

# **SUBMISSION #3 to MMAH dated Oct 19 2023 re Peterborough County Adopted Official Olan -FISH HABITAT**

## **Background**

Below is submission dated Mar 1 2022 to County of Peterborough and recommendations #1 and #2

## **Submission #3 dated March 1 2022 by Ambrose Moran re County of Peterborough Proposed Official Plan**

### **SUBJECT: Fish Habitat**

#### **Background**

In effect County OP has fish habitat defined as the spawning grounds and critical habitat for nursery and rearing on which fish depend directly in order to carry out life processes.

And

Describe fish habitat as being all lands within 30 meters of the high water mark of all water courses ( 4.1.3.1 ) It is assumed that this is 30 meters out into the lake as opposed to on land as “ fish out of water” can not be protected by public policy for long.

And

requires an environmental im-pact assessment for proposed development as I read it within 30 meters of lakes and all watercourses ....

My experience in monitoring development proposal in North Kawartha and Havelock Belmont Methuen is that this requirement is consistently ignored in planning reports submitted to Councils.

**The Proposed County OP has the following provision**

### 6.3.6 Fish Habitat

*Fish habitats* include spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes. *Fish habitats* have been identified on Schedules to this Official Plan.

Outside of the Natural Heritage System overlay, *development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with provincial and federal requirements.

Within the Natural Heritage System overlay, *development* and *site alteration* is not permitted in *fish habitat*. Any *development* proposed within 120 metres of *fish habitat* will require a Natural Heritage Evaluation (NHE) which demonstrates that there will be no negative impacts on the features or functions of the habitat.

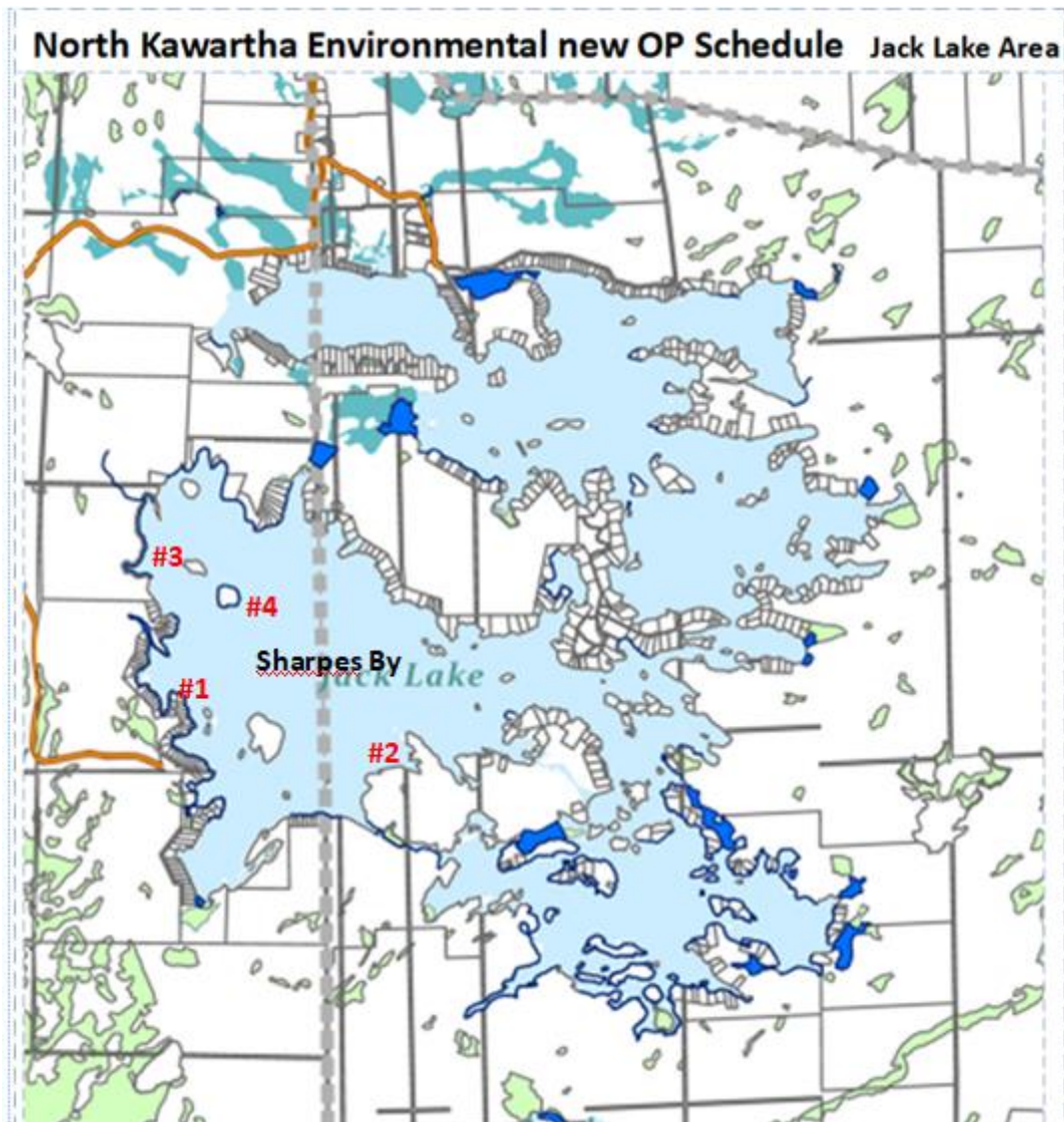
**The definition of development in proposed County OP... includes the construction of buildings and structures requiring approval under the Planning Act.**

**So under the new OP any new buildings and structures within 400 ft of lakes or all other waterbodies would require a Natural Heritage Evaluation presumably prepared for the conflicted consultant being paid by the applicant.**

**The Proposed OP has Environmental schedules which identify Spawning areas.....these schedules show spawning area which are different than that shown on the in-effect HBM OP schedules.**

**Also it is not convincing, on Jack Lake, that the identified spawning areas are credible.**

**Below is the Environmental schedule for Jack like covering both NK and HBM**



### Observations

**#1** On schedule -I live in this area which is densely developed and indications are that total shoreline if spawning areas .implied is that development has positive effect on creating fish spawning grounds.

**#2** This is pristine undeveloped shoreline which schedule indicated that no spawning areas

**#3**-This is pristine undeveloped shoreline which indicates spawning areas

**#4** This island which in the past I owned is totally surrounded by spawning area while the other adjacent islands in Sharpes do not have any spawning areas.

I have not been involved in mapping existing spawning areas but am aware that members of the Jack Lake Association Fisheries committee working with MNR did some mapping in the past. Based on what I see on the proposed North Kawartha Environmental Schedule I can not support these identified areas as being credible.

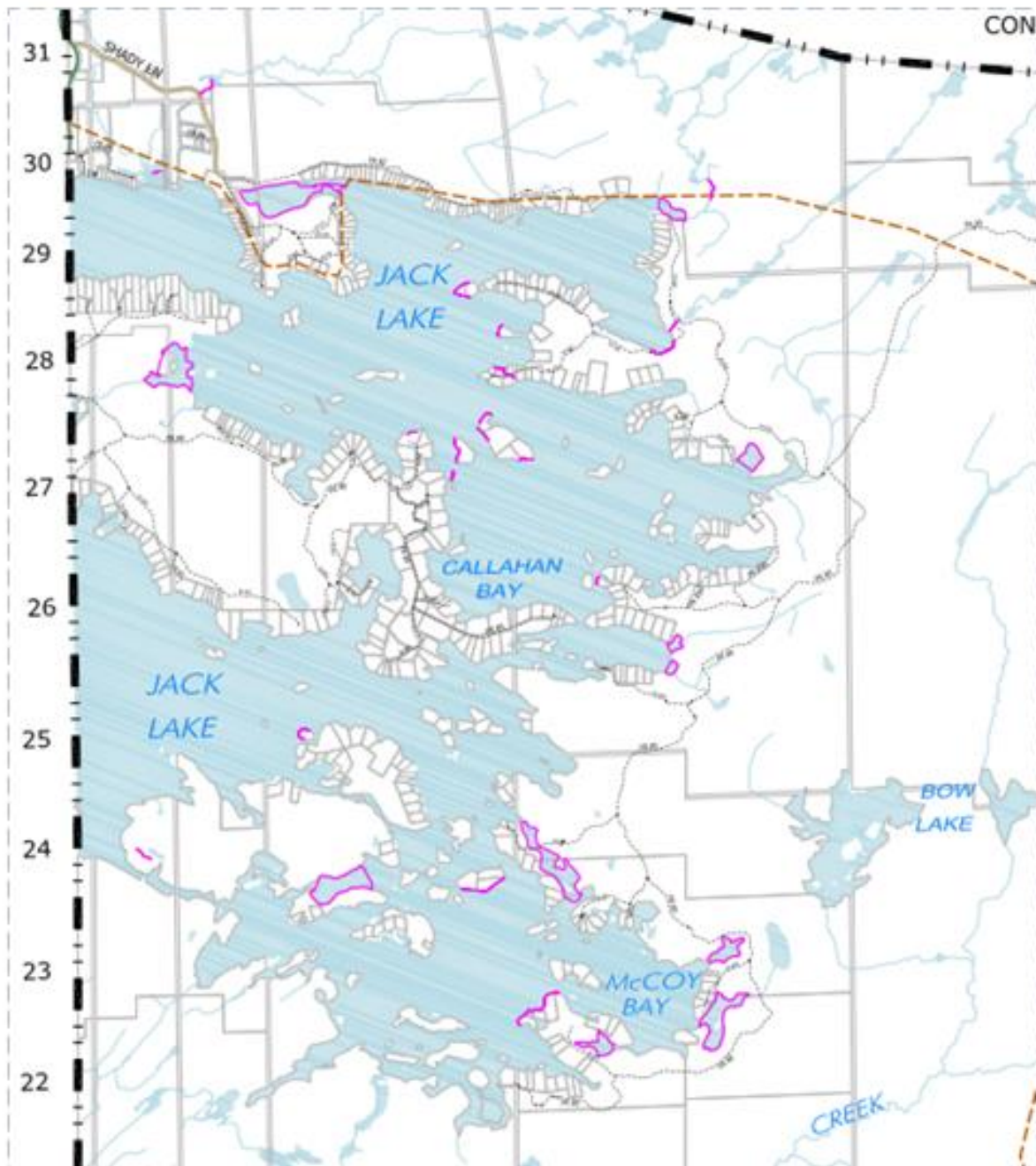
The In-effect HBM OP has the following provision 3.1.3 which implies that spawning areas are specifically identified by MNR. QUESTION has MNR provided the mapping for the new County OP spawning area on Jack Lake?

### **3.7.3 Development Policies**

Presently, Provincially significant wetlands, Locally significant wetlands, nesting sites, fish spawning areas, deer wintering areas and Areas of Natural and Scientific Interest have been specifically identified within the Municipality by the Ministry of Natural Resources and designated as Environmental Protection on Schedules 'B1' and 'B2' to this Plan. The intent of the Environmental Protection policies is to identify significant features/areas within the Township where development and site alteration will not be permitted and areas where development and site alteration may be permitted, subject to an assessment of potential negative impacts.

**Below is the HBM in effect op Schedule showing Fish spawning area which is inconsistent with the proposed new County Schedule**

**Spawning Areas HBM in effect Op shown in Purple Schedule B2**



## Recommendations

### #1

That clarity be provided in 4.1.3.1 as to whether the requirement of an EIA is required for fish habitat 30 meters out into a lake or 30 meter inland or both

### #2

Consideration be given to not providing any OP schedule for fish spawning areas until such time as defensible credible mapping can be provided.... and County take the position.... consistent with definition of fish habitat..... that the total lake is considered fish habitat including spawning areas ...and not impose enhanced policies for fish habitat protection being applicable to questionable selected shorelines being **spawning area**.. which based on my experiences in the example of Jack Lake Sharpe's Bay are not credible.



### **Ambrose Moran**

239 FR 52 North Kawartha KOL1A0

Acting Independently

## Further comments made to MMAH

### This is 6.3.6 of adopted OP

#### 6.3.6 Fish Habitat

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Outside of the Natural Heritage System overlay, *development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with provincial and federal requirements.

Within the Natural Heritage System overlay, *development* and *site alteration* is not permitted in *fish habitat*.

Any *development* proposed within 120 metres of *fish habitat*, whether inside or outside of the Natural Heritage System overlay, will require a Natural Heritage Evaluation (NHE) which demonstrates that there will be no negative impacts on the features or functions of the habitat. Small scale development proposals that do not propose new land uses or increase the intensity of the existing use may undertake a site review or scoped assessment in lieu of a Natural Heritage Evaluation. The policies of Section 9 of this Plan may also apply.

Fish habitat is defined as on adopted OP 12 Definitions

**Fish habitat** – as defined in the Fisheries Act, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

### Comments

There has been changes made to 6.3.6 between that draft which was basis on my submission to County dated Mar 2 2022 and adopted version shown above. As I now can not find reference to 4.1.3.1 per my #1 recommendation to County I am withdrawing that recommendation

## Current recommendations to MMAH

**#1** -same as #2 recommendation to County Mar 1 2023 as follows:

**#2**

Consideration be given to not providing any OP schedule for fish spawning areas until such time as defensible credible mapping can be provided.... and County take the position.... consistent with definition of fish habitat..... that the total lake is considered fish habitat including spawning areas ...and not impose enhanced policies for fish habitat protection being applicable to questionable selected shorelines being **spawning area..** which based on my experiences in the example of Jack Lake Sharpe's Bay are not credible.

**#2** a definition be provided for Natural Heritage Evaluation ( NHE) or indication that it is the same as an Environmental Impact Study (EIS)

**#3** Clarity is required as to what is included in small scale development as this policy has broad implications which could severely restrict most development within about 400 ft of lakes. This has significant impact on North Kawartha Township which has without public input or notifications to affected property owners zoned a large number of new lakes on private properties.

I ask that consideration be given to these recommendations prior to approval by Minister Clark.



**Ambrose Moran** Acting Independently

239 FR 52

North Kawartha K0L1A0

