

January 7, 2022

Laurie Thomson
Friends of Muskoka

Dear Laurie,

RE: Draft Comments on the Proposed Official Plan for the Township of Muskoka Lakes (2nd Draft, dated October 2021)

North-South Environmental Inc. (NSE) has been retained to provide comments on the proposed Official Plan for the Township of Muskoka Lakes, 2nd Draft, herein referred to as the Plan. Specifically, we have been asked to review and provide comment on the policies of the plan regarding:

- Strength of the environmental policies contained in the Plan,
- Continuity and representation of environmental objectives throughout policies of the Plan to ensure they receive due consideration across land use planning in the Township, and
- Potential issues with respect to implementation of the policies and implications for natural heritage.

Our review was accordingly focused on these key matters as well as general consideration for consistency with provincial direction and requirements with respect to natural heritage, best practices, and specific situational considerations of import to the Township.

It is important to note that our review focuses on natural heritage aspects of the Plan; it does not include a review or comments on other aspects of the Plan (e.g., housing, economic growth, etc.) except with respect to natural heritage considerations. It is understood that the Plan must strive for balance among competing issues that are of concern and importance to the Township, its residents and the health and sustainability of its communities. However, it is clear from the initial sections of the Plan which discuss vision and objectives, that the natural environment is an essential part of what defines and sustains the Township and as such, preserving natural heritage features and areas that provide these functions and services is critically important to land use planning in the Township.

Comments on the Plan are presented in themes and/or based on sections or parts of the Plan. To the extent possible, duplication has been minimized and links and references are provided throughout.



Kristen Harrison
Principal, Senior Ecologist

The Vision and Policy Objectives

Vision for the Township of Muskoka Lakes

Part B of the Plan sets out the vision and overarching policy objectives that are to inform and guide land use planning in the Township. Through the introductory paragraphs of this section, several important statements are made:

*“The Township of Muskoka Lakes **natural beauty, pristine environment**, and close proximity to the urban populations of Ontario and the northern United States has contributed to its historic and contemporary role as an iconic cottaging, recreation and tourism destination recognized across the continent.” (B1 p16); and*

*“In the face of global change, **the Township understands the need to take a leadership role in protecting the features that make our community unique** so that future generations can also enjoy the Muskoka experience”. (B1 p16)*

These statements clearly link the Township’s identity and future to its landscape and natural environment. More importantly, there is an acknowledgement that the Township will need to be a leader with respect to the natural environment to protect the features and areas that have contributed to its historic and current success to effectively move into a successful and sustainable future.

Stated themes stemming from community consultation further connect and make apparent the need for leadership and strong consideration for the natural environment in the policies of the Plan:

- *“The Township of Muskoka Lakes is known for its natural beauty and **must protect its environment from overdevelopment**”*
- *“There are opportunities to build a sustainable year-round economy that **intertwines the natural beauty with the economy**, through industries such as eco-tourism, research, and building a true knowledge economy” (Part B1, p16, bold added by NSE for emphasis)*

Building upon this, the vision for the Township of Muskoka Lakes is that it is a place “[w]here generations live and gather in a breathtaking natural environment, enjoying recreation, history, and small-town character. These will be protected and enhanced for future generations, while encouraging thriving communities.”

This vision is centered on the Township’s natural environment and the role that it has in the quality of life for permanent residents, drawing seasonal residents, and driving the local economy (e.g., tourism, local trades, services, etc.). This section sets out the overall intent for the Plan, informing and assisting with interpretation of operational policies of the Plan. In reflection of the vision and guiding themes, it is expected that preservation of the natural environment will be woven throughout the operational policies of the plan.

Policy Objectives

In consideration of the above, the objectives should provide a clear translation of the vision into direction that guides the content, interpretation, and implementation of the operational policies of the Plan. Specifically, clear guidance is needed on how protection and preservation of the natural

environment is woven throughout the Plan to demonstrate the leadership position the Township recognizes as being required. Comments on thematic policy objectives in consideration of this position are provided below.

B2 General Policy Objectives

We note and support the positioning of natural environment and sustainable development as the first two general policy objectives. This supports the message presented in the vision. However, based on the stated need for the Township to take a leadership role in protecting features, which is understood to include the natural environment from context, and the stated theme of protecting the environment from overdevelopment, it is our opinion that this section could be strengthened through the inclusion of policy objective(s) that:

- Speak to demonstration of leadership with respect to the natural environment and climate change
- Speak to the prevention of over development through operational policies that take a systems-based and precautionary approach

More detailed comments addressing systems-based and precautionary approaches, preventing overdevelopment and leadership in the natural environment are discussed in subsequent sections below.

It is our opinion that the identification of a Natural Heritage System for the Township should be stated as a general policy objective. Please refer to comments provided under Climate Change for further context.

B3 Sustainable Development Policy Objectives

We strongly support the inclusion of the natural environment as a component of sustainable development planning and practice (e.g., through green infrastructure per B3 e) and the recognition of the role the natural environment plays in health and wellbeing (B3 d).

Consistent with comments on B2, in our opinion there are opportunities to further connect and strengthen the policy objectives by linking sustainable development objectives that:

- Direct development away from 'natural heritage features and areas'¹
- Prevent overdevelopment outside of focused growth areas (designated Urban Areas and Community Areas in the Plan)

In our opinion, these would be complementary to existing policy objectives (e.g., B2 f), strengthen and link sustainable development firmly with the form and function of the natural environment, and support the Township's position of taking a leadership role in these areas.

B5 Economic Development Policy Objectives

The need to balance policy to provide opportunity for economic development and resilience is acknowledged as a critical part of any Official Plan. We are pleased to see that policy objective a)

¹ Term used as defined in the Plan.

again makes the connection between the natural environment and a strong economy for the Township.

B6 Tourism Development Policy Objectives

The policy objectives in the section carry forward the connection between the natural environment and this important economic sector for the Township. We are pleased to see that there is recognition that incompatibility can occur between protection of the natural environment and certain activities of uses and that *“in instances where such practices might be incompatible, protection of the natural environment shall take precedence”* (B6 e).

To ensure continuity within the Plan and provide clarity, it is recommended that the defined term ‘natural heritage features and areas’ be used within the context of the objectives of this section. If the intent is to extend protection to features and areas beyond those captured in this definition, then such direction should be specified in the Plan. Additionally, use of this defined term more clearly links operational policies related to tourism to those associated with natural heritage and the requirements therein.

B7 Climate Change

It is encouraging to see climate change receive specific consideration and that there is a direct link and acknowledgement of the role that natural features, areas and systems have in supporting resilience to a changing climate.

There are numerous policy objectives under this section which have specific and important direction to support and preserve the natural environment which we support. However, it is our opinion that the relevance of the direction provided through these policy directions is of importance not only to climate change but also to water quality and quantity, biodiversity, preservation and long-term sustainability of natural heritage features and areas, etc. Addition of a Natural Heritage and Water Resources policy objective to this section (B7) of the Plan would:

- Further support statements recognizing the role of the natural environment and the Township’s commitment to a leadership position in this area.
- Ensure that the interconnection between the natural environment and all other aspects of the Plan (sustainable development, climate change, tourism, etc.) is clear.
- Be an appropriate place to make commitments or provide firm direction with respect to the natural environment that are then reflected through operation policies of the Plan.

The above is applicable to several policy objectives, but most prominently to the Township’s commitment to identify an NHS (B7 b iv). We strongly support this recommendation; however, it is our opinion that nesting this direction under ‘Climate Change’ does not adequately represent the broader application to land use planning in the Township. Additionally, this is a direction that clearly demonstrates the Township’s leadership on the natural environment and should be recognized in the plan as such. Please refer to the section of this letter titled “Adopting a Systems-Based Approach and Embracing the Precautionary Principle” for additional discussion on this topic.

Policy objective B7 c states that *“The Township shall **work toward** the implementation of a “climate change lens” as the approval authority on Planning Act applications to maximize resiliency of*

ecosystems and communities, manage the risks associated with climate change and provide sustainable natural environmental services for future generations of residents and visitors to the Township of Muskoka Lakes. [...]” (bolding added by NSE for emphasis).

It is our opinion that inclusion of the qualifying language ‘work toward’ substantially softens the direction. Given the length of time over which the Plan shall guide land use planning in the Township, it is our opinion that the qualifying language is of concern for seeing effective implementation.

Adopting a Systems-Based Approach and Embracing the Precautionary Principle

The ecological relationships among plants, wildlife (mammals, birds, fish, insects, etc.), water and the physical environment are highly complex and incompletely understood. These relationships exist at microscopic to landscape-scales and it is the complex interactions between and across multiple scales that support the diverse nature of the landscape of the Township of Muskoka.

Direct impacts to features and areas can be easily quantified, however the indirect and cumulative impacts of change to the landscape become increasingly difficult to measure and assess. Specifically, knowledge of factors such as minimum habitat size to support a specific species (e.g., wolves) or how much disturbance on the landscape is too much to continue to support more area-demanding species and/or to maintain biodiversity is even less well-known.

Returning to Part B of the Plan that sets out the vision for the Township, the Plan states that (bolding added by NSE for emphasis):

*“The Township of Muskoka Lakes’ **natural beauty, pristine environment**, and close proximity to the urban populations of Ontario and the northern United States has contributed to its historic and contemporary role as an iconic cottaging, recreation and tourism destination recognized across the continent.” (B1 p16); and*

*“In the face of global change, **the Township understands the need to take a leadership role in protecting the features that make our community unique** so that future generations can also enjoy the Muskoka experience”. (B1 p16)*

These statements tied with the theme raised through consultation that the Township is “*known for its natural beauty and must protect its environment from overdevelopment*”, indicate that the Plan should embrace a precautionary approach to natural heritage management.

This approach places emphasis on protecting the natural features, functions, and character of the Township, consistent with the statements found in Part B of the Plan. In the context of the Plan, it is our opinion that adoption of the precautionary principle should include, at a minimum:

- Assumptions of significance until demonstrated otherwise (e.g., for unevaluated wetlands)
- Requirements for study / studies to assess sensitivity and potential impact (e.g., an Environmental Impact Study)
- Adopting a systems-based approach to support and inform the evaluation of impact(s)

- Clear links and references to protection of the natural environment in accordance with the natural heritage policies of the Plan throughout all sections of the Plan to ensure that protection of the natural environment is clearly demonstrated and addressed at implementation.

Although an NHS is not required by the PPS for the Township (the Township is in Ecoregion 5E and the PPS only requires an NHS for Ecoregions 6E and 7E), a systems-based approach to protecting natural heritage features and functions is recognized as the best approach to protecting the ecological relationships and functions required for the long-term. As noted above, we strongly support the stated commitment to identify a natural heritage system for the Township of Muskoka Lakes (B7 b iv). It is further noted that the preparation of an NHS will require an amendment to the Plan to update policies to reflect the identification of an NHS and its management.

An NHS is a system of natural features and areas (e.g., wetlands, forests), and linkages that connect them. The objective in identifying an NHS is to establish a healthy, vibrant, and resilient system of functioning habitats that are connected, support thriving biodiversity, and continue to provide ecosystem services (e.g., clean air, clean water, pollination, flooding and shoreline protection, etc.) for the long term. Climate change brings additional stressors to our natural environment and its function(s); a robust and healthy NHS can support adaptation and resilience to a changing climate.

At the time that work to identify an NHS for the Township is undertaken, additional opportunities to support and strengthen policies of the Plan may be considered. It is our recommendation that this should include refinements to existing policies to fully integrate the NHS, and should consider setting goals and /or thresholds that assist in assessing cumulative impact assessment(s) (B7 b vi, D.1.7.2, D.2.2) and protecting the environment from overdevelopment (B1), and providing refined direction for Waterfront Areas that occur within the NHS as a mechanism to assist in achieving balance between competing interests for these areas as *“a significant natural asset and as the location for the majority of the resource-based recreational development in Muskoka”* (C1 m).

Strengthening the Natural Heritage Policies

D1 Natural Heritage

D1.1 Objectives

Several policies reference a ‘natural heritage system’. Given that a natural heritage system has not yet been identified for the Township, the features and areas that comprise the system are not yet known and as such, identifying what uses are appropriate cannot yet be known or confirmed. Policies of the Plan should therefore refer to features and areas defined in the plan to ensure clarity of implementation based on the direction available at the time of adoption. Per preceding sections of this letter, we strongly support the identification of an NHS and an amendment to the Plan at the time of its preparation to add and/or refine policies to reflect a natural heritage system for the Township.

Comments associated with specific policies are provided below:

- The commitment to identifying an NHS should be included as an Objective in this section of the Plan. Similarly, the requirement for an OPA to update the Plan to reflect and integrate the NHS in land use planning should also be included.
- Objective d) references the *“role and value of compatible uses in and adjacent to the natural heritage system”*. As above, a system has not yet been identified and as such, such language is premature. Clarity regarding the statement *“Flexible approaches to existing uses”* should also be added to ensure that this does not result in expectations of ‘acceptable’ levels of impact to the NHS that are not consistent with policies of the Plan.
- Features and areas are to be protected, at minimum, in accordance with the policies of the PPS. Where policies of the Plan are more restrictive, they shall take precedence. Inclusion of the statement *“... or mitigated to the greatest extent possible”* in Objective g) may result non-conformity with the PPS. This should be revised.
- While we support the intent of Objective i) it is difficult to implement. We also note that it is not well reflected in the operational policies of Section D.
- Objective i) could be better served by referencing the proposed identification of a robust and connected natural heritage system that considers biodiversity, species at risk, preserving large areas of wilderness, etc. This revision would support a systems-based approach and would better reflect best practices for supporting biodiversity in the long-term.
- In our opinion, Objective l) is not adequate. While the Province is responsible for the designation of Provincially Significant Wetlands, evaluations prepared by others in accordance with the Ontario Wetlands Evaluation System (e.g., consultants with appropriate training and/or experience) are accepted by the Province to assist with and inform designation (or not). Additionally, ‘encouraging’ evaluations is weak directing language that will have limited impact through implementation. Also refer to later comments on operational policies related to wetlands and adopting a precautionary approach as they have application here as well.
- Clarity should be provided in Objective m) that any such development shall be in accordance with natural heritage policies of the PPS and /or the Plan whichever is more restrictive (e.g., no development in significant wetlands, no negative impact for other significant features, etc.). As above, reference to a natural heritage system should be replaced with terminology relevant to the Plan at the time of adoption.

D1.2 Natural Heritage Features and Areas

- Habitat for Endangered and Threatened Species should be included in the list.

D1.3 Policies for Individual Natural Heritage Features and Areas

- D1.3.1 Wetlands
 - The categorization of wetlands in b) is not entirely accurate. In provincial mapping, wetlands may be categorized as ‘Provincially Significant’ as determined through the

completion a formal evaluation and as designated by the province, 'Evaluated - Other' which includes those wetlands as have been evaluated and determined to be *not* significant at the provincial level, and 'Unevaluated' which includes those wetlands that have yet to be evaluated using provincial guideline(s). This distinction is important for policy implementation and application of a precautionary approach.

- It is strongly recommended that a precautionary approach be taken for 'Unevaluated' wetlands. This can be achieved with the addition of a policy which clearly states that 'Unevaluated' wetlands are to be treated as Significant unless it has been demonstrated through an evaluation that the wetland is 'not significant'.
- D1.3.3 Significant Wildlife Habitat
 - In our opinion, language in a) should be modified. While we agree that significant wildlife habitat (SWH) is critically important to the maintenance of self-sustaining populations of wildlife and to biodiversity, we would argue that the provision of habitat for plants and wildlife, more broadly, is a primary function of natural heritage features and areas. Similarly, while we agree that fragmentation of SWH may threaten wildlife populations and biodiversity, it is the fragmentation of the natural heritage features and areas more broadly that is of issue and includes SWH. The stated commitment to identify an NHS will assist in protecting and preserving the function of wildlife habitat on the landscape; it can be used inform land use planning that avoids, minimize and mitigates impacts to the system to support its sustainability and health in the long-term.
 - As written, b) could be interpreted as implying that it is not feasible to assess SWH and would be in conflict with policy D1.3.3 g. It is recommended that language be refined to speak to the limited available mapping of SWH and the requirement to assess presence of these functions and the features that provide them.
 - We recommend that c) be removed. It would better serve the plan to refer to relevant guidance documents prepared by the province and as may be amended from time-to-time to provide guidance for the identification of SWH within the Township.
- D1.3.4 Habitat for Endangered and Threatened Species
 - We have some concerns with e); specifically, we recommend that the text be simplified to indicate that some mapping is available through the Township, but that a comprehensive screening assessment using an updated species list will be required.
 - It is not recommended to include a list of current Endangered and Threatened species in the Plan; as noted, species are regularly assessed and with resulting changes in designations or newly designated species and as such, will change over the life of the plan. Inclusion of a list could create implementation issues if / as it becomes out of date.
- D1.3.5 Fish Habitat

- Clarification may be required under r)² where minimum setbacks are identified. Specifically, definitions for ‘shoreline’ and ‘minor accessory structures’ should be considered to support implementation and direct interpretation. It is unclear why ‘shoreline’ development would not be required to adhere to minimum setbacks stated under this policy; if the intent is that greater setbacks apply, then this should be clarified.
- D1.3.6 Muskoka Heritage Areas and Sites
 - Policy a) notes that the Muskoka Heritage Areas and Sites were identified as “*the most significant heritage areas and sites in Muskoka*” it is also noted that this was completed using a field-based program indicating that some level of site-specific study was completed to inform their identification. It is also stated that these could form the basis of a regionally significant NHS.
 - Considering the above, the language in e) which indicates that an EIS (or comparable study) **may** be required seems inappropriate as it provides the opportunity for development or site alteration to occur without due consideration for the ecological and environmental significance for which these areas were identified.
 - We strongly recommend that any proposed development or site alteration within **or adjacent to** these lands trigger the EIS process. It is noted that a comprehensive EIS process will include opportunities to scope the study and may include opportunities for waiving. Please refer to comments on the Environmental Impact Studies (D1.4) below.
 - Per the bolded text in the preceding bullet, it is our opinion that adjacent lands should be applied to these features given that they were identified as “*the most significant heritage areas and sites in Muskoka*”.

D1.4 Environmental Impact Studies

It is recommended that detailed guidance with respect to the content and requirements for Environmental Impact Studies (EIS) be addressed through a guidance document separate from the Plan. Policies of the Plan should clearly indicate triggers for requiring an EIS and provide high-level direction for implementation. A guideline can be used to provide detailed guidance, explanatory text and set out technical expectations. By providing details through a guideline, it permits the Township to update the guideline from time to time to reflect current best practices, survey methods, etc. without triggering an amendment to the Plan.

It is our opinion that an EIS process should be triggered for both development **and** site alteration that is proposed within or adjacent to ‘natural heritage features and areas’ and Muskoka Heritage Areas and Sites. Site alteration can result in substantive impact to features and their functions; it is important that these activities be considered in the context of impacts to features and their functions and the

² Note that there appears to be a numbering error under this section. Numbering does not re-start at ‘a)’ under this section as it does others in the Draft reviewed. With numbering re-started at ‘a)’, the correct reference would be ‘h)’ for this comment.

cumulative impact of activities to protect the landscape from overdevelopment and preserve the natural environment that is vital to the Township.

Policy f) is confusing and appears to conflict with policy b) re: unmapped features and areas. It is recommended that it be reworded to simply state that where triggered, an EIS shall be completed in accordance with the policies of the plan. Policy c) already indicates that an EIS shall be required for mapped and unmapped features and areas.

Policy g) should be in Section D1.1 or potentially as a general policy objective (Section B2). The identification of an NHS for the Township will require revision to policy throughout the Plan. While this includes section D1.4, it should also affect policies in the entirety of 'Part D - Natural Heritage and Water Resources' and updates to terminology and reference to the system be addressed throughout all parts of the Plan.

Comments on sub-sections are provided below:

- D1.4.1 Purpose of an Environmental Impact Study
 - Policy a) i) and ii). It is our opinion that ii) could be interpreted as a limitation on required level of field survey effort required. It is recommended that i) be refined to read: *“Collect and evaluate the appropriate information in order to **confirm the presence of mapped and assess for the presence of unmapped natural heritage features and areas and where present, identify the boundaries [...]**”* Bolded text is NSE’s suggested addition to the existing text. With the above revision, ii) can be removed.
 - We note that both development and site alteration are referenced in these policies. Per previous comments, we support this direction and recommend that earlier relevant section(s) of the Plan be updated to reflect the inclusion of both as triggers for an EIS.
 - Policy a) iv) is not consistent with direction of the PPS. The PPS prohibits development and site alteration within significant wetlands and significant coastal wetlands³ and prohibits development and site alteration within significant wildlife habitat, and significant areas of natural and scientific interest (for Ecoregion 5E in which the Township occurs) unless no negative impact is demonstrated. We support the direction to minimize impact of development provided by this policy where it applies to *other* natural features and areas (e.g., woodlands). Clarity should be provided with respect to the PPS vs. features not captured by the PPS. Through implementation of an NHS, further refinement to this policy may be warranted (e.g., for areas within and outside of the NHS).
 - Qualifying language in Policy a) vii) to *“Consider impacts of a changing climate, cumulative and/or watershed impacts **where possible**”* is problematic. It is understood and appreciated that these are challenging topics to address, however in our opinion, considering these should be a requirement and flexibility should be provided in the

³Coastal wetlands are not an applicable feature type to the Township.

approach to such assessment(s) such as scoping to a level appropriate to the type and nature of the proposal. Of specific note, it is important that impacts be considered at these scales is important to inform targets and/or thresholds related to both protection of features and functions and to prevent overdevelopment through a lack of considering applications in a broader landscape context. Per earlier comments, identification of an NHS and setting targets and thresholds will provide further opportunity to support these types of analyses.

- We disagree with policy b). The approach stated does not use a systems-based approach or consider the complex interactions and interdependences between features, areas, and functions. With the commitment to identify an NHS in the near future, it is important that policies begin to move towards a systems-based approach to natural heritage planning and management.
- Regarding policy c): An EIS is prepared to assess impacts and recommend mitigation measures. Based on the assessment process, it **may or may not** support a proposed development or site alteration. It is recommended that a minor revision to wording of c) be made to reflect this small, but important distinction.
- D1.4.2 Requirement for Approval
 - A minor refinement may be required under a). It is understood, based on language in other policies that it should read: *"Before development **or** site alteration [...]"*. Currently it reads 'and'.
 - We raise the following points for clarification / revision for Policy b):
 - Includes language re: 'supporting development applications.' As above, it is our opinion that the language should be refined to state *"Due consideration shall be given to the **scope of the requirements of an EIS**"* to remove the assumption that an EIS will support a development.
 - Should reference development **and site alteration** to be consistent with language in other policies and reflect the need to consider potential impacts associate with each.
 - Reference is made to 'buffer', however language in Policy D1.4.1 c) uses 'vegetation protection zone'. Consistency is required in language use. It is also recommended that the term (buffer or VPZ, as preferred) be defined in the Plan.
 - Regarding content and interpretation of Policies b) and c)
 - The language of b) appears to support informing scope of a study on lot sizing as a primary consideration. It is unclear if the development being referenced is within or adjacent to (or both) natural heritage features and areas. We find this language concerning. It can be interpreted as providing a method through which due consideration of impacts on the natural environment can be avoided. This does not support the vision and direction elsewhere in the Plan.
 - We strongly recommend that this policy be simplified to state that *"the scope of requirements for an EIS will be informed by the type and anticipated sensitivity*

of features and potential for the proposed development or site alteration to impact the feature". A statement of this nature provides flexibility for scoping but provides clear direction that it is the features and potential risks associated with the proposed work that will inform the scoping.

- Policy c) references 'development' in one location and 'development or site alteration' in another. It is assumed this should consistently refer to 'development or site alteration'.
- Policy c) appears to largely duplicate the intent of b), however the language used, and interpretation is clearer than what is provided in b). It is recommended that these two policies be combined with clarification and simplification as per the preceding comments.
- It is recommended that 'qualified professional' be defined or otherwise explained in the Plan or in an EIS guideline should one be prepared. Specifically, it should identify the training, or experience and knowledge areas required to conduct an EIS.

D1.5 Net Gain

In our opinion, net gain should not be used as a mechanism to justify compensation to address impacts. The mitigation hierarchy places weight on avoidance first, and then may consider minimization, mitigation, and compensation (in order of preference). In all instances, the requirements of the PPS shall be met; where policies of the Plan are more restrictive, they shall take precedence. Consideration should be given to stating this clearly within the Plan.

We note that this section refers to the 'natural heritage system', which is not yet identified for the Township. Consistent with earlier comments, we recommend that language be revised to reflect currently defined terms to act as transitional policies until such time as the NHS is identified and policies updated to reflect.

D1.6 Establishing a Natural Heritage System

As stated through earlier comments, we strongly support the identification of an NHS for the Township and updates to policies of the Plan upon its identification to integrate the system as a fundamental component of land use planning.

- D1.6.2 Components of Natural Heritage Systems
 - b) It is our understanding that Crown Lands are not permanently protected from development and as such, inclusion here may be misleading or incorrect if the Township may consider acquisition of Crown Lands to support economic development (<https://www.ontario.ca/page/guide-cottage-lot-development-crown-land>). If it is the intent of the Township to treat Crown Land as protected, then clarifying language with this intent / direction should be added.

- Re: c) and d). It is our opinion that these policy could be truncated at the reference to detailed plan sections (i.e., Section D.1.6.3 for linkages and D1.6.4 for enhancement areas) to avoid any duplication or conflict between policies.
- D1.6.3 Linkages
 - Introductory text could be interpreted that only areas of natural vegetation may be identified as linkages. Linkages may include lands that are not in a 'natural state' where they provide important connections across the landscape or between significant features and areas. To the extent possible, alignment with existing features is preferred and used as existing natural connections that can be maintained or enhanced to support system function(s). It is recommended that this be clarified in the text. We note that this understanding appears to be implied in the paragraph at the end of this section, but clarity within the introductory text is recommended.
 - The introductory text also states that "*future applications for development and site alteration within linkage areas **should** be supported by an Environmental Impact Study that [...]*". This qualifying language is of concern. Linkages are a critical component of a natural heritage system, and any proposed land uses within them must considered in the context of the function of the linkage and the system.
 - The statement "*In a case where all or part of a linkage area is retained as per the above [...]*" is of concern. It inherently implies that there is an option that lands within a linkage will not be retained for the identified purpose / function of the linkage. We recommend that text be clarified to address.
 - We generally agree that other compatible land uses may be permitted within linkage areas, however it is important that a limitation be placed upon this. To that end, we recommend that the text be revised to state that "compatible land uses [...] could be considered in **portions** of linkage areas if it can be demonstrated that the long-term ecological function of the linkage area would be retained" [bolded word represents NSE's recommended addition to the policy text].
- D1.6.4 Enhancement Areas
 - We recommend that some direction with respect to enhancements to natural heritage features and areas should be addressed in the plan as a transitional measure and to provide direction for enhancement of the natural environment is an existing as well as future priority after identification and implementation of an NHS.
 - We do not agree with policy b) iv). Stormwater management facilities are not compatible within enhancement areas. They may be considered a complimentary use that the Township encourages be placed adjacent to enhancement areas or natural heritage features and areas (with appropriate consideration of buffers / vegetation protection zones), but they are not compatible with or considered to be enhancements. Generally, the only uses permitted within enhancements would include uses such as wildlife management and passive recreation where demonstrated through an EIS that it

will not have a negative impact to the intended function of the enhancement area and adjacent features and areas.

- We do not agree with policy c). As written, there may be too much flexibility for determining that an enhancement not be retained/implemented. Firm direction should be provided to ensure that enhancements occur, with reasonable flexibility for confirmation or refinement. Upon confirmation through an EIS (or comparable study such as a subwatershed study), enhancement areas are to be established as self-sustaining vegetation in their entirety. As above, we do not support the inclusion of stormwater management ponds as part of enhancements. It is our opinion that this should be removed from the Plan. Inclusion of a policy which indicates that enhancements, as may be mapped or otherwise identified through the identification of a natural heritage system, will be assessed through site specific study (e.g., an EIS) to confirm and/or refine recommendations for enhancement. This provides some flexibility without undermining efforts to restore.

D1.7 General Policies

- D1.7.2 Consideration of Cumulative Impacts
 - Qualifying language such as ‘shall be encouraged’ is used in policies of this section. Such language will therefore rely on ‘goodwill’ of applicants to consider assessing cumulative impacts. This weakens the policies at implementation.
 - Consistent with other comments provided herein, we recognize that cumulative impacts can be difficult to assess. We recommend that metrics to support an assessment of cumulative impacts be addressed through the identification of a natural heritage system and associated policy updates (e.g., targets and thresholds to support cumulative assessment and inform development capacity / overdevelopment).
 - Policies in these sections should provide clear direction that requires cumulative assessment be included to the extent that they are currently measurable and scoped to a level appropriate to the proposed development or site alteration. As additional tools or metrics are developed, they can be used to inform the level of assessment requested.
 - A commitment to establish targets or thresholds could be included to make clear the intent with respect to how and for what purpose cumulative assessment is to be considered for natural heritage; interim policy provides a transitional approach which includes general language around scoping of this assessment.

Regarding ‘Adjacent Lands’

Policies of the Plan include prohibitions on development within adjacent lands unless ‘no negative impact’ is demonstrated through an evaluation (e.g., D1.3.2 f, D1.3.2 d). Language is consistent between adjacent land policies, stating that “*development or site alteration shall not be permitted on*

lands within [...] unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features or on their ecological functions". As worded, these policies appear to require that the ecological function of the adjacent lands is assessed; this is incorrect. While an assessment of the lands on which development is proposed should be assessed, the adjacent *features* must also be assessed and the relationship between the adjacent lands and the feature(s) be understood. This refinement to the language is critical to ensure that appropriate direction be given in policies of the Plan.

Triggering Activities - Development and Site Alteration

Development is a consistent trigger for implementation of natural heritage policies whereas inclusion of site-alteration is inconsistent within policies of the Plan (e.g., D1.1 g)). It is our opinion that both development and site alteration should be consistently identified as triggers for assessment and both should be prohibited within features and/or on adjacent lands unless conformity with policies of the plan is demonstrated (e.g., through an EIS) (no negative impact, etc.).

Natural Heritage System and Policy Gaps

As noted through these comments, we strongly support the identification of a natural heritage system for the Township. It is acknowledged that policies of the Plan will require update and/or revision to address its identification and any operational policies which support the implementation of the system. At several points through the Plan reference is made to the natural heritage system as though it currently exists; it is our opinion that this could create gaps in implementation for assessment and/or protection of features until such time as a natural heritage system has been adopted through an OPA.

It is our opinion that policies of the Plan must provide clear direction that addresses the existing approach (natural heritage features and areas) and recognizing that further refinement to implement a natural heritage system will occur. As an example, outside of detailed comments on the natural heritage policies: D2.4 d (Watershed and Subwatershed Planning) states that *"A subwatershed plan, or its equivalent, shall be included as a requirement to inform the identification of the natural heritage system when completing major Secondary Plans or Comprehensive Development Plans"*. While we agree with the direction contained in this policy, until such time a natural heritage system is identified in policies of the Plan, there is risk that this policy cannot be clearly implemented.

Climate Change & Water Resources

While not part of our detailed review, we note that policies under Section D2 have limited references to climate change. It is recommended that policies of this section be reviewed through a climate change lens and additional reference and requirements to consider a changing climate be integrated. Water resource system(s) and management of the system and its component elements, features and areas are of key relevance to climate change for the Township.

Part E - Waterfront Areas

Per comments provided through earlier sections of the Plan, Waterfront Areas are both important natural areas with important functions for the long-term sustainability of the natural environment, and a focal area for cottage development and resource-based recreational development(s). Policies of this section must reflect a balanced approach in supporting both aspects.

In consideration of the above, we offer the following general comments:

E1 Objectives

- We suggest consideration be given to a policy which promotes nature-inclusive design or other integrative planning approaches that reduce the overall impact of development in the natural setting of Waterfront Areas. It is understood that language which 'promotes or encourages' is appropriate for a policy direction of this nature.
- Policy n) *"Establish limits of growth where necessary to ensure that the ecological functions of the waterbodies are managed for long-term sustainability purposes"*. As noted through previous comments, we recommend that consideration be given not just to waterbodies, but to targets or thresholds with respect to natural features and areas and, upon identification, within the natural heritage system in addition to waterbodies.

E4 Development Policies

- E4.1 Waterfront Character
 - Clear links or references to terminology and natural heritage and water resource policies are needed here for clarity and continuity in the Plan. As a specific example, c) should include specific reference to natural heritage policies to ensure that features and areas are protected / managed in accordance with policies of the plan. Language within this policy that *'features shall be conserved to the extent feasible'* would apply only to those features not protected under other policies of the Plan.
 - Language in d) requires revision. It is recommended that language be refined to refer to 'natural heritage features and areas' to be consistent throughout the Plan and to make clear that natural heritage features and areas are to be protected and where possible enhanced in accordance with policies of the Plan (e.g., Part D) and that for features not protected under policies of the Plan, the Plan can encourage the identification and implementation of opportunities to protect and where possible enhance them
- E4.5 Development of Vacant Lots
 - E4.5.1 General
 - It is recommended that reference to policies of the plan requiring an EIS for development or site alteration within or adjacent to natural heritage features and areas will be required and reference to those policies be included here for continuity within the Plan.
 - E4.5.3 Islands Less Than 0.8 Hectares
 - Policy E4.5.3 a) ii) references protection of critical fish and wildlife habitat. This is not consistent with the PPS. The PPS requires that development, and site

alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Policies of the Plan should be updated to reflect this requirement. It should also be noted that 'wildlife habitat' as a general function is not expressly protected. This may warrant revision to 'significant wildlife habitat' to be consistent with the requirements of the PPS. Through identification of an NHS for the Township and policy refinement for its implementation in the Plan, further consideration may be given to defining and providing additional protections associated with areas within the NHS, including additionally defined 'wildlife habitat' to support protection and implementation of the system.

E5 Site Alteration

In accordance with the PPS, site alteration is not permitted on lands adjacent to *significant* features unless 'no negative impact' on the natural feature(s) and their ecological functions is demonstrated. Applicable to Ecoregion 5E and the Township, this includes significant wetlands, significant wildlife habitat and significant areas of natural and scientific interest.

It is recommended that the this be captured in the site alteration by-law.

E6 Varying Zone Standards in the Waterfront Area

It is our opinion that Policy a) should include 'Impact on natural heritage features & areas' in the list of considerations.