



May 7, 2012

John Boos  
Renewable Energy Field Advisor  
Ministry of Natural Resources  
Regional Operations Division, Southern Region  
300 Water Street, Floor 4  
Robinson Place South Tower  
Peterborough, ON K9J 8M5

**Re: Conservation Ontario's Comments on "Significant Wildlife Habitat Eco-regional Criteria Schedules" (EBR # 011-5740)**

Dear Mr. Boos:

Thank you for the opportunity to provide comment on the Ministry of Natural Resources' (MNR) "Significant Wildlife Habitat Eco-regional Criteria Schedules". Conservation Ontario commends the MNR's effort to work closely with some Conservation Authorities (CAs) to receive input on the local definition of significant wildlife habitat (SWH) within their watersheds and encourages MNR staff to continue to engage CAs in the development of these schedules and other materials. Based on comments received from three CAs, this letter will focus on the review of District 6E and 7E.

#### **General Comments Emerging from Review of District 6E and 7E**

CA staff requested clarification about the application of the Schedules in a number of instances. Firstly, to avoid ambiguity the Schedules should be clear as to whether or not stormwater management facilities can be considered to be significant wildlife habitat. This information should be identified in a preamble or "how to use these guidelines" section. Secondly, guidance is required where areas of overlap exist between ecoregions. It is recommended that in cases where overlap exists (for example, along the Lake Ontario shoreline in the Central Lake Ontario CA watershed) that criterion for both ecoregions be consulted.

Thirdly, there are several references in the document to "more significant" or "increased significance" (i.e. woodlands <2km from Lake Ontario are more significant, shorter corridors are more significant than longer corridors, presence of shrubs and logs increase significance, etc.). These references suggest that levels of significance apply to SWH whereas it is CA staff understanding that it is solely a matter of a

subject site qualifying as SWH or not qualifying as SWH. Clarification should be provided regarding whether “more significant” or “increased significance” make one SWH more significant than another.

Fourthly, many categories provide Ecological Land Classification (ELC) ecosites as candidate significant wildlife habitat. It should be clarified as to whether confirmed SWH must be associated with the provided ecosites or if SWH can occur outside of the boundaries of the listed ecosites, but still be considered significant.

### **Specific Comments from Review of District 6E**

#### *Waterfowl Stopover and Staging Areas (Aquatic) - Page 5*

The Habitat criteria includes ponds, however the ELC ecosite code OAO (open water aquatic) is not included as Waterfowl stopover and staging areas. It is suggested that OAO communities should be included in the ELC Ecosite Code for this SWH.

#### *Bat Migratory Stopover Areas – Page 8*

As the habitat criteria and ELC Ecosite Code for Hoary, Eastern Red and Silver-Haired Bats are currently unknown advice should be provided as to how CA staff should comment on a planning application in the absence of habitat data.

#### *Turtle Wintering Areas – Page 9*

As per the comments above, this habitat criterion does not specifically state that stormwater management ponds (SWMPs) are NOT considered habitat. This should be clarified, as it has been in the Waterfowl Stopover and Staging Areas (Aquatic) criterion.

#### *Colonially – Nesting Bird Breeding Habitat (Bank and Cliff) – Page 11*

The wording in the first bullet of the defining criteria is not clear. CA staff requested clarification as to whether the sentence should read “50 bank swallow **and** rough-winged swallow pairs” or “50 bank swallow **or** rough-winged swallow pairs”.

#### *Migratory Butterfly Stopover Areas - Page 13*

The word “sight” in the ELC Ecosite Codes column should be replaced with “site”.

### **Specific Comments That Apply to Districts 6E and 7E**

#### *Colonially- Nesting Bird Breeding Habitat (Tree/Shrubs) – Page 12- 6E; Page 12-7E*

The Defining Criteria indicates “the edge of the colony and a minimum 300 m area of habitat or extent of the Forest Ecosite containing the colony”. Confirmation is requested that the correct interpretation of this criteria is the greater of 300m from the edge of the colony or the extent of the Forest Ecosite is the SWF.

#### *Alvar – Page 19- 6E; Page 18-7E*

The Defining Criteria for Alvars states that “the alvar must be in excellent condition and fit in with surrounding landscape with few conflicting land uses”. It should be clarified what criteria would be employed to determine whether or not the alvar is in excellent condition and fits with the surrounding

land uses. Given that these schedules identify alvars as “extremely rare habitats” mostly found in Eco-regions 6E and 7E the threshold for what constitutes “few conflicting land uses” will be pivotal. It is recommended that a broad interpretation of “few” should be taken.

*Old Growth Forest - Page 20-6E; Page 19-7E*

The term “no recognizable forestry activities” as used in the Defining Criteria requires further explanation.

*Woodland Raptor Nesting Habitat – Page 26-6E; Page 24-7E*

For the Red-shouldered Hawk and Northern Goshawk the Defining Criteria indicates that a “400 m radius around the nest or 28 ha of suitable habitat is the SWH”. It is unclear under which circumstances a 400m radius applies and under which circumstances 28ha of suitable habitat applies. It should also be clarified what is considered suitable habitat for these species specifically.

*Turtle Nesting Areas – Page 27-6E; Page 25-7E*

The Defining Criteria for this SWH indicates that it should apply to areas “where the turtles nest, plus a radius of 30-100m around the nesting area dependent on slope, riparian vegetation and adjacent land use”. It is unclear how these elements are intended to influence the SWH determination and delineation. Greater clarification should be provided on how the radius of SWH is dependent on slope, vegetation and adjacent land use.

*Seeps and Springs – Page 29-6E; Page 26-7E*

It is unclear how “slope, vegetation, height of trees and groundwater condition” should influence the delineation of the SWH when the previous sentence indicates that “the area of a ELC forest ecosite containing the seeps/springs is the SWH”. Please clarify.

*Amphibian Breeding Habitat (Woodland) – Page 29-6E; Page 27-7E*

The Defining Criteria indicates that a travel corridor connecting woodlands and wetlands is to be included within the SWH. It is unclear what the criteria are for the corridor. If Table 1.4.1 is intended to provide the criteria it may be useful to reference that in the text. Otherwise, there should be further direction related to the criteria for the corridor.

*Amphibian Breeding Habitat (Wetlands) – Page 30-6E; Page 28-7E*

The Defining Criteria indicate that three or more of the listed frog species or toad species with at least 20 breeding individuals is considered significant. The use of “or” may lead to misinterpretation as it implies separation between frog species and toad species. If the intention is to have the number of frog species and toad species considered together, it may be useful to rephrase the statement using “and/or” (ie ...three or more of the listed frog and/or toad species).

*Terrestrial Crayfish – Page 36-6E; Page 33-7E*

The Defining Criteria indicate that “marsh meadow or terrestrial sites” may be suitable and also that the Ecosite polygon should be considered the SWH. The listed ELC Ecosites do not appear to include any terrestrial communities (MAM, MAS). It should be clarified which terrestrial Ecosites would meet the criteria for SWH.

*Special Concern and Rare Wildlife Species – Page 36-6E; Page 34- 7E*

The Defining Criteria indicates that the area of the habitat to the finest ELC scale that protects the habitat form and function is the SWH however this may lead to overly subjective analysis. Further

direction should be provided related to the analysis of what is required to protect habitat form and function as well as how the ELC scale can accomplish this.

*Amphibian Movement Corridors – Page 38-6E; Page 36- 7E*

The schedule indicates that corridors should be at least 200m wide with gaps less than 20m. Depending on the characteristics of the site, it would appear feasible that amphibians would be able to traverse a gap of 20 m. Greater clarification should be provided as to what site characteristics would be considered absolute barriers to amphibian movement and therefore what constitutes a gap.

Once again, thank you for the opportunity to provide comment on the Ministry of Natural Resources' (MNR) "Significant Wildlife Habitat Eco-regional Criteria Schedules". Should you have any questions about this letter, please contact me at extension 228.

Sincerely,

A handwritten signature in black ink that reads "Leslie Rich". The signature is written in a cursive, flowing style.

Leslie Rich  
Policy and Planning Officer