

August 10, 2015

BEL 213363

Mr. Larry Pevato, President
Tri-County Aggregates Ltd.
92 Kenhar Drive
North York, ON M9L 1N2

**Re: Category 3, Class A Application under the Aggregate Resources Act
Application – Tri-County Aggregates Ltd.
Part of Lot 2 and 3, Conc. 18, Township of East Garafraxa
County of Dufferin**

Response to June 15, 2015 Ministry of Natural Resources and Forestry Comments

Dear Mr. Pevato:

The Ministry of Natural Resources and Forestry (MNR) has completed a review and provided comments for the proposed Tri-County Aggregates application for a Category 3, Class A pit. The following responses are provided from Beacon Environmental.

Comments on Section 5.3 Significant Habitat of Endangered and Threatened Species (page 2)

Response to Bullet -1 Comments:

The Existing Conditions & Proposed Site Figure 2 of the Level 1 and 2 Environmental Assessment report illustrates the identified limits of Bobolink habitat based on the 2014 field investigations. The figure also shows the limits of the proposed license area and extraction area. This area is 12.48 ha in size. As stated in the report, any necessary authorizations under the Endangered Species Act will be obtained prior to removal of any habitat in this area to facilitate extraction. Since the 2014 observations of Bobolink during the breeding bird surveys, the field has been tilled for crop rotation. There were no Bobolink observed from the field during the 2015 breeding bird surveys.

Response to Bullet -2 Comments:

Based on the comments provided and a discussion with Jodi Benvenuti of the MNR (Midhurst District) a survey for bats potentially exiting the farm house and shed structures was completed. The survey was completed using the Draft Ontario Summer Maternity Roost Monitoring Emergence Counts (OMNRF 2012). An overview of the survey is provided below:

Overview

A survey was completed on June 19, 2015 for Little Brown Myotis (*Myotis lucifugus*) and Northern Myotis (*Myotis septentrionalis*) and their potential use of the old farmhouse and shed as maternity roosting habitat.

The Little Brown Myotis and the Northern Myotis are endangered species under the ESA. Little Brown Myotis have glossy brown fur and usually weigh between four and 11 grams and typically are four or five centimetres long, with a wingspan of 22 to 27 centimetres. This bat species feeds at night and is most active after sunset. During the day they roost in trees and buildings. They often select attics, abandoned buildings and barns for summer colonies where they can raise their young. Northern Myotis bats have dull yellowish-brown fur with pale grey bellies. They usually weigh between six and nine grams, and are typically about eight centimetres long, with a wingspan of about 25 centimetres. Northern Myotis are generally associated with forested habitats, choosing to roost under loose bark and in the cavities of trees. Both bats hibernate from October or November to March or April most often in caves or abandoned mines. Populations of these and other bat species have been in decline in recent years due to the spread of a fungal pathogen known as white nose syndrome.

Survey Methods

On June 19, 2015 three surveyors completed a survey of the old farmhouse and shed on the property. The survey was completed between 20:00 to 22:30. Temperatures fell from 19°C to 12°C over the course of the survey period and skies were clear. The survey followed the methodology outlined in the Ontario Summer Maternity Roost Monitoring-Emergence Counts Guide, MNRF (2012). Based on this document the pre-volant survey is to be conducted between the last week in May to the 3rd week in June in southern Ontario. The post-volant survey is to be conducted after July 4th through July 20 for southern Ontario. If no bats are detected during the pre-volant survey a subsequent survey for the post-volant period is not required and the survey has been completed.

At 20:00, prior to sunset, visual surveys of the farmhouse and shed were completed to inspect potential roosting suitability (e.g., refuge and shelter areas, entrance holes to the building structures). It was determined that the shed was not suitable for potential habitat as there is no ceiling or attic area within the building (i.e., the interior of the building is open from the floor to the inside of the roof). A number of entrance and exit areas were observed on the farmhouse. From 20:30 (half an hour before sunset) to 22:00 (an hour after sunset) surveyors monitored the old farmhouse for the potential emergence of bats. The three surveyors were positioned around the building so that all of the potential exit locations could be viewed. Each surveyor had a flashlight/head lamp. Two lights with red lenses were also used.

The above methods were used to identify and evaluate the approximate size of bat maternity roosts, if present, by conducting general emergence counts. The goal of the survey was to gather base line information on summer colonies of Little Brown Myotis and Northern Myotis.

Results and Conclusions

No bats were observed exiting the old farmhouse or from around the shed. One large bat (species unknown) was observed which came from the adjacent field and flew over the house. Based on the absence of emergence of bats during the pre-volant survey, a post-volant survey was not completed.

The results have determined that the old farmhouse and shed do not provide habitat for bats and there are no requirements under the ESA for the removal of these structures (also see discussion below regarding Chimney Swifts).

Response to Bullet -3 Comments:

As part of the 2014 and 2015 breeding bird surveys, as well as during other site surveys, ecologists inspected the farmhouse for aerial observations of Chimney Swift. This occurred on at least nine occasions over the two year period. No Chimney Swift have been observed and these results have determined that the farmhouse does not provide habitat for this species and there are no requirements under the ESA for the removal of the building.

Comments on Section 5.8 Significant Wildlife Habitat (page 3-4)

Response to Bullet -1 Comments:

Graham Findlay of the MNRF (Midhurst District) was contacted by Dirk Janas regarding review comments provided on SWH. A copy of the *Draft SWH Ecoregion 6E Criterion Schedule* (MNRF 2012) was subsequently provided by the MNRF. It was recognized that the woodland is both outside of the proposed license area and outside of the 120 m adjacent lands (with the exception of a small area along the eastern corner of the woodland as shown on Figure 2 of the EA report). To this extent it is our opinion that any candidate SWH associated with the woodland would not be captured through the Level 1 screening as provided in Table 7, Section 5.10 of the EA report. This conclusion remains unchanged and SWH would not qualify to be taken forward to the Level 2 assessment.

Nevertheless, to address the request for assessing SWH using the *Draft SWH Ecoregion 6E Criterion Schedule* the following evaluation/screening is provided for bats, Eastern Wood-pewee and breeding amphibians.

The SWH Schedule (MNRF 2012) provides seasonal concentration criteria for bat hibernacula, maternity colonies and migratory stopover areas. Potential bat hibernacula areas are identified as caves, mine shafts, underground foundations and Karsts. No such features are found within the woodland. Bat migratory stopover areas are used during long distance migration in late summer and early fall. Stopover areas do not have specific Ecological Land Classification (ELC) types. The location and characteristics of stopover habitats are generally unknown (MNRF 2012). Screening the woodland for migratory stop over is therefore difficult to complete until confirmation criteria have been established by the MNRF. Bat maternity colonies can be found in tree cavities, vegetation and buildings.

As discussed above, the buildings on the property have been surveyed and are not used by bats. Known locations of bat colonies in forested areas are extremely rare as presumably they are difficult to survey for. The woodland does support some of the habitat criteria provided (e.g., FOD community, presence of some large cavity trees). The woodland could potentially qualify as candidate SWH for this criterion.

Eastern Wood-pewee (Special Concern) was recorded from the woodland during both the 2014 and 2015 breeding bird species. The *Draft SWH Ecoregion 6E Criterion Schedule* provides in our opinion broad criteria for confirming SWH for Special Concern. For example, there is no direction provided regarding the numbers of breeding pairs needed to qualify as SWH. In the absence of this information and based on the defining criteria provided, the woodland community provides the form and function needs for Eastern Wood-pewee and may qualify as candidate SWH depending on a threshold for the numbers of pairs of Eastern Wood-pewee utilizing the woodland.

Based on the 2014 and 2015 breeding amphibian surveys three species have been recorded from the wetland/pool in the woodland including Wood Frog Spring Peeper, and Western Chorus Frog. Calling codes for each species were 2 or 3 with over 20 individuals of Spring Peepers and Chorus Frogs recorded. Based on the habitat feature occurring within the ELC community series of FOD, the number of species and individuals recorded, and a travel corridor connection within woodland, the breeding amphibian habitat would qualify as SWH. Through the hydrological assessment that has been completed, including monitoring of the surface-groundwater interaction from 2014 to 2015, it has been determined that the wetland is maintained by surface water and this feature and its function will be protected and maintained.

Prepared By:



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