September 15, 2025
Project No.: 25128

TERRASTORY
environmental consulting inc.

Gary Blyth
125 Toll Road
Holland Landing, ON L9N 1G8
overalways@hotmail.com

SUBJECT: Scoped Environmental Impact Study
Fish Habitat and Deer Wintering Habitat Assessment
112 Moonwing Road, Municipality of Magnetawan

Terrastory Environmental Consulting Inc. (hereinafter "Terrastory") is pleased to offer you this Scoped Environmental Impact Study (EIS) in relation to a Consent (Severance) Application at the above-captioned location (hereinafter "Subject Property") in the Municipality of Magnetawan (hereinafter "Municipality").

BACKGROUND

The Subject Property is an approximately 27 hectare (ha) or 66 acre (ac) parcel accessible from Moonwing Road from Highway 124, west of the town of Magnetawan. Two new shoreline lots are proposed along the Magnetawan River on the Subject Property, which are located on Shadow Ends Lane (Private Road), north of Moonwing Road. Lot 1 is approximately 1.8 ha (4.4 ac) with a lot frontage of 110 m on the Magnetawan River and Lot 2 is approximately 2.5 ha (6.1 ac) with a lot frontage of 90 m on the Magnetawan River.

The Subject Property is designated "Shoreline" and "Rural" with a portion of the southern section of the Subject Property designated as "Environmental Protection" per Schedule A (Land Use) of the Municipality's Official Plan (hereinafter "OP"). Similarly, the Subject Property is zoned as "Shoreline Residential" (RS) per the Municipality's Zoning By-law (2001-26). Per Schedule B (Environmental Features) of the Municipality's OP "Deer Wintering Area (Stratum 2)" and "Fish Habitat" designations overlap the Subject Property.

The proposed lots are vacant (i.e., no built structures or infrastructure) and contain deciduous and coniferous forest types. The Subject Property is predominantly vacant; however a driveway from Moonwing Road leads to a cabin, shed and privy located at the southeastern corner of the Subject Property.

Municipality planning staff (E. Kellogg, Deputy Clerk – Planning and Development) requested the submission of a supporting scoped EIS to inform the Consent Application due to the presence of "Fish Habitat" and "Deer Wintering Area (Stratum 2)" designations associated with the Subject Property via an email dated 24 October 2024. Additionally, under the Zoning By-law, recommendations provided within the EIS may require site specific zoning or a Consent Agreement/Site Plan Control Agreement. The Municipality's pre-consultation comments are included in **Appendix 1**. It should be noted that Lots 1 and 2 are referred to as Lots 2 and 4

respectively in the pre-consultation letter. The Site Plan is also included within the pre-consultation letter.

APPROACH AND METHODS

The purpose of this Scoped EIS is to characterize and describe relevant natural features of interest – specifically the designated Deer Wintering Area (Stratum 2) and Fish Habitat –as a means to assess the merits and appropriateness of the proposed severance in the context of relevant municipal, provincial, and federal requirements. This Scoped EIS includes mitigation measures (where required) to address relevant deer wintering and fisheries protection policies.

For the purposes of this Scoped EIS, the Study Area includes the proposed development area (i.e. proposed lots) plus Adjacent Lands (i.e., 120 m from the limit of disturbance). The location of the Subject Property within its broader landscape setting is shown in **Figure 1** with representative photographs provided in **Appendix 2**.

In the mid-1990's the Ontario Ministry of Natural Resources (MNR) developed and implemented a framework for classifying and mapping fish habitat in waterbodies that directly or indirectly support fish (MNR 1994, 1996). This classification system was predicated on previous guidelines prepared by Fisheries and Oceans Canada ("DFO") for the purposes of determining fish habitat productive capacity (DFO 1994). MNR classifies fish habitat into three (3) types:

- **Type 1** (critical) habitats have high productive capacity and play a critical role in sustaining fisheries. They include (amongst others) spawning and nursery areas, highly productive feeding areas, refuges from predation or unsuitable thermal conditions, constructed migration routes, and habitats that support aquatic species at risk. Type 1 fish habitats are often rare and/or highly sensitive to development.
- **Type 2** (important) habitats are moderately sensitive to development and, although important to the fish population, are not considered critical. This includes general open water feeding habitats and areas of unspecialized spawning habitat for less sensitive fish species such as certain Cyprinidae (minnows) or *Lepomis* (sunfish).
- **Type 3** (marginal) habitats have low productive capacity or are highly degraded, and do not currently contribute directly to fish productivity. They may have the potential to be improved for use by fish.

Overall, this study is composed of five (5) discrete components which are bulleted below and further described in the following sections.

- **Acquiring background information** available for the Subject Property and surrounding lands, specifically relating to deer wintering, fish habitat and associated mapping. Background information sources include available lake fact sheets, MNR mapping, lake management plans, OP schedules, among others.
- **Conducting a site assessment** field-verify the accuracy of the acquired background biophysical information and collect additional biophysical information as necessary.
- **Assessing the significance** of the relevant biophysical information collected and natural features identified within the context of applicable natural heritage and environmental policies.

- **Predicting the effects** of the application on the identified significant natural features, particularly the net effects once mitigation measures and technical recommendations are implemented.
- **Determining whether the proposed application addresses applicable natural heritage protection policies** at municipal, provincial, and federal levels.

Site Assessment

A site assessment was completed by Terrastory staff (A. McCrum – Intermediate Ecologist) on 23 July 2025. The site assessment focused on characterizing the land use (e.g., historical development patterns, existing built features, land maintenance, etc.), physiographic (e.g., topography, drainage, surface water features, etc.), and ecological (e.g., vegetation, wildlife, habitats, etc.) conditions and features of the proposed lots and (where appropriate) Adjacent Lands (i.e., those within approximately 120 m of the proposed development area). The locations and boundaries of significant natural features and/or habitats were recorded on-site via GPS supported by representative photographs.

In addition to collecting general biophysical information, the following targeted assessments (i.e., feature or species-specific surveys) were undertaken:

- **Vegetation Mapping according to Ecological Land Classification (ELC):** Vegetation communities on the Subject Property were characterized and mapped according to Ecological Land Classification in the Great Lakes-St. Lawrence Ecosite Fact Sheets (Wester et al. 2015). Vegetation communities were initially identified based on current aerial photographs and then verified and refined (as necessary) on-site. ELC mapping was scaled to the finest level of resolution deemed appropriate (i.e., either Ecosite or Vegetation Type). Vegetation communities mapped on Adjacent Lands were delineated predominantly via aerial photograph interpretation.

Effects Assessment and Mitigation

The potential ecological effects of a development application can be understood spatially as zones that radiate outward from the direct project footprint (e.g., building envelope, etc.) and associated areas of site alteration (e.g., grading, etc.). While the greatest potential for effects typically occurs within areas directly subject to development or disturbance, surrounding areas may also be affected indirectly. Such indirect effects can include light or noise pollution that affects wildlife communities on Adjacent Lands, or degradation of water quality within a downstream receptor resulting from sediment runoff during construction.

Where the potential for negative effects to habitat is anticipated to a degree that cannot be supported by the prevailing policy context, mitigation measures and technical recommendations are offered to avoid negative effects first. Where impacts cannot be completely avoided mitigation measures focus on impact minimization. The predicted residual or net effects of the development application is then considered assuming implementation of all recommended mitigation measures.

EXISTING CONDITIONS

Terrestrial Habitat

Vegetation Communities

The predominant community within the Study Area is a Very Shallow, Dry to Fresh: Oak Hardwood (G017Tt) forest that contains Red Oak (*Quercus rubra*) in the main canopies with Yellow Birch (*Betula alleghaniensis*), Sugar Maple (*Acer saccharum*), Ironwood (*Ostrya virginiana*) and some White Pine (*Pinus strobus*) in the understory. Groundcover species consist mainly of Red Oak and Sugar Maple saplings, Canada Mayflower (*Maianthemum canadense*), Large False Solomen's Seal (*Maianthemum racemosum*), Wild Sarasparilla (*Aralia nudicaulis*), Northern Starflower (*Lysimachia borealis*), Intermediate Wood Fern (*Dryopteris intermedia*), Wild Raisin (*Viburnum nudum* var. *cassinoides*) and areas of exposed bedrock and leaf litter.

The second largest vegetation community is a Very Shallow, Dry to Fresh: Mixedwood (G028Tt) forest which consists of Sugar Maple, Eastern Hemlock (*Tsuga canadensis*), Balsam Fir (*Abies balsamea*), Yellow Birch, Red Maple (*Acer rubrum*) and Ironwood in the upper canopies with a moderate understory containing Beaked Hazelnut (*Corylus cornuta*), Ironwood, Sugar Maple, and Wild Raisin. Groundcover species consist of Large-leaved Aster (*Eurybia macrophylla*), Canada Mayflower, Large False Solomon's Seal, Wild Sarasparilla, Northern Starflower (*Lysimachia borealis*), Intermediate Wood Fern, and Wild Raisin.

A Moist, Coarse: Hemlock – Cedar Conifer (G066Tt) forest is located along the eastern sections of Lot 1 and 2, which border the edge of the Magnetawan River. The canopy contains Eastern Hemlock and Eastern White Cedar (*Thuja occidentalis*) with the occasional Yellow Birch. A minimal understory consists of Red Maple with some Eastern White Cedar and Yellow Birch. Groundcover species were also limited; however some Buttonbush (*Cephalanthus occidentalis*), Intermediate Wood Fern and Wild Sarasparilla is present.

Additional vegetation communities within the Study Area include a Rock Barren (G165N), Mineral Meadow (G020N) and a Mineral Meadow Marsh (G142N).

Incidental Wildlife Observations

Incidental wildlife observed during the site assessment included White-tailed Deer (*Odocoileus virginianus*), Mink (*Mustela vison*), Hairy Woodpecker (*Dryobates villosus*), Ruby-throated Hummingbird (*Archilochus colubris*) and Yellow Perch (*Perca flavescens*).

Deer Wintering Habitat

A White-tailed Deer Wintering Area (White-tailed Deer Yard – Stratum 2) that overlaps with the entirety of the Subject Property has been identified by the Province. This is shown in Schedule B of the Municipality's OP.

Stratum 2 habitat includes winter staging areas that are typically adjacent to core wintering areas (White-tailed Deer Yard Stratum 1 habitat). Deer use these staging areas for days or weeks prior to entering Stratum 1 habitat. In winters with less snow cover Stratum 2 habitats may be used for much of the winter. Stratum 2 habitat typically reflects areas where mast producing trees are abundant (i.e., American Beech, Red Oak) allowing deer to access quality food before severe weather restricts their

movement to core wintering areas. Conversely, Stratum 1 habitat is associated with greater than 60% canopy cover associated with coniferous forests providing protection from wind, suitable cover and reduced snow depth, and an adequate supply of food from accessible woody browse.

During the site visit on 23 July 2025, several deer tracks and deer scat were observed throughout the Study Area with noticeable areas where deer have browsed within the understory layer of the mixed and hardwood forest. In addition, a game trail was observed along the edge of the shoreline within the Hemlock-Cedar forest.

Based on these findings (e.g., observed browse, presence of mast-producing trees) and that the area has been previously mapped by MNR as Stratum 2 deer wintering, it is assumed that deer may use the deciduous and mixed forests as a wintering area.

Existing Aquatic and Nearshore Conditions

The Magnetawan River is one of the longest navigable waterways north of Muskoka, which connects with Ahmic Lake, Cecebe, Beaver, Crawford and Midlothian Lakes. The Magnetawan River's headwaters begin in Algonquin Park and the river outlets into Georgian Bay.

According to the provincial Aquatic Resource Area (ARA) dataset and the provincial Fish ON-Line database, the Magnetawan River has a coolwater thermal regime and contains a variety of fish species including: Brook Trout (*Salvelinus fontinalis fontinalis*), Brown Bullhead (*Ameiurus nebulosus*), Largemouth Bass (*Micropterus salmoides*), Northern Pike (*Esox lucius*), Pumpkinseed (*Lepomis gibbosus*), Rock Bass (*Ambloplites rupestris*), Smallmouth Bass (*Micropterus dolomieu)*, Walleye (*Sander vitreus*), White Sucker (*Catostomus commersonii*), and Yellow Perch (*Perca flavescens*).

The shoreline along Lot 1 contains substrates consisting of boulders (10%), medium to small cobbles (20%), gravel (20%), leaf detritus (25%) and woody debris (25%). The shoreline was generally lacking in any extensive floating aquatic vegetation, with the exception of a small area containing Fragrant Water-lily (*Nymphaea odorata*) and Pickerelweed (*Pontederia cordata*) near the southern edge of the lot. Riparian vegetation includes Sensitive Fern (*Onoclea sensibilis*), Reed Canary Grass, Tall Meadowrue (*Thalictrum pubescens*), Lakeshore Sedge (*Carex lacustris*) with some Winterberry (*Ilex verticillata*), Swamp Milkweed (*Asclepias incarnata)* and Blue-flag Iris (*Iris versicolor*). An area of riparian plants extends into the river at the southern portion of Lot 1, which consists mainly of Royal Fern (*Osmunda regalis*), Grasses (Gramineae), and Sedges (*Carex* spp.).

The shoreline along Lot 2 contains substrates of medium and small cobbles (15%), gravel (5%), leaf detritus (40%) and woody debris (40%). The southern section of Lot 2 had a small area with some floating aquatic vegetation consisting of Fragrant Water Lily and riparian species that include Woolgrass (*Scirpus cyperinus*) and Reed Canary Grass (*Phalaris arundinacea*).

An area identified as a Meadow Marsh is located at the southern edge of Lot 2 containing predominantly sedges including Lakeside Sedge (*Carex lacustris*), Broom Sedge (*Carex* spp.) as well as Royal Fern, Swamp Milkweed, Swamp Candles (*Lysimachia terrestris*) and Cardinal Flower (*Lobelia cardinalis*). This area is expected to provide potential spawning habitat for Northern Pike when flooded during the early spring. This area also likely provides cover and food for fish when this area is flooded. As such, this area has been identified as Type 1 (critical) fish habitat.

Most of the shoreline within the Subject Property has been previously mapped by the Province (MNR) as Type 2 Fish Habitat, with a section south of the proposed lots being mapped as Type 1 Fish Habitat (see **Figure 2**.). Based on Terrastory's analysis Type 1 fish habitat is present at the southern section of Lot 2. The rest of the shoreline along the proposed lots has been identified as Type 2 fish habitat. The Type 2 fish habitat classification is based on the presence of generalized fish habitat conditions, including sand and other open areas with limited gravel and cobble. These areas would generally be used for foraging and unspecialized spawning habitat for less sensitive fish species such as sunfish.

Terrastory's classification of fish habitat types for the shoreline fronting the Subject Property is provided in **Figure 2**, with representative photographs provided in **Appendix 2**.

EFFECTS ASSESSMENT AND MITIGATION

The following effects assessment provides an evaluation of the potential for the development to result in negative effects to Deer Wintering Area (Stratum 2) and Fish Habitat as listed above. The baseline or existing conditions, against which the application is assessed, are treated as the state of the Subject Property at the time of the site assessment.

The proposed severance is expected to result in the removal of vegetation to allow for the development of a dwelling, septic, and a dock on both lots.

White-tailed Deer Wintering Area (White-tailed Deer Yard – Stratum 2) has been identified by the Province to overlap with the entire Subject Property which is also identified in Schedule B of the Municipality's OP. Based on Terrastory's assessment, there is a high likelihood the hardwood and mixed forest is functioning as Stratum 2 (as mapped by MNR). This was based on the presence of deciduous browse observed within the mixed and hardwood forest, presence of mast-producing trees in addition to several areas with deer scat, tracks and trails observed within the proposed lots.

It is expected that trees will require removal in areas identified in the wooded areas to accommodate for lot development. As such, Terrastory recommends the following:

- **No development features should be placed within the area of dense conifer cover (Moist, Coarse: Hemlock – Cedar Conifer (G066Tt) forest) shown in Figure 2.**
- **Tree or vegetation removal within the Moist, Coarse: Hemlock – Cedar Conifer (G066Tt) forest shall be limited to what is permitted under the Zoning By-law (i.e. allow for 70% natural cover within 20 m of the shoreline).**
- **As both lots are located within Stratum 2; tree or vegetation removal will be minimized throughout the entirety of the proposed lots. Decreased footprints for dwellings and septic systems (i.e. tertiary systems) should be considered.**

Fish Habitat

The following effects assessment provides an evaluation of the potential for the proposed severance to result in negative effects to the aquatic and nearshore environment. The baseline or existing conditions, against which the application is assessed, are treated as the state of the Subject Property at the time of the site assessment. The impact assessment herein is based on a Site Plan provided by the Applicant (see **Appendix 1**) which is overlaid with Terrastory's fish habitat classification in **Figure 2**.

In order to protect Type 1 Fish Habitat and improve the nearshore and riparian functions of the Magnetawan River, the following is recommended:

- **Avoid the placement of docks within 10 m of Type 1 Fish Habitat along the shoreline.**
- **A setback of 30 m should be implemented from the development of any dwellings, accessory buildings/sheds, etc., from the identified Type 1 Fish Habitat (shown in Figure 2.).**
- **Any septic systems will be setback a minimum of 30 m from the Magnetawan River.**
- **Removal of any woody vegetation within the 20 m shoreline buffer during construction will be limited to necessary access areas, along with any hazardous trees that pose an unacceptable risk to human life or property.**
- **A minimum of 70% of the lot frontage shall consist of naturally vegetated areas within the 20 m shoreline buffer.**
- **Any proposed foot paths (if any) shall consist of permeable materials (e.g., clear stone, gravel, mulch) and be minimized in width.**
- **Any in-water work associated with the construction of any docks shall occur during the in-water timing window (shall take between July 16 to March 14).**
- **Fish and aquatic habitat elements – including aquatic vegetation, submerged natural woody debris, boulders, and other substrate – within the vicinity of any docks will remain in their current positions to the extent feasible.**
- **Ensure building materials installed in the river are handled and treated in a manner to prevent the release of substances into the water that could be deleterious to fish.**
- **Regularly monitor for signs of sedimentation during all phases of the work and take corrective action if required to prevent dispersal of sediment into the waterbody.**

- **Sediment fence (or equivalent) will be installed prior to the commencement of site preparation and other construction-related activities occurring along the shoreline banks (as needed). Sediment fence (or equivalent) will be installed properly (e.g., trenched in, etc.), inspected regularly (i.e., daily, following storm events, etc.), and repaired immediately when necessary (e.g., breaches eliminated, sediment accumulations removed, etc.).**

- **Minimize all fuels, construction materials, and other potentially deleterious substances on-site to ensure they do not enter the lake.**

- **Contractor will be prepared to immediately deploy spills response equipment (e.g., absorption pads, etc.) if necessary. All spills will be reported to the Ontario Spills Action Centre (1-800-268-6060) as soon as possible.**

- **Non-biodegradable erosion and sediment control materials (including accumulated sediment, if any) will be removed once construction is complete and disturbed areas are stabilized.**

Other Natural Environmental Recommendations

It is expected that vegetation removal will be required for any future development activities. The forest types within the proposed lots provide habitat for several nesting migratory birds and may provide habitat for several endangered bat species, including Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), Tri-coloured Bat (*Perimyotis subflavus*), Eastern Red Bat (*Lasiurus borealis*), Hoary Bat (*Lasiurus cinereus*) and Silver-haired Bat (*Lasionycteris noctivagans*).

Little Brown Myotis and Northern Myotis form maternity colonies roosting in large-diameter trees with cracks, crevices, and/or exfoliating bark. Tri-colored Bat has been documented in dead or dying leaf clusters of oaks (*Quercus* spp.) and maples (*Acer* spp.). Eastern Red Bat and Hoary Bat typically roost with dependent young (i.e., pups) in deciduous or coniferous forests of all age classes. Silver-haired Bat reproductive females typically roost in decaying, large diameter deciduous or coniferous trees with heart-rot or exfoliating bark.

To demonstrate consistency with the protections under the *Endangered Species Act* and the *Migratory Birds Convention Act*, the following recommendation is provided:

- **All necessary vegetation removal (e.g., trees, meadow vegetation) will be completed outside the primary bird nesting and bat activity period (i.e., to be completed between October 1 and March 31). If limited tree removal is required during the restricted timing window, consult a qualified ecologist and/or MECP for further direction.**

NATURAL HERITAGE POLICIES

The following sections summarize the municipal, provincial, and federal environmental policies that apply to the proposed severance and describe how the recommendations provided in this study will address these policies (where applicable).

Municipality of Magnetawan Official Plan

The Municipality's OP is a legal document prepared as required under section 14.7(3) of the *Planning Act*. An OP sets out goals, objectives, and policies that direct and manage land-use and future development activities and their effects on the social and natural environment of the municipality. Provided herein is a description of relevant deer wintering and fish habitat protection policies contained within the Municipality's OP and an assessment of whether the application addresses such policies.

Consistent with the analysis provided below, the proposed plan is deemed consistent with relevant deer wintering habitat and fish habitat policies contained within the Municipality's OP.

Deer Wintering Habitat

The Municipality's current in force and effect OP (June 2012) provides policies in **Section 4.4** (Natural Heritage Management) and **Section 4.6** (Deer Habitat) aimed at protecting deer wintering habitat areas as recognized within Schedule B of the OP as outlined below:

Section 4.4 (Natural Heritage Management):

- "New development or alterations shall have no negative impact on the natural features or ecological functions of significant habitat of endangered or threatened species, other significant wildlife habitat, fish habitat, a provincially significant wetland or other significant natural heritage feature or function. Where development is proposed within or adjacent to these areas, the approval authority shall require the submission of an Environmental Impact Assessment.

Section 4.6 (Deer Habitat):

- "Development in these areas must be sensitive to the impact of the development on deer wintering areas. These areas are generally described as areas having dense conifer cover and lands having woody deciduous vegetation within 30 metres of dense conifer vegetation. The removal of vegetation in these areas will be minimized."

- "Within the significant deer habitat areas shown on Schedule B new lots should avoid areas of dense conifer cover or be of a sufficient size to provide a suitable development area including access and services, outside the most significant deer wintering habitat areas described above. The minimum lot size shall be 90 metres frontage and 90 metres depth."

- "In shoreline areas, development shall be situated in locations that will not result in the removal of significant amounts of shoreline vegetation or affect shoreline habitat. Site-specific zoning and site plan control will be used to site development in the most appropriate areas to ensure minimal impact on the natural habitat."

- "Where any development is proposed within significant deer wintering habitat Council will require the submission of an Environmental Impact Assessment Report including a wildlife habitat assessment prepared by a qualified biologist. The recommendations of that report will be implemented through site-specific zoning and site plan control to ensure that no negative impacts will occur."

Provided that Terrastory's technical recommendations mentioned above are implemented in full, no negative impacts to deer wintering habitat are anticipated.

Fish Habitat

The Municipality's OP provides policies in **Section 4.3** (Surface Water Quality) for healthy shorelines and **Section 4.7** (Significant Fish Habitat) of the OP is aimed at protecting fish habitat as outlined as follows:

Section 4.3 (Surface Water Quality):

- "Septic systems shall be located at least 30 metres from a watercourse or waterbody."

- "As a condition of development approval, a natural shoreline vegetation buffer shall be preserved within at least 20 metres of all water courses and water bodies wherever possible except for the removal of hazardous trees and a narrow area to allow a pathway to the shoreline. Council may require a wider buffer depending on site-specific conditions and the sensitivity of the adjacent natural heritage features."

Section 4.7 (Significant Fish Habitat):

- "New lots fronting onto Type 1 fish habitat areas shown on Schedule B shall be sufficiently large to provide an area of at least 10 metres of frontage that is outside of the significant habitat area."

- "Setbacks of 30 metres from cool or cold-water streams and 15 metres from other streams are required. Where there is no reasonable alternative to locating waterfront activity areas outside of the identified fish habitat areas or areas of unknown fish habitat or where setbacks cannot be met, development may only be permitted where it is demonstrated to the satisfaction of the approval authority that there will be no negative impact on significant fish habitat."

- "Proponents of development in these areas shall be required to submit an Environmental Impact Assessment report from a qualified professional identifying the nature of the fish habitat and limits of the fish habitat areas and providing recommendations regarding preservation of the habitat."

Provided that Terrastory's technical recommendations mentioned above are implemented in full, no negative impacts to fish habitat are anticipated.

Municipality of Magnetawan Zoning By-law 2001-26 (consolidated May 2025)

The proposed lots are located within the Shoreline Residential (RS) Zone under the Municipality's Zoning By-law. The following sections relating to fish habitat are noted within **Section 3.27** (Setback from Watercourses) and **Section 4.2** (Shoreline Residential Zone (RS) and outlined as follows:

Section 3.27 (Setback from Watercourses):

- "No building or structure except marine facilities, gazebos, boathouses and pumphouses shall be located within **20 metres** of the normal or maintained high water mark of any river, stream or other watercourse."

Section 4.2.2 (Regulations for Permitted Uses), within the RS Zone:

- ii) Minimum Lot Frontage - 90 m
- mx) Minimum Natural Vegetation Area or Landscaped Open Space - 70% of front yard.

Provincial Planning Statement 2024, pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13

The Provincial Planning Statement (PPS) is promulgated under the authority of the *Planning Act* and came into effect on 20 October 2024. The PPS provides direction to municipalities on land-use matters of provincial interest and sets the policy framework for regulating the use and development of land. Municipal OP's must be consistent with the PPS. Per its preamble, the PPS *provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment*.

In Ecoregion 5E, the PPS prohibits development and site alteration within fish habitat (Policy 4.1.6) except in accordance with provincial and federal requirements. In addition, development and site alteration are not permitted within Significant Wildlife Habitat (Policy 4.1.5), which includes deer wintering habitat, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Implementation of the mitigation measures and technical recommendations offered herein will address relevant habitat and species protection provisions contained in the PPS as they pertain to fish habitat and deer wintering habitat.

Provincial *Endangered Species Act*, S.O. 2007, c. 6

The *Endangered Species Act* (ESA) is administered by MECP and protects designated Endangered and Threatened species in Ontario from being "killed" or "harmed" (Section 9) or having their habitat "damaged" or "destroyed" (Section 10). "Habitat" is defined in Subsection 2(1) as a "dwelling-place" (and immediately surrounding area) for animals, the "critical root zone" for vascular plants, and for other species (e.g., bryophytes, lichens) "an area on which any member of a species directly depends in order to carry on its life processes". Activities that constitute habitat damage and/or destruction can only proceed subject to the requirements of Section 17 or (in limited circumstances) an activity registration under O. Reg. 242/08.

The ESA will be replaced by the recently enacted *Species Conservation Act* (SCA) once proclaimed into force at a later date. Until that time, the statutory requirements of the ESA (as described above) remain in effect.

Federal *Fisheries Act*, R.S.C. 1985, c. F-14

The amended federal *Fisheries Act* (Bill C-68) received Royal Assent in June 2019 while the updated fish and fish habitat protection provisions came into force in August 2019. Subsection 34.4(1) of the *Fisheries Act* prohibits all work, undertaking, or activity from causing the death of fish (other than fishing). Subsection 35(1) requires that project activities not result in the "*harmful alteration, disruption or destruction of fish habitat*" (HADD) unless undertaken in accordance with the requirements of a

statutory exemption per subsection 35(2). Based on the Fish and Fish Habitat Protection Policy Statement (August 2019), HADD is interpreted by DFO to include "*any temporary or permanent change to fish habitat that directly or indirectly impairs the habitat's capacity to support one or more life processes of fish*".

Provided that the recommended mitigation measures outlined herein are implemented in full, Terrastory has determined that the proposed severance is consistent with the fish and fish habitat protection provisions of the *Fisheries Act*.

Federal *Migratory Birds Convention Act*, S.C. 1994, c. 22

Subsection 5(1) of the Migratory Birds Regulations under the *Migratory Birds Convention Act, 1994* (MBCA) prohibits the disturbance or destruction of nests, eggs, or nest shelters of a migratory bird without authorization. Subsection 5(2) of the Migratory Birds Regulations allows for damage or destruction of nests which lack a live bird or viable egg with the exception of inactive nests associated with species listed under Schedule 1. In Ontario, the nests of Schedule 1 species are afforded year-round protection (i.e., regardless of the presence or absence of a live bird or viable egg), inclusive of the following species:

- Black-crowned Night Heron (*Nycticorax nycticorax*)
- Cattle Egret (*Bubulcus ibis*)
- Great Blue Heron (*Ardea herodias*)
- Great Egret (*Ardea alba)*
- Green Heron (*Butorides virescens*)
- Pileated Woodpecker (*Dryocopus pileatus*)
- Snowy Egret (*Egretta thula*)

The provincial *Fish and Wildlife Conservation Act, 1997* (FWCA) extends the protection of bird nests and eggs to certain non-migratory species not listed under the Migratory Birds Regulations (e.g., Corvids, Strigids, Accipitrids). Section 7(1) of the FWCA prohibits a person from destroying, taking, or possessing the nest or eggs of a bird that belongs to a species that is wild by nature. Section 7(3) identifies that section 7(1) of the FWCA does not apply to a person who destroys, takes, or possesses the nest or eggs of a bird described in subsection (a) in accordance with the authorization of the Minister, or subsection (b) in the circumstances prescribed by the regulations. The nests of certain non-migratory bird species are not protected under the FWCA (e.g., Red-winged Blackbird).

Provided that the recommendations outlined herein are implemented in full (i.e., prohibition on vegetation removal during the bird breeding season), no impacts to breeding birds or bird nests protected by the MBCA or FWCA are anticipated.

CONCLUSIONS

In accordance with relevant natural heritage protection policies, the preceding Scoped EIS report provides a detailed characterization of deer wintering and fish habitat occurring within the Study Area. This study was requested by Municipality planning staff in support of a Consent Application for the severance of two lots from the Subject Property.

A variety of mitigation measures are recommended herein to protect deer wintering and fish habitats during and post construction, including constraining construction activities through appropriate use

of buffers and timing windows. Provided that the recommended mitigation measures are implemented in full, the proposed development is considered consistent with relevant requirements under the appropriate municipal, provincial and federal natural heritage policies.

Overall, the severance application is considered appropriate in the context of relevant natural heritage protection policies reviewed herein. Terrastory advises that the technical recommendations offered herein be incorporated into any necessary development approvals that permit the application.

Regards,

Terrastory Environmental Consulting Inc.

April McCrum, B.Sc.
Intermediate Ecologist

Rob Aitken, B.Sc.
Senior Ecologist /Principal

REFERENCES

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Wester, M., P. Uhlig, W. Bakowsky, and E. Banton. 2015. *Great Lakes-St. Lawrence Ecosite Fact Sheets*. Sault Ste. Marie, ON.

STATEMENT OF LIMITATIONS

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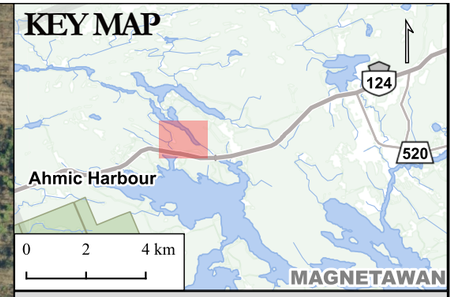

Legend

Area of Assessment

- Subject Property
- Adjacent Lands
- General Area of Proposed Severance
- General Line of Severance (Division of Lots 1 and 2)

GENERAL NOTES:
-Features depicted herein should not be used in place of a professional survey.
-Numeric scale is for a 11x17 inch print.

TERRASTORY
environmental consulting inc.
info@terrastoryenviro.com 289.309.7040

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Location:
112 Moonwing Road
Municipality of Magnetawan

Project No.: 25128
Date: 2025-09-11
By: AM **Checked:** RA
Orthophotograph Date: COOP 2016

Figure 1:
Location of the Subject Property

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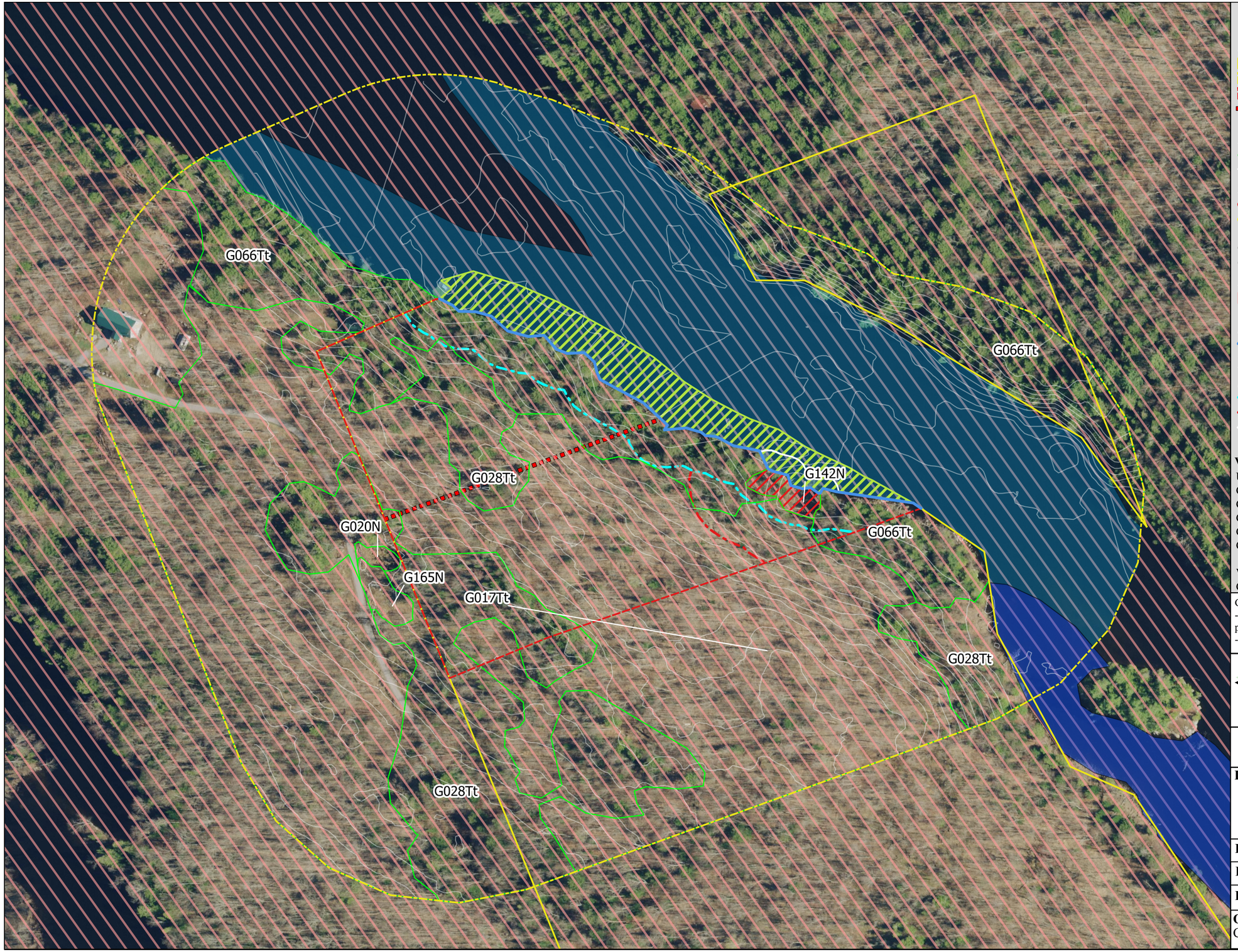

Legend

Area of Assessment
- Subject Property
- Adjacent Lands
- General Area of Proposed Severance
- General Line of Proposed Severance (Division of Lots 1 and 2)

Biophysical Features and Assessment
- Vegetation Communiites
- Topographic Contours (1m intervals)

Significant Natural Features
- Type 1 (Critical) Fish Habitat - Terrastory
- Type 2 (Important) Fish Habitat - Terrastory
- Type 1 Fish Habitat (MNR)
- Type 2 Fish Habitat (MNR)

Wildlife Activity Area
- White-tailed Deer Wintering Area (Stratum 2) - MNR

Significant Natural Feature Boundaries
- Shoreline/Watercourse

Natural Feature Setbacks Prescribed by Policy

Setbacks
- Shoreline Setback + 20 m (Municipality)
- Type 1 Fish Habitat + 30 m (Municipality)
- Type 1 Fish Habitat + 10 m dock setback (Municipality)

VEGETATION COMMUNITY CODES:

UPLAND
G017Tt: Very Shallow, Dry to Fresh: Oak Hardwood
G028Tt: Very Shallow, Dry to Fresh: Mixedwood
G066Tt: Moist, Coarse: Hemlock-Cedar Conifer
G165N: Rock Barren
G020N: Very Shallow, Humid Meadow

WETLAND / AQUATIC
G142N: Mineral Meadow Marsh

GENERAL NOTES:
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N | 1:2,000 | 0 25 50 75 m

Location:
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Project No.: 25128
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Figure 2:
Biophysical and Significant Natural Features

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Appendix 1. Pre-consultation Comments

MHBC | PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE

MEMO

To:	Erica Kellogg | Deputy Clerk – Planning & Development
From:	Patrick Townes, BA, BEd | Associate, MHBC Planning Jamie Robinson, BES, MCIP, RPP | Partner, MHBC Planning
Date:	October 24, 2024
File:	12153EJ
Subject:	Blythe Consent and Easement – Pre-Consultation (112 Moonwing Road)

This memo has been prepared following a review of a pre-consultation submission for a proposed Consent application, for the subject property located at 112 Moonwing Road. In accordance with the sketch provided with the pre-consultation application, the owner is proposing to create two new shoreline residential lots on the subject property. The subject property extends beyond the connection of Ahmic Lake (Magnetawan River) and it is understood that the portion of the subject property to the north-east of the river would be eligible for a natural severance and would be considered a separate lot of record. The proposed lot configuration sketch is included in Figure 1.

Figure 1: Proposed Lot Configuration

It is understood that Lot 3 is eligible for a natural severance, and that the owner is proposing to create two lots identified as Lot 2 and Lot 4 on Figure 1. In addition to the proposed lots, the owner is proposing to create an access easement in order to provide legal access to Lot 3, through one of the proposed lots. Please refer to Figure 2 for the location of the proposed access easement.

Figure 2: Proposed Easement

Proposed Consent and Easement:

The subject property currently has a lot area of approximately 27 hectares. Proposed Lot 2 has a lot area of approximately 1.8 hectares and a lot frontage of approximately 110 metres on the Magnetawan River. Proposed Lot 4 has a lot area of approximately 2.5 hectares and a lot frontage of 90 metres on the Magnetawan River.

The proposed access easement is located on proposed Lot 2 and is to be 20 metres in width, to include deeded access, parking and docking facilities in order to access Lot 3.

Official Plan:

The subject property is primarily designated as Shoreline and Rural in the Official Plan. A portion on the southern part of the subject property is designated as Environmental Protection. There are Other Wetlands identified on the subject property and a portion of the shoreline is identified as Fish Habitat. Further, the subject property is considered to be a Deer Wintering Area (Stratum 2).

Moonwing Road is identified as a Municipal Road that is maintained year round and Shadow's End Lane is identified as a Private Road in the Official Plan.

The proposed lots are located within the portion of the subject property that is designated as Shoreline and Rural; and the proposed lots have lot frontage on Lake Ahmic and frontage (access) on Shadow's End Lane which is a Private Road. Due to the lot frontage on the Magnetawan River, the policies of the Shoreline designation have been applied to the Consent application.

The following Consent policies in the Official Plan apply to the proposal:

7.1.1 c) - the proposed lot must front on a publicly maintained road or, within the Shoreline designation, between existing lots on an existing private road with a registered right-of-way to a municipally maintained road or be a condominium unit, which may be created on private roads having access to a municipal year round road;

- The proposed lots are located within the Shoreline designation (lot frontage on the Magnetawan River) and are accessed on Shadow's End Lane which is identified as a Private Road. Shadow's End Lane has access to Moonwing Road which is identified as a Municipal Road. Information is required to confirm if there is a registered right-of-way on Shadow's End Lane. It is recognized that Shadow's End Lane provides access to other shoreline residential lots to the north of the subject property.

7.1.1 e) - the lot must have road access in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;

- The proposed lots do have road access. Traffic hazards are not anticipated as a result of the new lots.

7.1.1 g) - notwithstanding subsection c), lots created for seasonal or recreational purposes may be permitted where the access to the lot is by a navigable waterbody provided that Council is satisfied that there are sufficient facilities for mainland parking and docking;

- The proposed lots have access on a Private Road. Docking and parking is proposed on Lot 2 to accommodate access to Lot 3 on the other side of the Magnetawan River.

7.1.1 h) - any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway;

- Based on this policy, only seasonal or recreational residential development is permitted because the proposed lots do not have lot frontage on a year round maintained road.

7.1.1 j) - the creation of any lot will not have the effect of preventing access to or land locking any other parcel of land;

- The proposed lots do not impact access, however an easement is proposed in order to create legal access to Lot 3, which it is our understanding that the lot is an existing lot of record due to a natural severance.

Section 5.4 of the Official Plan includes policies regarding the Shoreline designation. The following applies to the Shoreline designation:

- Permitted uses include detached dwellings;
- New lots should be no smaller than 1 hectare in lot area with at least 90 metres of lot frontage on the shoreline; and,
- Development shall generally occur as a single tier or development adjacent to the shoreline.

Due to the presence of Fish Habitat and Deer Habitat, an Environmental Impact Study is recommended to ensure the proposal is consistent with the natural heritage policies on the Provincial Planning Statement and conforms to the policies of the Official Plan.

Zoning By-law:

The subject property is primarily located within the Shoreline Residential (RS) Zone and the minimum lot area for new lots is 1 hectare and the minimum lot frontage is 90 metres. The proposed lots appear to meet these minimum requirements.

Due to the proposed easement on the Lot 2, a site-specific Zoning By-law Amendment is likely to b required to establish permitted uses within this area and along the shoreline. Further recommendations may be provided in the conclusions of the Environmental Impact Study that would require site specific zoning provisions or a Consent Agreement/Site Plan Control Agreement.

Summary:

Following a review of the proposal and the relevant policies contained within the Official Plan, there appears to be land use planning justification to create two new lots on the subject property and to include an access easement in order to access Lot 3 on the opposite side of the Magnetawan River.

Consideration has been provided to the proposed lots having lot frontage on the Magnetawan River and the lots having access on a Private Road. It is to be confirmed whether or not there is a registered right-of-way on the Private Road and in accordance with the policies of the Official Plan, only seasonal dwellings are permitted on a Private Road.

In order to create the proposed lots on the subject property, the following is required:

1. Consent Application;
2. Confirmation that there is a registered right-of-way on Shadow End's Lane;
3. Environmental Impact Study to address Fish Habitat and Deer Habitat;
4. A Zoning By-law Amendment (recommended condition of provisional Consent) to rezone the proposed lots to permit seasonal dwellings, to include site specific provisions for the proposed easement and to implement any recommendations of the Environmental Impact Study; and,
5. A Consent Agreement/Site Plan Control Agreement is likely to be required.

Appendix 2. Representative Photographs

Photo 1. Moist, Coarse: Hemlock – Cedar Conifer (G066Tt) forest (23 July 2025).

Photo 2. Very Shallow, Dry to Fresh: Oak Hardwood (G017Tt) Forest (23 July 2025).

Photo 3. Very Shallow, Dry to Fresh: Mixedwood (G028Tt) Forest (23 July 2025).

Photo 4. Rock Barren (G165N) east of Shadow End's Lane (23 July 2025).

Photo 5. Type 1 Fish Habitat is identified within the southern portion of Lot 2. This area is also identified as a Mineral Meadow Marsh (G142N), 23 July 2025.

Photo 6. Magnetawan River, facing east from Lot 2 (23 July 2025).