

ONTARIO FEDERATION OF ANGLERS & HUNTERS

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Ontario Conservation Centre

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November 15, 2023

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Township of North Frontenac
6648 Road 506
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To: County of Frontenac and Township of North Frontenac

Subject: Proposed development project at Gravel Point (Palmerston Lake) located off Lafolia Lane (1099A and 1099B)

The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest, non-profit, fish and wildlife conservation-based organization, representing 100,000 members, subscribers and supporters, and 725 member clubs. Citizens of the Township of North Frontenac, as well as the Palmerston Lake Association, have contacted the OFAH expressing their concerns regarding the proposed development project at Gravel Point located off Lafolia Lane (1099A and 1099B). While the OFAH isn't inherently opposed to a low impact project design with sufficient monitoring, reporting, and potential offsetting, the Environmental Impact Statement (dated August 31, 2021) created by GEMTEC for this project was grossly inadequate and may not even meet its legislative requirements.

Fish habitat has been overlooked

Despite the proposed development project's close proximity to Palmerston Lake, the consultants failed to conduct a fisheries assessment of the surrounding aquatic environment. This is a major concern of ours because the applicants are seeking to construct the following: seven new cottages, a workshop, studio, two additional sleep cabins, a communal building, storage building, three gazebos, a boat house, trailer site, three communal docks, and water access points. Since a fisheries assessment was not completed on the waters adjacent to Gravel Point, we feel strongly that asserting such a project will have no impact on the surrounding aquatic environment is unfounded and irresponsible. At a minimum, we would expect detailed baseline information to be gathered, accounting for temporal and seasonal variations, monitoring during the construction period, as well as implementing a post-construction monitoring plan that includes detailed reporting.

According to GEMTEC, there is potential for increased nutrient loading to adjacent surface water features through overland transport and subsurface pathways from multiple septic tanks and leaching beds. The proposed development project will also involve vegetation removal and the EIS states construction activities could cause alterations to the water quality. While septic systems are the primary sources of phosphorus in inland lakes on Ontario's Precambrian Shield, where Palmerston Lake is situated, shoreline clearing and surface water runoff also contribute to nutrient loading (Government of Ontario, 2010). Excess nutrients promote eutrophication, increase aquatic plant and algae growth, decrease water clarity, reduce dissolved oxygen, and negatively impact available coldwater habitat for sensitive fish species like Lake Trout (Government of Ontario, 2010).

Although Palmerston Lake has been designated as a Lake Trout lake "not at capacity" (County of Frontenac, 2016; Township of North Frontenac, 2017), fish habitat protection provisions of the *Fisheries Act* must still be followed. Section 35(1) states "*No person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat.*" Only under certain conditions may someone contravene this section. Furthermore, fish habitat is broadly defined as "*water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas.*" From the OFAH's perspective, there has been blatant disregard for fish habitat during this process. At roughly 11,800 square metres in size, the single largest recorded Lake Trout spawning habitat on the entirety of Palmerston Lake exists at Gravel Point. Development close to this location during any time of year, but especially during the fall, could have serious and unacceptable consequences on the fish and fish habitat.

Importantly, Fisheries and Oceans Canada provides timing windows to conduct projects *in or around water* for the protection of fish and fish habitat. The restricted activity period for Lake Trout within Ontario's southern region is from October 1st to May 31st. Despite GEMTEC's repeated acknowledgement of the presence of Lake Trout in Palmerston Lake (as well as a "variety of other species"), the restricted timing window they chose for this project is from March 15th to July 15th (i.e., timing window for "other/unknown" spring spawning species) (Government of Canada, 2019). This would likely protect spring spawners that occur in Palmerston Lake such as Largemouth and Smallmouth Bass, Northern Pike, and Walleye (MNR, 2022) but would fail to protect Lake Trout spawning activity in the fall: a critical oversight made even worse by the project's proximity to a significant 'Lake Trout Spawning Area.'

Exemption requests

Furthermore, while the proposed setbacks are intended to protect natural features and fish and fish habitat like this spawning shoal, the applicant is requesting an exception to construct four waterfront structures within the thirty-metre buffer (three gazebos and a marine storage shed). Statements like "it may not be feasible in all situations to establish a definitive setback" (GEMTEC, 2021) lead us to doubt whether natural heritage features will be fully prioritized and protected.

The applicants are also seeking an exception to permit the use of four access corridors to provide access to three proposed waterfront activity areas, including the existing water access area. It is believed that, given the size of the property, granting relief in this way is not anticipated to have an impact on the rural landscape, shoreline, or lake health. Similar language is used in other sections of the report wherein cumulative impacts are described as being minimal because of the abundant habitat in the surrounding project area. This line of reasoning harkens back to a time when people had the misplaced belief that "dilution is the solution to pollution." The overall size of a property or perceived abundance of natural heritage features are not good arguments for sidestepping township bylaws and provincial policies that are intended to help preserve important environmental elements and their social value within communities like North Frontenac.

In addition to various other bylaw exception requests, including placing waterfront structures at a minimum waterbody setback of five metres instead of a minimum of 15 metres from the high-water mark, the proponent is proposing to install three additional docks. According to the legend in Sheet C003, this includes placing boat docks at site 22 which is directly adjacent to the Lake Trout spawning habitat. Thus, any boating activity coming in and out of this docking area would most certainly have to travel over the fish habitat. In their 2014 synthesis on *Impacts of recreational motorboats on fishes*, Whitfield and Becker conclude that motorboats have an impact on many aspects of the biology and ecology of fishes including their behaviour and aquatic habitats. For example, the noise emitted from outboards can disrupt reproductive behaviour in some fish and can influence "all fish life history stages, including the larvae." Moving boats have been shown to negatively effect water clarity and can erode banks due to wave action (Whitfield and Becker, 2014) which could cause sedimentation of the Lake Trout spawning habitat. It is therefore inadvisable to locate these docks in the proposed location and would make far more sense to reposition the docks to the northwest portion of the property, away from the fish habitat, to mitigate any negative ecological impacts.

Recommendations

Both the County of Frontenac (2016) and the Township of North Frontenac (2017) acknowledge the importance of Lake Trout fisheries in their official planning documents by addressing development around Lake Trout lakes to ensure long-term sustainability. Regardless of Palmerston Lake's "not at capacity" designation (Township of North Frontenac, 2017), the township maintains that special precautions should be taken to ensure that maximum containment of phosphorus occurs on lots. Furthermore, they recommend sewage disposal systems serving any development shall use the best available phosphorus removal technology.

Preserving the unique and pristine natural environment of North Frontenac is a cornerstone vision statement of the township's Community Profile (2022). By neglecting to conduct any fisheries assessment of the surrounding aquatic environment of Palmerston Lake at Gravel Point, the consultant has inadequately upheld these values which are meant to promote a strong and resilient rural community. From our perspective, the following should be seriously considered:

1. Request a project review by Fisheries and Oceans Canada to determine if the project will need authorization under the *Fisheries Act* and whether there will be offsetting requirements.

2. Pre-construction and post-construction monitoring and reporting of the surrounding aquatic environment.
3. No development to occur within the thirty-three-metre setback distance.
4. Adhere to the spring and fall spawning timing windows for work in and around water.
5. Rework the EIS by sufficiently reporting on the surrounding aquatic environment and the Lake Trout Spawning Area.
6. Provide various project alternatives that includes reconfiguration of the seven cabins, their respective sewage disposal systems and leaching beds, and other structures.
7. Implement specific, special precautions and technologies for the sewage disposal systems and leaching beds.
8. Relocation of the docks away from the Lake Trout Spawning Area.

Yours in Conservation,



Adam Weir
Fisheries Biologist

AW/jb

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