



THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
SPECIAL COUNCIL MEETING
AGENDA

Thursday, July 10, 2025, 6:00 P.M.

Main Level Chambers

The Municipality of Temagami is committed to transparency, accountability, and accessibility in sharing information about council proceedings. All council meetings are audio and video recorded. However, only the audio recordings of the open session will be made available on the Municipal website for public viewing. By attending council meetings, whether in person or virtually, you consent to being recorded, including the collection of any personal information during the council proceedings. Recordings will be maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act, 1990, and the Municipality's Audio Recording of Council and Committee Meetings By-Law.

Pages

1. PURPOSE OF THIS SPECIAL MEETING

2. CALL TO ORDER AND ROLL CALL

3. ADOPTION OF THE AGENDA

Draft Motion:

BE IT RESOLVED THAT the Special Council Meeting Agenda dated July 10, 2025 be adopted as presented.

4. DECLARATION OF CONFLICT OR PECUNIARY INTEREST AND GENERAL NATURE THEREOF

5. DELEGATIONS/ PRESENTATIONS

6. ZONING BY-LAW AMENDMENT 25-01

Draft Motion:

BE IT RESOLVED THAT Council receives the Planning Report dated July 10, 2025, respecting Zoning By-law Amendment No. 25-01; and,

AN FURTHER THAT Council consider the passing of By-law No. 2025-1828 being a By-law to amend Zoning By-law 06-650, as amended, later in this meeting.

7. BY-LAW 25-1828 - Zoning By-Law Amendment

Draft Motion:

BE IT RESOLVED THAT By-Law 25-1828, being a By-law to amend the zoning provisions which apply to the lands located on Part of Blocks 44, 46 and 49 on Registered Plan 36M-610 on Fox Run in the Municipality of Temagami, be taken as read a first second and third time and finally passed this 10th day of July, 2025;

AND FURTHER THAT the said By-Law be signed by the Mayor and Clerk and recorded in

1

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the By-law Book.

8. UNFINISHED BUSINESS

9. NEW BUSINESS

10. ADJOURNMENT

Draft Motion:

BE IT RESOLVED THAT this Special Council Meeting adjourn at XX:XX pm.

MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Sabrina Pandolfo, Clerk	Application Number:	ZBA 25-01
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Planscape (c/o Stefan Szczerbak
Location:	Blocks 44, 46 and 49 on Registered Plan 36M-610 (Fox Run Road)	Owner:	Geromaer Inc. c/o George Leger
Report Date:	July 10, 2025	Application Type:	Zoning By-law Amendment

A. RECOMMENDATION

THAT Council receives the Planning Report dated July 10, 2025, respecting Zoning By-law Amendment No. 25-01; and,

THAT Council authorizes the passing of By-law No. 2025-1828 being a By-law to amend Zoning By-law 06-650, as amended.

B. PROPOSAL/BACKGROUND

A Zoning By-law Amendment application has been submitted by the owner of the subject lands, which consists of three (3) separate properties that are identified as Block 44, Block 46 and Block 49 on Registered Plan 36M-610 on the north side of Fox Run Road.

The purpose and effect of the proposed Zoning By-law Amendment is to rezone the subject lands to satisfy a condition of provisional Consent, for the applications that were approved by the Committee of Adjustment (C-25-02, C-25-03 and C-25-04). An overview of the proposed Zoning By-law Amendment was provided in the Report dated June 10, 2025 that was presented to Council during the Statutory Public Meeting. Please refer to Attachment #1 for the report that was prepared for Council on June 10, 2025.

A decision on the proposed Zoning By-law Amendment was requested to be deferred at the June 10, 2025 Council meeting by the owner in order for their environmental consultant to provide additional review and analysis of the turtle nesting habitat on the western portion of the subject lands. This area was previously proposed to be rezoned to the Protected Area (PA) Zone based on the constraint map that was previously provided in the original Environmental Impact Study.

Following the deferral, the owner's environmental consultant has submitted a subsequent report, being a Turtle Nesting Assessment to further evaluate the habitat on the western portion of the subject lands. A copy of the report is included as Attachment #2.

The original Environmental Impact Study identified that areas on the subject lands, specifically the gravel pit areas, were possibly suitable for Blanding's turtle nesting and development should be avoided in these areas. The recommendations also included that turtle nesting surveys should be completed to confirm the findings. The additional assessment was completed on June 24, 2025 to provide more information on these areas, which are generally shown on Figure 1 (green circle).

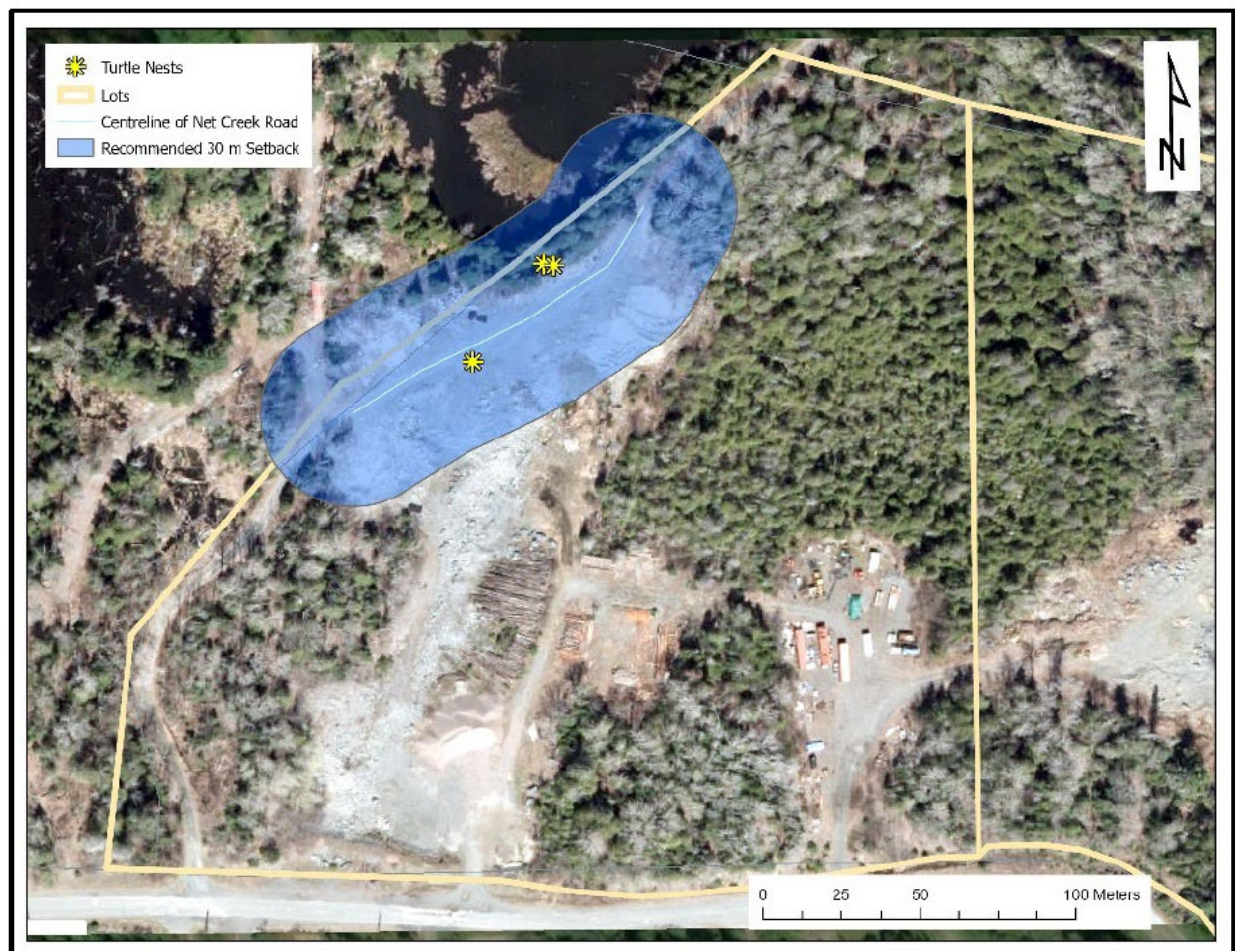
Figure 1: Additional Study Areas



The results of the additional assessment concluded that there is no habitat for turtle nesting species at risk on the subject lands. Therefore, the constraint mapping on the two western lots are not warranted, as shown on Figure 1.

There were however three nests confirmed for snapping turtles along the shoulder/bank of Net Creek Road on the proposed Retained Lot. Snapping turtles are considered to be significant wildlife habitat in the context of the Provincial Planning Statement. The environmental consultant recommends a "30 metre no development setback measured from the centreline of Net Creek Road". This recommended no development setback area is shown on Figure 2.

Figure 2: Recommended 30 Metre Setback Area



It is acknowledged by the environmental consultant that they do not recommend that this area be rezoned to the Protected Area (PA) Zone and that the development setback be implemented through another land use planning mechanism, such as a site plan control agreement or side yard setbacks. In this case, zoning is the most appropriate land use planning

tool to implement the development setback. Because a specific area is shown in the updated information, it is recommended that this area be rezoned to the Protected Area (PA) Zone, rather than creating minimum setbacks from the road or property lines. The proposed Protected Area (PA) Zone is the most appropriate way to prohibit development when the environmental consultant is recommending that no development be permitted in this area.

C. RECOMMENDATIONS

Based on the information that has been provided since the June 10, 2025 Council meeting, planning staff continue to recommend approval of the Zoning By-law Amendment. The application is consistent with the Provincial Policy Statement and conforms to the Official Plan.

In addition to the rezoning to the site-specific Rural Residential (R3) Zone, the refinements to the proposed Protected Area (PA) Zone mapping is appropriate based on the additional assessment provided by the environmental consultant.

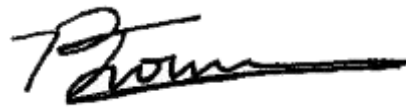
It is recommended that the Zoning By-law Amendment be passed by Council, in accordance with the draft Zoning By-law Amendment.

Respectfully Submitted,

MHBC Planning

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP
Partner

A handwritten signature in black ink, appearing to read 'P. Townes', with a long horizontal flourish extending to the right.

Patrick Townes, BA, BEd
Associate

MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Sabrina Pandolfo, Clerk / Deputy CAO	Application Number:	ZBA 25-01
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Planscape (c/o Stefan Szczerbak
Location:	Blocks 44, 46 and 49 on Registered Plan 36M-610 (Fox Run Road)	Owner:	Geromaer Inc. c/o George Leger
Report Date:	June 12, 2025	Application Type:	Zoning By-law Amendment

A. RECOMMENDATION

THAT Council receives the Planning Report dated June 12, 2025, respecting Zoning By-law Amendment No. 25-01; and,

THAT Council authorizes the passing of By-law No. 2025-1828 being a By-law to amend Zoning By-law 06-650, as amended.

B. PROPOSAL/BACKGROUND

A Zoning By-law Amendment application has been submitted by the owner of the subject lands, which consists of three (3) separate properties that are identified as Block 44, Block 46 and Block 49 on Registered Plan 36M-610 on the north side of Fox Run Road.

The purpose and effect of the proposed Zoning By-law Amendment is to rezone the subject lands to satisfy a condition of provisional Consent, for the applications that were approved by the Committee of Adjustment (C-25-02, C-25-03 and C-25-04). The Consent applications that were provisionally approved resulted in the creation of 12 new lots on the subject lands, and 1 retained lot. The subject lands and the proposed lots are shown on Figure 1 and Figure 2. The subject lands are currently comprised of four separate properties (blocks), and this is shown on Figure 1. In addition to the proposed lot configuration, the four separate properties (blocks) are also outlined in dashed lines on Figure 2.

The subject lands are designated as Integrated Management Area and are located within the Matibitchuan Neighbourhood in the Official Plan. The subject lands are located within the Integrated Management Area (IMA) Zone in the Zoning By-law.

Figure 1: Subject Lands

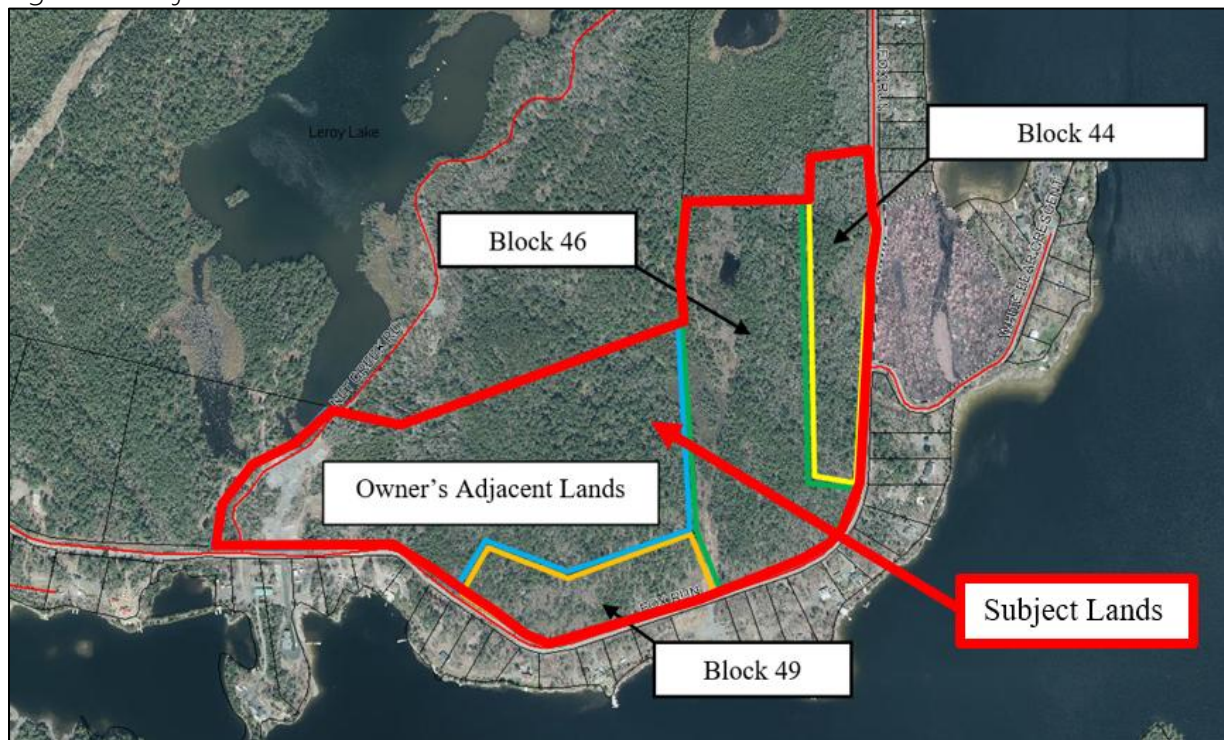
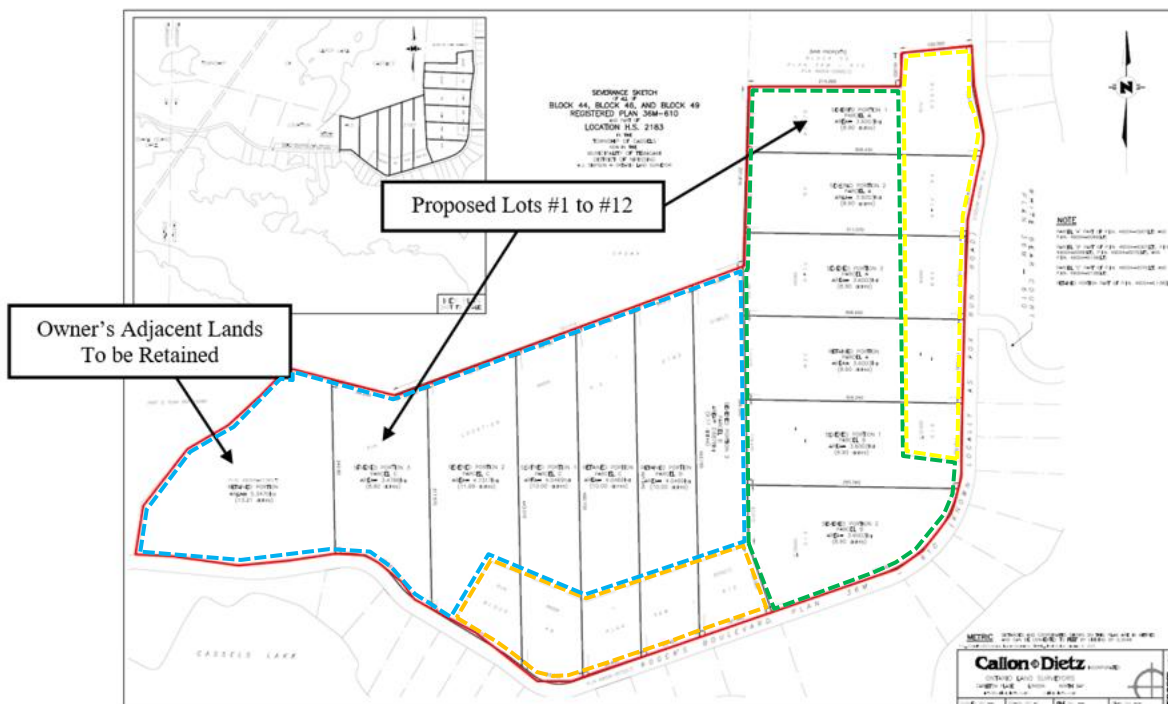


Figure 2: Proposed Lot Configuration



A copy of the Planning Report prepared for the Consent application is included as Attachment #1. The Planning Report prepared for the Consent application includes a detailed review of

the proposed lot areas and lot frontages and also provides a summary of the technical studies that were completed. Following the Committee of Adjustment's decision to provisionally approve the Consent application, the following condition was included:

- 5) *That the owner obtains approval of a Zoning By-law Amendment application to implement the recommendations and mitigation measures contained within the Environmental Impact Study and the Water Quality Impact Study;*

The Zoning By-law Amendment is required to rezone the subject lands from the Integrated Management Area (IMA) Zone to the Rural Residential (R3) Zone and the Protected Area (PA) Zone. The proposed amendment includes the following items:

- 1) Rezone a portion of the subject lands and the proposed lots to the R3 Zone to permit future rural residential land uses;
- 2) Rezone a portion of the subject lands and the proposed lots to the PA Zone to implement the recommendations contained within the Environmental Impact Study; and,
- 3) Include a site-specific amendment to require future septic systems to be located a minimum of 200 metres from the shoreline of Cassels Lake.

C. COMMENTS RECEIVED

Temagami First Nation provided an email on May 27, 2025, confirming that they have no concerns with the proposed Zoning By-law Amendment application.

D. POLICY AND REGULATORY CONSIDERATIONS

The following is a review of the relevant policy and regulatory considerations that pertain to the proposed Zoning By-law Amendment application.

Provincial Policy Statement

The Provincial Policy Statement was approved by the Ministry of Municipal Affairs and Housing on May 1, 2020, and is applicable to the subject lands. In the context of the PPS, the subject lands are considered as Rural Lands. Under Section 1.1.5.2 of the Provincial Policy Statement, residential development is permitted. The proposed lots are to be used for rural residential development.

Section 1.6.6.4 of the Provincial Policy Statement states that individual on-site sewage services and individual on-site water services may be used provided that the site conditions are suitable for the long-term provision of such services with no negative impacts. The Water Quality

Impact Study that was prepared provides recommendations for future septic system locations on each of the proposed lots that are in conformity with the Provincial Lakeshore Capacity Assessment Handbook. It is recommended that future septic systems be located a minimum of 200 metres from the shoreline of Cassels Lake. This requirement is included in the draft Zoning By-law Amendment. Please refer to Attachment #2.

Section 4.1 of the Provincial Policy Statement includes policies to protect natural heritage features, including wetlands, significant woodland, significant wildlife habitat, significant areas of natural and scientific interest, fish habitat and habitat of endangered and threatened species. An Environmental Impact Study was completed, and recommendations and mitigation measures were provided to confirm that there will be no negative impacts to natural heritage features and areas. Due to the natural heritage features and areas identified on the subject lands (including associated buffer areas), the environmental consultant included recommended mapping to be implemented as the Protected Area (PA) Zone in the Zoning By-law. The recommended area to be rezoned to the Protected Area (PA) Zone to prohibit future development is shown on Figure 3.

Figure 3: Recommended Protection Area (PA) Zone



Features that were identified on the subject lands include adjacent lands to a Significant Wetland, other wetlands, dens and turtles nesting areas. Based on the proposed Protected

Area (PA) Zone, development on the subject lands can proceed while avoiding negative impacts on the natural heritage features and functions on and adjacent to the subject lands. Further, there is an available building envelope for a future dwelling and septic system located outside the proposed Protected Area (PA) Zone on each of the lots. Additional mitigation measures are proposed however those will be implemented in the Consent Agreement which is also required under a separate condition of provisional Consent.

Section 4.2 of the Provincial Policy Statement includes policies regarding water. Planning authorities shall protect, improve or restore the quality of water by ensuring consideration of environmental lake capacity, where applicable. As a result of previous technical studies, Cassels Lake was determined to be at capacity as it relates to dissolved oxygen concentrations for lake trout. A Water Quality Impact Study was completed to demonstrate that the proposed lots are in conformity with the Provincial Lakeshore Capacity Assessment Handbook. It is recommended that future septic systems be located a minimum of 200 metres from the shoreline of Cassels Lake. This requirement is included in the draft Zoning By-law Amendment.

Section 4.6 of the PPS includes policies regarding cultural heritage and archaeology. Section 4.6.2 states:

"Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved."

An Archaeological Assessment was submitted as part of the Consent application, which has been granted provisional approval from the Committee of Adjustment. No archaeological resources were discovered.

Section 3.1 of the PPS includes policies regarding natural hazards and the protection of new development. There are no known hazards on the subject lands.

The proposed Zoning By-law Amendment is consistent with the relevant policies of the PPS.

Northern Ontario Growth Plan

The Northern Ontario Growth Plan recognizes that tourism is an important component of the economy of Northern Ontario. The applicability to this document in regard to the proposed Zoning By-law Amendment application is limited, however the development of rural residential lots conform to the policies of the Growth Plan.

Municipality of Temagami Official Plan

The subject lands are designated as Integrated Management Area and are located within the Matabitchuan Neighbourhood and permitted uses include permanent or seasonal single detached dwelling units under Section 7.3.2 of the Official Plan. Some Rural Residential and Remote Residential development exists within the Matabitchuan Neighbourhood, and more is anticipated in the Integrated Management Area designation.

Section 2.14 and Section 9.24 of the Official Plan regarding cultural heritage features have been reviewed. An Archaeological Assessment has been prepared for the subject lands and concluded that no further archaeological work is recommended for the subject lands.

Section 7.1 of the Official Plan refers to the subject lands and surrounding area:

In addition, a large undeveloped approved subdivision exists at the northerly end of the lake system. The full environmental and social impact of that development will not be known for many years. As a result, proposals for new multi-lot development on the Cassels and Rabbit Lakes system will require an assessment of the impact of the existing inventory of vacant lots on the natural environment.

As a result of previous technical studies, Cassels Lake was determined to be at capacity as it relates to dissolved oxygen concentrations for lake trout. A Water Quality Impact Study was completed to demonstrate that the proposed lots are in conformity with the Provincial Lakeshore Capacity Assessment Handbook. It is recommended that future septic systems be located a minimum of 200 metres from the shoreline of Cassels Lake. This requirement is included in the draft Zoning By-law Amendment.

Policies regarding natural heritage features and areas are included in Section 9.7.4 of the Official Plan. Features that were identified on the subject lands include adjacent lands to a Significant Wetland, other wetlands, dens and turtles nesting areas. Based on the proposed Protected Area (PA) Zone, development on the subject lands can proceed while avoiding negative impacts on the natural heritage features and functions on and adjacent to the subject lands. Further, there is an available building envelope for a future dwelling and septic system located outside the proposed Protected Area (PA) Zone on each of the lots.

The proposed Zoning By-law Amendment conforms to the Official Plan.

Municipality of Temagami Zoning By-law

The subject lands are located within the Integrated Management Area (IMA) Zone. The IMA Zone applies to patented and Crown Land within the Municipality. Only existing permanent

dwelling units or seasonal dwelling units are permitted that existed on the date of the passing of the Zoning By-law.

The Zoning By-law Amendment is required to rezone the subject lands from the Integrated Management Area (IMA) Zone to the Rural Residential (R3) Zone and the Protected Area (PA) Zone. The proposed amendment includes the following items:

- 1) Rezone a portion of the subject lands and the proposed lots to the R3 Zone to permit future rural residential land uses;
- 2) Rezone a portion of the subject lands and the proposed lots to the PA Zone to implement the recommendations contained within the Environmental Impact Study; and,
- 3) Include a site-specific amendment to require future septic systems to be located a minimum of 200 metres from the shoreline of Cassels Lake.

Item #1 above is required to ensure that the proposed lots are appropriately zoned for future rural residential land uses. The minimum lot area for the R3 Zone is 0.8 hectares for properties without a drilled well and 1 hectare for properties with a drilled well. The minimum lot frontage for the R3 Zone is 60 metres. Each of the proposed lots comply to the minimum lot area and lot frontage requirement in the Zoning By-law. The proposed lot areas and lot frontages are shown on Table 1.

Table 1: Proposed Lot Areas and Lot Frontages

Lot No.	Proposed Lot Area (Approximate)	Proposed Lot Frontage (Approximate)
Owner's Adjacent Lands to be Retained	5.3 hectares (13.2 acres)	269 metres
Lot 1	3.5 hectares (8.6 acres)	163.6 metres
Lot 2	4.7 hectares (11.7 acres)	149.8 metres
Lot 3	4.1 hectares (10 acres)	93.2 metres
Lot 4	4.1 hectares (10 acres)	86.7 metres
Lot 5	4.1 hectares (10 acres)	86.4 metres
Lot 6	3.7 hectares (9.1 acres)	107.6 metres
Lot 7	3.6 hectares (8.9 acres)	330 metres
Lot 8	3.6 hectares (8.9 acres)	119.7 metres
Lot 9	3.6 hectares (8.9 acres)	117.5 metres
Lot 10	3.6 hectares (8.9 acres)	116 metres
Lot 11	3.6 hectares (8.9 acres)	114.4 metres
Lot 12	3.6 hectares (8.9 acres)	157 metres

There R3 Zone also includes a maximum lot area of 1.5 hectares. The proposed lots are larger than 1.5 hectares and the maximum lot area is proposed to not apply to the new lots as detailed in the Zoning By-law Amendment. The proposed lot sizes are appropriate for the rural area.

Items #2 and #3 are required to implement the recommendations contained within the Environmental Impact Study and the Water Quality Report. The draft Zoning By-law Amendment and schedule includes the recommended Protected Area (PA) Zone mapping to prohibit development within the natural heritages features and areas (and buffer areas) and to include a requirement for future septic systems to be located at least 200 metres from the shoreline of Cassels Lake.

The proposed Zoning By-law Amendment includes requirements to ensure that the proposed development on the subject lands is consistent with the Provincial Policy Statement and conforms to the Official Plan.

A draft Zoning By-law Amendment is attached to this Report. Please refer to Attachment #2.

A. RECOMMENDATIONS

Following a review of the proposed Zoning By-law Amendment application in regard to the relevant policy context of the Provincial Policy Statement and the Official Plan, the proposed site-specific amendment to rezone the subject lands to a site-specific Rural Residential (R3) is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning.

It is recommended that the Zoning By-law Amendment be passed by Council, in accordance with the attached draft Zoning By-law Amendment.

Respectfully Submitted,

MHBC Planning

Jamie Robinson, BES, MCIP, RPP
Partner

Patrick Townes, BA, BEd
Associate

Turtle Nesting Assessment

Geromaer Inc. Rezoning Application 25-01

Fox Run Road, Municipality of Temagami

June 2025



Introduction

FRi Ecological Services was retained to complete a turtle nesting assessment for two (of 13) proposed lots with frontage on Fox Run Road in the Municipality of Temagami. The assessment covered the two western-most lots, described as 'Retained Portion' (5.347 ha) and 'Severed Portion 3, Parcel C' (3.4788 ha), shown in Figure 1. A leaf-off aerial image of the assessment area is shown in Figure 2.



Figure 1: Zoning by-law amendment sketch (MHBC), the two western-most lots were the subject of the turtle nesting assessment in June 2025 – they are circled in orange outline.



Figure 2: The existing pit areas on both lots were surveyed for signs of turtle nesting and suitable nest substrates.

Nesting Assessment

On June 24, 2025, two experienced FRI staff (field biologist and field technician) completed a transect nesting survey of all the existing exposed soils, disturbed and otherwise suitable nesting substrate areas on and near the subject lots.

Suitable turtle nest sites include areas with loose, sandy or gravel soils, with full sun exposure and good drainage. They are often found on south-facing slopes and are usually near the shoreline of a waterbody or wetland. Natural sites include shorelines, beaches, soil pockets on rock outcrops and forest openings. Anthropogenic sites like road shoulders, aggregate extraction areas and sand piles are also sometimes used by turtles because they offer suitable natural nest analogue but unfortunately are risky choices because of traffic, road maintenance and predation.

The FRI field crew focused on the areas of the two proposed lots where potentially suitable nesting substrate and conditions were present. Based on extensive field work this spring and summer across central and Northern Ontario, FRI has observed turtles actively nesting since ~ June 8th and as recently as June 20th.

When completing a turtle nesting assessment, FRI looks for evidence of nesting including:

- Predated nests – many mammals including foxes, skunks and raccoons seek out and dig up turtle nests as they provide a protein-rich meal.
- Eggshell fragments – shell fragments are often visible when nesting has occurred, and the nest predated or when a nest was successfully hatched and the hatchlings have moved away and left behind shell fragments.
 - FRI is experienced assessing shell shape and size to determine with reliability, the species of nesting turtle from eggshell fragments
- Trails and tracks – turtles leave a very distinctive ‘tail trail’ and footprint tracks when they move over sandy and loose substrate.
- Test nests – Female turtles often dig a few (sometimes several) ‘test pits’ before laying their eggs. It is thought that the test pits allow the female turtle to judge soil moisture and texture and overall nest site suitability before she lays her eggs.
- Disturbed soil – When nesting assessments are completed during nesting season, FRI observes recently laid nests as the soil is freshly dug and replaced and is visually distinct from the surrounding area.

Each of these items provide information on whether nesting has occurred and possibly which species is using an area if eggshell fragments are found.

Assessment Observations

Severed Portion 3, Parcel C (3.4788 ha)

The entirety of the open and disturbed areas of this proposed lot were surveyed. There were no suitable nesting areas observed and similarly no signs or evidence of turtle nesting or use by turtles.

FRI's recommends there are no Protected Areas on the proposed lot. The green hatched area shown in the clip in Figure 3 does not represent turtle nesting or any other natural heritage feature. The proposed Protected Area should be removed, and the entire lot remained zoned as 'Rural'.



Figure 3: Severed Portion 3, Parcel C does not contain any turtle nesting areas or other natural heritage features. The 'Protected Area' rezoning is unnecessary and should be removed.

'Retained Portion' (5.347 ha)

All the open and disturbed areas on the Retained Portion lot were surveyed. Most of the proposed lot includes large, coarse compact gravel/cobble and piles of larger coarse mineral substrate. These areas are not suitable for turtle nesting as they are too coarse and/or compacted (Figures 4 - 7).



Figure 4 & Figure 5: Representative photographs of the existing pit area in the Retained lot. Note large boulders, cobble and compacted (very coarse) mineral substrate. These areas are not suitable for turtle nesting.



Figure 6 & Figure 7: Representative overview photographs of the Retained lot and existing pit area; note bedrock at surface (left) with no sand or fine mineral overburden; compacted surface (right) looking south toward Fox Run Road with sloped pit run mineral material; too coarse for turtle nesting.

A gravel road runs along the west boundary of the Retained lot (Figure 8), locally known as ‘Net Creek Road’ according to Land Information Ontario’s online provincial mapping (Figure 9). The road provides access for several cottages north of the subject property.



Figure 8: Net Creek Road which runs alongside the west boundary of the Retained lot, looking south toward Fox Run Road.

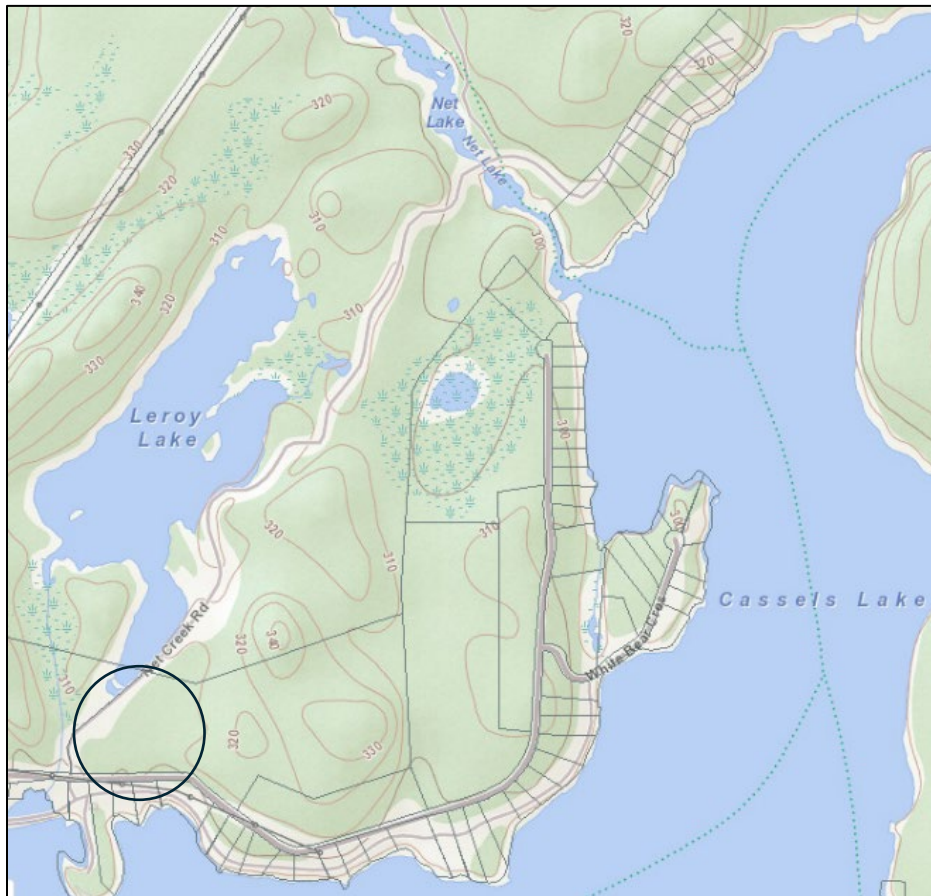


Figure 9: Provincial mapping which shows Net Creek Road along the west boundary of the property.

Turtle Nesting Confirmed

Three predated snapping turtle nests were confirmed along the shoulder/bank of Net Creek Road. Two were on the west side (Leroy Lake side) in a sandy cut bank of fine mineral soil while a third was on the east side (Figure 10).



Figure 10: Location of the three (3) predated turtle nests found June 24, 2025.

Each of the three nests were confirmed snapping turtle by the shape and size of the eggshells. A few shells were almost fully intact allowing the biologist to confirm species. The location of the nests suggest that the turtles likely came from either Leroy Lake which is to the immediate north and west of the road and pit, or the large open water wetland (northwest corner of Figure 10).

Snapping turtle nests are considered significant wildlife habitat, specifically 'rare or specialized habitat'. The Significant Wildlife Habitat Mitigation Support Tool (SWHMiST)¹ recommends avoiding development in areas where turtles nest.

Figures 11 – 14 show the nesting areas and close up photographs of the three nests with eggshells.

¹ Ontario Ministry of Natural Resources and Forestry. Significant Wildlife Habitat Mitigation Support Tool. 2014. 533pp. Index #28. Reptile Nesting and Overwintering Areas.



Figure 11: Photograph of nesting locations (circled in orange) and the subject property to the right, Net Creek Road is visible in the top-left centre of the photo.

In this instance, each of the nests is along the shoulder of an existing road. The best approach for promoting long-term success for turtles and turtle nests is to avoid compacting the shoulders of the road and ensuring continued access from Leroy Lake and the wetland are maintained.



Figure 12 & 13: Two snapping turtle nests on west side of Net Creek Road.



Figure 14: Snapping turtle eggs, single predated nest on east side of Net Creek Road.

There was no evidence of nesting or suitable areas for nesting within most of the Retained lot. The nesting is limited to the shoulders of Net Creek Road along the extreme western boundary of the lot.

To protect the area where turtle nesting is confirmed, FRi recommends a 30 metre no development setback measured from the centreline of Net Creek Road. This setback area will capture the nesting locations identified and an additional area to allow for movement between the lake/wetland and the nesting area. Figure 16 shows the recommended setback to protect the nesting area.



Figure 15: Recommended 30 metre setback from Net Creek Road, measured from the centreline for those areas where the road shoulders are open and provide suitable banks/substrate for nesting.

The 30 metre setback area does not need to be rezoned to 'Protected Area' in FRI's opinion since Net Creek Road bisects the nesting area and is likely the reason for the area being suitable. If the road was not in place, the sandy banks and shoulders would not be exposed and would likely be forested and unsuitable for nesting.

The 30 metre no development setback can be implemented through site plan control, amended side yard setbacks or other planning approach if required.

Species at Risk Turtles

Prior to the June 2025 assessment, the environmental impact study² noted that the B199X ecosite – the anthropogenic gravel pit area – was possibly suitable for Blanding's turtle nesting. The report concluded that if development was proposed in the B199X ecosite, turtle nesting surveys should be completed. The turtle nesting assessment completed June 24, 2025 addresses this recommendation.

Further to species at risk turtles, the legislation protecting turtles their habitat, including nests, was recently amended which resulted in considerable changes to the definition of and practical application of protected habitat.

Note that no species at risk turtle nests or evidence of the same was observed. Blanding's turtle eggs are an oval-oblong shaped and very different from snapping turtle eggs. FRI has extensive experience identifying both species eggs and nests.

Bill 5 – Schedule 2, Amendments to the *Endangered Species Act (2007)*

On June 5, 2025 Bill 5 received Royal Assent which amended several sections of the ESA including the definition of habitat and the purpose of the Act. Effective June 5, 2025, the purpose of the ESA is to '*provide species protection and conservation while taking into account social and economic considerations including the need for sustainable economic growth in Ontario*'. The definition of 'habitat' under the ESA for species listed as threatened or endangered means:

- a) *in respect of an animal species,*
 - (i) *a dwelling-place, such as a den, nest or other similar place, that is occupied or habitually occupied by one or more members of a species for the purposes of breeding, rearing, staging, wintering or hibernating, and*
 - (ii) *the area immediately around a dwelling place described in subclause (i) that is essential for the purposes set out in that subclause.*

This focused habitat definition no longer includes areas referred to in the General Habitat Descriptions (GHD) which described three categories of habitat from least tolerant to most tolerant to alteration.

² Environmental Impact Study, Block 44, Block 46 and Block 49; Registered Plan 36M-610 and Part of Location H.S. 2183. Geographic Township of Cassels, Municipality of Temagami. March 2023.

The amended ESA's definition of habitat is clear that for an area to be considered habitat and therefore receive protection under the ESA, it must be 'occupied' or 'habitually occupied' for one of the life processes listed. This definition provides clarity that areas where species do not occur are not protected even if the 'habitat' is considered suitable.

There is no habitat for nesting species at risk turtles on or near the subject property.

Conclusions

In summary, three snapping turtle nests were confirmed along the western boundary of the Retained lot. The 'Severed Portion 3, Parcel C' did not contain any turtle nests or areas that could support turtle nesting based on the in-person field assessment.

While acknowledging that road shoulders are generally not considered 'significant wildlife habitat', snapping turtle nests are protected through policy (Provincial Planning Statement, 2024) and associated guidance documents. This addendum report recommends a 30 metre development setback measured from the centreline of the road to protect the nests and suitable nesting areas.

FRi recommends that proposed lot 'Severed Portion 3, Parcel C' be zoned entirely Rural; there is no requirement for a Protected Area zone. Similarly, the Retained lot can be zoned Rural with an exception or other planning approach to ensure the 30 metre development setback from the identified turtle nesting areas are respected.

Respectfully,

A handwritten signature in dark ink, appearing to read 'R. Geauvreau', with a stylized, cursive script.

Rebecca Geauvreau

Species at Risk Biologist

FRi Ecological Services

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 2025-1828

A By-law to amend the zoning provisions which apply to the lands located on Part of Blocks 44, 46 and 49 on Registered Plan 36M-610, now in the Municipality of Temagami

Located on Fox Run Road - Geromaer Inc.

WHEREAS the Council of the Corporation of the Municipality of Temagami is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13;

AND WHEREAS Council deems it appropriate to rezone the subject property;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. That Schedule 'A-2' of Zoning By-law 06-650, as amended, is hereby amended by zoning the lands from the Integrated Management Area (IMA) Zone to the Rural Residential Exception Five (R3-5) Zone and the Protected Area (PA) Zone, in accordance with Schedule 'A' attached to this By-law.
2. That Section 7.6.4 – Exceptions of By-law 06-650, as amended, is hereby amended by adding the following:

7.6.4.5 Rural Residential Exception Five (R3-5) Zone

- a) Notwithstanding any other provisions of the Zoning By-law, the following provisions shall apply to the R3-5 Zone:
 - i) Septic Systems (Leaching Beds) shall be located a minimum of 200 metres from the shoreline of Cassels Lake.
 - ii) The maximum lot area of 1.5 hectares shall not apply.

7.6.4.6 Rural Residential Exception Six (R3-6) Zone

- a) Notwithstanding any other provisions of the Zoning By-law, the following provisions shall apply to the R3-5 Zone:
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READ A FIRST AND SECOND TIME on the 10th day of July, 2025.

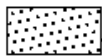
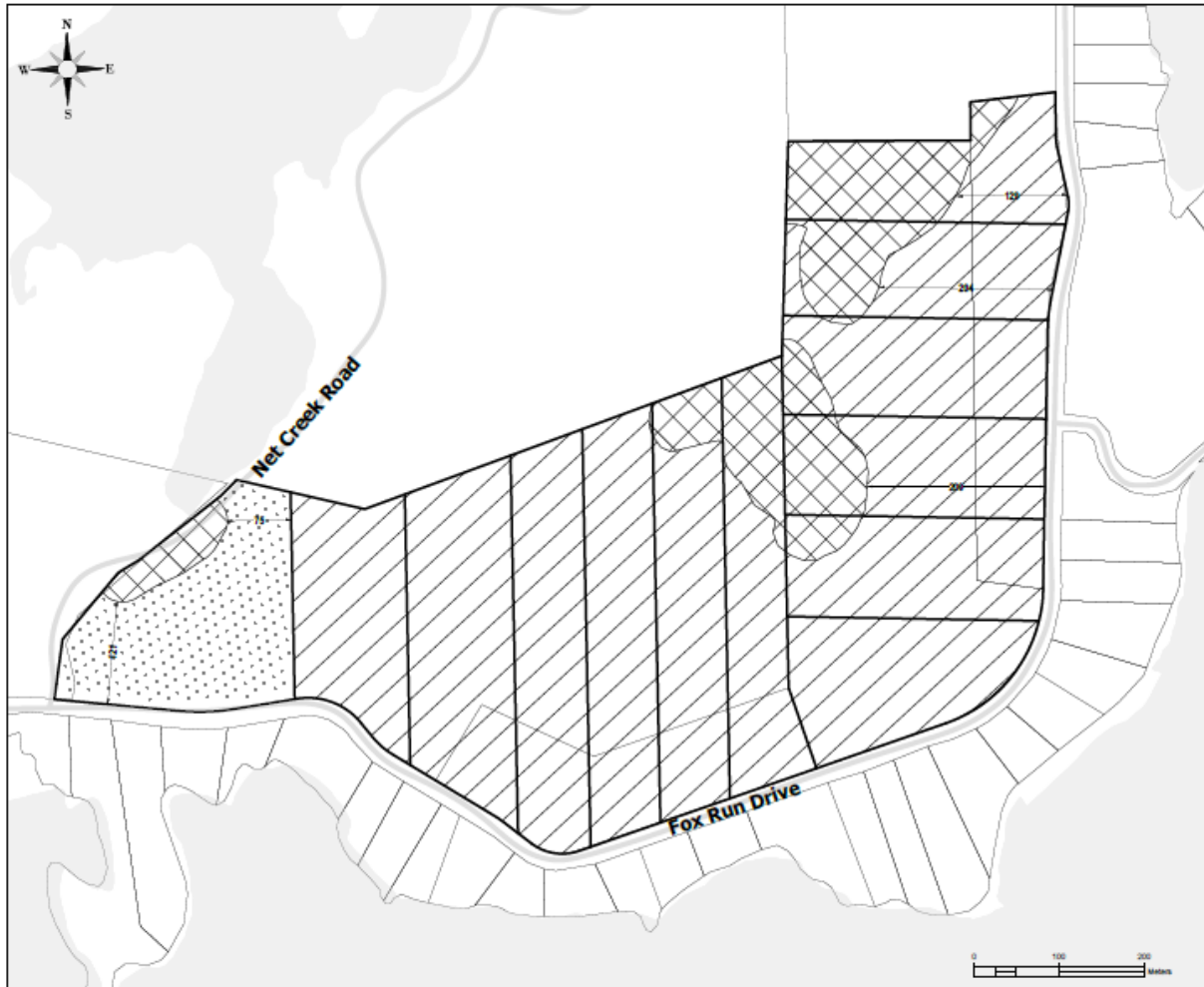
READ A THIRD TIME and finally passed this 10th day of July, 2025.

Dan O'Mara, Mayor

Sabrina Pandolfo, Municipal Clerk

SCHEDULE 'A'

Block 44, Block 46 and Block 49 on Registered Plan 36m-610
Municipality of Temagami
District of Nipissing



Lands to be rezoned from the Integrated Management Area (IMA) Zone to the Rural Residential Six (R3-6) Zone



Lands to be rezoned from the Integrated Management Area (IMA) Zone to the Rural Residential Five (R3-5) Zone



Lands to be rezoned from the Integrated Management Area (IMA) Zone to the Protected Area (PA) Zone

This is Schedule 'A' to Zoning By-law 2025-_____
Passed this ____ day of _____, 2025

Mayor _____

Clerk _____

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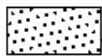
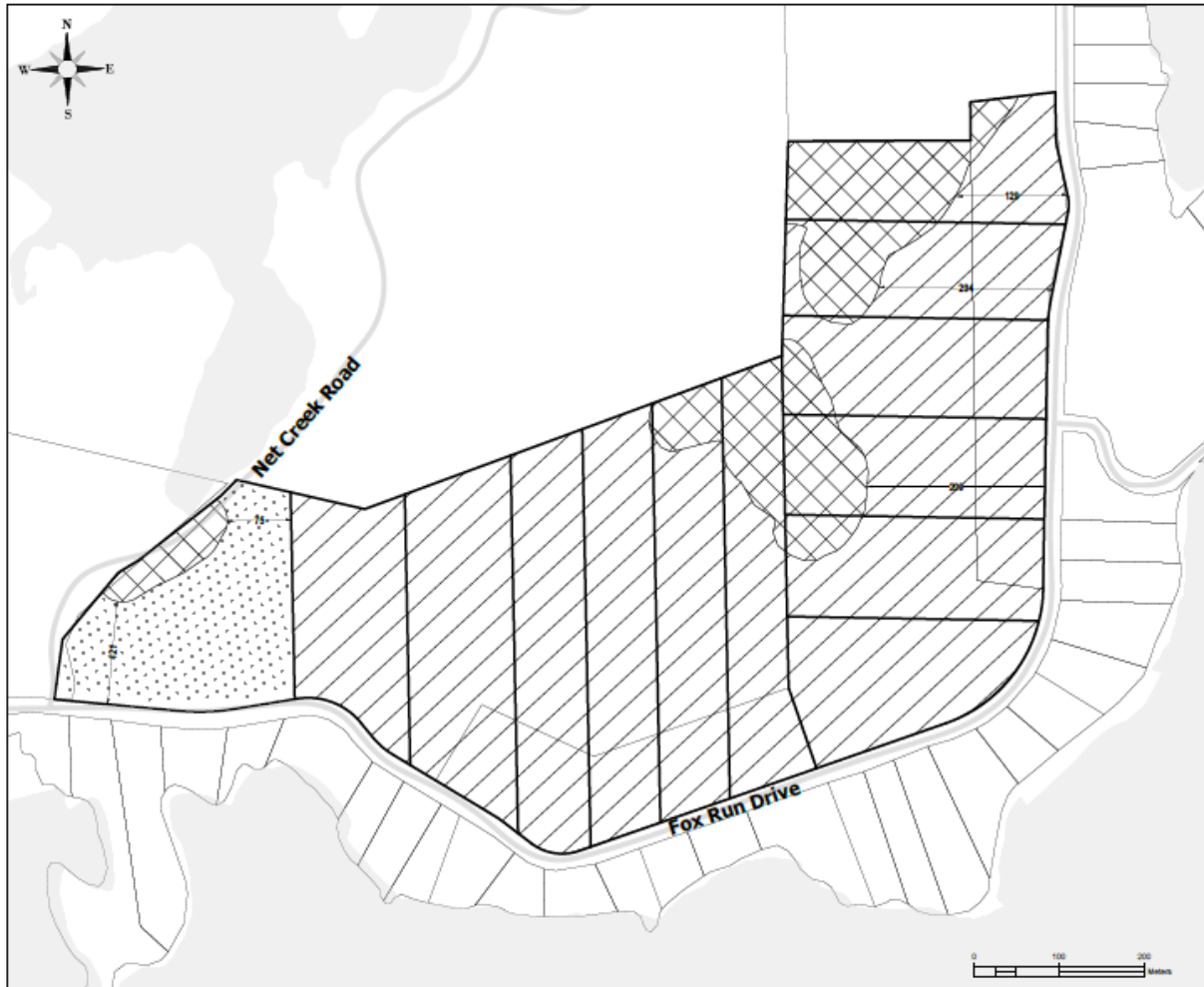
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Passed this ____ day of _____, 2025

Mayor _____

Clerk _____