

# Memorandum

**To:** Ministry of the Environment, Conservation and Parks

**From:** Paul Yannuzzi, Rob Willson and Geri Poisson

**Date:** October 3, 2024

**Ref.:** BEL 222189

**Re: SAR Consultations, 1736 Caughey Lane, Town of Penetanguishene, Simcoe County**

---

Beacon Environmental Limited (Beacon) has been retained by Johndec Properties Inc. (the proponent) to prepare a scoped Environmental Impact Study (EIS) for the property located 1736 Caughey Lane in the Town of Penetanguishene (the Town), in Simcoe County (hereafter the subject property). The subject property is approximately 18.66 ha (46.11 ac) and is largely composed of woodlands, unevaluated wetlands, one single detached residence and a small, cleared area with a communications tower. The subject property is zoned as Rural (RU) in the Town's Zoning Bylaw (2022) and is designated Environmental Protection by the Town in their Official Plan (Schedule B1: Policy Overlays). The landowner is proposing to sever the existing lot to create three (3) additional lots totalling approximately 2.76 ha, the proposed area of disturbance for the combined building footprints is 0.93 ha.

The purpose of this memorandum is to assess whether the proposed severance areas (**Attachment A**) and associated activities are likely to have adverse effects on Blanding's Turtle (*Emydoidea blandingii*) or Massasauga rattlesnake (*Sistrurus catenatus*) as required for addressing regulations of the *Endangered Species Act* (ESA). The results of this consultation will be provided to the Town to ensure consistency with the Provincial Planning Statement and the Town of Penetanguishene Official Plan with respect to these two species.

As part of the background review for the EIS, an assessment was completed through a review of the Natural Heritage Information Centre (NHIC 2023) and other data bases, to determine whether any SAR were known to occur in the vicinity (within 5km) of the subject property. Site investigations were conducted to determine whether the habitat of these species was present on the subject property and to assess whether the proposed lot severances would have an adverse effect on the species or their habitat.

The Town of Penetanguishene requested the Severn Sound Environmental Association (SSEA) provide a peer review, which was completed in July 2024. In this peer review, SSEA provided the following comment:

*The EIS indicates that Blanding's Turtle and Massasauga Rattlesnake (threatened species) and their habitat are not likely on the subject property. However, SSEA is aware that both of these species have been identified in the general Tay Point area, and as a result, habitat protection under the ESA could potentially apply in the vicinity of the subject lands. **The MECP is to be consulted** (i.e., by Beacon on behalf of the proponent) to confirm whether or not the proposed severance areas of the subject property fall within protected habitat under the ESA, **with the results of this consultation or Provincial review provided to the Town**, to ensure consistency with the Provincial Policy Statement and Town of Penetanguishene Official Plan with respect to threatened species.*

During site investigations, neither of these species were observed on the subject property. More importantly, however, no suitable habitat for Blanding's Turtle or Massasauga Rattlesnake was documented on or within 120m of the proposed severance areas. Although suitable wetland habitat for Blanding's Turtle is present approximately 300 m west of the subject property and the species is known to be present in Georgian Bay to the east, there is an acceptably low likelihood that individuals would move through the forested areas on the subject property to reach either area. Regarding Massasauga, it is Beacon's understanding that the likelihood of an extant population of the species existing in the area of the subject property is very low. That is, populations of Massasauga are known to be present on Beausoleil and other islands northeast of the subject property, but not on the mainland where the subject property is located. It is possible that individual Massasauga, Eastern Foxsnake (*Pantherophis vulpinus*) or Eastern Hog-nosed Snake (*Heterodon platirhinos*) are occasionally present in the general area of the subject property. However, given that the proposed severance areas are forested, and the subject property is not situated between habitats likely to be used by these species, Beacon is of the opinion that the proposed lot severances will not have adverse effects on any SAR reptile or its habitat.

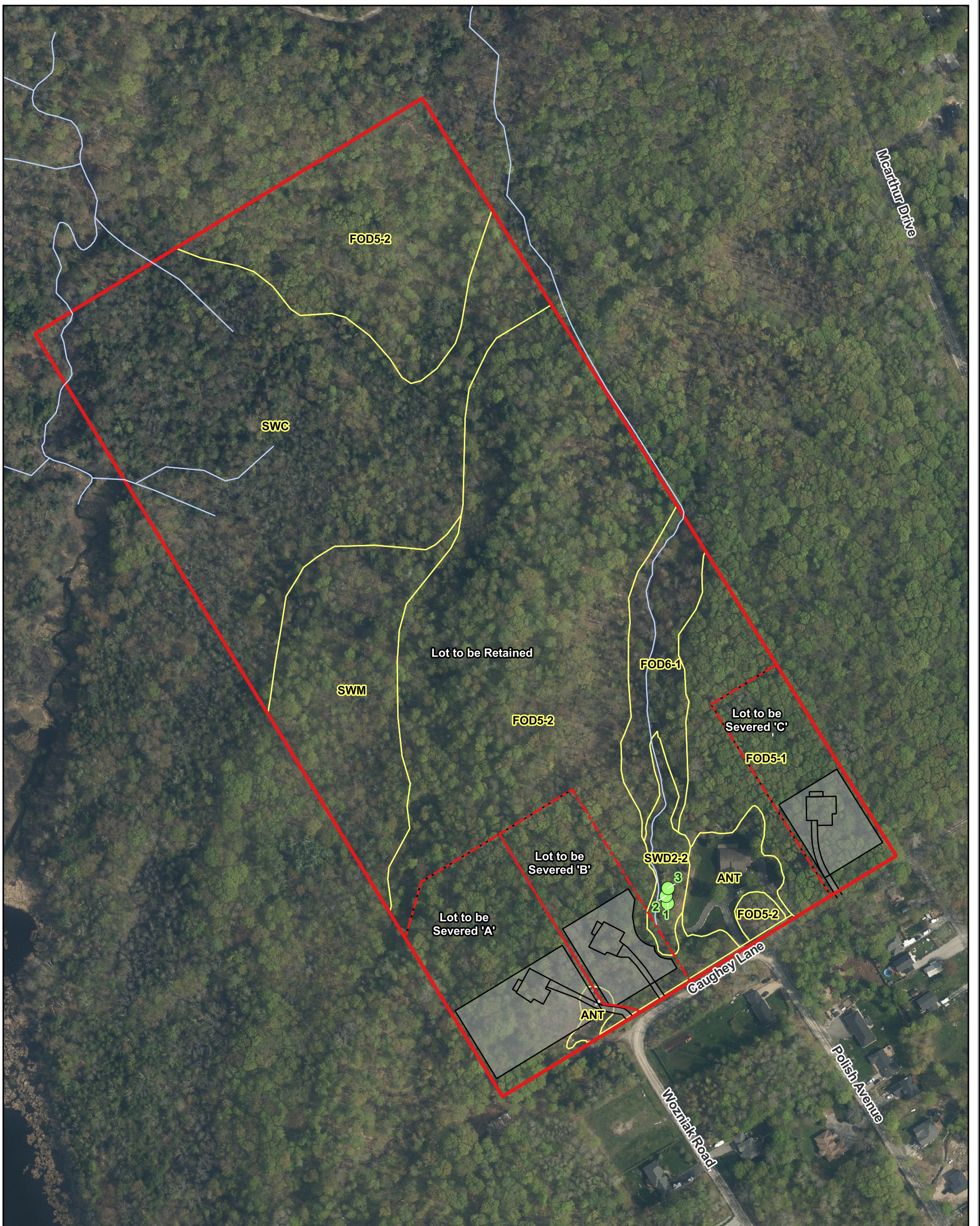
It should also be noted that site investigations in 2023 found that the small wetland community adjacent to the proposed severances contained some Black Ash, which had not received protection or regulation under the ESA at that time. Since then, Black Ash has been added to the Species at Risk in Ontario list. On September 10, 2024, using the province's Black Ash Assessment Guidelines (June 2024), Beacon assessed three (3) Black Ash within the vicinity of the proposed severances, the locations of which are shown in **Attachment A**. Two trees are over 8 cm DBH (10 and 14 cm DBH), one tree is under 8 cm DBH (7 cm DBH) and all three are severely affected by the Emerald Ash Borer such that they were assessed as Unhealthy, as shown in Beacon's Black Ash Health Assessment Report (**Attachment B**) and therefore, are not protected under the ESA.

Beacon requests a review of the above and confirmation that the MECP concurs that the proposed lot severances would not have adverse effects on the identified SAR or their habitat.

If you require further information, please contact Geri Poisson at your earliest convenience at (705) 302-7813, or at [gpoisson@beaconenviro.com](mailto:gpoisson@beaconenviro.com).



***Attachment A***



**Legend**

- ▭ Subject Property
- Ecological Communities
- Proposed Development
- Watercourse
- Proposed Area of Disturbance
- Proposed Lot Severance
- Assessed Black Ash Trees

Code	Wetland Communities
SWM	Mixed Swamp
SWC	Coniferous Swamp
SWD2-2	Green Ash Mineral Deciduous Swamp
<b>Woodland Communities</b>	
FOD5-2	Dry - Fresh Sugar Maple - Beech Deciduous Forest
FOD5-1	Dry - Fresh Sugar Maple Deciduous Forest
FOD6-1	Fresh - Moist Sugar Maple - Lowland Ash Deciduous Forest
<b>Other Communities</b>	
ANT	Anthropogenic

**Proposed Development**

**Figure 3**

1736 Caughey Lane, Penetanguishene, EIS



Project: 222189  
Last Revised: October 2024

Client: Johndec Properties Inc.

Prepared by: BD  
Checked by: GP **DRAFT**



1:2,500

0 50 100 m

Contains information licensed under the Open Government License—Ontario  
Orthoimagery Baselayer: FBS Simcoe County (2023)



***Attachment B***

## Black Ash Health Assessment Report Worksheet

To meet requirements of O. Reg 6/24, a report must be submitted to the Ministry of the Environment, Conservation and Parks at [SAOntario@ontario.ca](mailto:SAOntario@ontario.ca) prior to undertaking an activity that will harm, harass, kill, capture or take unhealthy Black Ash with DBH 8 cm in the areas of the province where Endangered Species Act, 2007 prohibitions 9(1)(a) apply.

Report Details	
Name of qualified professional preparing the report	Geri Poisson
Description of qualifications of qualified professional	Senior Ecologist, B.A. (Hon.) Biology, ISA Certified Arborist. 20+ years of experience
Supporting documentation attached <input type="checkbox"/>	
Description of the activity that may impact Black Ash, including if the activity is part of a larger activity (e.g., development)	Development – Lot severance and associated limited tree clearing, building, driveway and septic.
Site name (if applicable) and address	1736 Caughey Lane, Penetanguishene (BEL 222189)
Assessment date(s)	September 10, 2024

Number of Black Ash	
Count of individual Black Ash trees that may be impacted by the activity.	
Count of Black Ash less than 1.37 m in height and/or less than 8 cm DBH	One. (tree # 1)
Count of Black Ash with a Diameter at Breast Height (DBH) of 8 cm or greater	Two. (tree #2 and #3)

**Health Assessment Results**

Complete the table below, adding rows as necessary, for each Black Ash assessed that has a DBH of 8 cm or greater.

#	Date of assessment (yyyy/mm/dd)	Geographic coordinates (e.g., UTM or lat/long)	DBH (cm)	Canopy condition rating (1 to 5)	Signs of past or present EAB infestation (y, n)	Severity of EAB infestation (low, med, high, n/a)	Other factors contributing to condition of tree	Severity of other factors (low, med, high, n/a)	Determination of health condition (healthy, unhealthy)	Detailed description of evidence of health status	File name(s)/ photo identifier(s)
2	2024/09/10	588886 E 4961556 N	14	5	Y	High	Competing trees	Low	Unhealthy	No leaves in crown; lots of branch dieback and epicormic branching below crown	Tree 2 trunk Tree 2 crown
3	2024/09/10	588887 E 4961561 N	10	4	Y	High	Competing trees	Low	Unhealthy	Crown shows poor vigour, small leaves and branch dieback; Epicormic branching below crown and at base.	Tree 3 trunk Tree 3 crown

**Statement of health determination:** By signing below, I attest to the health condition determinations that I have made as a qualified professional in this Black Ash Health Assessment Report.



Signature: \_\_\_\_\_



**Photograph 1. Black Ash Tree #2, Trunk (Sept. 19, 2024)**



**Photograph 2. Black Ash Tree #2, Crown (Sept. 19, 2024)**





**Photograph 3. Black Ash Tree #3, Trunk (Sept. 19, 2024)**



**Photograph 4. Black Ash Tree #3, Crown (Sept. 19, 2024)**