

VIA EMAIL

July 23, 2025

File No. 23540-12

United Counties of Leeds and Grenville
25 Central Avenue West, Suite 100
Brockville, Ontario
K6V 4N6

Attn: Elaine M. Mallory
Planner I

Re: Peer Review Comments – Orchards of River Bend - EIS

Dear Ms. Mallory:

We appreciate the opportunity to complete, on behalf of the United Counties of Leeds and Grenville (UCLG) and member Municipalities, a peer review of the Environmental Impact Statement (EIS) for the proposed Orchards of River Bend subdivision on the property legally described as Part Lot Gore, Concession Gore, geographic Township of Wolford, United Counties of Leeds and Grenville. The subject property is noted to be located at 819 County Road 23, Merrickville, Ontario. The EIS was completed by BCH Environmental Consulting Inc. (BCH) and was dated July 2022. The EIS was prepared in consideration of a twenty-six (26) lot subdivision development on 23.7 hectare (ha) of land.

To complete this review we have read through the above noted EIS, reviewed available background information, and completed a site visit to become familiar with existing conditions. We have also considered relevant environmental planning documents, including the *Provincial Planning Statement (PPS; 2024)*, the *United Counties of Leeds and Grenville Official Plan (Approved February 19, 2016)*, *Village of Merrickville-Wolford Official Plan (2020)*, and any other pertinent *Acts and Regulations* as part of this review.

In the following sections we have organized our review comments with specific focus on the policy framework, methodology, existing conditions, impact assessment and mitigation, and conclusions provided within the EIS, with consideration towards the natural heritage features that have been identified within this document or those that are interpreted to have the potential to be present on the subject property. This EIS has been peer reviewed from a technical stand-point, and peer review comments related to grammatical items or report formatting have not been provided. Peer review comments with recommendation, request for clarification, or request for additional information are provided in *italics* below and should be implemented and documented within the EIS.

1 REVIEW OF EIS

1.1 Policy Framework

- BCH has listed a number of applicable policies within section 1.1 of the report including the PPS, UCLG Official Plan, Village of Merrickville-Wolford Official Plan, Village of Merrickville-Wolford Zoning Bylaw, and Rideau Valley Conservation Authority.

BCH should update the EIS to include any other applicable policies (i.e. Fisheries Act, Endangered Species Act, Migratory Birds Convention Act). The report would also benefit with inclusion of a policy conformity section after the impact assessment and mitigation section, whereby all relevant policies identified within section 1.1 can then be referenced and an assessment of whether the proposed development is in conformity to these policies can be completed.

1.2 Methodology

- The list of field studies completed and associated methodology in section 2.0 of the EIS is fairly extensive; however, appears to exclude a specific description of methodology used for wetland boundary delineation and vegetation community determination.

The EIS should be updated to include a description of the methodology used for wetland boundary delineation and vegetation community determination.

1.3 Existing Conditions

- Section 3.1.2 notes that soil samples were taken to determine moisture regime to aid with decision making, which is inferred by the reader to denote decision making with respect to the community classification as wetland vs. non-wetland.

This section of the report would benefit with additional information regarding the methodology of the soil sample assessment, including factors such as time of year, depth, location, etc., and the process for establishing soil moisture regime (i.e. was the sample submitted to an accredited lab). If soil test-pits were completed to aid in determining wetland vs. non-wetland communities, information regarding those test-pits would also be beneficial to add to the report.

- Section 3.1.6 provides existing conditions information on the vegetation community adjacent to the Rideau River. Section 3.1.7 provides existing conditions information related to the two (2) tributaries of Rideau River that were identified on site.

Given the proximity of the proposed development to the Rideau River, the report should be updated to include a section (or add additional information to Section 3.1.6) that describes the existing conditions of the riverine feature in proximity to the subject property. This could include information such as; nearshore morphology, thermal regime, fish species, and any sensitive fish habitat features.

1.4 Impact Assessment and Mitigation

- Section 4.0 of the EIS provides a number of SAR with the potential to be found at the subject property. Recent input titled *Opposition Response to "Orchards of River Bend Estates" Application* (May 20, 2025) provided by local residents and their own peer reviewers also indicated the potential presence of Spotted Turtle (End) and Small-mouthed Salamander (End). Also, recent additions to Ontario's SAR List included several new bat species; Eastern Red Bat (End), Hoary Bat (End), and Silver-haired Bat (End).

BCH should confirm if these species have the potential to be found on the subject property, and update the EIS accordingly.

- Section 4.1 of the EIS notes no direct impacts on SAR turtles given all development will be greater than 30 m from the Rideau River and swamp wetland feature located on the subject property. It is noted that an existing driveway (which abuts the swamp feature) is proposed to be used / upgraded for the access road to the development lots.

The Consultant should include a discussion of any upgrades to the existing driveway and the potential for these upgrades to impact SAR turtles given the proximity to the identified swamp feature.

- Section 4.3 of the EIS provides that no suitable cavity trees for use by maternal bats were observed during site visits on the subject property; however, this section of the report does not include any discussion of potential day roosting activities by SAR bats on the subject property.

BCH should provide a discussion of the potential for day roosting habitat to be present on the subject property, and any associated impacts / mitigation required resultant from the proposed development.

- Section 4.4 of the EIS notes Black Ash to be present on the subject property, and indicates that at the time of reporting MECP had temporarily suspended any protections for this species. As of January 2024, the temporary suspension of protections was lifted.

The EIS should be updated to include a discussion of potential impacts to Black Ash identified to be present on the subject property.

- Section 4.5 of the EIS provides a summary of SAR with the potential to be present / impacted by the proposed development.

Section 4.5 should be updated, as necessary, based on any other changes to the SAR section in the EIS.

- Section 5.1 provides an overview of the assessment of significance woodlands at and in proximity to the site, and determined that the woodland on site was part of a larger woodland complex, that was determined to be significant. The report notes that in both pre- and post-development conditions, that the woodland meets the criteria for significance.

While the remaining portion of the woodland still appears to meet the criteria for significance, the consultant should provide additional rationale pertaining to the impacts to individual characteristics for the purpose of determining no negative impact.

- Section 6.0 of the EIS provides a summary of the headwater drainage features assessment that was completed for the subject property. This assessment indicates no management requirements for Tributary 1, and conservation of Tributary 2. It is understood that RVCA has reviewed the EIS, and has provided comment (dated June 5, 2025) indicating that Tributary 1 should be maintained / enhanced.

Section 6.0 should be updated, as necessary, to incorporate the comments from RVCA.

1.5 Recommendations and Conclusions

- Section 9.0 of the EIS makes recommendation for a barrier (i.e. snow fence) to be put in place along the 30 m setback during construction. Appendix A of the EIS indicates that the identified 30 m setback will be incorporated in the fabric for the majority of the proposed

lots. No recommendations have been included for how to maintain protection of the setback area post construction.

The Consultant should provide recommendations for strategies to be implemented to ensure protection of the 30 m development setback area post construction.

- The EIS identifies a level of potential for Blanding's Turtle to be present at the subject property and has included several mitigation measures; however, has not included temporary wildlife fence.

The Consultant should confirm that temporary wildlife fence is not a necessary mitigation measure for the protection of Blanding's Turtle (or any other Threatened or Endangered turtle species) during construction. Discussions / confirmation with MECP in this regard may be appropriate for confirmation.

- Section 9.0 of the EIS makes recommendation for a 25 m setback around the Category 2 Butternut observed on the subject property. Figure 4 references a 50 m setback around the Category 2 Butternut observed on the subject property.

The Consultant should clarify which setback distance is appropriate / applicable.

- Section 9.0 of the EIS includes a concluding statement regarding conformity to the PPS; however, no statement is made relative to the applicable Official Plans.

The EIS should be updated to include a concluding statement related to conformity of the proposed development to the applicable Official Plans.

2 SUMMARY COMMENTS AND RECOMMENDATIONS

In summary, Ainley Group recommends that the consultant provide an updated EIS that responds to any questions/comments provided within the sections above.

In closing, we trust that this peer review is complete and provides useful guidance towards the finalization of development plans for the Orchards of River Bend development and the EIS prepared in support of that project. If you have any questions or require further assistance with this matter, please feel free to contact the undersigned.

Yours truly,

AINLEY GRAHAM & ASSOCIATES LIMITED



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