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August 30th, 2024

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Re: Submission to the Township of Scugog Council: Opposition to the Proposed Ministerial Zoning Order (MZO) for Development Along the Western Edge of Lake Scugog

Aaniin,

When the Township of Scugog Council returns from its summer break, one of the first orders of business will be to consider supporting a Ministerial Zoning Order (MZO) for a large-scale development along the western edge of Lake Scugog. This proposal seeks to rezone land to permit 600 multi-residential units, commercial spaces, a long-term care facility, a lakefront marina and dock facility, and infrastructure that would disrupt and devastate the Lake Scugog watershed that is fundamental to the treaty rights confirmed by Ontario and Canada in the 2018 Williams Treaties First Nations Settlement Agreement. We strongly oppose this proposal, as it threatens the overall health of the lake, Provincially Significant Wetlands, and their watershed – an important Indigenous Cultural Landscape for the Mississaugas of Scugog Island (MSIFN) - poses severe environmental risks, and undermines our treaty rights.

We are in receipt of the Township's letter of June 30, 2024 addressed to Chief LaRocca to engage with MSIFN on the proposed MZO, which provided MSIFN with a copy of the submission materials for MSIFN's review. We understand that Township staff have also been asked to review the proposal and a report will be presented to the Scugog Planning and Community Affairs Committee on September 16, 2024 to consider passing a resolution and request the Minister of Municipal Affairs and Housing to enact the MZO to implement the proposed development. We expect to be further consulted by the Township on the report to the Scugog Planning and Community Affairs Committee as soon as that report is available and to

be able to provide additional comments on the planning report before the Township makes any decision on the proposal to support an MZO for these lands.

MZOs are provincial orders that allow developers to bypass significant planning approvals, including environmental assessments and public consultations. This fast-tracking mechanism is deeply concerning, as it prioritizes development over environmental protection and community input. MSIFN's recent experience with an MZO in Durham Region did not inspire confidence in this process. That MZO sought to shortcut planning approvals to benefit developers, eliciting public outrage over a plan to build one of the largest warehouses in North America on a Provincially Significant Wetland (PSW). The outcome demonstrated that MZOs can lead to reckless and harmful development decisions without proper oversight. Now, another developer, Avenu Properties, is proposing to use an MZO to fast-track a housing development on a significant wetland located along the shores of Lake Scugog, on our traditional and treaty lands. This proposal follows a troubling pattern of using MZOs to bypass environmental safeguards, further eroding our trust in the planning process.

Per the Provincial government's guidance, *zoning orders shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982*. MSIFN asserts rights associated with the waters and lands surrounding Lake Scugog, especially given our community's reliance on the health of these waters for fishing, harvesting, and other cultural activities. Impacts on these waters have generational consequences for our members' ability to practice their rights and responsibilities associated with Lake Scugog.

In Table 1 below, we provide detailed commentary and requests for further information as part of this letter. Key issues that substantiate our opposition include the following:

Consequences of Ignoring Indigenous Rights and Environmental Protections

Allowing this development to proceed without proper consultation and environmental review will have far-reaching consequences. These consequences include, but are not limited to:

- **Loss of Trust:** The failure to engage with MSIFN in a meaningful way erodes trust between our community and the Township. Reconciliation requires more than words; it demands actions that respect Indigenous rights and acknowledge the importance of our traditional lands.
- **Environmental Degradation:** The destruction of wetlands, increased noise pollution, inadequate sewage management, and the resulting impacts on Lake Scugog will not only harm the local environment but will also undermine efforts to address broader environmental challenges, such as climate change and biodiversity loss. Lake Scugog has already become a eutrophic (i.e., nutrient-loaded) lake through the cumulative impacts of human activities following colonization. MSIFN members rely on the health of Lake Scugog for the practice of our rights, and we are deeply concerned about the

additional negative impacts that this proposal will have on the Lake, including further nutrient loading that could cause toxic algal blooms and kill fish.

- Legal Challenges: Ignoring the Duty to Consult and failing to consider the environmental impacts of this development could lead to legal challenges, further delaying the project and creating additional costs for all parties involved.
- Archeological Concerns: Ignoring the Duty to Consult risks the destruction of sites of archeological significance to MSIFN and the Anishinabek people of this area. In the spirit of reconciliation and with respect to the Constitutional Duty to Consult, we expect the Township of Scugog to meaningfully engage on the archaeological studies given that the proponent and its consultant have provided no evidence of a desire to engage with MSIFN or other rights-holding First Nations on archaeological studies.

Communal Sewage System Risks and Wastewater Discharge

The proponent proposes an unplanned and uncoordinated private communal sewage system. This presents risks to the Municipality of Scugog Township and its ratepayers, the Mississaugas of Scugog Island First Nation, and the Lake Scugog Watershed. The malfunctioning of sewage services is a public health and environmental threat that requires immediate action. The Ontario Ministry of the Environment, Conservation and Parks (MECP) advises that municipalities should have oversight of communal sewage systems. While the Durham Region Official Plan allows for private utility wastewater sewage systems, there is no agreement in place with the Regional Municipality of Durham or the Municipality of Scugog Township for long-term oversight, maintenance, and upkeep of the proposed communal sewage system.

The MZO package provided by the proponent is silent on any approach to communal sewage system agreements with responsible municipal authorities. As such, there is no credible way for the Minister to approve the desired site density without serious risks to public health, the environment, and municipal ratepayers who would be forced to cover the costs of any communal sewage system failures. Is the Township of Scugog prepared to step in to cover the costs of a future malfunctioning sewage system with impacts on public health and the environment?

Impacts on Provincially Significant Wetlands and Species at Risk

Wetlands are among the most critical and threatened ecosystems in southern Ontario, yet well over 72% have already been lost due to development and other human activities. The proposed lands contain a Provincially Significant Wetland and associated wetland pockets that are threatened by this proposal. The wetlands surrounding Lake Scugog provide essential ecosystem services that, if impacted, will have lasting consequences for the entire ecosystem and the people who rely on it, including MSIFN members. These services include:

- Flood Mitigation: Wetlands act as natural sponges, absorbing excess rainwater and reducing the risk of flooding in nearby areas. Removing or altering these wetlands for

development will increase the likelihood of flooding, especially as extreme weather events become more frequent due to climate change.

- Water Filtration: Wetlands naturally filter water, trapping pollutants and sediments that would otherwise flow into the lake. Developing these lands will not only destroy this filtration system but also introduce new pollutants from paved surfaces, vehicles, and construction activities, directly impacting the water quality of Lake Scugog.
- Carbon Sequestration: Wetlands serve as carbon sinks, helping to mitigate the effects of climate change by storing carbon dioxide. Destroying wetlands contributes to greenhouse gas emissions, further exacerbating climate impacts.
- Biodiversity: Wetlands are vital habitats for a wide range of species, including many that are threatened or endangered. The PSW and associated lands proposed for development contain Species at Risk (SAR) habitat, including for SAR turtles (e.g., Blanding's turtle, snapping turtle, Midland painted turtle). The proposed development would severely disrupt their habitat and threaten their populations.

There is local precedent through the Stoney Lake OMB decision (see Table 1 - Species at Risk Habitat) for the denial of development adjacent to PSWs with SAR habitat impacts. The proponent has not adequately examined the potential impacts of their proposal on the PSW and SAR habitat, meaning that sufficient evidence does not exist to support an MZO at this stage. By supporting the MZO request, the Township would be acting contrary to local precedent and knowledge surrounding the impacts of development on PSWs and SAR.

Upholding the Duty to Consult and the Honour of the Crown

The legal obligation to consult with Indigenous communities, as outlined in *Section 35 of the Constitution Act, 1982*, is clear. Governments, and by extension developers, must engage with potentially affected Indigenous communities to prevent or mitigate any impacts that a proposed project may have on Aboriginal or treaty rights. The Ministry of Municipal Affairs and Housing (MMAH) has reiterated this in a presentation given to lower-tier municipalities across Ontario earlier this year. MMAH has shared the contents of this presentation with MSIFN, making it clear that proper consultation is required for this matter. Moreover, Ontario released the 2024 Provincial Planning Statement on August 20, 2024. This document sets the rules for land use planning in Ontario and directs "Planning Authorities" (i.e., the Township and Durham Region) to engage early with Indigenous communities, recognizing the unique relationship we have with land and the importance of consultation on planning matters that affect section 35 Aboriginal and treaty rights.

On this specific proposal, we are deeply disappointed by the lack of meaningful consultation and engagement from both Avenu Properties Inc. and the Township of Scugog. Key documents were shared with us only days before an important Town Council meeting, leaving us insufficient time to adequately prepare or respond. Moreover, Avenu Properties has refused to fund MSIFN's costs for reviewing its proposal and associated documentation and refused to fund MSIFN's costs for a third-party review of the technical and engineering elements of its proposal, further limiting our ability to assess the full extent of the potential impacts. This approach is not only disrespectful but will also result in direct negative impacts on MSIFN's

rights and practices, is contrary to the principles of reconciliation, and is contrary to the direction set forth in the 2024 PPS.

Supporting an MZO for a developer who is proposing to impact a critically important wetland sends a clear message that treaty rights and environmental protections are secondary to development interests. It also raises serious questions about the Township's commitment to upholding the Honour of the Crown.

A Call for Meaningful Consultation and Sustainable Development

We are not opposed to development in principle. However, any development must be approached with respect for the land, the environment, and Indigenous rights. The current proposal fails to meet these criteria. We urge the Township of Scugog to pause this development and engage in meaningful discussions with MSIFN.

The developer and the municipality must sit down with us to address our concerns, explore alternatives, and ensure that any development is conducted in a way that respects both the environment and our treaty rights. This is not only a matter of legal obligation but also of moral responsibility. If the Township chooses to support this MZO they will be acting in contravention of available evidence and MSIFN's constitutionally protected rights.

Sincerely,



Chief Kelly LaRocca, MSIFN

cc:

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Table 1. Detailed commentary - Mississaugas of Scugog Island First Nation - Submission to the Township of Scugog Council: Opposition to the Proposed Ministerial Zoning Order (MZO) for Development Along the Western Edge of Lake Scugog

Reference	Issue	Request
<p>First Nation Consultation and Accommodation</p>	<p>The proponent’s MZO package provides no evidence that all Williams Treaties First Nations treaty rights holders have been consulted by the Township of Scugog and/or Durham Region and/or Ontario (Planning Authorities) concerning the project and its impacts, including impacts on the Lake Scugog Watershed and downstream to the Scugog River, Sturgeon Lake, and beyond.</p> <p>The recently released Provincial Planning Statement (2024) contains direction on early engagement and the recognition of Aboriginal and treaty rights that the mentioned Planning Authorities are not in compliance with, including the following:</p> <p>6.1.2. The Provincial Planning Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982.</p> <p>6.2.2. Planning authorities shall undertake early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.</p>	<p>Please provide evidence of early engagement by responsible municipal and Crown authorities with respect to consultation and accommodation with all potentially impacted First Nation treaty rights-holders, including the Mississaugas of Scugog Island First Nation, Alderville First Nation, Beausoleil First Nation, the Chippewas of Georgina Island First Nation, Curve Lake First Nation, Hiawatha First Nation, and Rama First Nation.</p> <p>Please provide evidence of early engagement, consultation, and accommodation with respect to the specific aspects of the communal sewage system management and risks, wastewater discharge, Species at Risk (SAR), and sensitive environmental issues with respect to the proposal and MZO application.</p>
<p>Cultural Heritage</p>	<p>As mentioned above, Planning Authorities are required to</p>	<p>As discussed above, please provide</p>

Reference	Issue	Request
<p>Landscapes and Archaeology</p>	<p>engage early and consult with Indigenous communities. This includes engagement on Cultural Heritage issues, with guidance provided by the following:</p> <p><i>4.6.5. Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.</i></p> <p>Cultural Heritage Landscapes include “aboriginal landscapes¹”, or more appropriately, Indigenous Cultural Landscapes. MSIFN lives in relationship with the lands and waters of Lake Scugog and its watershed, yet MSIFN has not been engaged or consulted on the potential for Indigenous Cultural Landscapes to be impacted by this proposal.</p> <p>MSIFN considers the Lake Scugog watershed to be an Indigenous Cultural Landscape. In consideration of the multi-generational importance of this Indigenous Cultural Landscape to MSIFN, MSIFN has pledged \$1.5 million to the Lake Scugog Enhancement Project (LSEP). The Project purpose is to improve the recreational function of Port Perry Bay, create a healthy wetland habitat and improve water quality.</p>	<p>evidence of early engagement, consultation, and accommodation with respect to the identification, protection, and management of archeological resources and cultural heritage landscapes.</p> <p>Given that MSIFN has not been consulted on this item, please do not proceed with the support of an MZO before meaningful consultation and accommodation occurs, especially given the potential for impacts to Aboriginal and treaty rights.</p>

¹ <https://www.heritagetrust.on.ca/pages/tools/tools-for-conservation/cultural-heritage-landscapes-an-introduction>

Reference	Issue	Request
	<p>The overall objectives of the LSEP project are to address the following issues that dovetail with this Indigenous Cultural Landscape:</p> <ul style="list-style-type: none"> ● Reduced depth of water; ● Accumulation of sediment and organic matter; ● Non-native aquatic vegetation; ● Water quality in the bay; ● Shoreline habitats and fisheries; and ● Aesthetics and tourism-based activities. <p>The LSEP Project offers the following opportunities:</p> <ul style="list-style-type: none"> ● To increase the navigable depth; ● To increase boating access and other recreational uses such as paddling and angling; ● To enhance stormwater treatment; ● To reduce invasive macrophyte biomass; ● To increase tourism; and ● To increase fisheries productivity in Lake Scugog. 	
<p>Archaeology - Stage 1 to 3 Archaeological Assessments</p>	<p>The proponent reports that Archaeological Assessments Ltd. conducted Stage 1 to 3 archaeological resource assessments of the Subject Site. The proponent further reports that background research determined there had been no previous assessments carried out on the Subject Site, and given its location adjacent to the creek and Lake Scugog suggested it had a high potential for containing archaeological remains.</p>	<p>Please provide a description of the Indigenous engagement and a copy of any documentation arising from the Indigenous engagement process with respect to the Archaeological Assessments Ltd. Stage 1 to 3 archaeological resource assessments, including identifying the Indigenous communities engaged, dates, comments</p>

Reference	Issue	Request
	<p>The proponent reports that The Stage 2 field assessment identified five archaeological sites corresponding with indeterminate pre-contact native campsites. Stage 3 test excavations were carried out in October 2003. The proponent states that results of the Stage 3 assessment indicated that none of the five sites are significant archaeological resources, nor do any of the identified sites require any additional archaeological investigations and are no longer a planning concern.</p> <p>The Archaeological Assessments Ltd. provides no evidence of consultation with Indigenous rights-holders.</p> <p>Ontario's Standards and Guidelines for Engaging Aboriginal Communities in Archaeology https://www.ontario.ca/document/engaging-aboriginal-communities-archaeology-draft-technical-bulletin-consultant/1) state:</p> <ul style="list-style-type: none"> ● <i>"If your archaeological project is in Ontario, you must engage Aboriginal communities at the following stages:</i> <ul style="list-style-type: none"> - <i>in Stage 3, when you are assessing the cultural heritage value or interest of an Aboriginal archaeological site that is known to have or appears to have sacred or spiritual importance, or is associated with traditional land uses or geographic features of cultural heritage interest, or is the subject of Aboriginal oral histories.</i> 	<p>received, and the professional archaeologist's disposition of those comments.</p>

Reference	Issue	Request
	<p style="text-align: center;"><i>(Standards and Guidelines for Consultant Archaeologists, Section 3.4)</i></p> <ul style="list-style-type: none"> ● <i>“When you have engaged Aboriginal communities as part of an archaeological project, you must provide a description of the engagement and a copy of any documentation arising from the process to the Ministry. Submit this information as part of the supplementary documentation included in the Project Report Package. (Section 7.6.2)”</i> <p>Ontario’s Standards and Guidelines for Engaging Aboriginal Communities in Archaeology also state:</p> <p><i>“Engaging Aboriginal communities at the following additional stages constitutes wise practice, which you are encouraged to follow. You should engage Aboriginal communities:</i></p> <ul style="list-style-type: none"> ● <i>In Stage 1, when conducting the Background Study, in order to identify information sources in local Aboriginal communities (for example, for information on traditional use areas, sacred sites, and other sites) when available and relevant to the property). (Standards and Guidelines for Consultant Archaeologists Section 1.1)</i> ● <i>In Stage 1, when evaluating archaeological potential and making recommendations to exempt areas meeting the criteria for low archaeological potential from further assessment, in order to ensure there are no unaddressed Aboriginal cultural heritage interests. (Section 1.4)</i> 	

Reference	Issue	Request
	<ul style="list-style-type: none"> ● <i>In Stage 2, when assessing a property and determining archaeological sites that require Stage 3 fieldwork, in order to determine interest (general and site-specific) in the Aboriginal archaeological sites and ensure that there are no unaddressed Aboriginal archaeological interests connected with the land surveyed or sites identified. (Section 2.2)</i> ● <i>In Stage 3, when making recommendations regarding the excavation or preservation of Aboriginal archaeological sites of cultural heritage value or interest (other than those identified in the standards), in order to review the recommendations with the relevant, interested Aboriginal communities. (Section 3.5)”</i> 	
Private Communal Sewage System	<p>The developer has proposed an un-planned and uncoordinated private communal sewage system, which comes with immense risks to the Township of Scugog and its ratepayers, the Mississaugas of Scugog Island First Nation, and the Lake Scugog Watershed.</p> <p>The malfunctioning of sewage services is a public health and environmental threat that requires immediate action. The Ontario Ministry of the Environment, Conservation and Parks (MECP) advises that municipalities should have oversight of communal sewage systems. While the Durham Region Official Plan allows for private utility wastewater sewage systems, there is no agreement in place with the Regional Municipality of Durham or the Municipality of Scugog Township for long-term oversight, maintenance and upkeep of the proposed</p>	<p>Please provide the Municipality of Scugog Township’s and/or Durham Region’s agreements to provide long-term oversight, maintenance, and upkeep of the proposed communal sewage system.</p> <p>Both the Township of Scugog and Durham Region should comment on MECP’s guide for land use planning authorities on how to decide when a municipality should take responsibility for on-site communal drinking water and sewage systems: D-5-2 Application of Municipal Responsibility for Communal Water and Sewage Services - https://www.ontario.ca/page/d-</p>

Reference	Issue	Request
	<p>communal sewage system. The MZO package provided by the proponent is silent on any approach to communal sewage system agreements with responsible municipal authorities, and as such there is no credible way for the Minister to approve the desired site density without serious risks to public health, the environment and municipal ratepayers who would be forced to cover the costs of any communal sewage system failures.</p> <p>The proponent states that <i>“Wastewater services will be provided through a private communal sewage system and will not require any additional servicing capacity from the municipal wastewater system.”</i> The proponent also states that the <i>“Proposed Development requires a private communal sewage treatment facility, requiring MECP approval and a responsibility agreement with the Region.”</i></p> <p>The proponent does not explain how a responsible municipal authority such as Durham Region or the Township of Scugog will assure a high level of protection of the environment and public health, nor how responsible municipal authorities and their ratepayers will be responsible for the costs of such protections, or the costs of system failure.</p> <p>The proponent points to a single example of Durham Region entering into a long-term maintenance and upkeep agreement in 2007 for a private wastewater treatment system for what MSIFN understands is the “Estates of Wyndance”, a “exclusive” gated single family home community of 125 units</p>	<p>5-2-application-municipal-responsibility-communal-water-and-sewage-services#section-0 - with respect to the:</p> <ol style="list-style-type: none"> 1) Desire on the part of each municipal government to provide oversight, maintenance, and upkeep of the proposed communal sewage system through agreements with the proponent. 2) Requirements for entering into such agreements with the proponent, including consultation with impacted First Nations. 3) Details on the contractual arrangements required between the responsible municipal authority and the proponent with respect to the responsible public authority providing regular operational monitoring and maintenance of communal services and identifying maintenance needs before malfunctions can take place. 4) Details on the contractual arrangements required between the responsible municipal authority and the proponent with respect to assuring a high level of protection

Reference	Issue	Request
	<p>on an 18 hole golf course, with typical lot sizes of 50' x 200'. With 125 units, the Estates of Wyndance is about 80% smaller by unit number than the proponent's proposal for 600 units.</p> <p>The proponent does not explain how an MZO for approximately 600 units of new density can be supported, without MECP approval for the significant and complex communal wastewater system.</p> <p>The PPS requires that the planning for infrastructure be coordinated with land use planning and growth management in order to ensure that infrastructure is financially viable over its life cycle and is available to meet current and projected needs.</p>	<p>of the environment and public health.</p> <p>5) Details on the technical management oversight and maintenance program that the responsible municipal authority will assume to assure a high level of protection of the environment and public health.</p> <p>MECP should comment on how an MZO for approximately 600 units of new density can be supported without an agreement in place with a responsible municipal authority such as Durham Region or the Township of Scugog to ensure a high level of protection of the environment and public health, and agreement mechanisms for the responsible municipal authority to be responsible for the costs of such protections, or the costs of system failure.</p> <p>Please comment on how the Township has attended to the PPS requirement that the planning for the proposed wastewater infrastructure is being coordinated with land use planning and growth management in order to ensure that the infrastructure is financially viable over its</p>

Reference	Issue	Request
		life cycle and is available to meet current and projected needs.
Cumulative Impacts on Lake Scugog and MSIFN Rights	<p>The mentioned lack of oversight of the communal wastewater system is of utmost concern to MSIFN. We are also concerned about the potential for this proposal to introduce nutrients to Lake Scugog through stormwater runoff through the creation of roads, parking lots, and other impervious surfaces will increase stormwater runoff, carrying pollutants like oil, heavy metals, excess nutrients, and chemicals into Lake Scugog. This runoff will degrade water quality, harm aquatic life, and contribute to the ongoing decline of the lake's health.</p> <p>MSIFN members rely on the health of Lake Scugog for the practice of our constitutionally protected rights, including fishing. MSIFN's pledge of \$1.5 million for the Lake Scugog Enhancement Project is evidence of the value we place on the Lake and its functions. Our constitutionally protected practices are threatened by the proposal as, for example, additional nutrient loading can exacerbate the growth of invasive species and toxic algae (cyanobacteria) blooms², which can lead to the death of fish. These impacts on the already impacted Lake Scugog could have generational impacts on the ability of our members to practice rights in one of the few areas that remain available to us, exacerbating the overall cumulative impacts of development on our rights and practices.</p>	<p>Please provide rigorous evidence that this proposal will not exacerbate cumulative negative impacts on Lake Scugog, including nutrient loading.</p> <p>As a Planning Authority, the Township must not support this MZO given the negative impacts of this proposal on the exercise of Aboriginal and treaty rights.</p>

² https://www.kawarthaconservation.com/en/resources/Lake-Management-Plans/LSEMP_May2010_FINAL.pdf

Reference	Issue	Request
	<p>Legal precedent for the consideration of cumulative impacts in project approvals exists through <i>Yahey v. British Columbia</i> (2019), where the BC Supreme Court determined that the development permitted by the Province led to an infringement of Blueberry River First Nation’s Treaty Rights. This decision is relevant to the previously mentioned Planning Authorities, including the Township, who are directed to consider impacts on Aboriginal and treaty rights by the 2024 PPS.</p>	
<p>Provincially Significant Wetland</p>	<p>The proposed lands are adjacent to the Port Perry North Provincially Significant Wetland, while there are additional wetland pockets throughout the site. The evaluation report for this PSW (April 2014, available from the OMNRF) states that adjacent uplands are used by wetland species including nesting waterfowl, turtles, and amphibians. This report recommends that forest cover should be increased in and around the PSW, the currently proposed development is not consistent with this direction.</p> <p>Avenu’s conceptual drawing appears to ignore the PSW almost completely, with no regard for impacts on this important feature. The concept shows forested areas overlapping and adjacent to the PSW being converted to “<i>new waterfront sand beach</i>”, while a north-west pocket of the PSW appears to overlap with a proposed four-storey building.</p>	<p>Please provide an evidence-based assessment of the proposed development’s impacts on the PSW and associated upland habitats. This must include mapping of the proposal alongside the PSW boundaries, buffers, and the assessment of potential SAR habitat (see following comment).</p> <p>The overall development density must not be approved as proposed given potential overlaps with the PSW and SAR habitat. Density must be re-examined in light of actual developable area following an assessment of impacts.</p>
<p>Species at Risk Habitat</p>	<p>Avenu has not adequately considered the risk of this development on Species at Risk (SAR). Given the presence of a Provincially Significant Wetland, there is a particular risk to</p>	<p>Given the impacts of this proposal on PSWs and associated SAR, the Township must recognize that the MZO request is</p>

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	<p>wetland species, including turtles, that may use the subject lands for various life stages (e.g., nesting). Per the Natural Heritage Information Centre and assessments of other proposals on Lake Scugog, SAR turtles potentially present in the area include the following. Note that provincial risk status is denoted beside “ESA” (<i>Endangered Species Act</i>), federal risk status beside “SARA” (<i>Species at Risk Act</i>) or “COSEWIC”.</p> <ul style="list-style-type: none"> ● Blanding’s turtle (ESA: Threatened, COSEWIC: Endangered) ● Midland painted turtle (SARA: Special Concern) ● Snapping turtle (ESA/SARA: Special Concern) <p>Potential impacts of the proposal on these species are numerous, including the destruction and disturbance of nesting habitat. Per the provincial Blanding’s turtle recovery strategy, these turtles nest in relatively open areas in the general vicinity of a wetland³, such as the open areas that Avenu is proposing for development.</p> <p>Developing these areas is contrary to legislation, and local precedent in the area: in 2017 the former Ontario Municipal Board (OMB, now Ontario Land Tribunal) decided to not allow housing development on Stoney Lake⁴ in the Kawarthas due to the location of the development in and around Provincially Significant Wetlands. This site contained habitat for many species, including the Blanding’s turtle. The decision also</p>	<p>premature. By supporting the MZO without prior consideration of impacts on these species, the Township of Scugog would be facilitating potential destruction and degradation of SAR habitat. By choosing to not support the MZO, the Township will be consistent with the Stoney Lake OMB decision and will be acting in respect of MSIFN’s rights and practices.</p>

³ <https://files.ontario.ca/mecp-rs-blandings-turtle-2019-12-05.pdf>

⁴ <https://anishinabeknews.ca/2017/10/11/ontario-municipal-board-decision-saves-blandings-turtle-habitat-on-stoney-lake/>

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	respected the rights of Williams Treaties First Nations, including MSIFN, Alderville, and Curve Lake.	