



May 29, 2014

Mr. Randy Scherzer
Director of Planning & Development
County of Grey
595 9th Avenue East
Owen Sound, ON N4K 3E3

Dear Mr. Scherzer:

RE: Blue Mountain Watershed Trust – Peer Review related correspondence April 2, 2014

We are in receipt of correspondence sent to you by the Blue Mountain Watershed Trust (BMWT) expressing their concerns about the use of natural heritage peer reviewers by Grey County and the Town of The Blue Mountains to review natural heritage related studies completed by developers' consultants provided as supporting materials to development applications. The BMWT promotes that peer review of natural heritage should be completed by the Grey Sauble Conservation Authority (GSCA) and/or the Niagara Escarpment Commission (NEC). On May 20, 2014 at the County Planning Committee Meeting we listened to a presentation made by Mr. Don Kerr of the BMWT regarding his correspondence noted above. I believe that his presentation warrants a response given his comments made about consultants, peer reviewers and the use of a peer reviewer (SAAR Environmental) by Grey County for the Craighile Village Project.

We have the greatest respect for the BMWT and their primary mission to “**PRESERVE AND ENHANCE THE BLUE MOUNTAIN WATERSHED ECOSYSTEM**”. In our work, we strive for the same ideal while at the same time endeavouring to meet the challenges of accommodating our growing community's need for housing and commercial development, infrastructure, etc. on sites situated within or adjacent to natural features. Our role, the role of development consultants and natural heritage consultants is to address this challenge on a site by site and regional basis and develop solutions that find the balance between creating economically viable and sustainable developments and preservation of the natural features and ecological functions within or adjacent to a proposed site. Besides the important work of the Planners and Engineers, the development of solutions require the expertise of scientific specialists who have the education and experience to collect credible data from the lands subject to a development application and the ability to evaluate the potential direct and indirect impacts of development to natural heritage features or functions.

In our case, only senior biology consultants complete this work using recognized Provincial and Federal protocols for data collection. Our team of biologists represent the specialities of terrestrial ecology, aquatic ecology, fisheries, ornithology, etc. and have dedicated their professional careers to the study of natural systems and the preservation of features and mitigation of impacts to natural systems from development. All of our team members are recognized as Provincial authorities in their respective fields and several have over 30 years of experience. We have been providing natural environment consulting services since 1990 and have received several awards for our work including a personal citation from the Provincial Minister of Energy, Science and Technology for our work in “protection of our environment”.

In most of the Municipalities across the Province where we work, our work is routinely peer reviewed either by appointed reviewers (consultant scientists) for a Municipal body or by a qualified government Agency staffer which we welcome.

For several years we have been aware of the inferences promoted by the BMWT that suggest natural heritage consultants who work for developers compromise their work to satisfy developer interests. While we find these inferences disappointing we have never confronted the issue. The latest correspondence and presentation to both the County and Town however warrants a response due to the inferences and inaccuracies contained within it.

Firstly the BMWT attached text from a presentation made to the Town of The Blue Mountains on May 4, 2011 which requests that both the County and Town discontinue the use of natural heritage peer review consultants and rely solely upon the NEC and GSCA for peer review of natural heritage related studies which accompany development applications. They use Collingwood as the example citing the use of the Nottawasaga Valley Conservation Authority (NVCA) by the Town of Collingwood as their sole peer reviewer of natural heritage issues related to development applications. The NVCA has a qualified biologist on staff who can respond on a technical level to the consultant biologist for the developer, provide a technical peer review, resolve issues and facilitate development projects all while maintaining the Conservation Authority mandate to uphold the requirements of the Provincial Policy Statement. We work very well with the NVCA and have a good relationship with them.

What the BMWT fails to acknowledge is that both the GSCA and NEC do not have a qualified biologist on either staff and are therefore not qualified to provide technical peer review of a biologist's findings. They do provide useful policy related comments and note the tests that must be passed relative to local, Provincial and Federal Policy but they are unable to provide scientifically based technical comments because they do not have the technical staff available to evaluate the science. Both the County and Town recognize that a scientific technical review of environmental impact studies that accompany development applications must be completed so they solicit the expertise of qualified consultant experts for the peer review. Regardless of who the County and Town retains as their consultant peer reviewer we can be assured that relevant natural heritage studies are being reviewed by qualified individuals who in turn can credibly inform the County and Town as to the acceptability of the given development proposal under consideration.

For the BMWT to infer that the peer review process currently used by the County and Town somehow compromises the integrity of the solution is absurd and must be dismissed.

In the most recent BMWT correspondence to the County and Town (April 2, 2014) they refer to their earlier presentation text (May 4, 2011) objecting to use of peer reviewers other than the GSCA and NEC but went even further with their comments.

Besides making the same inferences about the work by a contracted peer reviewer for the County and Town being compromised or in conflict with developer interests, the BMWT gets specific and provides additional comment regarding the peer review completed by Saar Environmental Ltd. of the Meridian Block Plan for Craighleith Village.

The comments from the BMWT speak of no detail to back up the conclusions of the peer reviewer yet the detail is available to the public and is contained in the comprehensive environmental impact statement (80+pages) which the peer reviewer has reviewed and commented upon. Ms. Sober's credentials as a qualified biologist are questioned by the BMWT however she is well known in the scientific community as an expert biologist and experienced consultant.

We are disappointed that the BMWT appears to be escalating their criticism of the natural heritage consulting community especially where consultants appear to support development interests contrary to the BMWT interests. On the BMWT website when providing information about the Silver Creek Watershed they state *"The Watershed Trust has developed a vision and a plan to preserve this Provincially Significant Wetland. We are working with the Town of Collingwood, The Blue Mountains and the Conservation Authorities to ensure the permanent protection of the Wetland. We continue to contest every step the way any development proposals within this "gem" of our watershed, such as Consulate, Havens, Huntingwood Trails and the Craigeith Village Community."*

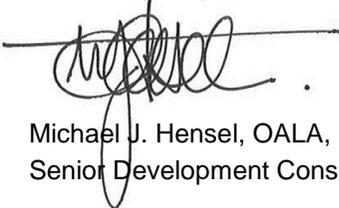
Although well-meaning perhaps, this stated "contest every step of the way" mentality is an affront to any development initiative and disregards the good work done by developer consultant teams including County and Municipal staff who typically work closely with development proponents as they progress through the planning process. The almost automatic objections from the BMWT to any proposed development causes undo delays to the planning and approvals process and adds unnecessary costs to the project which in turn make delivery of the project (i.e. Housing) more expensive. We remain hopeful that at some point the BMWT will recognize the integrity in the important work that the developer and peer review natural heritage consultants (biologists) contribute to the planning process.

It is again unfortunate that the BMWT cannot see that in the end we are both trying to achieve the same thing...a vibrant, healthy, sustainable community set within the wonders of a diverse and enduring ecology.

Until such time as the GSCA and NEC develop their own capabilities to provide technical review for natural heritage, we respectfully request that the current peer review process used by both the County and Town be maintained.

If you have any questions or concerns regarding this submission, please do not hesitate to contact me .

Yours very truly,



Michael J. Hensel, OALA, CSLA
Senior Development Consultant

MH:sh

cc: Ms. Corinna Giles, Town of The Blue Mountains

To: Randy Scherzer, Director of Planning & Development, County of Grey
Corrina Giles, Town Clerk, The Blue Mountains

2 April, 2014

Dear Randy and Corrina:

We have previously raised the problems that occur when the County or Town hires a peer reviewer for environmental issues in applications for development or site alteration. In our presentation to the Town's P&B committee on May 4, 2011 (copy attached), we requested that the Town and County discontinue the engagement of their own peer reviewer and utilize exclusively the Conservation Authority (and NEC where applicable) for environmental peer reviews for these reasons:

1. The CA (and NEC) are independent agencies charged with protection of the environment from inappropriate development and site alteration and are not compromised by other priorities;
2. When making judgments, the private consultant/reviewer will always be conscious of the perceived desires of the client.
3. It is the duty of the municipality, and not the peer reviewer, to make any necessary compromises between the objectives of development and environmental protection.
4. It is a waste of scarce resources to duplicate peer reviews when we have capable independent agencies at our disposal; and
5. The municipality should strongly support a fully-funded Conservation Authority in these times when natural habitats are under serious threat and many species are at risk.

We asked Grey Sauble Conservation Authority this question: *Do you feel that the GSCA could do the work that SAAR does for the County/municipalities for peer reviews?"*

The answer was: *In summary, the answer to the question is potentially yes, but there are a number details and discussions that need to take place.* We suggest that these discussion should take place.

We have analyzed the latest peer review of the Meridian Block Plan application by Ms Sober, SAAR Environmental Ltd. Our comments are as follows:

1. The peer reviewer says that she "*...finds the Craigeleith development consistent with all natural heritage policy*" with almost no detail to back up this categorical statement.
2. She says "*significant ecology is conserved with adequate distance separation from the proposed land uses*". Again the statement is made without any backup. Is this the basis upon which the Town is relying in their execution of modification #9 of LOPA20?
3. Regarding the Blanding's Turtle, she comments that "*the critical portions of habitat as governed by the PPS is not present*". What are her qualifications for making this statement? Is she not aware that the MNR has sole authority under the Planning Act to make habitat delineations? I have personally observed Blanding's Turtle in several disparate habitats (note 1).

The Town of Collingwood relies upon the Conservation Authorities to do their environmental peer reviews. They are pleased with this arrangement.

In summary, we feel that the GSCA can do competent and more independent peer reviews compared to a consultant which is hired by the municipality. We would appreciate a response from the County or the Town, or both.

Yours truly,

(original signed by....)

Don Kerr, Director, Blue Mountain Watershed Trust Fdn.

Attachment

Note 1: Personal observations of Blanding's Turtle, D Kerr.

1. May, 2007 at Beaver Meadow, Prince Edward Cty. A large marsh/pond surrounded by deciduous forest.
2. Summer 2010 at Tiny Marsh, Tiny Township; a large managed marsh with dykes, vegetation and much shallow open water surrounded by deciduous forest.
3. 2005 at Long Point Marsh at the causeway; a large marsh with much grass and reeds and very little open water.
4. 1980's at Emmett Lake, Bruce Peninsula; a long narrow lake where there are trees and hummocks in the water; the lake is surrounded by mixed deciduous/coniferous forest.

Cc David Finbow

PRESENTATION TO PLANNING & BUILDING COMMITTEE

BY THE WATERSHED TRUST ON MAY 4, 2011

RE ENVIRONMENTAL PEER REVIEWS

The Watershed Trust has monitored developments and/or site alterations that could potentially harm the natural environment and its features or functions. We have been actively involved in the Castle Glen proposals and approvals, the Terrasan proposal, the Havens proposal and Georgian Gate. We have observed that The Town of The Blue Mountains, supported by the County of Grey, retains a private peer reviewer for environmental matters as well as receiving peer review comments on natural heritage from the Conservation Authority and, where applicable, the Niagara Escarpment Commission. In our experience, the Town relies heavily upon their own peer reviewer rather than the CA or NEC. This appears to be understandable since the Town's consultant is acting directly for the Town. We note that the costs for the Town's peer reviewer are charged back to the developer in most cases. Thus those costs reduce the developer's profit or are passed along to the new residents.

We have also monitored similar development proposals in the Town of Collingwood. They rely solely on the environmental peer reviews of the Conservation Authority and do not hire an additional reviewer. Their experience with this approach is excellent according to the Town Planning Department and the CAO. [We have attached their confirmation of this point dated March 23, 2011]

In our experience, The Blue Mountains' private peer reviewer consistently recommends environmental protection which is less stringent than the independent agencies, that is, the Conservation Authority or the NEC. This was very apparent in the Castle Glen case where the NEC opposed the Phase II Application. It was also apparent with the Terrasan proposal and Havens. (See footnote for specific examples). The Georgian Gate proposal is still under study. Why should the various peer reviewers have such different opinions?

Upon further reflection, it is not surprising that a peer reviewer hired by the municipality, and frequently charged to the developer, would form opinions and make judgments that would facilitate the sometimes conflicting objectives of promoting development and maintaining environmental integrity. This peer reviewer will invariably be conscious of the desires of the clients. Protection of the environment is not entirely a science-based activity. This is self-evident when one observes the range of opinions and judgments reached by the developers' consultants and the various other consultants based on the same facts. That is why we strongly support the use of impartial independent agencies such as the CA and NEC to provide the environmental peer reviews. To clarify further, we do not accuse anyone

of distorting the facts; but, it is very clear that opinions and judgments can be different for various reasons.

Therefore, we request that the Town and County discontinue the engagement of their own peer reviewers and utilize exclusively the Conservation Authority and, where applicable, the NEC for environmental peer reviews for these reasons:

1. The CA and NEC are independent agencies charged with protection of the environment from inappropriate development and site alteration and are not compromised by other priorities;
2. When making judgments, the private reviewer will always be conscious of the perceived desires of the client.
3. It is the duty of the municipality, and not the peer reviewer, to make any necessary compromises between the objectives of development and environmental protection.
4. It is a waste of scarce resources to duplicate peer reviews when we have capable independent agencies at our disposal; and
5. The municipality should strongly support a fully-funded Conservation Authority in these times when natural habitats are under serious threat and many species are at risk.

As a final note on what the CA's can do for you, we wish to draw your attention to a project that is being conducted by NVCA for the Town of Collingwood. The purpose of the project as stated in the town's staff report is: *THAT Council retain the services of NVCA to assist with an update to the Town's Natural Heritage System mapping and strategy. This will form the basis for updating the Official Plan's Environmental Protection mapping and policies.* The project is being conducted in three phases and is currently nearing the end of Phase 2. The results are expected to be very useful to the Town, to developers and to the general public. We would recommend this approach to any municipality who wishes to have an orderly plan for development and for protection of natural heritage. The budget for the project is \$30,000.

FOOTNOTE

Examples of Blue Mountains peer reviewer recommending less stringent protection.

Case 1 - Castle Glen Phase 2: The Blue Mountains peer reviewer accepted the proponents natural heritage study however the NEC peer reviewer stated several problems, namely, there had not been an appropriate natural heritage systems approach, insufficient regard for species at risk, and an

unacceptable reduction in wildlife corridors resulting in a recommendation for much reduced area of development.

Case 2 – Terrasan project: The Blue Mountains peer reviewer recommended setbacks from the Wetland of 10 metres and, in some cases 15 metres. The NEC recommended a minimum of 15 metres. The NEC and GSCA also disagreed with the Town's peer reviewer on the degree of protection that should be provided for species at risk.

Case 3 – Havens proposal: The Blue Mountains peer reviewer accepted a 10 metre buffer from the Wetland whereas the GSC recommended a minimum 15 metre buffer and, in addition, a much reduced building envelope due to onsite vernal ponds suitable for amphibians.

In all of these cases, there were other points of difference and in no case was The Blue Mountains peer reviewer presenting a more stringent position than GSCA or NEC.