



**Sue Walton**

October 25, 2024

Director of Legislative Services/Clerk  
Township of Tiny  
130 Balm Beach Road West  
Tiny, Ontario L0L 2J0

**RE: Township of Tiny Administrative Centre Project**

I am writing on behalf of the Federation of Tiny Township Shoreline Associations, to voice concerns for the significant adverse environmental impacts of the proposed Township of Tiny Administrative Centre Project (Administrative Centre). These concerns are supported by many residents of the Township of Tiny (Township) and the two thousand members of the Federation of Tiny Township Shoreline Associations.

The Administrative Centre will result in significant adverse environmental effects. Notably, the Administrative Centre presents significant risks to endangered species, proposes development and site alteration to areas and habitat where such activity is prohibited, and severs natural areas and features.<sup>1</sup> The proposed development is contrary to provisions in the County of Simcoe Official Plan (County's Official Plan) and the Township of Tiny's Official Plan (Township's Official Plan), and violates sections 9(1) and 10(1) of the *Endangered Species Act*.

**I. COUNTY OF SIMCOE OFFICIAL PLAN**

The County of Simcoe's Official Plan (County's Official Plan) is prepared under the *Planning Act* to provide policy context for land use planning and applies to the Township of Tiny.<sup>2</sup> The proposed Administrative Centre development is contrary to sections 3.3.15, and 3.3.16 of the County's Official Plan.

First, section 3.3.15 of the County's Official Plan indicates that development and site alteration **shall not be permitted:**

- in **significant wetlands** and significant coastal wetlands;
- in **significant woodlands**, significant valley lands, significant wildlife habitat, significant ANSIs, and coastal wetlands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions;
- in fish habitat except in accordance with provincial and federal requirements;

---

<sup>1</sup> See Andrea Smith, "Hutchinson Environmental Sciences Ltd. Report" (28 February 2024) at 10 [*Hutchinson's Expert Report*].

<sup>2</sup> See "County of Simcoe Official Plan" (February 2023), online (pdf): <simcoe.ca/wp-content/uploads/2024/01/SCOP-Office-Consolidation-February-2023-FINAL-Certified.pdf> [*County's Official Plan*].

- in **habitat of endangered species and threatened species**, except in accordance with provincial and federal requirements;
- on **adjacent lands to the natural heritage features** and areas listed above, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts to the natural features or their ecological functions.<sup>3</sup>

Further, section 3.3.16 indicates that one of the goals of the County’s Official Plan is to restore and **maintain connectivity and linkages between natural heritage features and areas**.<sup>4</sup> Section 3.8.10 of the County’s Official Plan indicates that the County’s Greenlands designation includes the following natural heritage features and areas, wherever they occur in the County:

- **Habitat of endangered species and threatened species;**
- **Significant wetlands**, significant coastal wetlands, other coastal wetlands, and all wetlands 2 ha or larger which have been determined to be locally significant (including but not limited to evaluated wetlands);
- **Significant woodlands;**
- Significant valleylands;
- Significant wildlife habitat;
- Significant ANSIs;
- Regional ANSIs; and
- **Fish habitat.**<sup>5</sup>

## II. TOWNSHIP OF TINY OFFICIAL PLAN

The Township of Tiny’s Official Plan (Township’s Official Plan) is prepared under the *Planning Act* to provide policy context for land use planning, to guide economic, natural heritage, and community-building decisions affecting the physical use of land within the Township. The proposed Administrative Centre development is contrary to sections B.1.7.1, B.1.7.2, B.2.16 and B.2.17 of the Township’s Official Plan.

Pursuant to section B.1.7.1, adjacent lands are the lands adjacent to natural heritage features and areas where **impacts must be considered** and where the compatibility of the development proposal must be evaluated.<sup>6</sup> Section B.1.7.2 indicates that no development or site alteration shall be permitted on adjacent lands unless an Environmental Impact Study (EIS) is completed and

---

<sup>3</sup> *County Official Plan*, section 3.3.15 vi a). Adjacent lands are considered to be “within 120 m of habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2 ha or larger determined to be locally significant by an approved EIS, significant woodlands, significant wildlife habitat, significant ANSIs – life science, significant valley lands, and fish habitat.

<sup>4</sup> *County’s Official Plan*, page 21.

<sup>5</sup> *County’s Official Plan*, page 22.

<sup>6</sup> “Township of Tiny Official Plan” (12 October 2023), at 15, online (pdf): <[tiny.ca/sites/default/files/2023-10/Township%20of%20Tiny%20Official%20Plan%20-%20October%2012%202023.pdf](http://tiny.ca/sites/default/files/2023-10/Township%20of%20Tiny%20Official%20Plan%20-%20October%2012%202023.pdf)> [*Township’s Official Plan*].

approved by the Township, **subject to the comments of the appropriate agencies**, demonstrating that there will be no negative impact on the natural feature or their ecological functions.<sup>7</sup>

Section B.2.10 provides that the habitat of endangered species and threatened species is generally comprised of areas that listed species depend on either directly or indirectly to carry on life processes, such as reproduction, rearing, hibernation, migration or feeding.<sup>8</sup> As it relates to the Administrative Centre, it is important to note that section B.2.10.3 recognizes that **habitat of endangered species and threatened species often exists within other natural heritage features and areas**, and are not identified as species at risk habitat on the Township's Official Plan schedules.

Finally, pursuant to section B.2.16.1, the uses permitted on lands designated Greenlands include existing uses, residential dwelling units, or uses where the use can be established in accordance with the requirements of sections B.2.17 and B.2.18 of the Township's Official Plan.<sup>9</sup>

The permitted uses include:

- Forest, fish and wildlife management;
- Conservation and flood or erosion control projects;
- **Infrastructure authorized by an Environmental Assessment;**
- Expansions to existing buildings and structures;
- Accessory structures and uses;
- Change in use of legally existing uses to a use that is more compatible with the Greenlands designation;
- Expansions or alterations to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses, subject to an EIS; and,
- Boardwalks, footbridges, fences and docks, subject to an EIS.<sup>10</sup>

Pursuant to section B.2.17.2 and B.2.17.3, **development and site alteration is not permitted within Fish Habitat**, except in accordance with provincial and federal requirements, or **within habitat of endangered species and threatened species**, except in accordance with provincial and federal requirements.<sup>11</sup>

### **III. IMPACTS OF THE ADMINISTRATIVE CENTRE**

#### **1 Adverse effects to species at risk and their habitat**

The Natural Heritage Information Centre lists several species at risk as recorded within the two 1 km<sup>2</sup> squares encompassing the property.<sup>12</sup> These species include the Wood Thrush (*Hylochichla*

---

<sup>7</sup> *Township's Official Plan*, page 15.

<sup>8</sup> *Township's Official Plan*, page 19.

<sup>9</sup> *Township's Official Plan*, page 22.

<sup>10</sup> *Township's Official Plan*, pages 22-23.

<sup>11</sup> *Township's Official Plan*, page 23.

<sup>12</sup> *Hutchinson's Expert Report*, page 10.

mustelina; special concern), Eastern Whip-poor-will (*Antrostomus vociferus*; threatened), Massasauga rattlesnake (*Sistrurus catenatus*; threatened) and Forked Three-awned Grass.<sup>13</sup>

The presence of species at risk on the proposed land for the Administrative Centre makes the development incompatible with various sections related to species at risk and their habitat in both official plans, as well as provisions of the *Endangered Species Act (ESA)*.

Under section 9(1)(a) of the *Endangered Species Act (ESA)*, no person shall “kill, harm, harass, capture, or take a living member of a species that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species.”<sup>14</sup>

Additionally, under Section 10(1) of the *ESA*, “no person shall damage or destroy the habitat of a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species, or a species that is listed on the Species at Risk in Ontario List as an extirpated species, if the species is prescribed by the regulations for the purpose of this clause.”<sup>15</sup>

## **2. Development on Greenlands, natural heritage features and areas and adjacent lands, and species at risk habitat, is contrary to official plans and not in accordance to provincial and federal requirements**

The Administrative Centre is proposed on lands that are designated as Rural and Greenlands. These lands are adjacent to lands with natural features and areas, including significant woodlands and wetlands, and habitat of endangered species.

The proposed development does not appear to be a permitted use of Greenlands under section B.2.16.1 of the Township’s Official Plan. Any development or site alteration to fish habitat and habitat of endangered species must be done in accordance with provincial and federal requirements.<sup>16</sup>

## **IV. RECOMMENDATIONS**

### **1. The Township must conduct an adequate Environmental Assessment (not just a less intense Environmental Review) on of the impacts of the planned Administrative Centre**

Pursuant to sections 3.3.15 of the County’s Official Plan, and sections B.2.17.10 and B.2.18.3 of the Township’s Official Plan, an Environmental Impact Study should be conducted for the Administrative Centre and site alterations to the property.<sup>17</sup> This assessment must consider the impact to the Greenlands and adjacent lands, as well as species at risk and their habitat.

### **2. The Township must consult the Ministry of Environment, Conservation and Parks regarding effects to species at risk and their habitat**

---

<sup>13</sup> *Hutchinson’s Expert Report*, page 10.

<sup>14</sup> *Endangered Species Act*, 2007, SO 2007, c 6, s 9(1) [ESA].

<sup>15</sup> *ESA*, s 10(1).

<sup>16</sup> *Township’s Official Plan*, page 23.

<sup>17</sup> *Hutchinson’s Expert Report*, page 10.

Further and, in accordance with federal and provincial requirements, the Township must consult the Ministry of Environment, Conservation and Parks regarding the impacts of the proposed Administrative Centre to species at risk and their habitat. The Township must also comply with sections 9(1) and 10(1) of the *ESA* to protect species at risk and their habitat.

## V. CONCLUSION

We trust that these comments and concerns on the environmental impacts of the Administrative Centre will be considered by the Township. Please contact the undersigned if you have any questions arising from this submission.

Sincerely,



**Paul Cowley**

**President – FoTTSA (Federation of Tiny Township Shoreline Associations)**

**647-829-7633**

[www.thetinycottager.org](http://www.thetinycottager.org)



Follow us on [Instagram](#) and [Facebook](#)

**NOTICE:** The information contained herein, including any attachments, is proprietary and confidential and is intended for the exclusive use of the addressee. It also may contain privileged information and/or personal information subject to privacy legislation. The authorized addressee of this information, by its retention and use, agrees to protect the information contained herein from loss, disclosure, theft or compromise with at least the same care it employs to protect its own confidential information. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. **If you have received this e-mail in error, please notify us immediately by reply e-mail and destroy all copies.**

Attachement: Hutchinson Environnemental Sciences Ltd. Report (pdf)



February 28, 2024

Project No. 240023

Paul D. Bell, Ph.D.  
107 Copeland Creek Dr.  
Tiny  
Ontario L9M 0M2

Nancy Phelps, M. Sc.  
105 Copeland Creek Dr.  
Tiny  
Ontario L9M 0M2

Via email: [quidnovi.pb@gmail.com](mailto:quidnovi.pb@gmail.com), [copelandwoods@yahoo.com](mailto:copelandwoods@yahoo.com)

Dear Mr. Bell and Ms. Phelps:

**Re: Determining whether an Environmental Impact Study is required for development/site alteration in Tiny Township**

Hutchinson Environmental Sciences Ltd. (HESL) was retained by you to conduct research on the proper procedure for determining whether an Environmental Impact Study (EIS) is required for development and site alteration in Tiny Township. The following report summarizes my review of relevant provincial and municipal policy and legislation pertaining to this determination.

## 1. Provincial Policy and Legislation

### 1.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest to regional and local municipalities regarding land use planning and development under the *Planning Act (1990)*. Municipal official plans must be consistent with the PPS.

Policy 2.1 of the PPS addresses protection of natural features and areas. Under Policy 2.1.1, natural features and areas shall be protected for the long term. Under Policy 2.1.2, the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Development and site alteration are not permitted in certain natural heritage features and adjacent lands unless specific provisions are satisfied. According to Policy 2.1.4, development and site alteration are prohibited in

- Significant wetlands in Ecoregions 5E, 6E and 7E, and
- Significant coastal wetlands.

Under Policy 2.1.5, development and site alteration are prohibited in

- Significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E,
- Significant woodlands in Ecoregions 6E and 7E,
- Significant valleylands in Ecoregions 6E and 7E,
- Significant wildlife habitat (SWH),
- Significant areas of natural and scientific interest (ANSIs),
- Coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. In addition, development and site alteration are prohibited in

- Fish habitat (Policy 2.1.6), and
- Habitat of endangered and threatened species (Policy 2.1.7)

except in accordance with provincial and federal requirements.

Under Policy 2.1.8, development and site alteration are prohibited in adjacent lands to the natural heritage features and areas identified in Policies 2.1.4, 2.1.5, and 2.1.6 unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

## 1.2 *Endangered Species Act (2007)*

Ontario's *Endangered Species Act* (ESA) identifies species at risk in the province, provides protection to these species and their habitat, promotes recovery of species at risk, and promotes stewardship activities that assist the protection and recovery of species at risk.

Under Section 9(1) of the ESA, no person shall

- kill, harm, harass, capture, or take a living member of a species that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species,
- possess, transport, collect, buy, sell, lease, trade or offer to buy, sell, lease or trade
  - a living or dead member of a species that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species,
  - any part of a living or dead member of a species referred to in subclause (i),
  - anything derived from a living or dead member of a species referred to in subclause (i), or
- sell, lease, trade or offer to sell, lease or trade anything that the person represents to be a thing described in subclause (b) (i), (ii), or (iii).

Under Section 10(1), no person shall damage or destroy the habitat of

- a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species, or



- b. a species that is listed on the Species at Risk in Ontario List as an extirpated species, if the species is prescribed by the regulations for the purpose of this clause.

Ontario Regulation 230/08: Species at Risk in Ontario List provides the current listing of extirpated, endangered, threatened, and special concern species classified by the Committee on the Status of Species at Risk in Ontario (COSSARO).

### 1.3 A Place to Grow - Greater Golden Horseshoe Growth Plan (Office Consolidation 2020)

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) provides a framework to guide where and how the region will grow. The Growth Plan focuses on managing growth by promoting complete communities, a thriving economy, a clean and healthy environment, and social equity.

Section 4.2 identifies policies for protecting valuable natural resource systems, including water, natural heritage systems, key hydrological features, key hydrologic areas, and key natural heritage features, as well as lands adjacent to key hydrologic features and key natural heritage features.

Section 4.2.2 indicates that a Natural Heritage System for the Growth Plan has been mapped by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. Municipalities are to incorporate the Natural Heritage System into their official plans and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or hydrologic functions of the features, as set out in policies in this section and in Sections 4.2.3 and 4.2.4.

Section 4.2.2.3 states that new development or site alteration within the Natural Heritage System for the Growth Plan must demonstrate that

- i. there are no negative impacts on key natural heritage features or key hydrologic features or their functions,
- ii. connectivity along the system and between key natural heritage features and key hydrologic features located within 240 m of each other will be maintained, or where possible, enhanced for the movement of native plants and animals across the landscape,
- iii. removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible,
- iv. disturbed area (including any buildings and structures) will not exceed 25% of the total developable area, and the impervious surface will not exceed 10% of the total developable area,
- v. at least 30% of the total developable area will remain or be returned to natural self-sustaining vegetation.

Section 4.2.2.6 states that the municipality will continue to protect any other natural heritage features and areas beyond the Natural Heritage System for the Growth Plan in a manner that is consistent with the PPS and may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS.



Section 4.2.3 indicates that outside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System for the Growth Plan or in key hydrologic features, except for certain uses (e.g., forest, fish, and wildlife management, conservation and flood or erosion control projects, infrastructure authorized under an environmental assessment process, mineral aggregate operations, expansions or alterations of existing buildings or structures used for agriculture).

Section 4.2.4 states that outside of settlement areas, a proposal for new development or site alteration within 120 m of a key natural heritage feature within the Natural Heritage System for the Growth Plan or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone (VPZ). The VPZ must be

- a) of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change,
- b) established to achieve and be maintained as natural self-sustaining vegetation, and
- c) for key hydrologic features, fish habitat, and significant woodlands, no less than 30 m measured from the outside boundary of the key natural heritage feature or key hydrologic feature.

Development or site alteration is not permitted in the VPZ (except for uses listed in Section 4.2.3). Section 4.2.4.4 states that a natural heritage or hydrologic evaluation will not be required for a proposal for development or site alteration on a site where the only key natural heritage feature is the habitat of endangered species and threatened species.

*Key Hydrologic Areas* are defined as significant groundwater recharge areas, highly vulnerable aquifers, and significant surface water contribution areas that are necessary for the ecological and hydrologic integrity of a watershed.

*Key Hydrological Features* are defined as permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs, and wetlands.

*Key Natural Heritage Features* are defined as habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs); significant valleylands; significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.

*Natural Heritage Features and Areas* include the features and areas identified for protection under Policy 2.1 of the PPS.

*Natural Heritage System* is defined as a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. The system can include key natural heritage features, key hydrologic features, and other natural heritage features and areas, among other lands.



## 2. Municipal Policy

### 2.1 County of Simcoe Official Plan (Office Consolidation, February 2023)

Simcoe County's Official Plan is prepared under the *Planning Act (1990)* to provide policy context for land use planning. The Official Plan applies to 16 towns and townships within the County, including Tiny Township.

Section 3.3.15 states that development and site alteration shall not be permitted

- i. In significant wetlands and significant coastal wetlands.
- ii. In significant woodlands, significant valleylands, significant wildlife habitat, significant ANSIs, and coastal wetlands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- iii. In the following regional and local features, where a local official plan has identified such features, unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions: wetlands 2 ha or larger determined to be locally significant by an approved EIS, and Regional ANSIs.
- iv. In fish habitat except in accordance with provincial and federal requirements.
- v. In habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- vi. On adjacent lands to the natural heritage features and areas listed above, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts to the natural features or their ecological functions. Adjacent lands shall generally be considered to be
  - a. within 120 m of habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2 ha or larger determined to be locally significant by an approved EIS, significant woodlands, significant wildlife habitat, significant ANSIs – life science, significant valleylands, and fish habitat;
  - b. within 50 m of significant ANSIs – earth science;
  - c. A reduced adjacent land area may be considered based on the nature of intervening land uses. The extent of the reduced area will be determined by the approval authority in consultation with the applicant prior to the submission of a development application, and supported by an EIS, demonstrating that there will be no negative impacts beyond the proposed reduced adjacent land area.

Section 3.3.16 indicates that restoring and maintaining connectivity and linkages between natural heritage features and areas is a goal of the Official Plan. The County's Greenlands mapping includes potential linkage areas identified by the County as an area in which it would be desirable to restore lost and severed natural corridors through natural succession and/or supplementary planting. Linkage area policies shall be contained in local municipal official plans.

Section 3.8 outlines the objectives of the County's Greenlands designation, which is the County's natural heritage system. Section 3.8.10 indicates that this natural heritage system includes the following natural heritage features and areas, wherever they occur in the County:



- a) Habitat of endangered species and threatened species;
- b) Significant wetlands, significant coastal wetlands, other coastal wetlands, and all wetlands 2 ha or larger which have been determined to be locally significant (including but not limited to evaluated wetlands);
- c) Significant woodlands;
- d) Significant valleylands;
- e) Significant wildlife habitat;
- f) Significant ANSIs;
- g) Regional ANSIs; and
- h) Fish habitat.

The County's Greenlands are mapped on Schedule 5.1.

Section 3.8.11 indicates that the mapping of Greenlands on Schedule 5.1 is approximate, and does not reflect certain features, such as habitat of endangered species and threatened species, or new or more accurate information identifying natural heritage features and areas. Further, if any lands are demonstrated to be of a feature type listed in Section 3.8.10, those lands are to be protected in accordance with Sections 3.3.15 and 3.3.16, even if they are not mapped in Schedule 5.1.

The role of local municipal official plans in promoting the County's Greenlands and natural heritage policies is outlined in Sections 3.8.12 – 3.8.14.

Section 3.8.12 states that local municipal official plans shall contain policies and mapping to implement the County's Greenlands and natural heritage policies.

Section 3.8.13 states that local municipal official plans may contain policies and mapping that implement local natural heritage systems that identify local natural heritage features and areas in addition to the County's natural heritage system. Local municipal official plans shall establish criteria for evaluating development and site alteration applications within these identified natural features and areas.

Section 3.8.14 states that local municipal official plans may contain policies and mapping that detail the criteria for determining significant woodlands. Significant woodlands can also be determined through an EIS.

Section 4.12.18 indicates that the County may require an EIS (among other reports or studies) in order for a development application to be deemed complete in accordance with the *Planning Act*.

## 2.2 Township of Tiny Official Plan (Consolidated October 12, 2023)

The Official Plan for the Township of Tiny is prepared under the *Planning Act* to provide policy context for land use planning, to guide economic, natural heritage, and community-building decisions affecting the physical use of land within the Township.

Section A.2 outlines the land use designation within the Township, which include



- Environmental Protection, which is comprised of
  - Provincially significant wetlands, and
  - Provincially significant coastal wetlands.
- Greenlands, which is comprised of
  - Other evaluated wetlands,
  - Other wetlands 2 ha or larger,
  - Significant woodlands,
  - Significant valleylands,
  - Significant wildlife habitat,
  - Habitat of endangered and threatened species,
  - Provincially significant ANSIs,
  - Regionally significant ANSIs,
  - Nipissing Ridge,
  - Natural linkage areas, and
  - Fish habitat.

The natural heritage system is comprised of the Environmental Protection and the Greenland designations.

Section B.1 provides additional details on the Environmental Protection designation, and the natural heritage features falling within it. Lands designated Environmental Protection are mapped on Schedule A (Land Use) and Schedule B (Natural Heritage Features) of the Official Plan. These areas are generally within the County's Greenlands System.

Section B.1.6.1 states that development and site alteration are not permitted with the Environmental Protection designation.

Section B.1.7.1 indicates that adjacent lands are the lands adjacent to natural heritage features and areas where impacts must be considered and where the compatibility of the development proposal must be evaluated. Adjacent lands are defined under the Official Plan as all lands within 120 m of the Environmental Protection designation. B.1.7.2 indicates that no development or site alteration shall be permitted on adjacent lands unless an EIS is completed and approved by the Township, subject to the comments of the appropriate agencies, demonstrating that there will be no negative impact on the natural feature or their ecological functions. The scale and contents of the EIS shall be determined at the time the development is proposed. The width of the adjacent lands may be increased or decreased, depending on the feature and the nature of the proposed development. Section B. 1.7.3 states that an appropriate development setback from the edge of any natural heritage feature or natural heritage area in the Environmental Protection designation shall be determined in the EIS.

Section B.2 provides additional details on the Greenlands designation, and the natural heritage features and areas falling within this designation. Lands designated Greenlands are mapped on Schedule A (Land Use) and Schedule B (Natural Heritage Features). Not all identified natural heritage features and areas, key natural heritage features and key hydrologic features are represented in Official Plan mapping. For example, Section B.2.10.3 recognizes that habitat of endangered species and threatened species often exists within other natural heritage features and areas, and are not identified as species at risk habitat on the Official Plan schedules. Section B.2.10.4 indicates that at the time of a development application, the presence of habitat of endangered species and threatened species shall be confirmed by the applicant's



environmental consultant in consultation with the Ministry of Natural Resources and Forestry and/or other applicable agencies<sup>1</sup>.

Section B.2.16 outlines the permitted uses within lands designated Greenlands, which (as with the County Official Plan) include

- forest, fish and wildlife management,
- conservation and flood or erosion control projects,
- infrastructure authorized by an environmental assessment,
- expansions to existing buildings and structures, and
- accessory structures and uses.

Section B.2.17 indicates that development and site alteration is not permitted within the following natural heritage features and areas, key natural heritage features and key hydrologic features, except for development and site alteration related to permitted uses identified in Section B.2.16:

- a) other evaluated wetlands,
- b) other wetlands 2 ha or larger,
- c) significant woodlands,
- d) significant wildlife habitat,
- e) provincially significant ANSIs,
- f) regionally significant ANSIs, and
- g) significant valleylands.

Section B.2.17.6 states that where development is proposed in the Greenlands designation, but on lands not subject to natural heritage features and areas, key natural heritage features and key hydrologic features on Schedule B of the Plan, the requirement to prepare an EIS shall be determined in consultation with the Township and County through pre-consultation, and should consider connectivity and natural linkages that the Greenlands area may provide.

Section B.2.17.10 requires that an appropriate development setback from the edge of any feature in the Greenlands designation be determined in the EIS.

Section B.2.18.1 indicates that adjacent lands to natural heritage features and areas are lands where impacts must be considered and where the compatibility of the development proposal must be evaluated. Adjacent lands are defined under the Official Plan as all lands within 120 m of a) to e) and g) in Section B.2.17, and within 50 m of f) in Section B.2.17. Under Section B.2.18.3, no development or site alteration shall be permitted on these adjacent lands unless an EIS is completed, subject to the comments of the appropriate agencies, demonstrating that there will be no negative impact on the natural feature or their ecological functions. Under B.2.18.4 the scale and contents of the EIS shall be determined at the time the development is proposed. The width of the adjacent lands may be increased or decreased, depending on the feature and the nature of the proposed development. Under B.2.18.5, on adjacent lands, consent applications that do not result in the creation of a new lot, shall not be required to complete an EIS.

---

<sup>1</sup> As of 2019, the Ministry of Environment, Conservation and Parks assumed responsibility for administration of the Endangered Species Act in Ontario.



E.10.2.1 indicates that the Township may require an EIS (among other information or technical reports) as part of a development application in order for the application to be considered complete.

Section E.12 provides additional details on the purpose of an EIS and its contents. E.12.1 indicates that where the need for an EIS has been identified, the EIS shall be prepared by a qualified professional in accordance with the requirements of this section. E.12.2 indicates that the Township will require an independent peer review of the EIS. E.12.3 states that the purpose of an EIS is to

- a) collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant natural heritage feature(s); and
- b) make an informed decision as to whether or not a proposed use will have a negative impact on the natural heritage features and ecological functions, and key hydrological features within the Township.

Section E.12.3.2 further requires that an EIS describe the natural heritage features, key hydrological features, and ecological functions, identify their significance and sensitivities, and describe how they could be affected by a proposed use. The EIS should consider the relevant aspects and inter-relationships of various components of the natural heritage system on and off the site. In addition, the EIS must address how the proposed development will protect, maintain, or restore the critical natural features and ecological functions of the natural heritage system. Section E.12.4.1 states that the contents and scope of an EIS shall be determined through pre-consultation and shall be based on the natural heritage feature(s) and the proposed use.



### 3. Summary and Conclusions

I understand from your correspondence to me on January 30 and February 1, 2024 that the Township has proposed constructing a new administrative building on a property with forest and wetland habitat, and that the endangered species Forked Three-awned Grass (*Aristida basiramea*) has been recorded in the vicinity. The property is described as Part of Lot 10, Concession 8, Township of Tiny. My background review of mapping for the area shows that the property is designated Rural and Greenlands (Schedule A Township Official Plan) and that portions of the property are within or adjacent to significant woodlands and two wetlands mapped as other wetlands 2 ha or larger (Schedule B Township Official Plan). The Natural Heritage Information Centre lists several species at risk as recorded within the two 1 km<sup>2</sup> squares encompassing the property (17NK8499 and 17NK8450), including Wood Thrush (*Hylochichla mustelina*; special concern), Eastern Whip-poor-will (*Antrostomus vociferus*; threatened), Massasauga rattlesnake (*Sistrurus catenatus*; threatened) and Forked Three-awned Grass.

Given the Greenlands designation, the presence of key natural heritage features (significant woodlands, wetlands) on and adjacent to the property, and the record of several species at risk in the area (indicating the potential presence of habitat of endangered and threatened species, as well as significant wildlife habitat for special concern species), I believe an EIS should be required for new development and site alteration on the property, pursuant to Section 3.3.15 of the County of Simcoe Official Plan, and Sections B.2.17.10 and B.2.18.3 of the Township of Tiny's Official Plan. Furthermore, in my opinion, confirmation of the presence of habitat of endangered and threatened species should occur through consultation with MECP, pursuant to Section B.2.10.4 of the Township's Official Plan.

Please note that my professional opinion on this matter reflects my understanding of the proposed development based on the information you provided me in the aforementioned correspondence and my review of relevant policy and legislation summarized in this report. I have not reviewed any official documentation or applications related to the proposed development from the Township, which might alter my conclusions on this matter.

I hope this review is helpful to you. Please let me know if you have any questions.

Sincerely,  
per. Hutchinson Environmental Sciences Ltd.



Andrea L. Smith, Ph. D.  
Senior Scientist  
[andrea.smith@environmentalsciences.ca](mailto:andrea.smith@environmentalsciences.ca)

