ONTARIO LAND TRIBUNAL

Appeals by ClubLink Corporation ULC of Zoning By-law Amendment and Plan of Subdivision Applications for 7000 Campeau Drive, Ottawa

OLT Case No. PL200195

JOINT WITNESS STATEMENT OF ANDREW MCKINLEY

AND BERNIE MUNCASTER

November 12, 2021

Qualifications

1. Dr. McKinley is the principal consultant and owner of McKinley Environmental Solutions. He is a highly experienced environmental specialist and has completed hundreds of Environmental Impact Statements (EIS), Environmental Assessments (EA), and Natural Environment Studies to meet municipal, provincial, and federal regulatory requirements. Projects have ranged in size from small scale EIS studies for single building construction, to large Class EAs for major infrastructure, development, and mining projects. He is among Ontario's leading experts in Endangered Species Management and specializes in permitting for large scale developments with complex environmental requirements. He holds a PhD in Biological Science, is a Certified Environmental Professional in four disciplines, and is a Registered Professional Biologist (RP Bio).

2. Bernie Muncaster is the principal consultant and owner of Muncaster Environmental Planning Inc. He is among Eastern Ontario's most experienced ecological consultants, with over thirty years of professional experience. He has completed hundreds of Environmental Impact Statements (EIS), Environmental Assessments (EA), and related natural heritage studies. Mr. Muncaster has provided expert testimony to the Local Planning Appeal Tribunal, the Ontario Municipal Board, and the Ontario Energy Board. He has also obtained numerous authorizations on behalf of his clients under the Endangered Species Act and the Fisheries Act. He holds a Masters Degree and a Bachelors of Science (Honours) Degree in Biology/Ecology.

3. Copies of our *curriculum vitae* are attached to this Witness Statement, together with our signed Acknowledgement of Expert's Duty forms.

Retainer

4. In April 2018, McKinley Environmental Solutions (MES) and Muncaster Environmental Planning Inc. (MEP) were retained by Minto Communities on behalf of Clublink Corporation ULC to prepare a Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR), which was required to support the proposed redevelopment of the Kanata Golf and Country Club property at 7000 Campeau Drive in the City of Ottawa (the 'Site'). The Combined EIS and TCR was prepared jointly by MES and MEP. MES and MEP were also retained to initiate the Ontario Endangered Species Act (ESA) review and approval process for the proposed redevelopment, which was required due to the presence of Butternut Trees (endangered) within the Site. Reports prepared under this retainer include the following:

    a) McKinley Environmental Solutions (MES) (May 2020a) Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) (Revised) - Kanata Golf and Country Club Redevelopment.

    b) McKinley Environmental Solutions (MES) (August 2020b) Ontario Endangered Species Act Information Gathering Form Submission (Version 2) - Kanata Golf and Country Club Redevelopment.

    c) McKinley Environmental Solutions (MES) (December 2020c) Ontario Endangered Species Act Alternatives Assessment Form Submission (Version 2) - Kanata Golf and Country Club Redevelopment.

    d) McKinley Environmental Solutions (MES) (March 2021a) Ontario Endangered Species Act 'C' Permit Application Form Submission (Version 1) - Kanata Golf and Country Club Redevelopment.

    e) McKinley Environmental Solutions (MES) (May 2021b) Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) (Revised) Addendum #1 - Kanata Golf and Country Club Redevelopment.

Summary of Evidence and Opinions

Issue #2: Is the proposed plan of subdivision consistent with the Provincial Policy Statement, particularly policies 1.1.1 b), 1.1.3.4, 1.6.6.7, 2.2.1 i) and 2.2.2?

Response:

5. Policy 2.2.2 of the Provincial Policy Statement states:

> *Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.*

6. Section 3.4 of the Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) (MES May 2020a) addresses the potential presence of sensitive surface water features including wetlands, watercourses, and fish habitat. MES (May 2020a) concludes that there are no natural watercourses and/or wetlands present within the Site and/or immediately adjacent to the Site.

7. Section 3.4.1 of MES (May 2020a) discusses the presence of six (6) stormwater infiltration/conveyance swales within the Site. All of the stormwater infiltration/conveyance swales are characterized as artificial features that are fed either by outlet pipes from the adjacent subdivisions and/or by surface runoff from the golf course. It should be noted that the minimum patch size for potentially suitable vegetation communities to qualify as wetlands is 0.5 hectares under Ontario's Ecological Land Classification System and the Ontario Wetland Evaluation System. The swales are each less than 0.5 ha in size. Section 3.4.1 of MES (May 2020a) concludes that the six (6) stormwater infiltration/conveyance swales are too small and artificial in origin to be considered wetlands, and that the swales have no open upstream or downstream connection to potential natural fish habitat features. As such, the stormwater infiltration/conveyance swales are not considered significant surface water features.

8. Section 3.4.2 of MES (May 2020a) discusses the two (2) golf course ponds that are currently present within the Site. The two (2) ponds are characterized as artificial features that predominantly consist of open water, with limited vegetation found growing around the edges. The majority of the pond edges appear to be regularly mowed, thereby limiting the growth of wetland plants. The ponds are present within a functioning golf course, and they are artificial features that were designed and built to provide aesthetic functions. As such, the two (2) golf course ponds do not qualify as natural wetlands, and they are not considered significant surface water features.

9. Section 3.4.3 of MES (May 2020a) identifies that fish are present within the two (2) golf course ponds, including invasive Goldfish (Carassius auratus) and invasive Common Carp (Cyprinus carpio). It is noted that a fish and wildlife salvage plan must be implemented during future dewatering/decommissioning of the ponds, in order to relocate fish (and other wildlife) from the ponds. Although fish are present within the two (2) golf course ponds, Section 3.4.3 of MES (May 2020a) identifies that Fisheries and Oceans Canada policies under the Fisheries Act do not recognize artificial ponds as significant fish habitat features, and therefore Fisheries and Oceans Canada does not require projects that take place in artificial ponds to be submitted for review under the Fisheries Act.

10. Section 3.6 of MES (May 2020a) discusses the potential presence of Significant Wildlife Habitat (SWH) features within the two (2) golf course ponds (including amphibian breeding habitat). Section 3.6 concludes that the two (2) golf course ponds should not qualify as SWH. In response to comments from the City of Ottawa, the amphibian breeding habitat survey methods and results are discussed in further detail in Section 7.0 of the Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) Addendum #1 (MES May 2021b).

11. The Mississippi Valley Conservation Authority (MVCA) review of the proposed redevelopment supports the conclusion that there are no natural watercourses and/or wetlands present within the Site and/or immediately adjacent to the Site. In their first submission review comments, which were forwarded to the proponents by the City of Ottawa on December 19th, 2019, the MVCA provided the following statement:

> "*The subject lands were developed as a golf course in the 1970's and have been maintained as such since. Aerial imagery indicates that there are two large ponds on the property, but our mapping sources do not identify any natural watercourses or wetlands associated with these lands. The Environmental Impact Statement prepared by McKinley Environmental and dated August 2019 concludes that there are no watercourses or wetlands present on the subject lands. MVCA offers no substantial comments on natural heritage as the subject lands do not appear to contain any features within the scope of our review."*

Issue #9: Are conditions of draft approval necessary to ensure the long-term viability of the landscape buffers?

Response:

12. The landscaped buffers are proposed to be retained through provisions in the zoning by-law and through provisions in the subdivision agreement, which can be identified in the conditions of draft plan approval. These provisions are discussed in further detail in response to Issue #26 (below). The zoning by-law and subdivision agreement provisions discussed below in response to Issue #26 are anticipated to be sufficient to ensure the long-term viability of the landscaped buffers.

Issue #10: Are the grading and drainage, and tree preservation plans consistent with one another? Will they provide effective protection for the trees in the landscape buffer and will they maintain positive drainage routes?

Response:

13. Section 3.0 of the Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) Addendum #1 (MES May 2021b) provides an updated description of the intended purpose and location of the minimum 3 m wide and the 6 m wide landscaped buffers. In Section 3.0 of MES (May 2021b) the following is stated:

> "*Existing healthy trees and shrubs will be retained within the minimum 3 m wide and the 6 m wide landscaped buffers wherever feasible and compatible with the redevelopment requirements. New trees and shrubs will be planted within the minimum 3 m wide and the 6 m wide landscaped buffers both where tree removal is required to accommodate grading/servicing, and also where there is currently insufficient tree coverage at the edge of the Site. Once the redevelopment is complete, the minimum 3 m wide and 6 m wide landscaped buffers will be fully treed with retained and/or planted trees and shrubs."*

14. Further detail is provided in Section 4.1.1 and Section 4.1.3 of the Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) (MES May 2020a) and Section 5.0 of the Combined EIS and TCR Addendum #1 (MES May 2021b). Drawings which show the post development forest cover within the Neighborhood Park, the Woodland Park, and the open space blocks relative to the sanitary sewer and the storm sewer servicing lines were provided in Section 5.0 of the Combined EIS and TCR Addendum #1 (MES May 2021b). As such, the potential impacts of grading and servicing on the tree retention areas (including the landscaped buffers), and the associated replanting/landscaping requirements, are addressed in MES (May 2020a) and MES (May 2021b). The grading, drainage, and tree preservation plans are consistent with one another

and will provide effective protection for the trees that will be retained and planted within the landscaped buffers.

Issue #23: Is the proposed zoning consistent with the Provincial Policy Statement, particularly policies 1.1.1 b), 1.1.3.4, 1.6.6.7, 2.2.1 i) and 2.2.2?

Response:

15. A detailed response addressing Policy 2.2.2 of the Provincial Policy Statement has been provided above in response to Issue #2.

Issue #26: Are provisions in the zoning by-law sufficient to ensure the long-term viability of the landscape buffers?

Response:

16. The landscaped buffers are proposed to be retained through the zoning by-law, which will include an exception prohibiting permanent accessory uses, buildings, and structures within the minimum 3 m wide and the 6 m wide landscaped buffers. The zoning by-law protections will be enforceable by the City of Ottawa through their by-law enforcement practices. Rear yard setbacks (where applicable) will be measured from the buffer as opposed to from the rear lot line. Trees within the buffers are proposed to be further protected by provisions within the subdivision agreement, which will be registered on title and which will be binding on future owners.

17. Zoning by-law and subdivision agreement provisions have been utilized to ensure the protection of trees, open space blocks, and other natural features within similar residential developments throughout the City of Ottawa. For example, a 6 m wide buffer of retained trees was preserved along the southern development boundary of the Minto Brookline development where the development abuts adjacent existing residential homes (936 March Road, City of Ottawa) (MES July 2019). The zoning by-law and subdivision agreement provisions are anticipated to be sufficient to ensure the long-term viability of the landscaped buffers.

Issue #27: Does the proposed zoning amendment have appropriate regard to Section 2 with particular reference to Subsections (a), (h), (i), (o), (p) and (r)?

Response:

18. Subsection 2(a) of the Planning Act states:

> *The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as*

…(a) the protection of ecological systems, including natural areas, features and functions;

19. The Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) (MES May 2020a) and the Combined EIS and TCR Addendum #1 (MES May 2021a) address the protection of ecological systems, including natural areas, and natural features and functions. As described above in response to Issue #2, no significant natural watercourses and/or wetlands occur within the Site and/or immediately adjacent to the Site. Natural heritage features which occur within the Site include the three (3) Significant Woodlots, several additional forest patches which are too small and/or too young to qualify as Significant Woodlots, and numerous tree stands and individual trees. There are also several endangered Butternut Trees present within the Site. These natural features and their associated functions have been addressed as follows:

20. Significant Woodlots: As described in the Combined EIS and TCR (MES May 2020a), as originally proposed, the redevelopment was to include a 3.53 ha Neighborhood Park and a 1.62 ha Woodland Park. The portion of Significant Woodlot D that overlaps the Neighborhood Park was proposed to be retained within the Neighborhood Park. The portion of Significant Woodlot E that overlaps the Woodland Park was proposed to be retained within the Woodland Park. Within each park, new trees were proposed to be planted adjacent to the retained portions of the Significant Woodlots (in areas that currently lack forest cover), in order to augment the features and functions of the retained portions of the Significant Woodlots. The Land Use Concept Plan included in the Combined EIS and TCR (MES May 2020a) included an additional 5.19 ha of open space blocks, which were proposed to provide additional opportunities for tree retention and tree planting. All existing trees within the open space blocks were identified to be retained wherever feasible, and new trees were proposed to be planted within any portions of the open space blocks that do not currently have forest coverage. Following completion of the redevelopment, each of the open space blocks was intended to be fully forested. Notably, a portion of Significant Woodlot C was proposed to be retained within the open space blocks. New trees were proposed to be planted within the open space block surrounding Significant Woodlot C (in areas that currently lack tree cover), thereby augmenting the features and functions of the retained portion of Significant Woodlot C.

21. The combined size of the three (3) Significant Woodlots under existing conditions is 3.86 ha. The Combined EIS and TCR (MES May 2020a) identified that, following the redevelopment, the combined size of the three (3) Significant Woodlots was anticipated to be similar (3.77 ha). As described above, the post development Significant Woodlots were intended to include a combination of retained trees and new tree plantings to augment their features and functions. Significant Woodlot C (1.0 ha pre-development, 1.15 ha post development) and Significant Woodlot E (1.27 ha pre-development, 1.62 ha post development) were anticipated to expand in size. Significant Woodlot D (1.59 ha pre-development, 1.0 ha post development) was anticipated to be reduced in size. Notably, all three

(3) Significant Woodlots were anticipated to be ≥0.8 ha in size following development, and therefore they will continue to qualify as Significant Woodlots under the amended City of Ottawa criteria for the urban area (City of Ottawa 2019).

22. The Land Use Concept Plan that was included in the Combined EIS and TCR (MES May 2020a) was updated in response to comments received from the City of Ottawa and other review agencies. The updated Land Use Concept Plan was included in the Combined EIS and TCR Addendum #1 (MES May 2021b). Compared with the previous Land Use Concept Plan (described above and included in MES (May 2020a)), the updated Land Use Concept Plan included in the Combined EIS and TCR Addendum #1 (MES May 2021b) included a slightly larger Neighborhood Park and a slightly larger Woodland Park. In response to review comments, the Neighborhood Park was expanded from 3.53 ha to 3.76 ha in size. The Woodland Park was also expanded from 1.62 ha to 1.68 ha in size. The expanded Neighborhood Park and the expanded Woodland Park will result in a small increase in the extent of tree retention and additional opportunities for tree planting (as compared to the description included above). An additional 2.0 ha of new/expanded open space blocks were added to the updated Land Use Concept Plan. However, the new/expanded open space blocks do not overlap the Significant Woodlots, and therefore the new/expanded open space blocks did not increase the extent of Significant Woodlot retention compared to what was described in the Combined EIS and TCR (MES May 2020a) (see above). However, the new/expanded open space blocks will provide additional opportunities for tree retention and tree planting.

23. In order to incorporate the changes to the Land Use Concept Plan described above, *Drawing 1: Existing Conditions – Forest and Significant Woodlots* and *Drawing 2: Post Development Conditions – Forest and Significant Woodlots*, were updated and included in the Combined EIS and TCR Addendum #1 (MES May 2021b). Earlier versions of Drawing 1 and Drawing 2 were included in Section 4.1.1 of the Combined EIS and TCR (MES May 2020a).

24. In addition to the tree retention/tree planting associated with the Significant Woodlots (as described above), a network of trails has been proposed to connect the parkland, open space blocks, and stormwater management blocks. The retained portions of the Significant Woodlots within both the Neighborhood Park and the Woodland Park will include walking trails and other recreational amenities. The trail network and the recreational amenities within the retained portions of the Significant Woodlots are intended to preserve and enhance their recreational and aesthetic functions. The Combined EIS and TCR (MES May 2020a) concludes that the tree retention/tree planting within the park and open space blocks, as well as the trail system and recreational amenities, is anticipated to be sufficient to preserve the significant features and functions of the three (3) Significant Woodlots.

25. Landscaped Buffers: The Land Use Concept Plan provided in the Combined EIS and TCR (MES May 2020a) included minimum 3 m wide landscaped buffers around the Site edges adjacent to existing residential properties. The combined size of the minimum 3 m wide landscaped buffers was 1.65 ha. Many of the Site edges are currently occupied by planted trees, tree stands, or forest patches, and therefore the minimum 3 m wide landscaped buffers were intended to provide additional opportunities for tree retention along the Site edges.

26. Following the submission of the Combined EIS and TCR (MES May 2020a), further analysis was undertaken in November 2020 to clarify the intended function of the landscaped buffers, their size, and their locations. The proposed function, size, and locations of the landscaped buffers was clarified in the Combined EIS and TCR Addendum #1 (MES May 2021b). As described in the Combined EIS and TCR Addendum #1 (MES May 2021b), in several locations throughout the Site, the previously proposed minimum 3 m wide landscaped buffers around the Site edges were expanded to 6 m wide. The total size of the landscaped buffers was increased from 1.65 ha to 2.4 ha in the updated Land Use Concept Plan included in the Combined EIS and TCR Addendum #1 (MES May 2021b). Section 3.0 of the Combined EIS and TCR Addendum #1 (MES May 2021b) provides an updated rationale and description discussing the buffer widths (e.g. 3 m wide vs. 6 m wide) and their locations. It is noted that existing healthy trees and shrubs will be retained within the minimum 3 m wide and the 6 m wide landscaped buffers wherever feasible and compatible with the redevelopment requirements. New trees and shrubs will be planted within the minimum 3 m wide and the 6 m wide landscaped buffers both where tree removal is required to accommodate grading/servicing, and also where there is currently insufficient tree coverage at the edge of the Site. Once the redevelopment is complete, the minimum 3 m wide and 6 m wide landscaped buffers will be fully treed with retained and/or planted trees and shrubs.

27. Butternut Trees (Endangered Species Act): Butternut Trees (endangered) occur within the Site. As required by the rules and regulations of the Ontario Endangered Species Act (ESA), a Butternut Health Assessment (BHA) was completed to assess the condition of the Butternut Trees. Section 1.6 of the Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) (MES May 2020a) identified that several of the Category 2 and Category 3 Butternut Trees will be impacted and/or removed by the proposed redevelopment, and therefore the redevelopment will require authorization through the obtainment of an Overall Benefit Permit under Clause 17(2)(C) of the Ontario ESA. The Ontario ESA review and permitting process was initiated in January 2020 through the submission of the Information Gathering Form (IGF) to the Ministry of Environment, Conservation, and Parks (MECP). Subsequently, the IGF and the Alternatives Assessment Form (AAF) were reviewed by the MECP and accepted as final (MES August 2020b & MES December 2020c). The 'C' Permit Application Form (CPAF) was submitted to the MECP on March 16th, 2021 (MES March 2021a). At the time of writing (November 12th, 2021), the

MECP review of the CPAF is ongoing. Through their acceptance of the IGF, the MECP has confirmed that the presence of Butternut Trees represents the only significant Species at Risk (SAR) concern for the proposed redevelopment.

28. The mitigation and habitat compensation requirements outlined in the CPAF (MES March 2021a) provide the basis for the future Overall Benefit Permit, which will be obtained from the MECP prior to the commencement of any development activities which may impact the Butternut Trees.

29. Conclusion: The Combined EIS and TCR Addendum #1 (MES May 2021b) concludes that:

> *Provided that the regulatory, mitigation, and avoidance measures outlined in this letter are implemented appropriately, in addition to those outlined in the Combined EIS and TCR (MES May 2020a), the redevelopment of the Site is not anticipated to have a significant negative effect on the natural features and functions.*

Issue #30: Does the proposed plan of subdivision have appropriate regard to the provisions of Section 51(24) with reference to Subsections (a), (b), (c), (d), (e), (f), (g), (h) and (k)?

Response:

30. Subsection 51(24)(h) of the Planning Act states:

> *(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*
>
> …(h) conservation of natural resources and flood control;

31. The conservation of natural resources (e.g. the preservation of the significant natural features and functions of the Site) is discussed above in response to Issue #27.

Issue #32: Is the proposed zoning amendment and plan of subdivision consistent with the PPS 2020 with particular reference to Section 1.1.1 b) and c); 1.1.3.4; 1.6.6.7; 2.2.1 a) and i); 2.2.2; and 3.2.2?

Response:

32. A detailed response addressing Policy 2.2.2 of the Provincial Policy Statement has been provided above in response to Issue #2.

Issue #34: Is the proposed zoning amendment and plan of subdivision in general conformity with the Official Plan with particular reference to the following sections: a) 2.2 / 2.2.2 – Managing Growth within the Urban Area/ Managing Intensification within the Urban Area; b) 2.3.3 - Drainage and Stormwater Management Services; c) 2.4 / 2.4.5 – Maintaining Environmental Integrity / Greenspaces; d) 2.5 / 2.5.1 – Building Liveable Communities / Designing Ottawa; e) 3.6.1 – General Urban Area; f) 3.6.3 – Mainstreets; g) 4.10 – Greenspace Requirements; h) 4.11 – Urban Design and Compatibility

Response:

33. Section 2.4.5 of the Official Plan discusses natural features which contribute to Ottawa's greenspace including wetlands, forests, watercourses, woodlands, and other designated natural heritage features. The preservation of the significant natural features and functions of the Site is discussed above in response to Issue #27. As described above in response to Issue #27, the proposed tree retention and tree planting will preserve the significant features and functions of the three (3) Significant Woodlots. The loss of tree cover associated with the redevelopment will be further mitigated through the retention of trees and the planting of trees within the open space blocks and the landscaped buffers. The revised Land Use Concept Plan included in the Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) Addendum #1 (MES May 2021b) provides 23.13 hectares of greenspace areas, which include the parks, open space blocks, the stormwater management blocks, the minimum 3 m wide landscaped buffers, and the 6 m wide landscaped buffers. The total proposed greenspace is 32.6% of the Site's surface area. As described above in response to Issue #27, the retention of greenspace areas, in combination with the proposed tree planting, is anticipated to be sufficient to preserve the natural features and functions of the Site.

Issue #36: Does the redevelopment of the existing golf course and related natural areas represent good planning and is it in the public interest?

Response:

34. As described in response to Issue #34 (above), the retention of greenspace areas, in combination with the proposed tree planting, is anticipated to be sufficient to preserve the natural features and functions of the Site. The Combined EIS and TCR Addendum #1 (MES May 2021b) concludes that: "*Provided that the regulatory, mitigation, and avoidance measures outlined in this letter are implemented appropriately, in addition to those outlined in the Combined EIS and TCR (MES May 2020a), the redevelopment of the Site is not anticipated to have a significant negative effect on the natural features and functions.*"

35. With respect to the preservation of natural areas and their associated natural functions, the proposed redevelopment represents good natural heritage planning and is in the public interest.

List of Documents to be Referred To:

a. City of Ottawa (2011) Characterization of Ottawa's Watersheds: An Environmental Foundation Document with Supporting Information Base.

b. City of Ottawa (2019) Significant Woodlands: Guidelines for Identification, Evaluation, and Impact Assessment.

c. Fisheries and Oceans Canada (FOC) (2019) Project Activities and Waterbodies Where Review Isn't Required.

d. McKinley Environmental Solutions (MES) (July 2019) Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) (Revised) – Minto Communities and 2559688 Ontario Inc. Kanata North Development (936 March Road).

e. McKinley Environmental Solutions (MES) (May 2020a) Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) (Revised) - Kanata Golf and Country Club Redevelopment.

f. McKinley Environmental Solutions (MES) (August 2020b) Ontario Endangered Species Act Information Gathering Form Submission (Version 2) - Kanata Golf and Country Club Redevelopment.

g. McKinley Environmental Solutions (MES) (December 2020c) Ontario Endangered Species Act Alternatives Assessment Form Submission (Version 2) - Kanata Golf and Country Club Redevelopment.

h. McKinley Environmental Solutions (MES) (March 2021a) Ontario Endangered Species Act 'C' Permit Application Form Submission (Version 1) - Kanata Golf and Country Club Redevelopment.

i. McKinley Environmental Solutions (MES) (May 2021b) Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) (Revised) Addendum #1 - Kanata Golf and Country Club Redevelopment.

j. Ontario Ministry of Natural Resources and Forestry (OMNRF) (1998) Ecological Land Classification for Southern Ontario: First Approximation and its Applications.

k. Ontario Ministry of Natural Resources and Forestry (OMNRF) (2010) OMNRF Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005, Second Edition.

l. Ontario Ministry of Natural Resources and Forestry (OMNRF) (2014) Ontario Wetland Evaluation System – Southern Manual (3rd Edition, Version 3.3).

Attachment #1: Response to the City of Ottawa and Mississippi Valley Conservation Authority (MVCA) Natural Heritage Related Review Comments for the Third Submission of the Draft Plan of Subdivision and Zoning By-law Amendment Applications – 7000 Campeau Drive (Received October 18th, 2021)

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Dr. Andrew McKinley, PhD, MA, BA (Hons), EP, RP Bio

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Bernie Muncaster, M.Sc., B.Sc. (Hons)

Attachment #1: Response to the City of Ottawa and Mississippi Valley Conservation Authority (MVCA) Natural Heritage Related Review Comments for the Third Submission of the Draft Plan of Subdivision and Zoning By-law Amendment Applications – 7000 Campeau Drive (Received October 18th, 2021)

City Comment #3: The City agrees with the approach regarding securing the proposed 3 and 6 metre buffers through the Zoning By-law. In addition to the zoning, the City will also require another mechanism in which to secure these buffers (ie. A conservation easement). This detail must be sorted out prior to draft approval.

Response:

36. This comment has been addressed in the response to Issue #26 (above).

City Comment #17: Zoning cannot be used to enforce the retention of trees as the Zoning By-law can only enforce land use / structures and not the type of vegetation present. As per comment 3 above, another mechanism will be required.

Response:

37. This comment has been addressed in the response to Issue #26 (above).

City Comment #18: The mapping in the EIS/TCR must show the impact of the servicing and not state that trees will be retained where feasible. The draft approval must indicate what will be present after detailed design and not what *may* be present. Please revise and make this more transparent.

Response:

38. This information was provided in the Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) Addendum #1 (MES May 2021b). The Combined EIS and TCR Addendum #1 (Section 5.0) includes drawings showing the relationship between the servicing lines and the tree retention areas (Drawing #3 and #4). Drawing #3 and #4 clearly show where the new servicing lines will pass through the tree retention areas. Tree removal will be required to install the new servicing lines. The Combined EIS and TCR Addendum #1 (Section 5.0) states that trees will be replanted wherever tree removal is required to accommodate servicing. In Section 5.0 of the Combined EIS and TCR Addendum #1, it is noted that no new servicing lines are required to cross through the retained portions of Significant Woodlot C, D, and E.

City Comment #19: As per the response provided to Comment 29 and 30 – it is addressed, although as per the City's earlier comments in the second submission, MECP signoff on the EIS is required and ESA permits may be required at the discretion of the MECP. This is not related to the ponds as SWH, but as there are SAR concerns in the area.

Response:

39. This comment has been addressed in the response to Issue #27 (above). As described above in response to Issue #27, through their acceptance of the Information Gathering Form (IGF) (MES August 2020b), the Ministry of Environment, Conservation, and Parks (MECP) has confirmed that the presence of Butternut Trees represents the only significant Species at Risk (SAR) concern for the proposed redevelopment.

City Comment #20: Please confirm if the proposed park plan allows for the retention of the significant woodlots in the greenspace within the parks. If the parks plan does not allow for the retention of these woodlots then the plan will likely result in a significant reduction in the retention and therefore there will be a negative impact on the significant woodlands. The plan will need to confirm that wooded parks are supported by the parks plan or if not provide more retention in order to demonstrate there will not be a negative impact.

Response:

40. The parks plan provides for the retention of the portions of the Significant Woodlots that overlap the parks. The Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) (MES May 2020a) and the Combined EIS and TCR Addendum #1 (MES May 2021b) state in several sections that the portions of the Significant Woodlots that overlap the parks will be retained within the parks. Drawing #2 (Post Development Conditions) in the Combined EIS and TCR Addendum #1 has a label which indicates 'Forested Portion of Parks'. Drawing #2 clearly identifies the retained forest areas within each park block.

City Comment #21: Please replace all references to the Urban Tree Conservation Bylaw with Tree Protection Bylaw (Bylaw 2020 – 340).

Response:

41. The Tree Protection Bylaw references will be updated in all future documents.

City Comment #22: 4.1.3 – Please provide more information on the selection of trees for possible transplanting – include key characteristics, anticipated timing, who will select trees, how they will be identified/tallied prior to transplanting, how will planting destinations be identified. It will be important to ensure that transplanting is feasible.

Response:

42. Section 4.1.3 of the Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) (MES May 2020a) states that where feasible, suitably sized trees will be transplanted from later phases of the redevelopment into the

earlier phases, in order to assist with landscaping requirements. In particular, transplanting will emphasize moving trees from the later phases into the stormwater management blocks that are first constructed. Where feasible, suitably sized trees will be selected for transplanting by a Landscape Architect and/or Arborist at the detailed design stage. Trees selected for transplanting will predominantly include the existing landscaping features within the Site, which are described in Section 3.2.2 of the Combined EIS and TCR (MES May 2020a). These may include a mixture of the existing planted Red Pine, White Pine, White Spruce, Sugar Maple, Silver Maple, Honey Locust, Bur Oak and Horse Chestnuts that exist as landscaping features throughout the Site. The existing landscaping features generally vary in size between approximately 10 cm and 40 cm diameter at breast height (dbh). Transplanting will be dependent on the phasing of the redevelopment, with trees potentially being transplanted from later phases of the redevelopment to earlier phases (where feasible). Project phasing and construction scheduling will be determined at the detailed design stage. As such, Section 4.1.3 of the Combined EIS and TCR (MES May 2020a) identifies that the details of transplanting will be provided at the detailed design stage.

City Comment #23: There is still concern regarding the 3 metre retention strip around the perimeter of the site. The City recommends a meeting to define a plan for assessing possible retention trees, as well as a communications strategy that will help ensure that the surrounding residents understand the process and what the possible outcomes are.

Response:

43. A Tree Cutting Permit under the Tree Protection By-law No. 2020-340 will be obtained prior to the commencement of tree clearing. Prior to the start of tree clearing, the edges of the minimum 3 m wide and 6 m wide landscaped buffers will be marked by a surveyor crew, who will identify the limits with flagging tape and/or stakes. During the first stage of tree clearing, trees within the development area will be cleared up to the marked limits of the landscaped buffers. A snow fence will then be installed to visually mark the limits of the minimum 3 m wide and 6 m wide landscaped buffers. Following the installation of the snow fencing, any trees within the minimum 3 m wide and 6 m wide landscaped buffers that require removal to accommodate servicing, grading, and/or drainage will be flagged, following which a second round of selective tree clearing will be undertaken to remove any flagged trees. At the appropriate stage (e.g. prior to the commencement of tree clearing), the procedures for tree removal will be further refined in collaboration with the City of Ottawa's Forester.

City Comment #24: A site visit is required with the applicant’s environmental consultant to review the buffer area prior to any analysis. Please coordinate with Mark Richardson (City Forester).

Response:

44. A site visit with Mark Richardson was held on November 2nd, 2020. The November 2nd, 2020 site visit included a review of the proposed minimum 3 m and 6 m wide landscaped buffers. A second site visit with Mark Richardson was held on November 1st, 2021. The November 1st, 2021 site visit included a discussion of the procedures described above in response to City Comment #23.

City Comment #25: The Significant Woodlands Guidelines were prepared in consultation with industry and approved by Council. The analysis provided in the most recent submission does not provide the information required by the guidelines. The analysis should provide the following:

a. Reference to carbon storage and sequestration.
b. An analysis of net benefit outlined in the Guidelines.

The Guidelines include those requirements so that Council and the public can assess the full suite of environmental services provided by the urban forest. Without this analysis, staff cannot provide an opinion on whether the application meets the Official Plan policies for protection of the urban forest. Please revise and submit as part of the next submission.

Response:

45. The City of Ottawa guidelines for Significant Woodlot evaluation require an assessment of the ecosystem services provided by potential Significant Woodlots (City of Ottawa 2019). The Site is within the Ottawa West Minor Watershed, which has approximately 38% forest cover (City of Ottawa 2011). The Ottawa West Minor Watershed is approximately 31,700 ha in size with approximately 12,046 ha of forest cover (38%) (City of Ottawa 2011). The forest patches within the Site are very small within the context of the subwatershed (the largest forest patch within the Site being approximately 1.59 ha in size). As such, the potential loss of forest cover associated with the redevelopment, and by extension the potential impact on carbon storage and sequestration, is insignificant within the context of the subwatershed.

46. A summary of the quantitative analysis undertaken to assess the 'net benefit' of the redevelopment (in terms of forest cover) was provided in the *iTree Analysis Memo* (included as Appendix A of the Combined EIS and TCR Addendum #1 (MES May 2021b)). The summary of the quantitative analysis reads as follows:

> *"Several of the City of Ottawa's first submission review comments identified the need for the Significant Woodlot impact analysis to include a quantitative element. In response to this request, drawings were created which illustrate the pre-development and anticipated post development forest cover throughout the Site. The quantitative analysis included the Significant Woodlots within the Site and smaller*

forest patches that do not qualify as Significant Woodlots. The pre-development vs. post development forest cover analysis is discussed in detail in Section 4.1.1 of the revised Combined EIS and TCR (dated May 20th, 2020). As described in Section 4.1.1 of the revised Combined EIS and TCR, the quantification of post development forest cover includes a combination of retained trees and anticipated new tree plantings, which are proposed to be planted to augment the features and functions of the Significant Woodlots. Refer to Section 4.1.1 of the revised Combined EIS and TCR (dated May 20th, 2020) for a detailed discussion of the outcome of this analysis."

47. It should be noted that the pre-development and post development forest cover drawings and quantifications provided in Section 4.1.1 of the Combined EIS and TCR (MES May 2020a) were updated in Section 2.0 of the Combined EIS and TCR Addendum #1 (MES May 2021b).

City Comment #69: Post Development Conditions Forest & Significant Woodlands, Dwgs 2, 3 & 4. There are several forested areas identified to be retained that is located where servicing is proposed. Full retention is not possible in these areas. Please revise drawings to accurately reflect proposal. Revise any reports that depend on these retention areas and drawings.

Response:

48. This comment has been addressed in the response to City Comment #18 (above).

MVCA Natural Heritage Review Comments (Overview): While Section 2.0 of the EIS/TCR describes the proposed increases to the green/open spaces and buffer blocks, Drawing 2 shows that even where there is existing woodland/forest overlapping the proposed buffer spaces, these are considered non-retained woodlots or non-retained forest patches. It is unclear if these trees are being lost due to grading needs or other development factors.

Section 5.0 described the tree planting plans as follows "it is noted that new trees will be planted in any locations where tree removal is required to accommodate grading within the Open Space Blocks, the landscape buffer, and/or at the edges of the Neighbourhood Park and the Woodland Park. … Planted trees will replace trees that are removed due to grading and/or servicing, with the intention of replicating and/or augmenting the ecological functions and the visual screening functions which were provided by the trees that were removed."

MVCA recommends that consideration should be given when choosing replacement tree species and amounts. It will take many years for the newly planted trees to replicate the screening and habitat functions of the removed

mature trees. With that in mind, it is best to preserve as many mature trees as possible within the development buffers and open space blocks.

Response:

49. In their first submission review comments, which were forwarded to the proponents by the City of Ottawa on December 19th, 2019, the Mississippi Valley Conservation Authority (MVCA) provided the following statement:

> "*The subject lands were developed as a golf course in the 1970's and have been maintained as such since. Aerial imagery indicates that there are two large ponds on the property, but our mapping sources do not identify any natural watercourses or wetlands associated with these lands. The Environmental Impact Statement prepared by McKinley Environmental and dated August 2019 concludes that there are no watercourses or wetlands present on the subject lands. MVCA offers no substantial comments on natural heritage as the subject lands do not appear to contain any features within the scope of our review."*

50. The MVCA's August 23rd, 2021 review letter states:

> "*The scope of the natural heritage review includes wetlands, watercourses and significant valleylands, while the focus of the natural hazards review includes flood plain, unstable slopes and unstable soils."*

51. It is not clear why the MVCA's most recent review letter (August 23rd, 2021) includes comments related to tree retention, given that the MVCA has previously concluded that the subject lands do not appear to contain any features within the scope of their review. The forested areas in question occur outside of the MVCA's regulatory limits. It is unclear why the MVCA has provided comments on matters that are beyond their regulatory limits and the scope of their review.

52. The response to Issue #27 includes a detailed discussion of the retention of existing trees and the planting of new trees, within both the landscaped buffers and the open space blocks. Refer to the response to Issue #27 (above) for additional information.

MVCA Natural Heritage Comment #4: Cumulative impacts were discussed in regards to the forest cover, but it was not discussed in regards to the removal of the infiltration swales and their function for both natural heritage values or storm water mitigation and on-site water balance.

Response:

53. With respect to the natural heritage values of the infiltration swales, this issue was addressed in response to the second-round review comments. The following response was previously provided to the MVCA:

> *"Section 3.4.1, Section 3.4.2, and Section 4.2.1 of the Combined EIS and TCR identify the existing ponds and swales as artificial features (MES May 2020a). As described in Section 4.2.1, these features do not provide significant natural heritage values (e.g. significant wildlife and/or fish habitat). Section 4.2.1 concludes that the removal of the existing ponds and swales will not result in a significant loss of natural heritage values (e.g. significant wildlife and/or fish habitat)."*

MVCA Natural Heritage Comment #6: What is the feasibility of the suggested tree retention given the proposed site grading?

Response:

54. This comment has been addressed in the response to the MVCA Natural Heritage Review Comments (Overview) (see above).

Andrew McKinley, PhD, MA, BA (Hons), EP, RP Bio

Senior Biologist

EDUCATION BACKGROUND

Doctorate in Biological Science, University of New South Wales, Australia
Masters of Geography and Environmental Studies (Jointly Appointed), University of Toronto
Honours, Smithsonian Tropical Research Institute, Colón, Panama
Bachelor of Environment and Development, School of the Environment, McGill University

CERTIFICATIONS AND TRAINING

- Registered Professional Biologist, College of Applied Biology – 2014 to present
- Certified Environmental Professional (EP) - 2012 to present – Certified Specializations:
    - Natural Resource Management
    - Fisheries and Wildlife
    - Site Assessment and Reclamation
    - Water Quality
- Butternut Health Assessor (Ontario Ministry of Natural Resources and Forestry, 2015/2019)
- Bat Passive Ultrasonic Monitoring Training (Wildlife Acoustics, 2013)
- Class II Backpack Electrofishing – 2013 to present
- Ecological Land Classification (Ontario Ministry of Natural Resources and Forestry, 2016)

PROFILE

Dr. McKinley is the principal consultant and owner of McKinley Environmental Solutions. He is a highly experienced environmental specialist and has completed hundreds of Environmental Impact Statements (EIS), Environmental Assessments (EA), and Natural Environment Studies to meet municipal, provincial, and federal regulatory requirements. Projects have ranged in size from small scale EIS studies for single building construction, to large Class EAs for major infrastructure, development, and mining projects. He is among Ontario's leading experts in Endangered Species Management, and while working on behalf of clients, he obtained both the first and second Overall Benefit Permits issued in Ontario to support urban development in Blanding's Turtle habitat. He also obtained the largest permit for Butternut Trees issued in the province to date. He has successfully obtained Endangered Species Act approvals for more than a dozen species, and specializes in permitting for large scale developments with complex environmental requirements. He holds a PhD in Biological Science, is a Certified Environmental Professional in four disciplines, and is a Registered Professional Biologist (RP Bio).

SELECTED MAJOR PROJECT EXAMPLES

1. Combined Environmental Impact Statement & Tree Conservation Report, and Ontario Endangered Species Act Permit for the Richardson Ridge Phase 4 Development, Ottawa, Ontario, 2016-2022
Role: Senior Biologist
Client: Richardson Ridge Inc.

Dr. McKinley undertook a Combined Environmental Impact Statement (EIS) and Tree Conservation Report (TCR) to support the Draft Plan of Subdivision Application for the Richardson Ridge Phase 4 development project. The development will include approximately 211 units on 9.5 hectares of developable land. The Combed EIS & TCR included review of the Draft Plan of Subdivision, agency consultation, evaluation of impacts on groundwater, surface water, wetlands, species at risk, and stormwater. The Combined EIS & TCR also included a description of vegetation communities and baseline mapping. Working on behalf of Richardson Ridge Inc., Dr. McKinley obtained an Ontario Endangered Species Act permit to address impacts to Blanding's Turtles (threatened) and Butternut Trees (endangered). Following obtainment of the Endangered Species Act permit, Dr. McKinley supervised the construction of wetland and road mitigation habitat compensation measures, and he also completed a five (5) year monitoring program (ending in 2022).

2. Combined Environmental Impact Statement & Tree Conservation Report, Headwaters Drainage Assessment, and Ontario Endangered Species Act Authorization for the 879 River Road Subdivision Development, Ottawa, Ontario, 2018-2021
Role: Senior Biologist
Client: Richcraft Homes

Dr. McKinley completed a Combined Environmental Impact Statement and Tree Conservation Report to support the Draft Plan of Subdivision application for the 879 River Road Subdivision. The 879 River Road subdivision will include approximately 125 residential units. The study included completion of a tree inventory and vegetation community mapping, a breeding bird survey, and a survey for the potential presence of endangered Butternut Trees. A Headwaters Drainage Assessment (HDA) was also required to support the decommissioning of several minor tributaries, which will be undertaken during the development of the Site. The HDA included an assessment of watercourse hydrological and physical functions, a fish survey, and a survey for breeding amphibians using the amphibian call count survey method. The HDA report included an assessment of potential development impacts, management recommendations, and mitigation measures. During the breeding bird survey, threatened Barn Swallows were discovered nesting within the Site. Working on behalf of Richcraft Homes Inc., Dr. McKinley obtained an authorization under the Ontario Endangered Species Act to remove the Barn Swallow habitat. In order to fulfill the requirements of the Ontario Endangered Species Act, Dr. McKinley designed and coordinated implementation of a Barn Swallow habitat compensation program, which included construction of an artificial Barn Swallow nesting gazebo. Lastly, Dr. McKinley undertook the three (3) year monitoring program for the Barn Swallow habitat compensation project (ending in 2021).

3. Ontario Endangered Species Act Permit (Butternut Trees) for the Citigate Corporate Campus, Ottawa, Ontario, 2014-2020
Role: Senior Biologist
Client: Strandherd Road Inc.

The Citigate Corporate Campus is a 170 acre land development project that includes a dedicated corporate campus, a dense retail core, and an auto mall. This self-contained business community was designed to fuel economic growth in the western part of Ottawa, and is home to Tomlinson Group's national headquarters. In 2020, Amazon chose the Site to host the largest industrial building in Ottawa: Amazon's new 2.7 million square foot high tech fulfillment center. Once complete, the new Amazon facility will be the largest of its kind in eastern Ontario, employing approximately 1,000 people.

Dr. McKinley supported the realization of the Citigate Corporate Campus by facilitating the obtainment of an Overall Benefit Permit under the Ontario Endangered Species Act. The Permit was required due to the presence of endangered Butternut Trees. In order to compensate for the removal of Butternut Trees and their habitat, Dr. McKinley designed and coordinated implementation of a Butternut Tree habitat compensation program. The Overall Benefit Permit was uniquely structured in order to provide a 'pre-approval' for tree removal, thereby ensuring that future land users were authorized to clear trees and build on the Site with short notice.

4. Ontario Trap Rock Quarry (OTRQ) Lake Huron Dock Expansion Project and Fisheries Act Authorization, Bruce Mines, Ontario, 2016-2019
Role: Senior Biologist
Client: Ontario Trap Rock Quarry (OTRQ)

Dr. McKinley completed a Fish Habitat Impact Assessment to support the expansion of Ontario Trap Rock Quarry's loading and docking facility, which is located on the northern shore of Lake Huron, east of Bruce Mines, Ontario. Ontario Trap Rock Quarry is an aggregate producer which exports large volumes of aggregate product by ship to Canadian and US markets. The Fish Habitat Impact Assessment included scuba and snorkel transects to survey the fish habitat and collect underwater photographs. Dr. McKinley completed mapping of the fish habitat and characterized the fish community using data provided by the Ontario Ministry of Natural Resources and Forestry.

Working on behalf of Ontario Trap Rock Quarry, Dr. McKinley designed a Fish Habitat Compensation Program and obtained a Fisheries Act Authorization to meet federal regulatory requirements. He also assisted in fulfilling consultation requirements with local First Nations stakeholders, including the Garden River First Nation and the Thessalon First Nation. This included making presentations at public meetings held with the First Nations communities.

5. Combined Natural Environment Level 1 & 2 and Detailed Environmental Impact Statement to Support Aggregate Licensing for the Hallville Quarry, Mountain, Ontario, 2016-2017
Role: Senior Biologist
Client: Forbes Building Materials

Dr. McKinley undertook a combined Natural Environment Level 1 & 2 study, and a Detailed Environmental Impact Statement, to support the Aggregate Licensing and Municipal Approval process for the re-opening of the Hallville Quarry in Mountain, Ontario. This project included extensive baseline surveying including Ecological Land Classification, vegetation community sampling, a tree inventory, and species at risk surveys for Butternut trees, bats, turtles, birds, snakes, and other wildlife. The report also included a wetland delineation and fish habitat assessment. The final report included an impact assessment, mitigation, avoidance recommendations, and a summary of regulatory requirements.

6. Environmental Impact Statement & Fish and Wildlife Salvage Plan for the Barrhaven West Subdivision, Ottawa, Ontario, 2016-2017
Role: Senior Biologist
Client: DCR Phoenix Group of Companies

Dr. McKinley prepared a Fish and Wildlife Salvage Plan (FWSP) and an Environmental Impact Statement (EIS) to support the decommissioning of a Stormwater Management Pond and the construction of a subdivision located in Barrhaven (Ottawa), Ontario. Dr. McKinley obtained the necessary *License to Collect Fish* and *Wildlife Scientific Collector's Authorization* from the Ontario Ministry of Natural Resources and Forestry (OMNRF) to support this undertaking. The project included the progressive relocation of fish, amphibians, reptiles, and other aquatic organisms during the controlled dewatering of the stormwater pond in the fall of 2017. Mitigation measures to protect fish and wildlife during the decommissioning process were implemented, as outlined in the Fish and Wildlife Salvage Plan. Following completion of the pond decommissioning, the Site was developed to accommodate a residential street, 19 single detached homes, and a park.

7. Kanata North Blanding's Turtle Habitat Management and Compensation Plan – Regional Habitat Planning for Western Ottawa, 2014-2016
Role: Senior Biologist
Client: Kanata North Landowner's Group

Dr. McKinley was retained by the Kanata North Landowner's Group to create a regional Blanding's Turtle Habitat Management and Compensation Plan that informed the Community Design Planning process for the Kanata North Urban Expansion area in western Ottawa, Ontario. The Blanding's Turtle Habitat Management and Compensation Plan was intended to coordinate the habitat management and compensation activities of four (4) separate landowners over a large planning area, which is more than 200 ha in size. The Blanding's Turtle Habitat Management and Compensation Plan provides a unified framework that has been used by the landowners to apply for, and obtain, Overall Benefit Permits under the Ontario Endangered Species Act.

Ontario
Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

Acknowledgment Of Expert's Duty

OLT Case Number	Municipality
PL200195	City of Ottawa

1. My name is Andrew McKinley (*name*)
   I live at the City of Ottawa (*municipality*)
   in the Nepean Region (*county or region*)
   in the Province of Ontario (*province*)

2. I have been engaged by or on behalf of ClubLink Corporation ULC to provide evidence in relation to the above-noted Ontario Land Tribunal (`Tribunal`) proceeding.

3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:

   a. to provide opinion evidence that is fair, objective and non-partisan;

   b. to provide opinion evidence that is related only to matters that are within my area of expertise;

   c. to provide such additional assistance as the Tribunal may reasonably require, to determine a matter in issue; and

   d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.

4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date September 20, 2021 Andrew McKinley
Signature

Muncaster Environmental Planning Inc.

BERNIE W. MUNCASTER, M.Sc., B.Sc.

EDUCATION
M.Sc., Biology, University of Windsor, Area of Emphasis: Aquatic Toxicology, 1987
B.Sc. (Honours), Ecology, College of Biological Sciences, University of Guelph, 1984

POSITIONS HELD

2002-present:	Muncaster Environmental Planning Inc., Principal
1995-2002:	ESG International Inc., Regional Manager, Principal, Ottawa
1990-1995:	Ecological Services for Planning Ltd/ESG International Inc., Project Manager, Guelph
1988-1990:	B.A.R. Environmental Inc., Aquatic Biologist
1985-1988:	Great Lakes Institute, University of Windsor, Graduate Student and Research Assistant
1984-1985:	University of Guelph, Research Assistant, Department of Zoology
1980-1983:	Biological Research Division, Ontario Hydro, Toronto; Department of Zoology, University of Guelph, Summer Technician Positions.

EXPERIENCE
Extensive project management experience of environmental assessments, watershed studies and route selection studies. These projects have involved giving evidence at the Local Planning Appeal Tribunal and Ontario Municipal and Energy Boards, Species at Risk assessments, considerable agency interaction, obtaining approvals under the *Fisheries Act* and *Endangered Species Act* and working jointly with consulting engineers, planners and members of other disciplines.

Environmental Assessments for residential, golf course, highway, aggregate and pipeline developments

- Four season ecological inventories for scores of public and private lands in the National Capital Region. Species at Risk, breeding bird, and other significant and sensitive habitats were identified. Developed mitigation plans for environmental features, including inputs for construction activity associated with fish, turtle, avian, and snake habitats, wetlands, and forests
- Wetland, aquatic and terrestrial inventories and impact assessments and production of environmental reports for infrastructure projects in eastern Ontario under the Class Environmental Assessment Process
- Detailed fish habitat and terrestrial surveys of potential impacts on aquatic habitat through watercourse crossings and adjacent developments throughout Ontario, including agency correspondence and identification of mitigation measures
- Assessment of fish habitat and development of sediment control plans for watercourse crossings, development of other mitigation measures and review of construction practices
- Surveys of the wetland, terrestrial and aquatic environments, including Species at Risk and breeding birds, for proposed residential developments using a four season's approach and the Ecological Land Classification methodology. Environmental constraints to development were classified, include core and secondary areas and linkages, and applied in the concept plans. Wildlife corridors connecting ESAs were identified as were other potential mitigation measures such as deer culverts, vegetation plantings to provide maximum benefit to wildlife, construction timing and stream restoration. Evidence provided to Municipal Boards

- Completion of Compensation Agreements under the Federal Fisheries Act where impairment to fish habitat was identified. The agreements were completed for watercourse realignments, installation of docks, utility crossings, public transit operations and residential developments
- Production of Preliminary Tree Preservation and Conservation Plans and Final Tree Studies for proposed developments as required in Official Plans
- Fisheries assessment and stormwater quality surveys for MTO. Potential impacts and mitigation measures for the natural environment features from highway widening and bridge reconstructions were established
- Evaluation of the impacts of proposed aggregate operations on cold water fisheries habitat
- Production of Preliminary Tree Preservation and Conservation Plans and Final Tree Studies for proposed developments as required in Official Plans
- Development of a turfgrass management plan for a tournament quality golf course
- An Initial Environmental Evaluation of aggregate removal in Lake Superior on the aquatic habitat for the Federal Environmental Assessment Review Process

Management and Scientific Contributions to a Range of Technical Studies

- Development of over fifteen Provincial Water Quality Guidelines for the Ontario Ministry of the Environment
- Completion of detail Environmental Effects Monitoring for Pulp and Paper Mills in eastern Ontario, including fish and benthic invertebrate sampling design and field work
- Concept phase evaluation of aquatic ecological habitat on the Lower Abitibi River for Ontario Hydro
- Statistical analysis and database management of mercury burdens in fish related to lake parameters
- Development of background data for establishing tissue contaminant guidelines in aquatic biota for the Ontario Ministry of the Environment
- Review of zebra mussel biology and their impacts on industrial operations
- Referee of manuscripts for scientific journals

Development of Management Plans

- The Kanata North, Sawmill Creek, McEwan Creek, Laurel Creek, Fletchers Creek, Centennial Creek and Grindstone Creek subwatershed studies identified core areas and linkages based on field surveys, including breeding birds, other wildlife and vegetation inventories, and reviews of existing information
- The Urban Natural Areas Environmental Evaluation for the City of Ottawa
- Development of Wetland Management Plans for Shirleys Bay, Mer Bleue and the Greenboro Turtlehead Nature Area
- Production of a Management Plan for the McKay Lake area

Route and Site Selections for Pipelines and Landfills

- Route selection and environmental and socio-economic impacts assessments of proposed pipelines throughout Ontario, including crossings of the Ottawa River and St. Clair River. Extensive agency and public interaction was undertaken in both Ontario and Québec. Approval obtained from National and Ontario Energy Boards, and evidence provided to the Ontario Energy Board
- Evaluation of natural environment attributes of candidate areas for landfill operation as part of the Environmental Assessment Act
- Delineation of wetland, aquatic and terrestrial features for proposed landfill expansions.

AWARDS

University of Windsor, Postgraduate Summer Scholarship, 1987

Ontario

Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

Acknowledgment Of Expert's Duty

OLT Case Number	Municipality
PL200195	City of Ottawa

1. My name is…… Bernie Muncaster ……(*name*)
   I live at the …… City of Ottawa……..(*municipality*)
   in the……..……..(*county or region*)
   in the …. Province of Ontario……..…(*province*)

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   d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.

4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date…… September 17, 2021 …

Signature