

Tammy Lepage

From: Robinson, Julie (MNRF) <Julie.Robinson@ontario.ca>
Sent: Tuesday, January 10, 2017 10:21 AM
To: Elaine Gunnell
Cc: Tammy Lepage; Eckert, Anneleis (MOECC); Brown, Christopher (MMA/MHO)
Subject: I: MNRF Technical Input -- Net Lake -- Applications C-16-03 & Z-16-02
Attachments: MNR-NHRM-2010.pdf; LCAH_2010.pdf

Municipality of Temagami
Email : clerk@temagami.ca

SENT BY EMAIL ONLY

Subject: MNRF Technical Input – Proposed Net Lake Development -- Applications C-16-03 & Z-16-02

Dear Elaine Gunnell:

The Ministry of Natural Resources and Forestry (MNRF), North Bay District office was circulated on two recent Planning Act applications; a consent application (C-16-03) to create three new shoreline residential lots and one retained shoreline residential lot on Net Lake (Strathy Township) as well as the associated zoning by-law amendment (Z-16-02) to permit the development of detached dwellings on each lot. The development proposal is being put forward by Temagami Bays Development Corporation. The MNRF is providing the information herein through the Municipal Plan Review process.

As noted in the associated Planning Report, received January 6, 2017, the proposed shoreline development is on Net Lake, a lake designated by the province for Lake Trout management. Further, as noted in the report, Net Lake is deemed to be at-capacity for shoreline development as measured oxygen has been shown to be below the dissolved oxygen (DO) criterion of 7 milligrams of DO per litre of water. The Lakeshore Capacity Assessment Handbook (LCAH) (2010) (attached) identifies considerations for lakefront development, including on Lake Trout Lakes. Section 3.1 outlines triggers for the use of the LCAH including, but not limited to: if development (i.e. new planning approvals) are being considered within 300 metres of a lake or permanently flowing stream within its watershed; if lake trout populations are present; and if changes in the fisheries have been noted, especially diminishing populations of coldwater species such as lake trout.

The LCAH also contains site-specific criteria which can be applied where new development is proposed on at-capacity Lake Trout Lakes. For example, Section 5.2 (page 37) of the LCAH notes that new lot creation or other planning approvals should only be allowed on at-capacity lakes, and/or contributing lakes/permanently flowing streams within its watershed, if one of the following circumstances can be applied:

- to separate existing habitable dwellings, each of which is on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake;
- where all new tile fields would be located such that they would drain into a drainage basin which is not at capacity; or

- where all new tile fields would be set back **at least** 300 metres from the shoreline of lakes, or such that drainage from the tile fields would flow at least 300 metres to the lake.

Further, MNRF's Natural Heritage Reference Manual (NHRM) (also attached) outlines provincial technical guidance to support municipalities in making Planning Act decisions that are consistent with the Provincial Policy Statement (PPS). Section 11 of the NHRM provides guidance specifically related to development proposals which may affect fish habitat (per PPS Policy 2.1.6) and water quality (per PPS policy 2.2.1 g). For example, this section includes:

- Recommendation that lands adjacent to fish habitat on at-capacity Lake Trout lakes be considered and evaluated as 300 metres from the normal high-water mark (Table 11-1); and
- Recommendation that a 30 metre vegetated cover (at minimum) adjacent to fish habitat across the entire length of the subject lands be retained or established, where at all possible to mitigate negative impacts of development on fish habitat (Table 11-3).

The NHRM also provides guidance and recommendations related to Significant Wildlife Habitat and Endangered and Threatened Species to ensure consistency with PPS policy 2.1.5 d) and 2.1.7, respectively. For your information, please note that the MNRF plays a role in approving the boundaries of any habitat identified on the subject lands for species listed as Endangered or Threatened under the Endangered Species Act.

The MNRF local district office can be contacted to provide clarity on provincial recommendations or additional technical information to support the municipality's decision on the two Planning Act applications.

If you have any questions, please contact me at 705-475-5546 or by email at Julie.robinson@ontario.ca.

Sincerely,

Julie Robinson

c: Tammy Lepage, Planning Assistant, Municipality of Temagami
Anneleis Eckert, Environmental Planner / EA Coordinator, Ministry of Environment and Climate Change
Christopher Brown, Planner, Ministry of Municipal Affairs

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