately 10,525 hectares of land. In 1982, the year that marked the 60th anniversary of the Agreement Forest Program, the Canadian Forestry Association chose the County as the “Forestry Capital of Canada”; a well-deserved honour.

Grants from the provincial government were discontinued in 1991 because of a lack of funding and since 1996 the County has been fully and completely responsible for all aspects of management.

Introduction

1.2 Historical Influences on Forest Development

1.2.3 Natural Disturbance Factors

Although it is not clearly evident, forests are always in transition. The geological forces of the past several thousand years combined with human intervention for at least 800 years has largely formed the landscape of Simcoe County as we know it today. However, localized natural disturbances including wind, water, fire, and insects or disease also play a role in the collapse, regeneration, and growth of forest ecosystems. Natural disturbance ‘patterns’ in the Simcoe County area are not as well understood as is the case further north in the boreal region, partly as a result of the level of human disturbance described earlier, but also due to the much larger scale of collapse and regeneration which is typical of the boreal region.

Wind:

Impacts from wind events, although relatively common, are most often quite localized. Occurrences are generally due to severe summer storms when cold fronts collide with a hot, humid air mass. In most cases wind events create small openings in the canopy by removing large, over-mature individual trees with structural weakness or compromised root systems. This is a common disturbance associated with mature broadleaf forests in the region and contributes to an accumulation of woody debris and partial mixing and disturbance of soil layers. It also provides openings in the canopy to allow for regeneration. Tornadoes do occur on an infrequent basis; most notably impacting the Barrie area in 1986 and Midland in 2010. Resulting impacts to forests are also infrequent but can result in large openings of forests of any age, usually characterized by stem breakage. A recent wind event occurred in the Cory Tract of the SCF which resulted in the complete loss of several hectares of mature hardwood forest.

Ice/snow:

Ice and /or snow may also combine with wind to become more destructive. Light ice storms or heavy wet snow is not unusual in Simcoe County particularly in early winter, but the result is generally limited to the pruning of dead or dying branches. Occasionally, however, ice or snow can result in very significant impacts as occurred in Eastern Ontario in 1998. In Simcoe County, on November 15, 2008, a heavy wet snowfall event occurred in the central area the County. The weight which accumulated on tree branches was followed by much colder temperatures and additional snow, freezing the weight to the branches. The pine plantations prevalent throughout much of the SCF were particularly hard hit by the event. The most affected stands were in the 30 to 50 year age group, although some losses occurred in more mature stands also. Damage ranged from scattered individual trees, to patches of up to several acres, to the complete loss of

Introduction

1.2 Historical Influences on Forest Development

1.2.3 Natural Disturbance Factors *continued*

plantations in isolated cases. As a result of this storm event approximately 500 ha (12% of total plantation area) was impacted sufficiently to warrant salvage operations. Of this, 120 ha (3% of total plantation area) was totally lost to future red pine production.

Fire:

Fire has played a critical role in the development of forests throughout Ontario. Fire influences the composition, structure, and pattern of vegetation by reducing competition, creating seedbeds, releasing nutrients, and triggering seed release or vegetative reproduction. (Van Sleeuwen, 2006). As described earlier, the Aboriginal use of fire was a significant factor but its extent and impact are not well understood.

Whether or not influenced by the Hurons, the white and red pine dominated forests encountered by the first European settlers were primarily of fire origin. A literature review by Van Sleeuwen indicates that these stands historically experienced low intensity fires at short intervals (12 to 37 years) and high-intensity stand-replacing fires at longer intervals of 46 to 85 years. Fire has also been integral to the occurrence of red oak in the area due to its inability to compete under low light conditions with more shade tolerant species.

More recently, human impact has been largely due to the suppression of fire. In the SCF specifically, fire suppression was an important issue during the early years of reforesting substantial forest blocks. Fire occurrences and impacts have been very modest as a result of the substantial resources allocated to fire control including fires guards, monitoring, staff training, and equipment.

Insect/disease:

Similar to fire, insect infestations have historically affected huge areas of the spruce, pine and fir forests of the boreal region, leading to the renewal and regeneration of vast areas of even-aged forests. Again, due to the differences in topography, forest types, and diversity typical of the Great Lakes St. Lawrence forest, impacts from insects and disease in this region are much more localized. A wide variety of insects and diseases in the Simcoe County area have impacted the cycle of decline and renewal in localized areas for centuries.

2.1 Physical Geography

The following description is comprised of excerpts from the “Official Plan for the County of Simcoe”:

Simcoe County is one of the most geologically diverse areas in Ontario, containing a wide array of prominent physiographic features. Two areas of high topographic relief, the Niagara Escarpment and the Oak Ridges Moraine, form much of the County’s western and southern boundaries, respectively. The Oro Moraine is the dominant landform northwest of Lake Simcoe, while on the east side of the lake is an extensive limestone plain. Granitic bedrock at surface occupies the northeast quadrant of the County. The interior is characterized by a mix of till plains south of the City of Barrie, and sand plains, till plains, and clay plains to the north of Barrie. Several of the larger river systems that drain north into Georgian Bay, notably the Nottawasaga and Wye, occupy wide, flat valleys underlain by extensive beds of silt and organic deposits which in turn give rise to several large wetlands such as Minesing Wetland and Wye Marsh.

In terms of life science, Simcoe County is home to more than 1,500 species of vascular plants, more than 150 species of nesting birds, 50 mammals, and 33 reptiles and amphibians. It supports specialized vegetation communities adapted to unique habitats such as coastal plains, prairies and savannas, alvars, bogs and fens, the Great Lakes shoreline, and Niagara Escarpment cliff faces and talus slopes.

The County contains 68 provincially significant wetlands, 35 provincially significant Areas of Natural and Scientific Interest, and at least 64 species of plants and animals considered to be vulnerable, threatened, or endangered in Ontario and/or Canada. Extensive tracts of undisturbed forest in the north and east of the County are habitats for forest interior bird species and mammals such as Black Bear, Marten, and Fisher. Because the County is situated at the contact zone between the Precambrian Shield and till/morainal deposits to the south it has elements of both Boreal Forest and Great Lakes-St. Lawrence Forest represented together. This results in an unusual mix of northern species of plants and animals at the southern edge of their ranges coexisting with southern species at or near their northern limits. This area known as the ‘Land Between’ forms the northern part of the County’s landscape bordering the Severn River and extending east of Lake Couchiching. It represents a thin strip of unique habitat that runs between the two major ecozones and contains its own unique habitat and landscape characteristics and features an uncommonly high degree of ecological diversity.

Features of the County

2.1 Physical Geography *continued*

The County contains features which have received international recognition for their environmental significance: Minesing Wetland, Matchedash Bay and the Niagara Escarpment. The first two are protected as wetlands, the latter by the Niagara Escarpment Plan. The County recognizes the ecological and economic importance of the preservation of these features and other natural heritage features within the County.

The County also contains extensive shoreline areas, as it borders the major water bodies of Georgian Bay, Lake Simcoe, Lake Couchiching, the Trent-Severn Waterway and several smaller lakes. The shoreline areas and associated beaches and other landscape features are major elements shaping not only the ecological system but the economy of the County, given their contribution to tourism and recreation, and the settlement pattern, given the large number of dwellings serving seasonal and permanent residents along the shoreline.

2.2 Settlement and Growth

The County of Simcoe had a permanent 2006 population of 272,200. In addition about 166,400 people reside in the adjacent cities of Barrie and Orillia. The County is projected to grow by 61% to 439,500 in 2031. Thus, the population located in the separated cities of Barrie and Orillia combined with the population of the County, would bring the total population of the region to 667,000 by 2031.

Population density in general and urban development in particular, is greater in the southern portion of the County. This is as a result of economic and employment links with the highly urbanized Greater Toronto Area immediately south of Simcoe County. Residential development has also been attracted to the shores of Georgian Bay and Lake Simcoe. This development is a mixture of permanent and seasonal occupancy. In summer months, seasonal occupancy swells the population of the County well above the permanent population.

Much development is currently focused in numerous settlement areas, ranging in size from about 20,000 people to small hamlets of only a few dozen people. However, thousands are also housed in country residential or cottage clusters, or isolated lots, found throughout the County.

Agricultural use is found in many places throughout the County, except in the Precambrian Shield at the northern end of the County.

Settlement of the County by First Nations and subsequently by non-aboriginal settlers has resulted in a wealth of cultural heritage resources.

Features of the County

2.3 The County Forests – Significance within the County

The physiographic regions of Simcoe County have been broadly summarized and described as the ‘Simcoe Uplands’ and ‘Simcoe Lowlands’. Most recently this classification was utilized to assess forest cover in the County for the purposes of the official plan update in 2008, specifically to enable a more realistic assessment of woodland significance with respect to percent forest cover and woodland patch size.

The uplands, which include the well-forested areas of the Georgian Bay fringe and the Oro Moraine, consist of 51% forest cover; the lowlands are approximately 27% forested. The uplands also consist of a higher percentage of larger patch sizes which contribute to an increase of interior forest habitat. The percentage of County Forest within these two broad classifications generally mirrors the percent forest cover on the landscape.

The current total area of the SCF of 12,663 ha is 7.6% of the total forested area of 166,935 ha; a very significant contribution to the natural and cultural heritage values of the County. Also, due to the long history of good forestry practices, the contribution to total wood volume produced from the SCF is significantly higher.

The SCF provides a positive example of good forest stewardship for landowners and an opportunity to visualize the potential development of their forests for a range of management options. For many residents and visitors, the SCF is the only opportunity they have to view actively managed forests; as such it provides an important opportunity to increase the awareness and value of forests.

Privately-held forest resources are also critical to the health and vitality of the County. Protection of significant forest areas throughout the County is also afforded through the planning process, and through the continued development, promotion, and enforcement of progressive Forest Conservation By-laws which have been enacted since 1974.

Collectively, the forested landscape plays a vital role in the hydrologic cycle and the protection and enhancement of our water and soil resources. As detailed in Section 1.2.2, we need only look back to a relatively recent time in our history to understand the importance of healthy forest cover. This critical role should not be taken for granted today. More recently, the function that forests play in mitigating climate change, particularly in the sequestration of carbon, is better understood and highly valued.

Features of the County

2.3 The County Forests – Significance within the County *continued*

The County Forests contribute directly to the economic, environmental, and social aspirations as determined and stated within the County of Simcoe Official Plan. Specifically, four of the six goals of the plan are:

- To protect, conserve, and enhance the County's natural and cultural heritage;
- To achieve wise management and use of the County's resources;
- To further community economic development which promotes economic sustainability in Simcoe County communities, providing employment and business opportunities; and
- To promote, protect and enhance public health and safety.

3.1 Historical Context

3.1.1 Land Acquisition and Tree Planting

Simcoe County began purchasing land for reforestation in 1920, two years prior to the initiation of the agreement forest program. In 1922 the first agreement was signed between the Province and Simcoe County whereby the County purchased land and the Province conducted forest management including tree planting. The first trees were planted on May 8 of that year on land now known as the Hendrie Tract.

Hendrie was typical of most properties purchased for reforestation during the early years of the program. Following the timbering of the early 1800s and subsequent grazing, attempts to farm and wildfires, the property was reduced to a barren 'wasteland'.

Land rehabilitation remained the primary objective in the early years; during the 1920s, '30s and '40s several of the largest tracts were purchased including Hendrie, Orr Lake, Waverley, Tosorontio, Drury, Barr and Wildman. All consisted of very light sandy soils which had proven unsuitable for farming.

In the 1950s land prices tripled to an average of almost \$25.00/acre but the County continued with a similar volume of acquisitions. Although land rehabilitation was still important, the initial urgency had abated and other considerations began to be included in purchasing decisions. New properties tended to be more scattered across the County but viable for forest management and with soil quality often better than the early purchases.

With the escalation of land prices, in 1961 the province began to make grants available to municipalities to encourage continued purchases for forestry purposes. Expansion of the managed forest land base was considered a priority at the provincial level and the agreement forest program was an important part of the strategy for Southern Ontario. Grants were for 50% of the purchase price.

In the 1970s land purchases continued but with more focus on lands which were already in forest cover. A higher priority at that time was placed on the supply of wood fibre to the forest industry and revenue generation. 1974 saw the incorporation of Rama and Mara townships into the County and with them 3,525 acres of County Forest. By the late 1970s, land values had risen to the point where many County Councillors began to question the validity of purchasing more land for objectives which they perceived to be more provincial in scope.

Current State of the Forests

3.1 Historical Context

3.1.1 Land Acquisition and Tree Planting *continued*

In 1980 revenue from the forest exceeded expenses for the first time, which provided some incentive for the County to continue purchasing land, although additions were reduced and more selective. Grants from the province were discontinued in 1991 due to a lack of funding.

The 1990s was a decade of transition, with the Ministry of Natural Resources (MNR) funding reductions resulting in reduced capabilities and eventually the withdrawal from the agreement forest program in 1996. This, combined with the transition of management responsibilities to the County, resulted in a very limited focus on continued acquisitions during this period. Acquisition principles were established in 1996, however, providing clear direction to staff regarding priorities for future acquisitions. This specified for the first time that priority be given to the purchase of properties that contribute to both natural heritage values and other forestry purposes.

Increasing revenues and continued commitment from County Council in the first decade of the new millennium resulted in a renewed focus on the continued expansion of the largest and most productive 'community forest' in Ontario.

Decade	Land Purchased		Average Price		Trees Planted
	Hectares	Acres	\$/ha	\$/acre	
1920 - 1929	575	1,420	16.40	6.64	2,014,200
1930 - 1939	1,539	3,800	15.61	6.32	4,079,855
1940 - 1949	2,152	5,314	20.43	8.27	5,050,270
1950 - 1959	1,992	4,919	59.60	24.13	3,686,450
1960 - 1969	1,944	4,800	96.38	39.02	3,191,245
1970 - 1979	1,301	3,213	312.50	126.52	1,715,240
1974*	1,428	3,525			
1980 - 1989	208	514	1,217.41	492.88	406,350
1990 - 1999	488	1,206	1,537.08	622.30	49,400
2000 - 2009	1,119	2,763	7,484.10	3,030.00	47,600

* area added due to inclusion of Rama and Mara townships

Current State of the Forests

3.1 Historical Context

3.1.1 Land Acquisition and Tree Planting *continued*

Including a small number of land swaps, sales, and further acquisitions the area of the County Forests at the end of 2010 totalled 12,663 ha (31,289 acres).

Tree planting levels generally coincided with the volumes of lands purchased; the lower numbers of trees beginning in the 1970s are indicative of the trend toward adding properties which were already forested. Trees planted to date on the SCF total 20,240,610.

3.1 Historical Context

3.1.2 Comparison to past plans

While many reports have documented the management of the SCF, only two full-scale management plans have been written since its inception; 1962-1982, and 1983-2003. Both were produced as part of the ‘agreement forest’ process and under the guidance of provincial forest management planning standards.

The management objectives outlined in the 1962 plan mirrored the definition of ‘forestry purposes’ in the Forestry Act: “Forestry purposes means primarily the production of wood and wood products, and includes such secondary purposes as proper environmental conditions for wildlife, protection against floods and erosion, recreation, and protection and production of water supplies. The plan in 1983 reaffirmed these objectives and clarified the strategies to achieve the desired results. The success of the SCF today is largely a result of these early plans, and as such the current plan will attempt to build upon these successes.

Expectations with regard to the protection and enhancement of environmental values are somewhat more rigorous today than in the past, and with the benefit of modern digital mapping technology it has become much easier to ensure that all available data is included and accurate. Of particular note in the table below is the difference in the percentage of productive area currently versus the earlier plans. This is in part due to the emphasis placed on timber production, and in part due to the improved mapping. In practice, this difference is not as pronounced as it appears, as a substantial amount of the ‘protection’ and ‘non-productive’ areas identified in 2010 have not been harvested in the past as it was not economically feasible.

Current State of the Forests

3.1 Historical Context

3.1.2 Comparison to past plans *continued*

Year	Total Area (ha)	Non-Forest (ha)	Protection (ha)	Non-Productive (ha)	Productive (ha)	% Productive Area
1962	6,400	208	60	45	6,088	95
1982	11,157	175	7	442	10,533	94
2010	12,663	28	1,582	703	10,349	82

Notes:

NON-FOREST, PROTECTION, and NON-PRODUCTIVE areas are not directly comparable

- o 2010 NON-FOREST includes hydro and pipeline easements and gravel pits
- o 2010 PROTECTION includes wetland, riparian, steep slopes and other
- o 2010 NON-PRODUCTIVE includes poorly drained sites, shallow soils, non-accessible areas

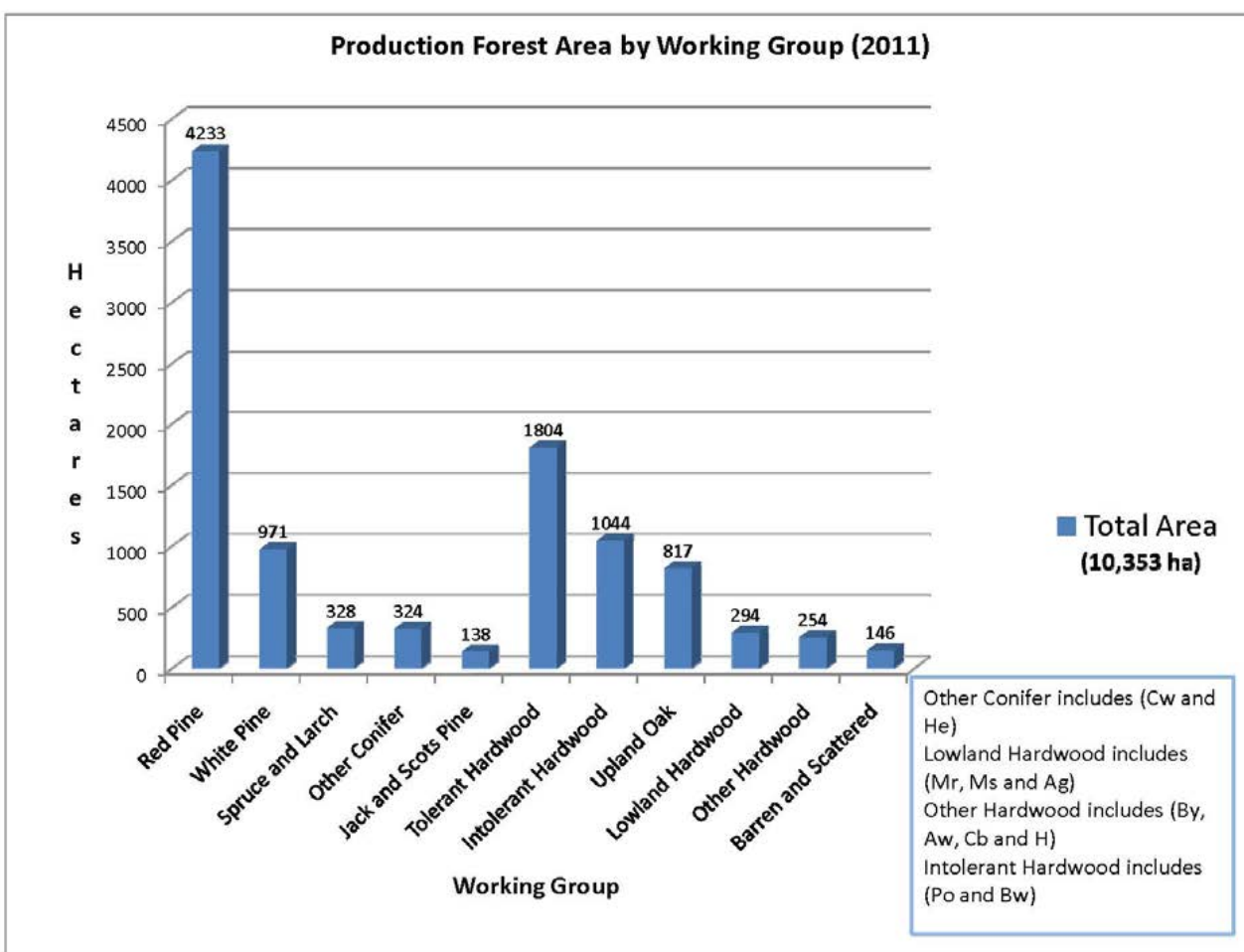
Current State of the Forests

3.2 Area and Distribution

County Forest tracts are present in 14 of 16 area municipalities in addition to the City of Barrie. Representation is much higher where the most significant problems were occurring early in the 20th century. Acquisitions in more recent decades have also occurred more often in the central and north portions of the County due to the much higher percentage of productive agricultural lands in the south.

Municipality	Forest Tracts	Area (ha)
Adjala-Tosorontio	5	458.5
Barrie	2	69.6
Bradford-West Gwillumbury	3	161.8
Clearview	10	732.2
Essa	5	368.2
Innisfil	2	48.4
New Tecumseth	1	77.5
Oro Medonte	38	2,437.9
Penetanguishene	2	73.7
Ramara	1	1,413.7
Severn	10	1,155.6
Springwater	37	4,056.2
Tay	3	177.9
Tiny	10	1,404.3
Wasaga Beach	1	27.4
	130	12,662.6

3.3 Production Forest Area by Working Group



Current State of the Forests

3.4 Average Annual Timber Production

Timber volumes flowing from the SCF continue to be predominantly softwood; plantation thinning during the 10-year period from 2000 through 2009 made up 92% of the total volume harvested. The average annual harvest during this 10-year period of 26,325m³ (22,054 m³ Pr), is slightly higher than the total annual potential cut of 23,605m³ forecast in the 1982 plan. This resulted primarily from a shift in the operating plan in 1999 which reduced the plantation cutting cycle to nine years from 10. This step was taken due to the increasing level of decline in older red pine stands, to reduce losses and begin to move to a shorter rotation age (see Section 3.5 regarding red pine decline). An increasing proportion of older plantations were harvested which yield higher volumes, particularly when economic maturity has been achieved or heavier thinning is prescribed to pre-empt losses from decline. Some final harvests have also been conducted in stands exhibiting advanced stages of decline prior to the anticipated or ideal rotation age.

Harvest areas and volumes of natural stands have conversely been below projected levels; the previous 10-year average volume being just 2,285m³ compared to a total annual allowable cut of 7,341m³ forecast in the 1982 plan. This was primarily the result of poor market conditions for low grade hardwood and mixedwood stands. Improving market conditions, particularly for firewood and low grade hardwood should result in increased volumes in future. In particular, increasing interest in bioenergy may provide opportunities to treat stands which were previously unmarketable. With the potential for significant economic and environmental benefits, the County could play a significant role in promoting investment in this area.

Average Annual Harvest 2000 to 2009

Forest Type	Area (ha)	Volume (m ³)	Volume (m ³ /ha)
Conifer plantation	481	26,325	54.7
hardwood	55	2,285	41.3

During the previous 10-year period from 1990 to 1999, the average annual harvest of softwood plantations was much lower at 19,000m³. Substantial variations in volume occurred year over year due to other priorities of MNR staff including private land extension work, structural changes within the MNR in 1990/91 and the transition to full County responsibility in 1996. The volume of natural stands was higher during this period averaging 4,900m³ per year.

Current State of the Forests

3.5 Forest Health

Forest health is typically measured in relation to biotic and abiotic factors that affect the value, growth and survival of trees and forests as a whole. Biotic factors affecting forest health include forest insects and diseases, while abiotic factors include weather events and fire. The overall health of the SCF is generally good, but there are stress agents that have the potential to cause significant mortality. The vast majority are of minor concern; others may have an impact on a cyclical basis. As described in Section 1.2.3 most of these factors are part of the natural disturbance patterns typical in this type of forest environment. Rarely however, situations occur which require some level of intervention in order to reduce the impact, most commonly associated with the introduction of invasive exotic species. Such situations will be assessed individually and a determination made whether or not to intervene.

Promoting species and age diversity and vigorous growth is the best defence against most forest health issues. Sustainable forest management practices are designed to maintain a diversity of healthy tree species growing on suitable sites and to favour natural regeneration of a wide range of species.

3.5.1 Primary Insect and disease factors

There are innumerable insects and diseases which exist in the forest system as an integral part of the cycle of growth and decay. Most continue with little notice or concern; occasionally conditions exist which favour the expansion of a particular organism which has a visible impact on the forest which attracts attention.

As indicated in Section 3.3, red pine dominated plantations are by far the most significant working group in the SCF; as such the County has a considerable interest in safeguarding this investment. Red pine decline, both in pockets and individual trees, has concerned forest managers in Ontario and surrounding jurisdictions for many years. In the SCF, early mortality has begun in some locations as early as 50-60 years of age; other plantations have begun exhibiting losses in the 80 year class. Soil limitations, climate, and root diseases have all been identified as potential contributors to the problem.

Current State of the Forests

3.5 Forest Health

3.5.1 Primary Insect and disease factors *continued*

In an effort to more definitively find the cause of red pine decline and provide recommendations for management, an exhaustive study was initiated in 2004 by the MNR and supported by various partners. The County of Simcoe provided the majority of the study sites, significant staff time and funding, in addition to recommendations which were incorporated into the management strategies. The study concluded that soil alkalinity is the major predisposing factor in determining red pine health. Red pine grows best in acidic soils; as such plantations established on sites with an alkaline C horizon are at high risk of damage from pathogens and insects. Rooting depth is limited to the upper more acidic soils, resulting in increased moisture stress and ultimately mortality most commonly caused by root disease. SCF staff provided modified management recommendations for varying levels of decline aimed at minimizing financial loss, maximizing timber harvest, and gradually converting red pine stands to mixedwood forests.

Many disease organisms are prevalent in the forests which have varying impacts on the health, structure, and ultimate decay of woody species. Of particular importance in the plantations of the SCF is a very common root rot, *Armillaria obscura*. This particular species can attack essentially all of Ontario's tree species, however, it is particularly problematic in pine plantations where root systems tend to be interconnected through grafting, and where selective thinning can provide further opportunities to advance.

Probably the greatest biotic threats to a wide range of forest species are introduced pests with few or no natural enemies. Pine False Webworm is an introduced pest which was originally identified as a problem in mature pine plantations in the early 1990s in Simcoe and surrounding areas. The most severely affected pine plantations in the South Barr Tract were cleared in 1994 due to large scale mortality. Operational aerial spraying was conducted throughout many locations centered in Oro Medonte in 2001, with experimental work conducted in addition. Survey locations and protocols were established in 2001 and have been continued to date to monitor population levels. Population levels declined and have remained stable but low since 2003/04 and as such no substantive impact to plantation health has resulted.

Current State of the Forests

3.5 Forest Health

3.5.1 Primary Insect and disease factors *continued*

Two well-known introduced pests; emerald ash borer (*Agrilus planipennis*) and Asian long-horned beetle (*Anoplophora glabripennis*) have not been located in Simcoe County to date but remain a potential threat. At present, the asian long-horned beetle has been contained and possibly eliminated as a problem; the spread of the emerald ash borer has been slowed however it is expected to be within the County in coming years with the resulting impact to area ash trees.

Many other formerly introduced pests continue to impact the Forest including:

- Sirex wood wasp (*Sirex noctilio*) is a recent addition to Southern Ontario and has been confirmed in several red pine plantations in the SCF. Preliminary studies are indicating, however, that this pest may only cause mortality in suppressed or stressed trees.
- Gypsy moth (*Lymantria dispar*) continues to spike and defoliate red oak and other species on an irregular basis;
- Beech bark disease is causing significant mortality when bark, attacked and altered by the beech scale, *Cryptococcus fagisuga* Lind., is invaded and killed by fungi, primarily *Nectria coccinea* var. *faginata*;
- Butternut are now listed as an endangered species in Ontario due to Butternut canker (*Sirococcus clavigignenti-juglandacearum*) following introduction to the province in approximately 1990.

Although efforts have been stepped up at the national and international level to reduce new introductions of potentially problematic species, increased trade will continue to pose a problem and it is certain that new problems will arise. The Canadian Forest Service (CFS), Canadian Food Inspection Agency (CFIA) and MNR continue to monitor local forest health conditions and provide updates and recommendations to local forest managers.

Current State of the Forests

3.5 Forest Health

3.5.2 Abiotic factors

As described in Section 1.2.3, fire, wind, and water have all played a role in the development of the local forest environment and will continue to do so in future. Recent examples specific to the SCF include the substantial impacts from the November 2008 snow storm; an extensive late frost in early 2010 led to early leaf drop of various hardwoods; and a localized wind burst resulted in the collapse of several hectares of mature mixed hardwood forest. Also, drought stress has been a contributing factor in regard to red pine decline in the SCF as described earlier.

If projections from climate change are accurate, impacts to the forest from abiotic factors will increase over time.

3.5.3 Invasive Plants

Invasive species are alien plants, animals, or micro-organisms that have been accidentally or deliberately introduced into areas beyond their natural range and negatively impact native biodiversity, the economy and/or society, including human health (Ontario Invasive Plant Council, 2011). While invasive plants are not generally a concern regarding the health of trees in isolation, these plants can affect the health and development of a forest ecosystem by out-competing the native vegetation, often seriously impacting biological diversity.

The detection and mapping of invasive plants in the SCF began in 2008, as such it is not possible to determine when most introductions occurred and the rate of spread. The most significant species of concern are garlic mustard (*Alliaria petiolata*), common buckthorn (*Rhamnus cathartica*), dog-strangling vine (*Cynanchum rossicum*), and Manitoba maple (*Acer negundo*). The current impact to forest health is negligible, however, these species have the potential to have very serious long-term impacts if not controlled.

Increased activities of all kinds within the forest will continue to accelerate the introduction and spread of invasives. Further, several studies have indicated that climate change is expected to exacerbate the problem as many of these species are better able to adapt to changing conditions more readily than our native varieties.

Part 4



Desired State/ Strategic Direction

Strategic directions from County Council have been incorporated into a comprehensive 10-year Business Plan. This plan serves as a framework for County departments to align their long-term goals and strategies. Management of the SCF contributes directly to the following Strategic Directions:

Economic & Destination Development

Create and strengthen partnerships with key stakeholders to develop economic opportunities in response to the changing demographics of the County and to provide a rich cultural experience for both local residents and tourists visiting the area.

Environmental Sustainability

To preserve, conserve, and safe guard our natural resources, while recognizing opportunity, innovation, and the needs of our residences.

A Culture of Excellence

Create and maintain a healthy work environment that supports personal and professional growth. Become the employer of choice.

Open & Inclusive Communications

Promote effective communications through facilitation, consultation and relationship-building.

Increased Opportunities for Success and Well Being

To Increase opportunities for all community members, corporations, and regional partners to achieve success and strengthen their well being.

4.1 Simcoe County Forest - Mission

To promote excellence in the practice of forestry through continued growth and economic viability while contributing to environmental sustainability and our resident's quality of life.

Desired State/ Strategic Direction

4.2 Principles

Sustainability of the forest is paramount.

Sustaining forests is fundamental to sustaining development based on forests.

Sustaining forests includes the maintenance of ecological processes and conservation of biological diversity.

Large, healthy, diverse and productive forests are essential to our well-being, both now and in the future. The establishment and maintenance of representative protected forest lands is a critical component in the protection of our natural heritage.

4.3 Goals

Economic Sustainability

To ensure the SCF remains economically self-sufficient and contributes to a healthy, viable wood using industry

Environmental Enhancement

To protect and enhance the Natural Heritage features of the County including flora, fauna, soils, and watershed health

Social Benefit

To protect the cultural and spiritual values provided by the SCF while making a positive contribution to tourism objectives

Desired State/ Strategic Direction

4.4 Strategies

4.4.1 Economic Sustainability

The SCF Forest Inventory and associated mapping will be updated and improved on a continual basis to provide for accurate forecasting and decision making.

Annual allowable harvest will be determined using the best available science and locally adapted growth and yield data.

Annual operating plans will strive to maintain a continuous supply of a range of timber products to the greatest degree possible. Adjustments to annual plans may occur in order to optimize value, salvage declining timber, or respond to unforeseen events which may require salvage operations.

A silvicultural prescription will be prepared and/or approved by a Registered Professional Forester for each harvest area.

Silvicultural prescriptions will be consistent with accepted forest management guidelines and practices and tailored to local forest conditions.

Management objectives will include an increase in the future value of the forest by retaining optimum levels of healthy growing stock, increasing residual quality, and encouraging the regeneration of tree species that are native to the County and appropriate for the site.

Trees will be marked for harvest by qualified tree markers as determined by the County and will be performed in accordance with the silvicultural prescription.

Timber will generally be sold through an open bidding and 'upset price' system to ensure maximum and fair prices are attained relative to the current economic conditions.

Prior to harvest, a Timber Sale Contract will be signed between the Purchaser and the County to define responsibilities and provide protection to the County in the event of a dispute or accident.

Harvesting operations will be regularly inspected to ensure compliance with the Timber Sale Contract Terms and Conditions.

Desired State/ Strategic Direction

4.4 Strategies

4.4.1 Economic Sustainability *continued*

Post-harvest monitoring will be conducted to ensure that silvicultural objectives have been met. Where objectives are not met or potential improvements are identified, a modified management approach will ensure continual improvement.

Strategies will be implemented to mitigate the anticipated long-range decline of red pine timber and the associated revenue.

Protection of the timber resource will include measures to reduce potential losses from fire and theft. As most losses from insects and disease are part of the natural forest development process, intervention will only occur where the potential exists for significant loss of value and the cost versus benefit has been assessed.

Non-commercial operations will be considered where good opportunities exist to improve future commercial values.

Property acquisitions will consider future revenue potential and opportunities to reforest marginal farmlands.

The County will continue to support use of the SCF for research which enhances knowledge of the forest and its management. New science and technology will be incorporated into forest management processes as appropriate.

Opportunities to supplement revenue from non-timber sources will be maximized where appropriate and within the guidelines established in the Recreation Policy. New opportunities will be reviewed on a case-by-case basis.

Annual budgets for the management of the SCF will be prepared by staff and approved by Council. All revenues generated by the SCF will be credited to the Forest Reserve Fund; management expenses will be debited.

Certification of the SCF through the Forest Stewardship Council will ensure continued market access.

Desired State/ Strategic Direction

4.4 Strategies

4.4.2 Environmental Enhancement

Mapping enhancements will occur on an ongoing basis to improve information on natural heritage features and will consider data from all available sources.

Management of all production forest areas will encourage the regeneration of native species on appropriate sites and promote a diversity of forest types and ages.

Plantations will be managed with the long-term goal of succeeding to mixed native species appropriate to the site.

Silvicultural prescriptions will strive to mimic natural disturbance patterns.

Under-represented forest types will be maintained or expanded where possible. Specifically, where opportunities exist to promote the regeneration of white pine or red oak dominated forest systems on appropriate sites, group selection or shelterwood silvicultural systems will be employed. Prescribed fire will also be considered as a management tool to regenerate such forest ecosystems.

Wildlife habitat within each managed forest stand will be maintained by ensuring adequate structure including species diversity, cavity trees, snags, downed woody debris, supercanopy trees, nut and berry producing trees, etc.

Forest areas containing or contributing to a range of significant features or functions may be defined as 'High Conservation Value Forests (HCVFs). HCVFs will be identified and mapped using all available data and updated on an ongoing basis. Management activities within HCVFs shall maintain or enhance the attributes which define such forests.

Roads, water crossings and access trails will be constructed, maintained and/or rehabilitated to minimize adverse impacts to HCVFs or other natural heritage features and will be consistent with local best management practices, the Conservation Authorities Act and the Fisheries Act. Applicable approvals and permits will be obtained prior to construction.

Desired State/ Strategic Direction

4.4 Strategies

4.4.2 Environmental Enhancement *continued*

New access roads will generally be temporary; existing access roads will be reduced where possible to reduce unauthorized access.

Recreational use will be directed away from HCVMs or other natural heritage features.

Specific strategies to limit the impact of invasive exotic plants will be developed and implemented.

The acquisition of additional lands will continue to focus on opportunities to connect or enlarge existing SCF tracts or other protected lands in order to enhance significant woodlands and forest cover within Greenlands areas.

4.4.3 Social Benefit

The SCF will be available for recreational activities as per the Recreation Policy. Exceptions to the policy will be made to enable access for disabled persons where appropriate.

The SCF will be available for use as part of a network of recreational trails provided that such activities are consistent with the Recreation Policy.

Access points will be adequately signed to encourage appropriate public use, to promote safety and to reduce incidents of trespass, vandalism and illegal dumping.

Property boundaries will be marked to discourage trespass onto adjoining private lands and loss of timber from encroachment.

Property boundary fences will be maintained as needed consistent with the Line Fences Act.

The boundaries of forestry operations will be verified on the ground and adjacent landowners will be notified prior to start up.

Desired State/ Strategic Direction

4.4 Strategies

4.4.3 Social Benefit *continued*

Forestry operations adjacent to forest access roads and trails designated through Property Use Agreements will be conducted with public safety in mind by installing warning signs, removing hazard trees and keeping access roads and trails free of logging debris where possible.

Modifications to the operating plan will be considered to treat all potential areas on a tract at the same time to minimize impact to users.

The County will strive to maintain positive relationships with neighbouring property owners.

The County will provide encouragement and support to private landowners and the logging community by providing an example of good forestry practices and wise stewardship.

The County will work to foster understanding and cooperation amongst users. Communication will include general public outreach and regular contacts with user groups.

The County will foster awareness and knowledge of the SCF, its natural and cultural heritage values, and its sustainable management.

In order to achieve the stated goals of the Simcoe County Forests including forest health, growth, value, and regeneration, planned interventions or ‘silvicultural treatments’ are required. Silvicultural treatments are intended to emulate the natural disturbance patterns to which different forest types have become adapted while maintaining or enhancing structure and diversity.

Single-tree and group selection systems emulate the mortality of single trees or groups of trees that would succumb to competition, age, wind, insects or disease. This is the most common approach utilized within natural stands commonly dominated by shade tolerant species. Larger openings are prescribed where the objectives include regenerating species which are less tolerant of shade such as red oak. Shelterwood systems emulate ground fires that clear the understory and cause partial mortality of the overstory, allowing a new, relatively even-aged stand to develop. This approach is utilized most commonly to mimic the conditions required to regenerate white pine and in some cases red oak, and may also require prescribed burning to fully achieve objectives. Clearcutting emulates the larger scale, stand replacing disturbances such as severe wind storms and intense forest fires. It is mainly applicable to boreal, even-aged forest types and is not generally prescribed here. Clearcutting could, however, be considered an option in the SCF where a severe insect or disease problem necessitates sanitation or eradication. The final overstory removal in a pine plantation could also be considered clearcutting, however it is more closely aligned with the final harvest in a shelterwood operation. Plantation management, which is of primary importance for the SCF, is somewhat different due to the unique conditions. Objectives typically include the maximization of timber growth and quality while working toward the long-term conversion to a natural forest condition. Each silvicultural system has variations to address specific site characteristics and the composition of the tree species involved.

5.1 Production Forest Units, Objectives and Management

The MNR defines a forest unit as, “A classification system that aggregates forest stands for management purposes that will normally have similar species composition, will develop in a similar manner (both naturally and in response to silvicultural treatments), and will be managed under the same silvicultural system “ (MNR 2004).

The objectives for each production forest unit relate primarily to the strategies detailed in 4.4.1 (Economic Sustainability). Considerations regarding environmental enhancement strategies are considered as an integral part of all stand assessments and prescriptions as detailed in Section 5.3.

Implementation

5.1 Production Forest Units, Objectives and Management *continued*

Red Pine (4233 ha / 41% of productive landbase)

Red pine is the most significant species within the SCF with respect to area, productivity, and revenue. All is of plantation origin; approximately 40% is in association with white pine, and small amounts of scots pine, jack pine and spruce are present in a declining number of stands as these species are generally removed in early operations. Most stands which contain a component of white pine will in time have a higher component of this species in the overstory and often as a subsequent forest type due to the generally good conditions for white pine regeneration. Most other red pine plantations will convert to tolerant or mixed hardwood forests depending upon seed availability.

An average cutting cycle of nine years for red pine plantations has been utilized for several years after considering average growth rates and accelerating rates of decline in a number of older plantations. Sites with lower productivity may have an extended period unless decline is evident or stand conversion is a higher priority, and Section 5.2.4 describes where cutting cycles may be extended in mature plantations. Cutting cycles may also be shortened; a subsequent harvest may be prescribed in as little as six years following initial row removal, and salvage cutting may be prescribed where decline is advanced.

With the onset of decline in some older plantations, the oldest of which are now reaching 85 years of age, the final overstory removal and succession to other stand types dominated by sugar maple, red oak, white pine, or other species will become more common.

Objectives

- Maximum production of high quality timber;
- Management will favour eventual pole production on suitable sites;
- Eventual succession to a natural forest condition
 - o White pine and/or red oak stand types will be favoured where possible on appropriate sites;
 - o Where moderate to severe decline is evident, an accelerated conversion to alternate species is desirable.

Implementation

5.1 Production Forest Units, Objectives and Management *continued*

Management

- Crop planning will follow established silvicultural guidelines to facilitate optimum growth of the best quality stems;
- Cutting cycle will average nine years;
- Rotation age will average 90 years;
- White pine will be favoured where planted in association with red pine;
- Modified management prescriptions will be employed on sites where decline is present or likely in the future due to adverse soil conditions.

White Pine *(71 ha / 9% of productive landbase)*

White pine dominated stands are mainly in the form of plantations. An increase of approximately 400 ha since 1982 is predominantly due to red and white pine plantations where the proportion of red pine has been reduced over time. Higher quality white pine is generally produced when planted in association with other species; pure plantations often have poor form resulting from weevil damage. Substantial investments have been made in most white pine dominated plantations with the pruning of selected crop trees. Subsequent treatments will ensure that maximum value is realized from the clear lumber which will be produced from these stands.

Early thinnings of poor white pine can be difficult and often must be sold in association with red pine to achieve silvicultural objectives. White pine are expected to thrive for a much longer period than red pine and historically were a much more significant forest component; as such it is a favoured species for long-term retention. Shelterwood treatments have been conducted to promote the regeneration of white pine, often in association with red oak.

Objectives

- Maximum production of high quality timber;
- Management will favour the long-term retention of a significant component of white pine.

Management

- Crop planning will typically follow established silvicultural guidelines to facilitate optimum growth of the best quality stems;
- Management in poor quality plantations with excessive weevil damage will be tailored to promote white pine regeneration and succession to a mixed forest type;

Implementation

5.1 Production Forest Units, Objectives and Management *continued*

- Cutting cycle of young plantations will average nine years, however, variations in the age of the initial thinning and subsequent treatments will vary depending upon species mixtures, stem quality and market availability;
- The uniform shelterwood system will be used to promote white pine regeneration in mature stands, in stands with limited potential for quality development, and where white pine regeneration is well-established.

Spruce (328 ha / 3% of productive landbase)

This working group is predominantly comprised of small white spruce plantations and a small component of Norway spruce which were generally established on poorly drained soils. Growth is generally poor in comparison to pine, and often growth response following thinning has been poor. 40 ha of larch (predominantly European) is included within this group.

Objectives

- Timber production;
- Conversion to a natural forest condition at the earliest opportunity.

Management

- Crop planning will follow similar guidelines to that used for red pine;
- Smaller average stand sizes and lower values will often necessitate adding spruce to other higher value sales.
- European larch may be thinned in association with red or white pine.

Other Conifer (324 ha / 3% of productive landbase)

This group is comprised primarily of natural lowland conifer stands dominated by white cedar with secondary species including balsam poplar, balsam fir, tamarack, white birch, red maple, and others. A small component of hemlock stands is included within this group. Very few operations have been conducted in these stands due to site and soil sensitivity and low timber values.

Objectives

- Watershed protection and /or wildlife habitat values are typically a higher priority than timber values;
- Timber production may be considered primarily within cedar and hemlock dominated stands.

Implementation

5.1 Production Forest Units, Objectives and Management *continued*

Jack and Scots Pine (138 ha / 1% of productive landbase)

The area of jack and scots pine stands has been reduced significantly from 580 ha as identified in the 1982 plan primarily due to planned reductions through harvesting, and also due to pine shoot beetle and other insect pests. Originally planted to stabilize fine sandy soils, neither species is locally native or productive over the long-term. During the term of this plan these species will become negligent as these stands continue to be converted to more appropriate species.

Objectives

- Conversion to site appropriate native species at the earliest opportunity.

Management

- While generally non-commercial in isolation, scots and or jack pine timber may be included with other species to achieve silvicultural objectives;
- Wholesale stand conversion is not generally recommended until adequate natural regeneration is well advanced;
- Where decline is occurring naturally, stand conversion may be achieved without intervention.

Tolerant Hardwood (1804 ha / 17% of productive landbase)

Sugar maple dominated forests are the most common forest type of natural origin on upland sites. Many other species are found in association including beech, red oak, white ash, basswood, white birch, poplar, black cherry, white pine, hemlock, and ironwood. Many stands were of very poor quality prior to inclusion in the SCF due to highgrading, over cutting or grazing, however ongoing stand improvement has created an increasing percentage of good quality timber. As sugar maple regeneration is prevalent throughout many older plantations this working group will continue to increase over time.

Objectives

- Maintain a continuous forest canopy;
- Develop or maintain an all-aged forest condition;
- Improve timber quality;
- Promote the restoration of old-growth features in candidate stands or in portions of stands.

Management

- Single tree and group selection system;
- Cutting cycle will average 15 years.

Implementation

5.1 Production Forest Units, Objectives and Management *continued*

Intolerant Hardwood (1044 ha / 10% of productive landbase)

These early successional forests typically developed after the clearing of nutrient poor sites for agricultural purposes which were subsequently abandoned. Large toothed and trembling aspen are the primary species with smaller components of white birch and balsam poplar on poorly drained sites. Most often in association with other species, some relatively pure stands exist. These stands are transitory by nature, and may contain a well-stocked understory of good quality tolerant or mid-tolerant species. Although of minor importance for timber values, these stands may play a role in the provision of certain habitat conditions which are of value in the landscape. As such the potential and objectives for any particular stand may vary widely.

Objectives

- Accelerate transition to tolerant or mid-tolerant species on productive sites with advanced regeneration; or
- Continue to allow natural succession to proceed on poorly drained or unproductive sites; or
- Promote the retention of a high component of intolerant species.

Management

- Generally single tree and group selection system;
- Shelterwood harvesting or patch cuts may be prescribed where the objective is to promote the retention of intolerant hardwoods, or release established mid-tolerant species particularly where opportunities exist to favour oak and / or white pine.

Upland Oak (817 ha / 8% of productive landbase)

Red oak is most prevalent on dry, upland sites with the highest concentrations in the SCF in the Wildman and Torsorontio Tracts. It is most often growing in association with hard maple, beech, white ash, white birch, basswood, white pine and poplar. A valuable species for timber, red oak also provides significant value for wildlife. As a mid-tolerant species which tends to dominate a site following a major disturbance such as fire, its long-term retention can be difficult where sugar maple and other shade tolerant species become established in the understory particularly on more productive sites. Where opportunities exist to manage for red oak in the long-term, variable silvicultural practices will be required including shelterwood systems and prescribed fire.

Objectives

- Maintain red oak as the dominant overstory species where possible;
- Improve timber quality;
- Maintain / regenerate a component of minor tree species.

Implementation

5.1 Production Forest Units, Objectives and Management *continued*

Management

- Single tree selection (or crop tree release) will be utilized in young stands to improve timber values where regeneration is not yet a consideration;
- The group selection system will be utilized where continuous forest cover is desired;
- The even-aged shelterwood system is the preferred method where possible;
- Post harvest monitoring and tending are required to ensure successful regeneration.

Lowland Hardwood (294 ha / 3% of productive landbase)

Typically located on imperfectly to poorly drained soils, this forest type includes the silver maple, red maple and green ash working groups. These sites generally support a diverse group of tree species including basswood, ash, elm, cedar, poplar, hemlock, balsam, and others. Timber values are generally low and soil conditions may hinder harvesting, although the high productivity on some sites will warrant improvement work.

Objectives

- Continue to allow natural succession to proceed on poorly drained or unproductive sites;
- Improve timber quality;
- Maintain / regenerate a component of minor tree species; favour yellow birch where possible.

Management

- Single tree and group selection system;
- The uniform shelterwood system may be prescribed in even-aged soft maple stands or where mid-tolerant species are desired.

Other Hardwood (254 ha / 2% of productive landbase)

This group is primarily comprised of early successional forests which developed after the clearing of nutrient poor sites for agricultural purposes. Primary species include white ash and black cherry. Also included are a few small stands of yellow birch.

Objectives

- Develop or maintain an all-aged forest condition;
- Improve timber quality;
- Maintain / regenerate a component of minor tree species.

Implementation

5.1 Production Forest Units, Objectives and Management *continued*

Management

- Single tree and group selection system.

Barren & Scattered (146 ha / 1% of productive landbase)

This group is primarily comprised of future reforestation sites, most of which have been recent additions to the SCF.

Objectives

- Establishment of productive forest plantations on appropriate sites.

Management

- Planting will follow established protocols to most effectively establish economically viable plantations.

5.2 Projected Harvest 2011 - 2020

Allowable harvest calculations typically require demonstrating that harvest rates do not exceed projected growth rates while accounting for other losses. In an ideal situation, a forest unit with a relatively equal age class distribution will provide a constant flow of timber from the forest which, if matched with growth rates, can be produced indefinitely. In the case of the SCF, however, due to the way in which it evolved from early acquisitions, planting, and management, the composition of the timber resource will change in coming decades.

Existing crop plans and thinning schedules are based on well-established science and protocols which are designed to maximize growth and yield at the stand level. Efforts are made to ensure a relatively constant supply of timber of a range of sizes and quality on a year over year basis, but it must be done without compromising the health or objectives of individual stands.

Due to anticipated changes in the total landbase of the SCF and potential impacts from changing market conditions, unanticipated losses, or as revised growth and yield data becomes available, harvest levels will be assessed at five year intervals.

Implementation

5.2 Projected Harvest 2011 - 2020

5.2.1 Estimated Volume Growth

Red Pine

The volume growth of red pine plantations in the 1982 management plan was estimated at 1 to 1.5 cords/acre/year (5.9 to 8.8 m³/ha/year), which was based upon substantial growth and yield data which had been conducted up until that time. An extensive analysis conducted in the United States (Buckman, R.E., et al, 2006) confirms that this is a reasonable, and probably conservative, estimate based upon a range of site types. Unfortunately, the growth and yield program in Ontario has waned in recent years with the reduced funding to the MNR, and local data on more mature plantations is lacking at this time. A recent commitment by the County to partner with MNR staff to assess and assist with monitoring of existing permanent sample plots should provide additional data in coming years. Evidence from the US study, however, is consistent with local experience in that overall volume growth peaks and begins to decline at approximately 60 years of age. Thus, the best available information indicates that the annual volume growth of managed red pine plantations is 5.9 - 8.8 m³/ha/year.

White Pine

As described in Section 5.1, crop planning for white pine plantations is similar to red pine at least during the first several thinnings. Many stands are also a red and white pine mix. Heavier cuts may occur where the primary objective is the release of white pine in the understory or a shelterwood approach is prescribed. For the purpose of this forecast, however, growth rates and projected volumes are closely aligned with red pine and as such are utilized here.

Hardwood

Previous studies have found a range of potential volume growth from hardwood stands in southern Ontario and the north-eastern United States. A recent review assumed volume growth rates are in the range of 500 - 1000 fbm/ha/year (2.2 – 4.4 m³/ha/year) with the higher volumes resulting from proper management (Schwan and Elliott, 2010).

Utilizing the average growth rates for each primary working group within the production forest area of the SCF provides estimated volume growth as follows:

Implementation

5.2 Projected Harvest 2011 - 2020

Estimated Annual Volume Growth 2011 – 2020

Working Group	Total Area (ha)	Ave. Growth Rate (m ³ /ha/year)	Estimated Volume Growth (m ³ /year)
Red pine	4233	7.3	30,901
White pine	971	7.3	7,088
Total conifer*			37,697
Tolerant hardwood	1804	3.3	5,953
Intolerant hardwood	1044	3.3	3,445
Upland oak	817	3.3	2,696
Other hardwood**	548	3.3	1,808
Total hardwood			13,902

* does not include Sw, Ps, Pj, Le, He, Cw working groups

** includes all other hardwood (Mr, Ms, Ag, Aw, By, Cb, H)

Comparing the projected harvest rates using actual historical volumes to the estimated growth rates provides assurance that harvest levels are sustainable and account for other losses:

5.2.2 Average Annual Harvest 2011 – 2020

Working Group	Total Area (ha)	Available Area (ha) 2011 - 2020***	Cutting Cycle (years)	Average Annual Area (ha)	Average Annual Harvest (m ³) ****	Estimated Volume Growth (m ³ /year)
Red pine	4233	4106	9	456	20,550	30,901
White pine	971	930	9	103	4,600	7,088
Total conifer*				559	25,100	37,697
Tolerant hardwood	1804	1705	15	114	4,674	5,953
Intolerant hardwood	1044	1000	20	50	2,050	3,445
Upland oak	817	763	20	38	1,558	2,696
Other hardwood**	548	433	20	22	902	1,808
Total hardwood				224	9,184	13,902

*** for conifer does not include stands < 25 years of age in 2010

for hardwood does not include stands < 40 years of age in 2010

**** based upon historical average volumes per type and age class

Implementation

5.2 Projected Harvest 2011 - 2020

5.2.3 Red Pine – Long-Term Harvest Trends

As described earlier, the red pine working group is currently the most significant within the SCF with respect to area, productivity, and revenue. Due to a range of factors, however, current growth rates and harvest levels cannot be maintained indefinitely:

- Tree planting volumes closely mirrored historic land acquisition rates. Planting numbers peaked during the period 1936 to 1941 and dropped off substantially in the mid 1970s, which has resulted in the current age class distribution.
- Red pine has very low shade tolerance; as such it will not regenerate naturally in the understory of existing stands.
- The preponderance Armillaria root rot within the root systems of most plantations precludes the replanting of red pine following a final harvest.
- Even if a significant effort was undertaken in coming years to increase the acquisition and reforestation of marginal lands, a significant age gap will exist due to the reduced planting since 1975.

Sections 5.2.4 and 5.2.5 illustrate the change in future age class distribution, total area, projected volume, and volume by age class in ten-year increments. Projections go beyond the 20-year scope of this plan to more fully illustrate the implications to future timber flow. Total volume will peak in approximately 2020 and begin to decline thereafter, however an increasing percentage of volume will come from older stands which produce larger diameter and higher value timber.

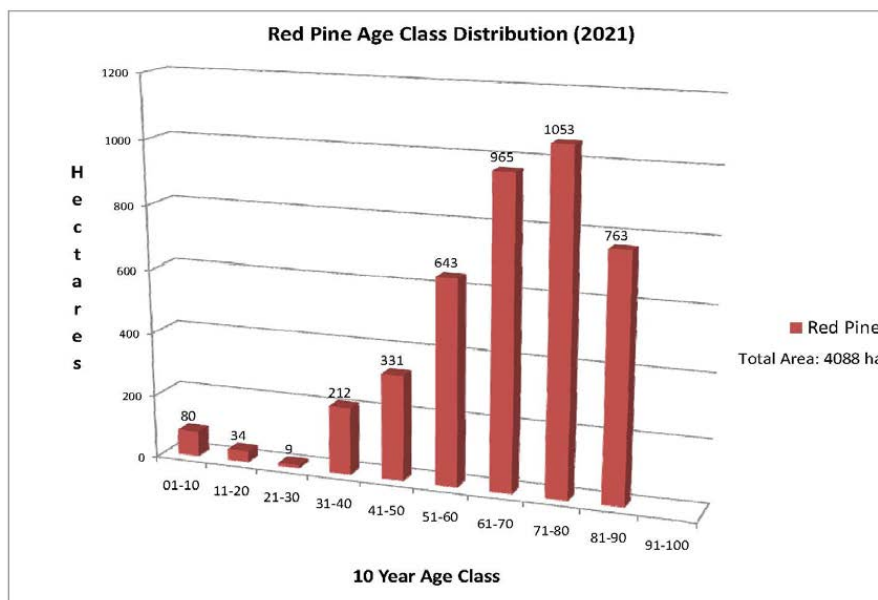
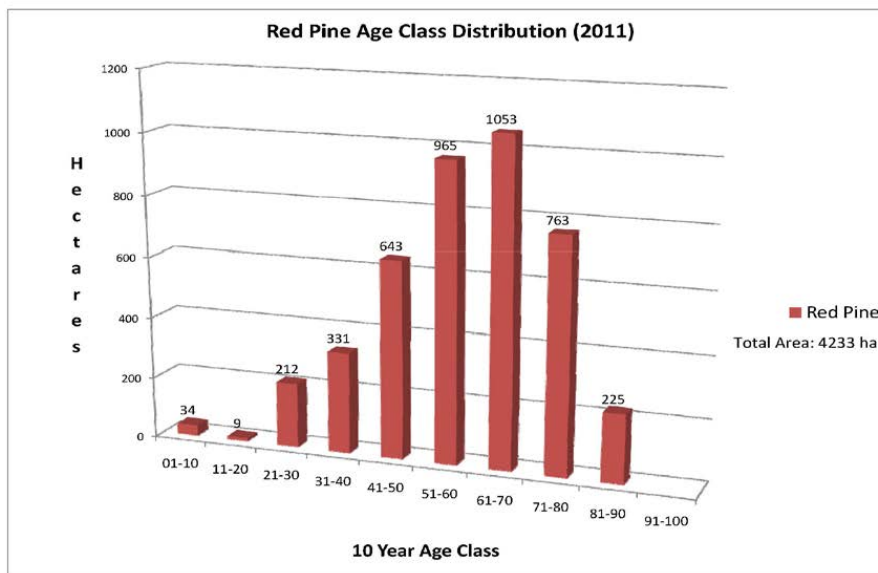
Thus, although total volume will peak around 2020, revenue should remain strong due to the increasing percentage of larger diameter timber for a further 20 to 30 years. (ie. the significant value of large, pole-quality red pine will continue to provide significant revenue until approximately 2040 to 2050). The reduction in younger age classes, however, will have an impact on local operators who are predominantly structured to utilize smaller diameter timber.

Notwithstanding the pending impacts to local industry and reduced revenue from timber sales, the coming transition in forest composition will also affect habitat conditions. In particular, the reduction of large areas of mature pine forests may impact certain forest-dependant bird species.

Implementation

5.2 Projected Harvest 2011 - 2020

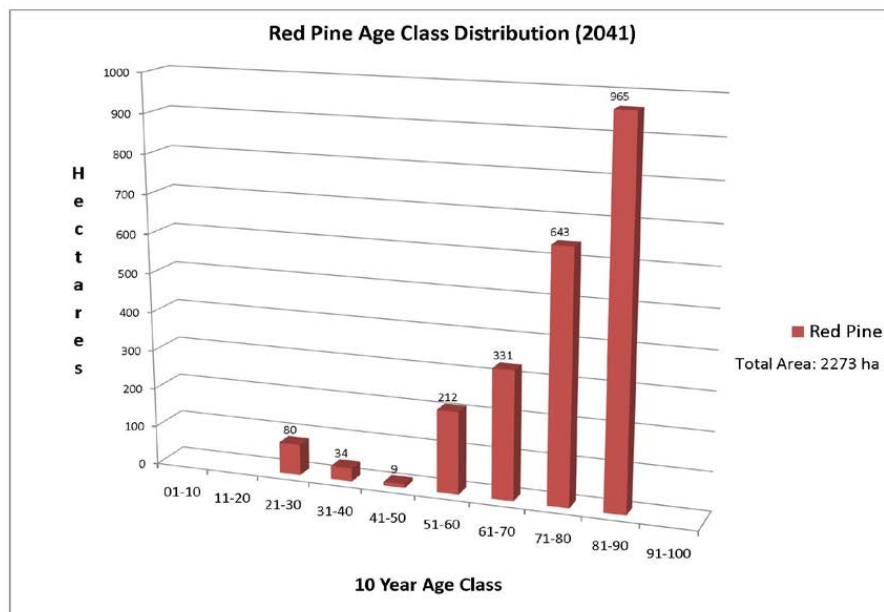
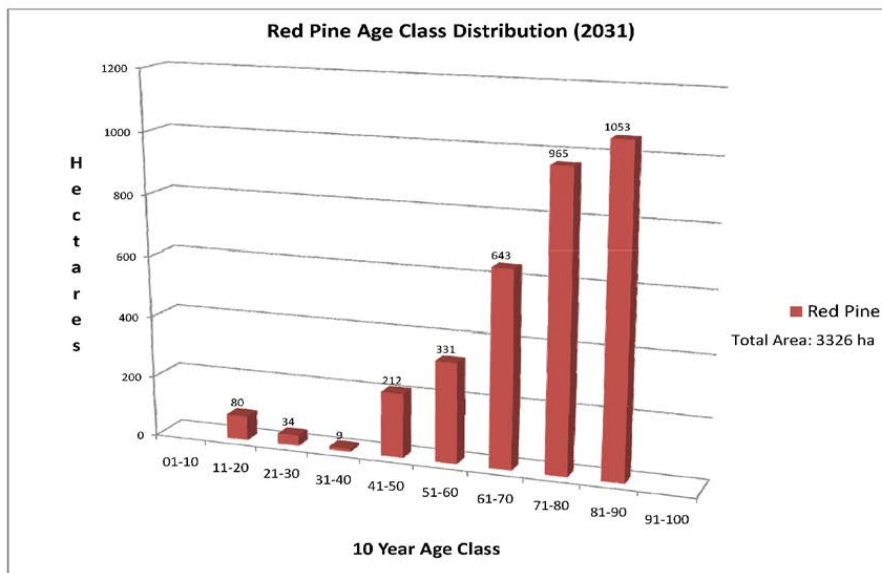
5.2.3 Red Pine – Long-Term Harvest Trends *continued*



Implementation

5.2 Projected Harvest 2011 - 2020

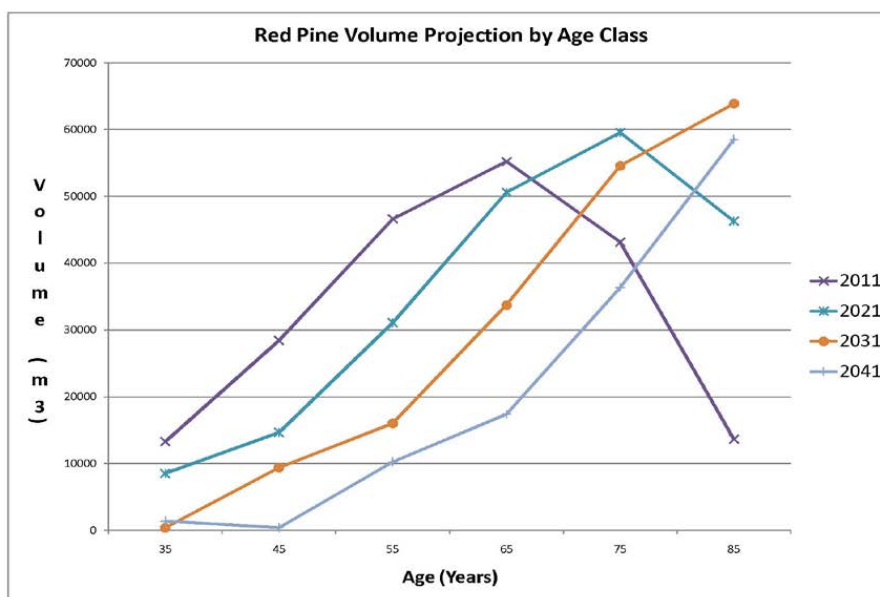
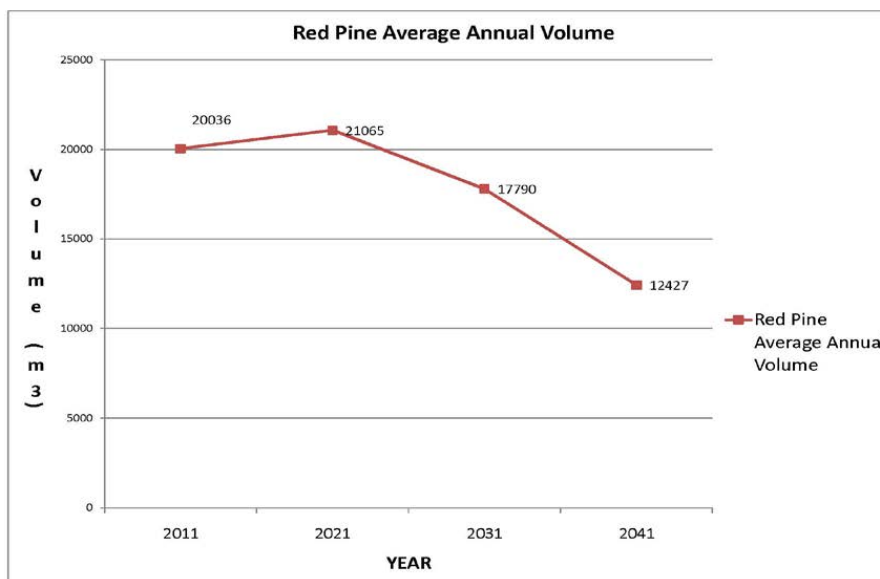
5.2.3 Red Pine – Long-Term Harvest Trends *continued*



Implementation

5.2 Projected Harvest 2011 - 2020

5.2.3 Red Pine – Long-Term Harvest Trends *continued*



Implementation

5.2 Projected Harvest 2011 - 2020

5.2.4 Options to Mitigate the Impact of the Variable Age Class Structure of Red Pine

In order to minimize the impacts associated with the age class distribution of red pine the following strategies will be considered and utilized to the degree possible:

Increase acquisition and reforestation of marginal farmlands

Levels of tree planting historically mirrored land acquisition rates which peaked in the 1930s and 40s and began to decline markedly in 1975. During the previous 20-year period planting has been negligible (Section 3.1.1). Planting rates will increase in coming years due to recent acquisitions; and while this recent trend will continue if suitable lands can be acquired, it will remain very small as compared to historical standards. It will also not contribute to the age gap which exists currently from the reduced planting since the 1970s.

Increase acquisition of lands with established young plantations

This option represents the only opportunity to reduce the current gap of young plantations within the SCF. Targeting the acquisition of lands toward properties which contain established pine plantations up to 50 years of age would contribute to maintaining the revenue stream further into the future. Also, although many private woodland owners are good stewards, the expertise and management processes at the County would ensure the proper development of the. As such, although local industry would have access to some of the timber if privately-owned, County ownership would ensure that the maximum volume of high quality timber was available. As an added benefit to industry this option will increase the availability of certified timber.

Extend the rotation age of existing plantations where possible

The maximum age of red pine in natural conditions is known to be approximately 350 years, however plantations are typically managed with a projected rotation age of 80 to 110 years. Planned rotation age for red pine in the SCF has been 90 years, and future projections will continue on this basis. With the onset of decline forcing a shorter rotation age in a number of stands, however, stands which continue to exhibit good health as they mature will need to be managed with a longer maximum age to compensate for projected yields. Extending the rotation age of select plantations will also provide an opportunity to extend the revenues from these plantations somewhat further into the future than would otherwise be the case.

Implementation

5.2 Projected Harvest 2011 - 2020

5.2.4 Options to Mitigate the Impact of the Variable Age Class Structure of Red Pine *continued*

As discussed earlier, however, plantation thinning must be scheduled appropriately in order to achieve optimum growth and yield. In particular, the first three to four operations (generally between 35 to 65 years of age) cannot be altered substantially without adversely impacting stand level objectives. Following this, however, it is possible to consider more flexibility in the operating schedule for any particular stand. Operating cycles may be shortened for stands exhibiting decline, and others will be identified which can continue for longer periods between harvests and potentially continue beyond 90 years of age.

Specifically, candidate stands chosen for longer retention should be:

- A minimum age of 65 years and exhibiting no obvious signs of decline;
- Succeeding mainly to tolerant hardwood species (stands which have an opportunity for conversion to mid-tolerants including oak and white pine will need to be thinned more aggressively to provide adequate light conditions).

Extending the rotation age of these stands can be achieved by extending the cutting cycle beyond 9 years and/or reducing the percent removed in each harvest to 20-25%.

It must be noted that the ultimate longevity of these red pine stands is not known at present and as such ongoing adjustments to the operating plan will be required. Additional staff time will also be required as additional stands will require assessments each year.

Release established white pine regeneration

Many mixed plantations which had a component of white pine planted originally provide an excellent opportunity to increase the component of white pine as a secondary crop. This will generally require managing mature (ie. 65 years plus) red and white pine plantations using the shelterwood system to ensure adequate light conditions where white pine is well-established in the understory. This process will contribute to filling the gap in young red pine plantations.

Implementation

5.2 Projected Harvest 2011 - 2020

5.2.4 Options to Mitigate the Impact of the Variable Age Class Structure of Red Pine *continued*

Maximize efforts to improve stand quality and future value in natural stands

Notwithstanding the strategies listed above, the volume and subsequent value derived from plantations will decline in coming decades. In their place will be many hectares of young hardwood or mixed stands which will not provide revenue for a minimum of 40 years following the final overstory removal. Pre-commercial stand improvement work has not been employed in the SCF since the 1970s, however, an increased emphasis in this area is required to reduce future declines in revenue from plantation thinning. Pre-commercial stand improvement work may include:

- Crop tree release at a very early age to maximize future value and minimize the time required to produce marketable timber;
- Proper corrective pruning of select young hardwood stands (primarily red oak);
- Control of undesirable species (ie. Manitoba maple; buckthorn).

Most existing tolerant hardwood stands have been treated at least once during the previous 30 years; some have received up to three treatments to improve timber quality and structure since owned by the County. These operations involve the reduction of unacceptable growing stock typically through commercial sales of primarily firewood. A smaller percentage of other forest types have also been treated with the objective of improving future timber quality. An increased emphasis on forest stand improvement will be required, however, to improve the future health and value of these stands. Based upon the total available area for harvest, a substantial increase in commercial stand improvement work is desirable provided that suitable markets exist for low grade timber and firewood. Recent successes at marketing firewood and poplar sawlogs provide encouragement to increase volumes in coming years. Further opportunities may also become available if the recent interest in bioenergy becomes a reality.

Retain ‘veteran’ trees during final overstory removal

In order to reduce the potential impact to forest dwelling songbirds and other species utilizing the mature pine forests, remnant overstory or ‘veteran’ trees may be retained where possible. Guidelines are detailed in Section 5.3.3.

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

In addition to the direct economic value provided by timber, our forests provide critical habitat for a wide range of wildlife, improve and protect the health of area watersheds, and provide tangible benefits to the health and wellbeing of residents. To manage our forests to achieve society's ecological, social and economic expectations, a multi-faceted approach is required to identify, protect, and where possible enhance, these natural heritage values.

5.3.1 The Coarse and Fine Filter Approach

With the incredible diversity of fauna within the Great-Lakes-St. Lawrence (GLSL) forest region of Ontario, a “species-by-species approach to the provision of wildlife habitat and the conservation of biodiversity is impossible” (MNR Forest Management Guide for GLSL Forests). The MNR has begun to rely on a nested coarse and fine filter approach to meet wildlife habitat needs and provide healthy forests on crown land; a concept which is useful to consider and adapt for use in the SCF. The coarse filter component is intended to mimic natural disturbance patterns, creating diverse ecosystem conditions which provide habitat for the majority of native species. In the very large landscape context for which these guidelines have been developed, the coarse filter is defined by forest composition, pattern, and structure. Fine filters are then used, if necessary, to modify the results of applying the coarse filter. This is most often used where it is determined that modifications are necessary for the specific habitat requirements of species such as caribou, moose, marten, pileated woodpecker, etc.

Directly adopting this model to suit the conditions in Simcoe County, and particularly within the SCF, is challenging given the fragmented landscape and long history of human impacts as described in Section 1.2.2. We can, however, set broad objectives and strategies to increase contiguous forest cover (pattern), maintain or increase the diversity of forest stand types (composition), and improve habitat (structure) within each managed forest stand:

Pattern

The acquisition of additional lands will continue to focus on opportunities to connect or enlarge existing SCF tracts or other protected lands in order to enhance significant woodlands and forest cover within Greenlands areas.

Composition

Unusual forest stand types will be maintained or expanded; specifically an increase in the amount of white pine / red oak dominated forests will be pursued where possible.

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.1 The Course and Fine Filter Approach *continued*

Structure

A range of wildlife habitat conditions within each managed forest stand will be targeted as specified in Section 5.3.2.

Fine filter adjustments are required where species at risk are known or believed to exist, special habitat features are identified, or aquatic or wetland ecosystems require protection as specified in Section 5.3.4. In addition, 'High Conservation Value Forests' are defined, identified and managed using a precautionary approach in order to ensure the protection of natural and cultural heritage values.

5.3.2 High Conservation Value Forests

High Conservation Value Forests (HCVFs) are those that possess one or more of the following attributes (as defined in accordance with Principle 9 and Appendix E of the Forest Stewardship Council (FSC®) document 'Forest Certification Standards for the Great Lakes / St. Lawrence Forest Region' 2007):

- Forest areas containing globally, regionally or nationally significant:
 - o Concentrations of biodiversity values (e.g., endemism, endangered species, refugia); and/or
 - o large landscape level forests, contained within, or containing the management unit, where viable populations of most (if not all) naturally occurring species exist in natural patterns of distribution and abundance.
- Forest areas that are in or contain rare, threatened or endangered ecosystems.
- Forest areas that provide basic services of nature in critical situations (e.g., watershed protection, erosion control).
- Forest areas fundamental to meeting basic needs of local communities (e.g., subsistence, health) and/or critical to local communities traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).

Within HCVFs the forest manager must assure that any prescribed forest operations do not adversely impact identified values. Generally, timber extraction within these forests is of secondary significance.

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.2 High Conservation Value Forests *continued*

As forest ecosystems evolve over time, so too does the information and knowledge associated with them. Current technology allows for regular mapping refinements and updates to attribute data. As new information becomes available either through updated mapping (for example MNR wetland mapping), or via field assessments conducted by staff, the corresponding updates will be made to the forest stand mapping.

The HCVFs identified and mapped to date within the SCF are as follows:

Wetlands

A wetland is an area of land that is seasonally or permanently flooded by shallow water as well as lands where the water table is close to the surface. In either case, the presence of abundant water causes the formation of hydric soils and favours the dominance of either hydrophytic or water tolerant plants as designated through the Wetland Evaluation process. Wetlands are a critical component of healthy watersheds, contributing to the regulation of water levels and stream baseflow, water quality, and terrestrial and aquatic habitat. Wetlands collectively form the most significant component of HCVFs within the SCF.

Data Source - Evaluated Wetlands (now referred to as Wetland Units by the MNR Feb 11, 2011) received from the Ministry of Natural Resources. A Wetland Unit is classified as being predominantly a marsh, fen, swamp, or bog. Minor adjustments have been made to improve accuracy as necessary and coincide with forest stand mapping utilizing contour lines and/or air photography. Undesignated wetland areas have been added to the mapping where evident through interpretation of air photos (no in-field wetland assessment has been undertaken by County staff). Refinements to the mapping will be ongoing as updates become available through the MNR, or adjustments are recommended by staff at the inventory or harvest planning stage.

Management – The wetland areas are not included within the production forest area. Modified operations will be prescribed within 120 meters of wetland boundaries as detailed in 5.3.4.

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.2 High Conservation Value Forests *continued*

Riparian Zones

A riparian zone is the area where direct interaction occurs between land and water systems and is important for the management of water quality and ecological resources.

Data Source – Boundaries have been established using historical forest stand mapping combined with current digital mapping layers including air photos, contours, and stream layers. All significant riparian areas have been mapped where an identifiable stream corridor or ravine is evident (other minor, first order streams which do not have a well-defined ‘top of bank’ may not be mapped individually but are protected through buffers and/or modified operations as determined on site and detailed in 5.3.4).

Management – Riparian zones are not included within the production forest area.

Seeps / High Water Table

Several forest stands have been identified which perform important functions related to watershed health due to a preponderance of seeps and/or ephemeral pools and is often related to a high water table.

Data Source - These sites have been identified by field assessments conducted by forestry staff.

Management - Where operations are prescribed, modified operations may include seasonal restrictions and/or avoidance of sensitive areas as prescribed in 5.3.4.

Species at Risk

A ‘species at risk’ (SAR) is any naturally-occurring plant or animal in danger of extinction or of disappearing from the Province of Ontario. The Endangered Species Act protects all species which are classified as endangered or threatened as per the Species at Risk in Ontario List (MNR, 2010). Under the Act, SAR are listed using the best available information and measures are developed to protect SAR and their habitat as well as promoting their recovery.

Data Source – Forest stands are flagged at such time as the presence of a SAR is confirmed by staff, MNR, or other sources.

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.2 High Conservation Value Forests *continued*

Management - In order to contribute to SAR recovery plans and ensure compliance with the Endangered Species Act, forestry staff will need to continue to work corroboratively with MNR staff as more information becomes available. A list of all known SAR in Simcoe County has been prepared by MNR staff which will require regular updates. Extensive biological inventories are not planned due to the high cost; rather a 'precautionary approach' is envisioned. For example, timing restrictions for harvesting operations may be considered where a potential impact to a SAR could be avoided. If available and applicable, SAR recovery plans may also be implemented.

Regionally Uncommon Species

Due to a variety of factors (e.g. urban development, agriculture, forestry, natural distribution, exotic diseases and pests, etc.) certain tree species are uncommon or rare in Simcoe County but are not listed as a species at risk. Some of these tree species are known to occur in the County Forest but their distribution and condition are not fully known (e.g. white oak, bitternut hickory). Additional stands may be identified which include other uncommon species, species assemblages, or site types as information becomes available.

Data Source - These forest stands are identified by forestry staff as a result of local knowledge and experience.

Management - Operations prescribed where uncommon species exist will be designed to protect, and if possible enhance, the conditions required for the identified species to thrive.

Old Growth Forests

Old growth forests are typically remnant natural forests that have been relatively undisturbed for many years resulting in unique structural characteristics. Although true old growth forest ecosystems in Southern Ontario are extremely rare, all forests have the potential to develop 'old growth' features in time; some of course have more potential than others. Many different interpretations and definitions of old growth have been in use. For the purposes of this document Old Growth Forests are defined as:

- forest ecosystems that include complex forest stand structure, relatively large dead standing trees (snags), accumulations of downed woody material, up-turned stumps, root and soil mounds, and accelerating tree mortality (adapted from MNR Forest Management Guide for Great Lakes-St. Lawrence Landscapes, 2010).

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.2 High Conservation Value Forests *continued*

According to this definition, true old growth forest ecosystems in the SCF have not been identified to date. Some mature forest stands, however, exhibit some of the characteristics of an old growth forest and have potential to continue to develop further.

Data Source - Staff have identified candidate stands using the following characteristics as a guideline only (ie. no scientific methodology or sampling has been conducted):

- A minimum of 3 trees exceeding 50 cm in diameter at breast height per hectare;
- Average basal area of the stand exceeds 20 m²/ha;
- Stocking of mature climax species is > 40% (i.e. eastern hemlock – *Tsuga canadensis*, eastern white pine – *Pinus strobus*, sugar maple – *Acer saccharum*, American beech – *Fagus grandifolia*, yellow birch – *Betula alleghaniensis*, eastern white cedar – *Thuja occidentalis*);
- Four structural canopy layers (i.e. supercanopy trees, canopy trees, understory trees and shrubs and saplings);
- Pit and Mound forest topography is apparent;
- Coarse woody debris in at least three stages of decomposition;
- Snags;
- Cavity trees (live or dead).

(adapted from the Prescott Russell Forest Management Plan, 2009)

Management – Where prescribed, management will be designed to enhance old-growth features. Modified operations may include the retention of higher residual basal area, additional large diameter trees, etc to increase the characteristics listed above. In addition, additional tolerant hardwood stands or portions of stands will be identified and managed to enhance old-growth characteristics over time.

Areas of Natural or Scientific Interest (ANSI)

ANSIs are areas of land and water that represent significant geological and biological features which are important for natural heritage, protection, appreciation, scientific study or education. Earth science ANSIs include areas that contain examples of rock, fossil and landform features. Life science ANSIs are areas that contain examples of the many natural landscapes, communities, plants and animals found in the 14 natural regions of the province.

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.2 High Conservation Value Forests *continued*

Data Source – Identification and mapping provided by MNR.

Management – Prescriptions must ensure that the key identified features or values are retained, or where possible, enhanced.

Cultural Significance

Culturally significant sites identified within the SCF include known archaeological sites in addition to the area under lease to Hardwood Ski and Bike as the primary function is recreation.

Archaeological sites are associated with past human activities, endeavours, or events; including surface artefacts, subsurface strata (of human origin or incorporating cultural deposits), remains of structural features, or a combination of these attributes.

Data Source – Provided by the Ministry of Tourism and Culture; January 2008

Management – Forest operations must not disturb soils, including road or landing construction. Operations within the defined recreation area must minimize disruption through timing restrictions, etc.

High Conservation Value Forest Type	Area (ha)
Wetlands	1,364
Areas of Natural or Scientific Interest (ANSI's)	771
Culturally Significant	130
Riparian Areas	97
Species at Risk / Regionally Rare Species	71
Seeps / High Water Table	21
Old Growth Features	15
Total HCVF Area	2,469
Total SCF Area	12,663

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.3 Operational Guidelines for Habitat Improvement in Natural Forest Stands

While working within the scope of an operational prescription, the selection of individual trees for harvest will generally follow direction in the *Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales* and the *Ontario Tree Marking Guide*. When a natural value is encountered, modifications to tree marking and forest operations will be applied. Wildlife tree retention focuses on trees of special value to wildlife such as cavity trees, mast trees, scattered coniferous trees, and supercanopy trees.

Value Or Feature	Target	Details
Biodiversity	Maintain a natural mix of tree species, retain species that are less common and less abundant at the stand and landscape level.	<ul style="list-style-type: none"> Retention of mid-tolerant species (black cherry, basswood, red, white and bur oak) Retention of regionally rare or uncommon tree species (butternut, bitternut hickory, black spruce, eastern cottonwood) Retention of individual “veteran” trees Creation of group openings
Wildlife Trees - Wildlife trees can include standing healthy, dead, or dying trees. -Cavity trees are a dead, dying, or live tree with a hole for nesting, roosting, resting or feeding -Mast trees are trees that produce edible fruit -Supercanopy trees are large living trees that emerge above the main canopy of the stand -Veteran trees are larger trees that will become the supercanopy trees of the future	Wildlife trees will generally be well dispersed. Where cavity trees are not available, recruit such trees by leaving poor quality stems, especially living trees. Favour retention of cavity trees which will last 20 years (hardwood trees are preferable to poplar)	Retain at least half of wildlife trees as individual stems; the remaining wildlife trees may occur in clumps and of different species. <ul style="list-style-type: none"> Retain an average of ≥ 10 living cavity trees with a minimum of 5 living cavity trees on each ha Retain an average of ≥ 10 mast trees/ha Retain an average of ≥ 10 scattered coniferous trees/ha Retain an average of ≥ 1 supercanopy tree/4 ha Retain ≥ 10 veteran trees on final removal cuts Except in extraordinary circumstances, wildlife trees that fall to the ground, or are purposely felled for worker safety reasons, become downed woody material Reasonable efforts will be made to avoid knocking down standing wildlife trees during renewal and tending treatments

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.3 Operational Guidelines for Habitat Improvement in Natural Forest Stands *continued*

Value Or Feature	Target	Details
<p>Downed Woody Material -Refers to wood above the soil and on the ground</p>	<p>Leave coarse woody material on site. Coarse woody material will refer to sound and rotting branches, boles, logs, and stumps, generally $\geq 7.5\text{cm}$ in diameter at the small end.</p>	<p>Downed trees (or pieces of trees) present prior to harvest will be left on site (moving such trees for silvicultural purposes is permitted); where windstorms or other natural events (e.g., snow, ice) have recently caused damage to stands, trees leaning and downed by the recent disturbance, which normally would have been available for harvest, may be harvested and utilized.</p>
<p>Snag trees -Refers to dead standing trees</p>	<p>Encourage operators to leave snags that are not a safety risk</p>	<p>Leave snags that are in various stages of decay. Removal of snag trees to be minimized during road and landing construction consistent with OHS requirements.</p>

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.4 Operational Guidelines for Habitat Improvement in Plantations

The long-term management objective for the majority of forest plantations is to promote natural regeneration of mixed native species that are well suited to the site to allow for a gradual transition to a more natural state. Forest plantations, by their very nature, offer more limited opportunities to maintain or enhance habitat conditions for a range of species, however the following guidelines will be utilized to the degree possible.

Object	Target	Details
Wildlife Habitat – Plantations tend to be uniform with limited amount of wildlife trees	Increase the number of wildlife tree or potential wildlife trees within plantations.	<ul style="list-style-type: none"> • Retain standing dead trees if it is safe to do so • Encourage the development of potential mast trees by releasing ≥ 10 mast trees/ha over 25cm • Retain ≥ 10 veteran trees/ha on final removal cuts to become supercanopy trees • Retain an average of ≥ 1 supercanopy tree/4 ha • Reasonable efforts will be made to avoid knocking down standing wildlife trees during renewal and tending treatments
Stand Diversity	Increase under-represented/ uncommon tree species	Favour uncommon tree species where present
Incorporate Habitat Features	Improve habitat and provide seed source.	Protect and promote remnant hardwood fencerows and other habitat features where present.
Downed Woody Material	Leave coarse woody material on site coarse woody material will be used to refer to sound and rotting branches, boles, logs, and stumps, generally ≥ 7.5 cm in diameter at the small end.	Downed trees (or pieces of trees) present prior to harvest will be left on site (moving such trees for silvicultural purposes is permitted); where windstorms or other natural events (e.g., snow, ice) have recently caused damage to stands, trees leaning and downed by the recent disturbance, which normally would have been available for harvest, may be harvested and utilized.
Improve Future Stand Structure	Retain some plantations past rotation beyond marketable age.	Retain scattered super canopy trees to shelter developing stand
Snag Trees – Refers to dead standing trees	Encourage operators to leave snags that are not a safety risk.	Leave snags that are in various stages of decay. Removal of snag trees to be minimized during road and landing construction consistent with OHS requirements

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.5 Modified Operations Summary for the Protection of Natural and Cultural Heritage Values

An area of concern (AOC) is a term used to identify an area that requires special consideration when planning forestry operations in order to mitigate the potential negative impacts on an identified value. Operational prescriptions for areas of concern may include a reserve, where no activities are carried out, and/or a modified area, where forestry activities are modified to protect the value. The application of these guidelines contributes to the maintenance of a healthy forest ecosystem, the protection and enhancement of wildlife habitat and the conservation of forest biodiversity.

The following summary has been developed using the Silvicultural Guide to Managing Southern Ontario Forests, with additional adaptations from the OMNR Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales. These guidelines will continue to evolve to reflect the best available science. Further, these guidelines are not all encompassing; specific instances and habitat situations may arise which will require further analysis and consultation with MNR or other expertise.

Value Or Feature	Reserve	Modified Management Area	
	Dimension	Dimension	Condition
Rivers and streams (including intermittent streams)	<ul style="list-style-type: none"> Harvest not permitted below top of bank of water feature. Where top of bank is not clearly defined harvest is not permitted within 15m of water feature. 	Site Specific	<ul style="list-style-type: none"> Modified harvest, renewal, and tending operations will follow appropriate operating practices to minimize rutting, compaction, and mineral soil exposure that could lead to erosion and subsequent transport and deposition of sediment. Retain minimum 75% canopy closure within 30m If a crossing is necessary, temporary structures that do not impede water movement must be used.

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.5 Modified Operations Summary for the Protection of Natural and Cultural Heritage Values *continued*

Value Or Feature	Reserve	Modified Management Area	
		Dimension	Condition
Springs, seeps		15m	<ul style="list-style-type: none"> Trees are not to be felled into the water feature.
		30m	<ul style="list-style-type: none"> Retain minimum 75% canopy closure
Woodland pools / amphibian breeding ponds	No harvest within 15m of pond edge.	30m	<ul style="list-style-type: none"> Retain minimum 75% canopy closure. Skid trails are not permitted.
Wetlands (includes all identified wetland areas)	No harvest within wetland area.	120m	<ul style="list-style-type: none"> Focus on maintenance and enhancement of wildlife and biodiversity values. Roads and landings are not permitted.
Heronry	No harvest within 75m of colony.	225m	<ul style="list-style-type: none"> Maintain minimum 60% crown closure.
		375m	<ul style="list-style-type: none"> Roads and landings are not permitted.
		1 km	<ul style="list-style-type: none"> No operations permitted March 1 to August 31.
Osprey Nest	No harvest within 75m of nest.	150m	<ul style="list-style-type: none"> Maintain minimum 60% relatively uniform canopy closure.
		300m	<ul style="list-style-type: none"> Operations are not permitted April 1 to August 15. Roads and landings are not permitted.

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.5 Modified Operations Summary for the Protection of Natural and Cultural Heritage Values *continued*

Value Or Feature	Reserve	Modified Management Area	
	Dimension	Dimension	Condition
Red-shouldered, Goshawk & Cooper's Hawk nests	No harvest within 50m of nest.	400m	<ul style="list-style-type: none"> Maintain minimum 60% canopy closure. No operations permitted March 15 to July 15.
Active Hawk Nest – Red-tailed, broad winged, sharp-shinned, Merlin	No harvest within 20m of nest.	120m	<ul style="list-style-type: none"> No operations permitted April 1 to July 31.
Inactive Heron Nest	No harvest within 30m of nest.	n/a	
Inactive Osprey Nest	No harvest within 20m of nest.	100m	<ul style="list-style-type: none"> Maintain minimum 60% canopy closure.
Inactive Red-shouldered & Cooper's Hawk nests	No harvest within 20m of nest.	n/a	
Inactive Hawk nest – broad-winged, red-tailed, sharp-shinned, Merlin	In selection and shelter-wood cuts, retain nest tree and adjacent trees.	n/a	
Deer Winter Concentration Area		Stratum I (core area)	<ul style="list-style-type: none"> Maintain a minimum 30% as critical thermal cover dispersed throughout the stratum
		Stratum I and Stratum II (yarding area)	<ul style="list-style-type: none"> Maintain a minimum of 60% in conifer canopy; up to 80% if possible.
		Stratum III (year-round range)	<ul style="list-style-type: none"> Maintain a shifting mosaic of 10-15% of the summer range as openings where possible.

Implementation

5.3 Identification & Protection of Natural & Cultural Heritage Values

5.3.5 Modified Operations Summary for the Protection of Natural and Cultural Heritage Values *continued*

Value Or Feature	Reserve	Modified Management Area	
	Dimension	Dimension	Condition
Archaeological sites	No Reserve	Forest stand boundary	<ul style="list-style-type: none"> Forest operations must not disturb soils, including road or landing construction.
Old homestead remnants including foundations, stone fences, rock piles (both cultural and potential habitat values man be present)	No Reserve	n/a	<ul style="list-style-type: none"> No disturbance is permitted.
Trails	No Reserve	n/a	<ul style="list-style-type: none"> Trails should be cleared of logging debris and left safe and passable to the degree possible.

Implementation

5.4 Forest Protection

5.4.1 Insects and disease

As described in Section 3.5.1, a wide range of insect and disease factors play a significant role in the health of individual trees and the development of forest stands. Occasionally, conditions may arise which threaten the health of a particular species or group of species to the degree that intervention is considered. As such, ongoing monitoring is required:

- The MNR provides forest health monitoring through the provision of a Forest Health Technical Specialist and regular forest health updates.
- The Canadian Forest Service (CFS) conducts research on forest health issues and provides technical support.
- The Canadian Food Inspection Agency (CFIA) is a regulatory body responsible for reducing the introduction or export of insects or disease particularly where international trade may be compromised.
- County staff monitor forest health on a day-to-day basis as a part of regular forest inspections. Specific county-led monitoring programs have also been undertaken as is the case with pine false webworm.
- Partnerships between the County and other agencies are a regular occurrence to identify potential pests, determine the level of risk, and assess potential control methods.

The decision to initiate control measures is the responsibility of the County Forester. Where anticipated costs for recommended control measures are beyond approved budgets, approval must be obtained from Council.

5.4.2 Fire

Planning, responsibility and investment in controlling fire in the SCF has changed dramatically in recent decades. Previous plans indicate substantial MNR involvement in the creation and annual maintenance of fire guards, and ponds or cisterns for water storage on most properties. 'Duty Officers' were also on call outside of business hours. A fire protection plan was updated annually which listed the locations of fire suppression equipment, personnel and water sources. Local municipalities were responsible for initial attack. The substantial investment in prevention and control proved successful at keeping losses from fire very low.

Implementation

5.4.2 Fire *continued*

Currently, agreements have been in place with all area municipalities since 1999 which establish responsibilities for firefighting. Local fire departments remain responsible for all necessary firefighting; associated costs for suppression in the SCF are charged to the County. The MNR provides training and advice through regional 'fire advisors'; MNR fire support could also be called in under extreme circumstances if requested by the local Fire Chief. The County is responsible for the purchase and maintenance of five caches of portable wild land firefighting equipment which are housed with local fire departments.

Efforts are currently ongoing to ensure the accurate and consistent emergency numbering of SCF properties.

5.4.3 Invasive Plants

The detection and mapping of invasive plants in the SCF which began in 2008 clearly indicates an accelerating trend of the presence of problem species. Increasing incidences of garlic mustard (*Alliaria petiolata*), common buckthorn (*Rhamnus cathartica*), dog-strangling vine (*Cynanchum rossicum*), and Manitoba maple (*Acer negundo*) are occurring with minor introductions of other species. Introductions and spread are the result of several sources, probably most commonly resulting from recreational users followed by disposal of lawn and garden waste, and forest operations.

A preliminary plan for controlling invasive species in the SCF was prepared in 2008. A successful effort will require a multi-faceted, adaptive management approach:

- Prevention of new introductions is the best defence. This will require a more educated public, a reduction in illegal dumping, and the implementation of best management practices during forest operations.
- Complete eradication is most viable during the earliest onset of infestation.
- The careful and controlled use of approved herbicides will be required.
- Continuous monitoring and adjustments of control efforts will be required.

Implementation

5.5 Recreational Use

In the conclusions drawn by E.J. Zavitz in his influential 1909 report 'Reforestation of Waste Lands in Southern Ontario', he states: "The policy of putting these lands under forest management has many arguments in its favour. It will pay as a financial investment; assist in insuring a wood supply; protect the headwaters of streams; provide breeding ground for wild game; provide object lessons in forestry; and prevent citizens from developing under conditions which can end only in failure." In addition ... "these areas should be preserved for the people of Ontario as recreation grounds for all time to come." It is in this spirit that the SCF has remained available for a wide range of recreational activities to this day.

The management of the SCF by the province until 1996 also played a role in its public use as provincial staff were managing crown land parcels in tandem. As such, the public have historically viewed the SCF as 'crown' land, and permitted uses were generally identical. Increasing population levels and expectations, however, combined with a substantial increase in the popularity of All Terrain Vehicles (ATVs), led to the need for the County to review permitted uses of the SCF. The result, following an extensive public process, was the adoption of a Recreational Use Policy in June 2006 (Appendix 8.1). Generally, the policy attempts to reduce conflict and limit the liability of the County through the use of Property Use Agreements for all organized activities including individual events and long-term trail use.

Since the introduction of the Recreation Policy in 2007, understanding and compliance has increased and improved communication has resulted in beneficial relationships between various user groups and the County. With the increasing levels of use and interest in trail development, continued commitment will be required to reduce conflicts between users and forest operations.

Implementation

5.6 Property Maintenance

In the early decades of the development of the SCF, property protection and maintenance was a much more intensive operation. Significant resources were invested in fencing and the creation and maintenance of fire guards to protect the substantial investments being made in reforestation vast acreages. A 1960 report described that, in addition to the five full-time forest superintendents and assistants, approximately 70 summer students were hired annually to assist with property maintenance. Fire guards and access roads were still being maintained annually until 1991/92.

Current maintenance and infrastructure improvements are intended to serve the following purposes:

- Maintain access for management purposes and emergencies;
- Identify and delineate SCF properties and inform the public through adequate signage;
- Protect County property and assets including timber;
- Reduce unauthorized activities;
- Improve public safety.

Roads

Maintenance of forest access roads is generally only completed as required to provide access for forestry operations. In most cases, harvest contractors are responsible to complete any needed road improvements as per the timber sale terms and conditions. The County may, however, provide gravel or other material where road and/or landing enhancements are of mutual benefit. The County has also traditionally been responsible for new entrances or enhancements to existing entrances including culverts.

Additional maintenance is also completed where safety is of concern particularly where water erosion has created gullies on steep sections and to reduce severe rutting and ponding in wet areas. This work is completed when possible with the assistance of County Roads crews during off-peak times to reduce cost. Designated snowmobile trails are maintained by area clubs as per the Property Use Agreement; as these trails are generally also primary access roads this trail maintenance provides a benefit by facilitating access for forestry purposes.

Prior to 2007 and the implementation of the Recreation Policy vehicular use by the public actually played a role in keeping forest roads open. Where a minimum level of access is required for management and/or emergency purposes, an increased level of road maintenance may be required in future. The construction of new access roads will be carefully considered and minimized to the degree possible.

Implementation

5.6 Property Maintenance *continued*

Entrances

Although signs are placed at each main entrance to the forests, physical barriers are required in many locations to reduce unauthorized activity including vehicle traffic and dumping. Approximately 120 of the over 540 primary entry points have been gated or cabled to date, with additional installations occurring annually on a priority basis. Openings are to be left at each gated location of approximately 34" to allow the passage of hikers, equestrians, etc. In cases where properties have more entrances than required, ditching or other means may be used to cost effectively limit vehicle access.

Parking or staging areas at major trail-head locations have been installed to improve safety in several well-used locations. Parking may be added in additional locations if required.

Designated Recreational Trails

Trail development and use occurred in a haphazard and unauthorized manner for many years prior to the Recreation Policy. As per the Policy, designated trails now require a Property Use Agreement which clearly establishes roles and responsibilities. Staff will need to continue to work proactively with trail proponents to establish trails which reduce conflict, promote safety, and are environmentally responsible. Designated trails are monitored and maintained by Property Use Agreement holders only; Forestry staff do not maintain trails for recreational use.

Signs

Three main sign types are currently in use to identify SCF Tracts, inform the public regarding permitted uses and define property boundaries:

- Large Simcoe County Forest 'Tract' signs are installed in highly visible locations;
- Signs detailing permitted/restricted activities are installed at all primary access points;
- Property boundary signs are installed at all boundary points along road frontages.
- The large inventory of signs requires ongoing maintenance, repair and replacement including vegetation removal to ensure visibility.

SCF tracts have been signed with 911 numbers for emergency purposes; however inconsistencies across the County are apparent. Tracts with multiple entrances are problematic and require a unique approach. Plans are currently in place to assess the current numbering and make required adjustments in cooperation with local municipalities.

Implementation

5.6 Property Maintenance *continued*

Property Boundaries

Property boundaries should be evident to staff and the public to protect the interests of the County and neighbouring property owners. In particular, recreational users should be aware if they are venturing onto private lands. Many property lines which were once fenced have deteriorated to the extent that they are no longer visible or may only be found in some locations. Locating and re-establishing these property lines will be conducted by staff as required in order to avoid the high cost of surveying at a later date.

Garbage

Illegal dumping remains a significant issue with an average of approximately 50 tonnes collected annually from the SCF. Debris is always removed as quickly as possible to reduce hazards and reduce the likelihood of further dumping in the same locations. The ongoing installation of gates will reduce opportunities for illegal dumping over time. An increase in convictions for illegal dumping would also be beneficial and any opportunities to do so will be vigorously pursued.

5.7 Property Acquisition / Disposition

The accumulation of properties which make up today's SCF are indicative of an incredibly long history of vision and political commitment. The future growth of the SCF will require the same; however a continued focus on wise fiscal management and application of good forestry practices will provide opportunities for growth.

The reasons for the continued growth of the SCF have changed over the decades, yet it remains an important priority today. The public ownership of lands which protect a range of natural heritage features and functions will continue to grow in importance, as will the availability of these lands for recreation as the population increases. Continued expansion will also help to ensure the economic sustainability of the SCF into the future.

Criteria were established in 1996 which recommend that the County continue to actively pursue the purchase of properties:

- In locations and of quality suitable for forestry purposes;
- To consolidate existing tracts;
- To enlarge existing tracts;
- With good quality sites for regeneration and other forestry purposes;
- Which contribute to natural heritage values.

Implementation

5.7 Property Acquisition / Disposition *continued*

Properties have historically been named after the former land owner. In some cases tract names have been established or changed to recognize the significant contribution of an individual to the County Forests. Changes may also be recommended to provide clarity; particularly where duplicate names exist and when several separate acquisitions are combined into one management area. In all cases the approval from County Council is required.

5.8 Promotion of the SCF and the Sustainable Management of Our Forests

Fostering awareness and knowledge of the SCF, its natural and cultural heritage values, and its sustainable management is extremely important in building and maintaining an awareness of the contributions made by our forests. The County Forests provide a unique opportunity to improve support for sustainable forest management as they may be the only lands where the public is exposed to active forest management. Although many in the forestry community are aware of the substantial contributions, an enhanced effort will be required on an ongoing basis to build understanding and maintain the support of the public. Specific tactics are detailed below; however additional opportunities may arise which will be considered and implemented as time and resources allow.

Improved Communications prior to Harvesting or Tending Operations

Forestry operations can elicit questions and concerns from the public, particularly those who are not familiar with witnessing active forest management. Staff will continue to treat all questions with respect and consider it an opportunity to educate the public and promote the SCF. Improved communications with neighbouring property owners prior to start-up will provide similar opportunities. In highly visible locations and well used SCF properties, enhanced communication may include more descriptive signage on site during operations and/or media releases. Unusual operations which will require particular attention include shelterwood operations and prescribed burns.

Public Outreach

Opportunities to present to various interests, organizations and clubs will be seized when possible. Media requests will continue to be considered an excellent opportunity to enhance the profile of the SCF.

Implementation

5.8 Promotion of the SCF and the Sustainable Management of Our Forests *continued*

Partnerships

Forestry staff will continue to work cooperatively with various partners to most effectively provide information and education to the public. Examples include Ontario Forestry Association, MNR Stewardship Councils, Conservation Authorities, Land Trusts, Huronia Loggers Association, Huronia Woodland Owners Association, etc. Contributions may include the use of SCF properties for tours or demonstrations, or staff may provide expertise or other contributions toward landowner workshops or other educational initiatives. Forest tours or workshops may include many aspects of the forest values.

Website

A more complete and updated website will enable the public to view the location of active forestry operations. Work will be undertaken to provide more complete information including the management plan and the history of the SCF.

Continued Contact with Recreational Users

Regular contact with recreational users has resulted in improved cooperation amongst various interests in the SCF and provided staff with allies in educating the public about the Recreation Policy. It has also provided an opportunity to improve the understanding of the various groups about the SCF and the importance of maintaining active forest management.

Demonstration Areas

The variety, history, and age of many of the forest stands provide an excellent opportunity to showcase different management techniques. In particular, as some of the oldest plantations are nearing 90 years of age with good records of past treatments, opportunities for forest managers and the public to learn from this history are invaluable. Effort will be made to identify and catalogue potential sites and package the information in a way that can be used for organized tours or accessed individually.

5.9 Research

The County Forests have been utilized for many years for a variety of research initiatives to gain a better understanding of forest growth, management, and protection. Although the County is not a research-based agency and does not assume the lead role, contributions have included research locations, staff time, and/or funding.

Implementation

5.9 Research *continued*

Information on the growth of forests and anticipated future yields is vital for forest managers to project timber volumes, revenues, and ensure sustainability. This information depends upon the establishment of 'permanent sample plots' (PSPs) where a defined area is established in a particular forest and various factors are measured over many years. This requires a stable land base such as the SCF and a very long-term commitment from both the research lead and the landowner. A renewed partnership began in 2008 with the County assisting the MNR by taking a more active role in the location and measurement of PSPs in the SCF. Accurately locating and mapping PSPs will reduce the confusion which has resulted in the past when they were found in the field unexpectedly, and the additional data which will result will be invaluable.

As discussed earlier, substantial resources were allocated to assist with a study to determine the cause of red pine decline. Recent research initiatives also include two studies related to forest succession and the establishment of native understory plants in mature pine plantations, a study of the impacts of Sirex wood wasp in plantations, an operational spray trial to test the efficacy of Gypchek for the control of Gypsy Moth, Pine False Webworm monitoring and control options, and many others. Research sites have generally been provided upon request and funding and/or staff time provided where there is a potential benefit to the County and as budgets allow.

While it is anticipated that future contributions will be made in the same manner, a more proactive role should be taken by the County to identify information gaps and promote and fund research accordingly.

Potential research priorities include the following:

- Implications or impacts to the forest ecosystem as a result of climate change;
- Assessing the type and amount of recreational use in the SCF and any resulting impacts to the forest;
- Under-represented forest types are not known outside of staff knowledge and experience. No assessment or inventory of other forest species has been conducted.

Continued cooperation with existing and potential partners will help to ensure that management decisions in the future are based upon the best possible science, and that the SCF continues to contribute to a broader knowledge base which benefits the larger community.

Monitoring / Reporting

6.1 Annual Reports

In addition to budgeting, annual reporting is critical to provide the information needed to track trends, monitor performance, and establish records for future analysis.

Annual reports will include:

- Property acquisitions and sales
- Timber sales summary including volume by species, total area, and revenue
- Other silvicultural operations including tree planting, stand tending, etc.
- Invasive species monitoring and control
- Infrastructure maintenance and improvements including signs, gates, garbage removal, etc.
- Property Use Agreements
- Research initiatives
- Partnerships / extension services
- Special projects

6.2 Five-Year Review

Although this plan is intended for a twenty-year period, a staff review at five-year intervals will provide an opportunity to monitor progress and make any required adjustments. Modifications which will result from improved data (which for example may alter HCVFs) and land acquisitions will be incorporated into the plan at that time. This will also coincide with the year five audit required to maintain Forest Stewardship Council Certification and will provide an opportunity to incorporate any required changes at that time.

Part 7

Standard Operating Procedures

7.1 Forest Stewardship Council Chain-of-Custody and Use of Trademark

Purpose

- To document Simcoe County's chain-of-custody (COC) process for the sale of standing timber from the Simcoe County Forest as required under 'FM-35 Rainforest Alliance Chain-of-Custody Standard for Forest Management Enterprises';
- To ensure appropriate use of the FSC® label Rainforest Alliance Certified Seal.

The County Forester is responsible for the implementation of this procedure.

Chain-of-Custody

The County of Simcoe produces forest products in the form of standing timber from the Simcoe County Forest. Standing timber is sold through a competitive process to independent contractors. The Timber Sales and Cutting Agreement is awarded to the highest compliant bidder. Upon award of the Agreement, ownership of the standing timber is legally transferred to the contractor.

For the purposes of the County's COC procedure, the 'forest gate' is defined as the transfer of ownership from the County to the contractor through the award of the Timber Sales and Cutting Agreement. The scope of the County's COC extends to the point of transfer of ownership and does not cover the contractor.

Mixing of FSC certified and non FSC certified timber will not occur as all timber sold is from the certified land base. The County has also included a clause within the Agreement to prohibit the transfer of forest products from other locations onto the County Forests.

The FSC claim is made within the Agreement which also serves as an invoice to the contractor and includes:

- The County's FSC certificate code and FSC claim (FSC 100%);
- The property location and forest stand description;
- Species, number of stems, and estimated volume of standing timber;
- A form which must be completed by the contractor post harvest detailing the actual volumes harvested.

All applicable documentation for each timber sale will be maintained for a minimum of 5 years.

Standard Operating Procedures

7.1 Forest Stewardship Council Chain-of-Custody and Use of Trademark *continued*

Use of FSC/Rainforest Alliance Trademark

The County of Simcoe may promote the FSC certification of the Simcoe County Forest through brochures, displays, documents, or forest signage. Diligence is required to ensure the appropriate use of the FSC labels and Rainforest Alliance Certified Seal.

To ensure the proper use of trademarks:

- FSC and the Rainforest Alliance guidelines (FSC-STD-50-001 or updated version) will be followed ;
- All potential trademark use will be approved by Rainforest Alliance prior to printing, distribution or display;
- All trademark approval correspondence with Rainforest Alliance will be kept on file for a minimum of five years.

Standard Operating Procedures

7.2 Health & Safety Guidelines (Forest Operators)

Purpose

- To minimize the potential for accidents related to forestry activities on the County Forests.

All activities that take place in the County Forests must be carried out in a way that encourages safe practices. Operations will be monitored to ensure strict compliance.

- Duly executed Timber Sales and Cutting Agreements are required. Provisions within the agreement will ensure compliance with the Occupational Health and Safety Act and the County Health and Safety Policy.
- Prior to the start of forest operations in the County Forest a 'Pre-Start' form will be reviewed, completed, and signed by all parties which outlines safety concerns and issues that may pose a risk to safety;
- Ongoing monitoring of forest operations will be carried out and safety checklists/ Harvest Inspection Forms will be filled out at each site visit by County staff to ensure safe practices are being followed;
- Binders with SCF safety policies, procedures, emergency response plans, safety reference material will be provided to all contractors working in the SCF;
- Safety policies will be reviewed annually by Forestry and other relevant County staff and a meeting with Workplace Safety North will be scheduled every April to ensure policies are current.

Standard Operating Procedures

7.3 Property Boundaries

Purpose

- To ensure property boundaries are clearly marked and accurately located.

Property boundary lines must be established and delineated before tree marking or harvesting begins so as to be unambiguous and acceptable to neighbouring landowners. Properly delineated boundaries on the ground will help in protecting the property from trespass, illegal harvesting, settlement and other unauthorized activities.

- Property boundaries will be identified using red flagging, red paint, or other markings acceptable to both parties;
- Property boundaries through continuous forest may be verified on the ground using physical evidence such as old fence lines, survey markers or corner posts;
- If clear evidence of a boundary line does not exist:
 - o temporary layout of property boundaries can be established using aerial photography and GPS technology;
 - o the adjacent landowner must be notified and agreement reached prior to proceeding with operations.
- A licensed surveyor may be required if agreement cannot be reached regarding the lot line location with the adjacent landowner.

Standard Operating Procedures

7.4 Raptor Nest Reporting Procedure

Purpose

- To ensure that appropriate AOC guidelines are followed when a raptor nest is located during the collection of inventory or tree marking.

Forest stand analysis is normally conducted by staff, however as all staff are not capable of positively identifying stick nests this procedure will ensure that the required information is available to enable appropriate follow-up prior to tree marking.

As the majority of stick nests will be located during tree marking which is often conducted by contractors, this procedure will ensure that staff are able to return to the site and modify marking as necessary prior to operations.

If a nest or colony of nests is located during tree marking:

1. Mark nest tree with blue ring and a letter N.
2. Leave 20m no cut buffer centered on the nest.
3. Fill in the Raptor Nest Form as completely as possible and mark the nest location on the map.
4. Number multiple nests on the map (see next step). Reference the nest number on the form.
5. Treat a colony as one entity, i.e. no need to number individual nests, but try to indicate the extent of the colony by multiple x-marks or an outline of the colony.
6. Submit all forms and maps to SCF staff.

If nest or nests are located outside SCF property but potentially within AOC guidelines, follow steps 2 – 6 above.

If a nest or colony of nests is located during the collection of inventory, follow steps 3 – 6 above. SCF staff will identify the nest and update digital mapping and operational file. Consultation with MNR or other experts will be sought as required.

- If the nest was located during the inventory process, appropriate AOC guidelines will be included in the tree marking prescription and instructions provided to tree markers.
- If the nest was located during tree marking SCF staff will return to the site to modify the AOC as required prior to proceeding with the timber sales process.

Standard Operating Procedures

7.5 Endangered Species Act Compliance

Purpose

- To ensure that appropriate measures are taken to protect Species at Risk and ensure compliance with the Endangered Species Act.

Ontario's Endangered Species Act (ESA), 2007 provides a legislative framework for the protection and recovery of Ontario's endangered and threatened species and their habitats.

One component of the ESA, 2007 is the establishment of the Species at Risk in Ontario (SARO) List. This list identifies species that have been classified as being at risk by the Committee on the Status of Species at Risk in Ontario (COSSARO).

There are two key protection provisions in the ESA, 2007:

Section 9 prohibits killing, harming, harassing, possessing, collecting, buying and selling etc species listed as extirpated, endangered or threatened on the SARO List.

Section 10 prohibits the damage or destruction of the protected habitat of species listed as extirpated, endangered or threatened on the SARO List.

- SCF staff will obtain 'detailed user status' to access more detailed information to screen all potential harvest locations for the presence of species on the SARO List;
- SCF Forestry staff will obtain basic training on recognition of primary SAR which may be encountered within the SCF;
- Confirmed incidences of SAR on SCF property will be included in the SCF database and the forest stand will be designated a HCVF;
- MNR staff will be consulted as required to ensure that appropriate safeguards are in place to comply with the ESA;
- The County may participate in species recovery plans in cooperation with MNR.

8.1 Recreation Policy Summary

Activities Permitted	Conditions
Walking; hiking	
Cross-country skiing; snowshoeing	
Orienteering; geocaching	
Nature appreciation; nature study	
Dogsledding	
Horseback riding	
Dog walking	<ul style="list-style-type: none"> • Pets must be under control or on leash
Mountain biking	<ul style="list-style-type: none"> • No unauthorized trail construction
Snowmobiling	<ul style="list-style-type: none"> • On designated trails only* • Use Agreement and Permits are required
Other off-road motorized vehicles (ATVs; motorcycles)	<ul style="list-style-type: none"> • On designated trails only* • Use Agreement and Permits are required • Maximum vehicle weight 400 kg
Hunting; fishing	<ul style="list-style-type: none"> • As per provincial hunting and fishing regulations** • Portable tree stands only • Hunters must be members of OFAH
Trapping	<ul style="list-style-type: none"> • License and Use Agreement required
Harvesting non-wood forest products	<ul style="list-style-type: none"> • Personal use only

*** Exceptions Include:**

- use by OFATV, OFTR, or OFSC members where authorized to facilitate volunteer patrols or stewardship activities
- to enable disabled or infirm hunters to access the SCF during all hunting seasons
- to facilitate large game retrieval (deer and bear)
- to facilitate complete access for hunters to the SCF during the Controlled Deer Hunt only

** **Hunting** is permitted **except** on several tracts due to close proximity to urban areas.

- All properties are clearly posted
- Refer to simcoe.ca for details

Appendices

8.1 Recreation Policy Summary *continued*

Activities Not Permitted:

- Operation of motorized vehicles in excess of 400 kg gross vehicle weight
- Littering, dumping or disposal of any foreign material
- Open fires
- Camping
- Consumption of alcohol
- Target practice, paintball
- Cutting, pruning, digging or gathering of trees, shrubs, groundcover or firewood
- Construction of unauthorized structures; permanent tree stands
- Placement of unauthorized signs

Special Use:

- Organized events are not permitted without a valid Use Agreement in effect. This includes any activity which is advertised or if participants are charged an entry fee, but does not include organized hikes or nature walks.

8.2 Related Policies and By-laws

Policy / By-law	Year	By-law
County Forest Acquisition Principles	1996	4268
Establishment and Purpose of a Reforestation (Forestry) Reserve Account	1997	4279
Property Use Agreement Policy	2007	5568
County Forest Recreation By-law	2007	5569
County Forest Recreation Policy	2007	5570

Appendices

8.3 References

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**NICHOLYN FARMS INC., EDWARD KRAJCIR, and
FRIENDS OF SIMCOE FORESTS INC.**
Appellants

and

**MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING and
THE COUNTY OF SIMCOE**
Respondents

LOCAL PLANNING APPEAL TRIBUNAL
PROCEEDING COMMENCED AT TORONTO

APPEAL RECORD

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