

**Corrina Giles**

---

**From:** Don Kerr [REDACTED]  
**Sent:** April-02-14 4:55 PM  
**To:** Randy Scherzer; Corrina Giles  
**Cc:** David Finbow  
**Subject:** Environmental Peer Reviews  
**Attachments:** Peer reviews presentn to P&B Comm.doc; Peer reviews by TBM and County Apr 2014.docx

Randy and Corrina:

Please note the attached letter with its attachment.  
Corrina, please distribute to the appropriate committee members.  
If you would like printed copies, let me know.

Regards,  
Don

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.