



July 27, 2021

Ecora File No.: 180379

Steinar Johnsen
103 - 2450 Radiotower Road
Oliver, BC

Attention: Steinar Johnsen

Reference: Response Letter to Referral Comments regarding Re-Zoning Application for Subdivision at 1750 Highway 3, near Osoyoos, BC

1. Introduction

Ecora Engineering & Resource Group Ltd. (Ecora) was retained by Steinar Johnsen (the Proponent) to complete an environmental assessment (EA) for proposed re-zoning and subdivision at a privately held parcel at 1750 Highway 3, near Osoyoos (hereafter referred to as 'the Property'), within the Regional District of Okanagan-Similkameen (RDOS). Ecora has previously prepared an EA for the first phase of development works on the Property, which received a Development Permit in 2016 (ESDP No. A2014.132) and has provided environmental monitoring support for the works permitted by the 2016 DP. As it is currently zoned, the Proponent would be able to subdivide the Property into three lots, each with a single-family residence. The Proponent is seeking to rezone the Property to subdivide it into six lots, five of which will be developed with single-family residences in the future and a sixth lot, comprising approximately 44% of the Property area and the majority of environmentally sensitive features, to be set aside as a conservation area. The layout of the subdivision is such that the residential lots are generally clustered in areas of existing impacts from previous property owners and Highway 3, and lot sizes are reduced to approximately 1 ha each to maximize the area set aside for conservation. The proposed subdivision plan ties into the first phase of works occurring under ESDP A2014.132 with the residence being constructed being part of the five proposed residences and the driveway and utilities servicing the entire subdivision.

Ecora prepared and submitted an EA for the proposed re-zoning and subdivision works on November 20, 2020 to support the development permit application for the Property (Version 0). Following an email from RDOS on February 23, 2021 requesting additional information, Ecora revised the EA to address the RDOS review and submitted an updated version (Version 1) on March 19, 2021.

Following a review by the RDOS Board on May 20, 2021, the Proponent received a letter dated June 15, 2021 informing him that the application was put on hold in order to address items related to groundwater assessment and addressing referral comments provided by the South Okanagan Similkameen Conservation Program (SOSCP) and the BC Ministry of Forests, Lands, Range, Operations, and Rural Development (FLNRO), sent to RDOS on January 29, 2021 and March 15, 2021 respectively. This document has been prepared as requested by RDOS to address the referral comments following review of the November 2020 EA.

2. Response to Stakeholder Input

Following the submission of the development permit application in November of 2020, RDOS received referral letters in response to the original EA from SOSCP and FLNRO outlining concerns over the proposed subdivision and potential impacts to environmental features present within the Property, as well as requesting additional information on details of the EA report. The items raised in both letters are summarized in Tables 2.1 and 2.2, along with Ecora's response to each item.

Table 2.1 Issues raised in the SOSCP Letter dated January 29, 2021 and Ecora’s Response

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<p>The lands subject to the application noted above (1750 Highway 3) are noted within the Biodiversity Conservation Strategy for their Very High Conservation Ranking, Very High Relative Biodiversity, and High Habitat Connectivity. Less than two kilometres north of the subject lands is the Anarchist Protected Area, a 467 hectare refuge for sensitive ecosystems and species at risk. The subject lands tie into a large habitat corridor that runs east to Anarchist Mountain following Bourguiba Creek and then northeast to Baldy Mountain. Fragmenting habitat and disrupting corridors adversely impacts wildlife populations and degrades the overall functioning of these ecosystems. Continued development in this region will further disrupt these corridors and diminish their role in wildlife movement.</p>	<p>The lot layout occurs within areas fragmented by existing developments and lots are generally located between the existing driveway (as per ESDP No. A2014.132) and Highway 3 and focused on areas of relatively low habitat value associated with previous disturbance. Clustering the development was used to minimize the impacts of habitat fragmentation, with Strata Lot 6 being established as a conservation covenant area held by the strata to maintain the highest value habitats present within the Property and the utility of the wildlife corridor. This covenant placed on SL 6 represents approximately 5.6 ha or 44% of the total Property area.</p> <p>In addition to the conservation of SL6, the Proponent intends to establish form and character strata guidelines to impacts and maintain the natural character of the Property.</p> <p>There are several privately held parcels that separate the Property from the Anarchist Protected Area and future development of those are beyond the control of the Proponent. However, the conservation of SL6 will help to maintain existing habitat connectivity and travel corridors on the Property, associated with the Anarchist Protected Area.</p>
<p>Several goals and objectives in the South Okanagan Regional Growth Strategy (RGS) support the refusal of this application including:</p> <p>a) Goal 1 encourages development to focus in designated Primary Growth Areas and Rural Growth Areas. This goal aims to protect ecologically sensitive areas and promote compact urban development. This application does not fall into any of these designated areas and does not align with the objectives of this goal.</p> <p>b) Goal 2 is to protect the health and biodiversity of ecosystems in the South Okanagan. This goal further encourages developments to locate in Primary Growth Areas to protect ecologically sensitive sites and maintain wildlife corridor connections. This application significantly impacts an area of high environmental values, as highlighted in the Biodiversity Conservation Strategy.</p>	<p>Goal 1 supports development in rural fringe areas, in accordance with policies laid out in the RGS, mainly that developments do not significantly alter the number of units or established density of the area and respects the character of the area. This development is consistent with Goal 1 as per the following:</p> <ul style="list-style-type: none"> ▪ The infrastructure and amenities associated with the Property are being established under the existing DP. Water, septic, power, and communication utilities are being established for the single-family residence within SL5 and future residences will tie into these utilities. ▪ Policy 1C-4 states that rezoning of large rural land parcels to smaller parcel sizes should be limited to “<i>outside of Primary Growth Areas and Rural Growth Areas only where such growth is infill, does not significantly increase the number of units or the established density, and respects the character of its surroundings</i>”. This development will maintain the natural character of the area and the proposed density of the development is consistent with existing developments in the area. <p>The Goal 2 objective is to protect the health and biodiversity of ecosystems in the Okanagan by protecting or conserving lands deemed to be environmentally sensitive or of high relative habitat value. The proposed subdivision is in line with this objective, as areas designated as having a higher environmental value on the Property will be conserved by a conservation covenant (SL6).</p> <ul style="list-style-type: none"> ▪ As per policy 2A-1, RDOS seeks to work with partners to maintain a regional approach to biodiversity conservation. As much of the lands in the RDOS are privately held, it can be assumed that private landowners are included in this list of partners.

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	<ul style="list-style-type: none"> ▪ The proposed development plan for the Property sets out measures to protect and conserve nearly all of the sensitive habitat and ecosystems present within the Property and protects areas of importance to wildlife habitat and migration, as well as sensitive vegetation communities. ▪ Additionally, sensitive watershed areas, particularly those along Bourguiba Creek and along the riparian community in the gully on the north end of the Property, are generally beyond the Property boundaries, however the proposed development will ensure that protective buffers along these features are maintained. <p>Additionally, Goal 5 of the RGS outlines the objective of creating a sustainable, resilient, and prosperous South Okanagan regional economy, and the additional lots and their anticipated assessment value will generate additional tax revenue for RDOS, as well as skills and value provided to the region by the new occupants of the lots.</p> <p>The RDOS Regional Growth Sustainability Checklist outlines criteria to be considered for new developments. The proposed development meets much of the applicable criteria outlined in the checklist.</p>
<p>The RDOS Official Community Plan for Area "A" Osoyoos Rural does not support the application based on several policies and objectives including:</p> <ul style="list-style-type: none"> a) 8.2.1 and 8.2.2 which encourages development to be directed to Growth Areas and to minimize impacts from residential development on the natural environment. b) 13.3.1.1 which encourages the protection of lands designated as Environmentally Sensitive Development Permit Area (ESDPA), of which the entire subject property is currently designated. There is also an adjacent portion of land abutting the property that is designated as an Important Ecosystem Area. c) 13.3.2.4 which states that parcels of land designated as ESDPA should remain as large as possible to protect habitat. 	<p>The OCP for Area A was adopted in May 2021. As presented in Schedule H of the 2021 OCP, much of the area along Highway 3 east of Osoyoos is within an ESDPA. As such, it should be anticipated that some development must occur within the private lots falling within the ESDPAs, as it presents an unreasonable expectation on the private landowners if development is prohibited. While the submission of a DP application does not necessarily constitute an approval, the impact assessment prepared by Ecora has reviewed the potential impacts arising within the Property and surrounding area and found that the proposed development will not result in significant impacts, provided that the mitigations and conditions provided in the EA are followed.</p> <ul style="list-style-type: none"> a) As is stated in Section 6.1 of the 2021 OCP, there are cases where development may occur outside of identified growth areas if the development does not significantly increase the number of units or the established density and respects the character of rural areas, and that proposed developments should adhere to OCP guidelines for the protection of rural and resource areas. The design of the proposed subdivision has been developed with the objective of protecting the natural values present within the Property, and clustered lots that will be developed within areas that are already impacted by existing and approved developments (i.e., along the driveway and HWY 3). As the property is currently zoned to allow for a total of three lots and residences, the Proponent's proposal for an additional two residences and another lot for conservation will not significantly impact rural character. b) Section 23.2 of the 2021 OCP outlines the requirements to be followed for developments occurring within ESDPAs. Subdivisions are a permitted development, following the submission and approval of a DP application. The proposed development has been designed as per the guidelines laid out in Section 22.2.6. Additionally, there are no

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	<p>Important Ecosystem Areas adjacent to the Property, as shown on Schedule H of the OCP.</p> <p>c) The third item raised is that the OCP states that parcel sizes within ESDPA and Important Ecosystem Areas remain as large as possible to protect these areas. This corresponds to Section 16.3.2 of the 2021 OCP. This is a valid policy, as development should avoid sprawl, and clustered in areas of lower habitat values to conserve high value habitat areas. As the policy is to ensure adequate protection of environmental values within properties, the establishment of SL6, encompassing approximately 44% of the Property and approximately 84% of the total ESA 2 area aligns with the policy's intent. Proposed lot sizes are more than adequate to allow for the retention of natural values within each lot following the design and construction of a single family residence on the lot, provided that the extent of land alteration is localized to the area of the residence and residences are sited in a way to minimize impacts. As stated in the updated EA, future residences should be subject to ESDPA requirements and developed in consultation with a QEP to mitigate impacts. This is also intended to be a requirement in the strata bylaws to ensure the protection of the natural character of the property.</p> <p>The proposed development adheres to the stated objectives described in Section 16 of the OCP, including:</p> <ul style="list-style-type: none"> ▪ 16.3.1.4, and 16.3.1.5, which pertain to habitat linkages and FireSmart design principles which are described in the EA reports. ▪ Policies 16.3.2.6, 16.3.2.7, 16.3.2.8, and 16.3.2.9, are also addressed in the EA. ▪ Objective 16.3.1.2 is a goal of the proposed development, and available guidance from federal, provincial, and regional conservation groups were considered in the context of the potential impacts. ▪ Mitigation measures were developed based on standards and best practices. QEP professional judgement and experience in permitting other developments in the Okanagan were applied to align with policy 16.3.2.5 to avoid significant impacts.
<p>In reviewing the Rationale Document (RD) submitted by the applicant, the following issues are noted:</p> <p>a) The RD states the north and south channels (ephemeral watercourses) should be Environmentally Sensitive Area 1 (ESA) yet the 2020 Environmental Assessment (EA) states there are no ESA 1 areas on the property. In the 2020 EA, the north channel is partially designated as ESA 2 while the south channel has no ESA designation. Pg. 21 of the 2020 EA makes a reference to ESA 1 but there is no mention anywhere else in the document as to any portion of the site being designated as such.</p> <p>b) The RD and EA state that the riparian areas in the two ephemeral drainage channels do not require any Riparian Areas Protection Regulations</p>	<p>In considering the Rationale Document (RD), it should be noted that the document was prepared by the Proponent to initiate the DP process prior to the completion of a more recent EA, as requested by RDOS.</p> <p>a) The RD recommends that the stream corridors (i.e., the north gully and Bourguiba Creek) be considered as ESA 1. The 2015 EA report described the north gully as a subhydic draw and classified it as ESA 2. Bourguiba Creek, which is outside of the Property, was classified as ESA 1 by the original report. In completing an updated assessment, the original ESA ratings were found to still be applicable when reviewed based on the ESA rating criteria provided in the Development Procedures Bylaw (No. 2500, 2011). This process has been described in more detail in the 2021 EA revision. The north gully</p>

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<p>(RAPR) approvals. Despite this, any changes or alterations to them likely require Water Sustainability Act (WSA) approval.</p> <p>c) The RD and EA state the strata will own SL 6. If the application is approved and the subdivision proceeds, consideration should be given to a land dedication to the municipality as per OCP Parkland Dedication Policy 12.4 and 13.3.2.7.</p> <p>d) The RD states that the property is not in a growth area yet the EA states that the proposed rezoning and subdivision is supported by the Regional Growth Strategy. These documents appear to conflict one another. The RGS checklist provided by the applicant notes several policy areas where the development is in conflict with or does not align with the intentions of the strategy, particularly policies 1C-3 and 1C-4. This is confirmed by staff in their November 21, 2019 Administrative Report to the Board of Directors.</p>	<p>remained ESA 2 and Bourguiba Creek was not included in the ESA mapping because the stream and the associated riparian community occur outside the Property boundary.</p> <p>b) This is true for the north gully and Bourguiba Creek, as they meet the definition of a stream under the WSA. The middle gully, however, was deemed not to meet the definition of a stream, as described by Section 1 of the WSA, following several site visits that assessed the stream for evidence of flow and the potential to convey water. The rationale for this is detailed further in the revised 2021 EA.</p> <p>c) This is a consideration of the Proponent, however there are economic considerations to also be considered prior to the donation of the lot to a land trust or municipality. That being said, strata bylaws will be established to ensure the protection of environmental values present within SL 6, consistent with the OCP (Section 16.3.2.7 of the 2021 OCP).</p> <p>d) While the Property is not within an identified Rural Growth Area, as defined in the RGS or OCP, Goal 2 includes the statement that development in rural areas should take place in areas where existing infrastructure and/or amenities are in place. The infrastructure and amenities that would be used by future development on the Property is being established by the development taking place under the existing development permit issued by RDOS. Water, septic, power, and communication utilities are being established for the residence being built on the Property (within SL5) and any additional residences built within the proposed subdivision would tie into these existing utilities.</p> <ul style="list-style-type: none"> ▪ While Policy 1C-3 states that rezoning of large parcels to smaller parcels is discouraged outside of Growth Areas, this is not forbidden and can be considered on a case-by-case basis by RDOS. ▪ Policy 1C-4 states that consideration for rezoning of large rural land parcels to smaller parcel sizes should be limited “outside of Primary Growth Areas and Rural Growth Areas only where such growth is infill, does not significantly increase the number of units or the established density, and respects the character of its surroundings”. The proposed subdivision has prepared in a manner that maximizes protection of natural features with lots clustered in areas that are already impacted or fragmented. ▪ The density of the development as proposed is consistent with existing developments in the area, particularly to the east where there are numerous smaller parcels surrounding Highway 3 all of which exist within an ESDPA. As current zoning allows the Property to be subdivided into three lots with a total of three residences, the proposed subdivision plan with five total residences will not result in a significant change in the number of units or change the character of the area. ▪ RDOS staff issued a letter to the Proponent in January of 2020 requesting that he complete a new EA to provide additional information for the application. As the letter provided by staff to the board referenced is almost two years old and was issued prior to the preparation and submission of a current EA evaluating the proposed impacts, it may not be current in the context of the current state of the application.

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<p>Though densification and intensification are appropriate strategies to avoid urban sprawl, this generally applies to existing built areas i.e. infill development. The RDOS's OCP encourages these types of developments but only within the Primary Growth Areas and Rural Growth Areas. Though the applicant presents their subdivision as an improvement to the current on-site low-density development, this type of intensification generally leads to further intensification and development in the surrounding area. Once approvals of strata subdivisions occur in low-density residential development zones, it increases the likelihood that the approving authority will continue to support these applications. Continued approval of similar applications contributes to the cumulative effects of continued higher density development in areas not suitable or appropriate to intensification, leading to the gradual deterioration of ecosystems through the loss of habitat and disruption of connectivity.</p>	<p>This application pertains to the proposed development within the Property, and the impact assessment completed as part of the EA report has considered the regional context of the Property, in terms of current surrounding developments, reasonably foreseeable developments and land uses, and the proposed development's contribution to cumulative effects on the surrounding environment. The proposed lot sizes are still considered to be relatively large in the context of a single-family residence and the layout of the lots provides areas free of disturbance for use by wildlife and ecosystem protection. The Property is currently zoned to allow for three lots, each with residences and limited commitments to preserving habitat connectivity. The proposed subdivision plan would result in a total of five residences on smaller lots (generally 1 ha), as well as a sixth lot which encompasses 44% of the Property which would be set aside to conserve ecological values and habitat connectivity.</p> <p>The comment speculates about future development scenarios that are not supported by the demographics, growth projections, and land use planning strategies. All future applications within ESDPAs will undergo a similar EA process by a QEP, bound by professional requirements to provide objective and rational conclusions and consider the local and regional (i.e., cumulative) impacts of each proposed project. Should a future development being proposed in the area occur that will have significant local or cumulative impacts that cannot be mitigated or avoided, it should be assumed that it will be reflected in the report, and it will be clear to RDOS staff that the development should not proceed given the anticipated environmental effects.</p>
<p>The surrounding lots continue to be predominantly large holdings residential properties, many of them larger parcels. A higher density residential strata subdivision is not suitable or compatible with the surrounding developments. Neighbourhood and residential character is an important component of livability and identity for residents and cumulative non-compatible development in the area degrades this.</p>	<p>Numerous small parcels exist to the south and east of the Property. There are numerous examples of clustered developments occurring within the surrounding area on large holdings lots often with much larger footprints of buildings, driveways, or ornamental landscaping outside of the natural character of the area.</p> <p>The Property's current zoning would allow for three residences within three lots. The proposed subdivision plan would result in a total of five residences, with a sixth lot created for conservation. The additional two residences, as proposed, will not result in a significant change to residential density in the area and should not be considered as a high-density subdivision.</p> <p>Given the anticipated strata conditions imposed on future lot development and that almost half of the Property is being set aside for conservation, the impacts of the additional residences will be less of a disruption to the natural character of the area than many of the properties with existing developments. Though the proposed parcels delineated in the development plan are smaller than many of the lots in the area (approximately 1 ha per residential lot), this is done to conserve as much of the Property in a natural state as possible, free of any development.</p>

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<p>The entirety of the property is designated as an Environmentally Sensitive Development Permit Area and abuts an Important Ecosystem Area. This means that if the zoning is approved, the municipality is endorsing the partial destruction of the ESDPA. Though the municipality is not obligated to approve the subdivision once applied for, there is a tacit understanding that a zoning approval is a de facto approval of any subsequent subdivision and/or development application (since without the zoning, the subdivision cannot be considered). Permitted uses receive approval subject to the appropriate bylaws but a landowner can by right undertake a permitted use on their property. Considering the limited development potential on the site, and the high ecological values present, there is minimal justification for the proposed application. A subdivision on this property would cause ESDPA destruction, impede a wildlife corridor and habitat connectivity, may potentially cause issues with slope stability, and is overall not a suitable use for this site.</p>	<p>This is a reasonable statement regarding the flow of development from subdivision to construction, as the creation of new, but unusable lots is not a logical thing to do other than for purposes such as conservation. As such, the expectation of the Proponent is that future developments will be required to submit development applications and adhere to the conditions of the ESDPA in the design of the residences. What this argument fails to consider, however, is that mechanisms still exist following a subdivision to prevent unchecked building or development impacts to the Property. The granting of a development permit for a subdivision does not automatically assign rights to the owner to develop, as they must still abide by OCP guidelines, and in this instance ESDPA guidelines.</p> <ul style="list-style-type: none">▪ As stated in the EA and the Rationale Document, the Property is suitable for the proposed subdivision and anticipated construction of a total of five single-family residences as is proposed, including the residence currently approved by RDOS. The location of the residential lots has been designed so that much of the sensitive habitat within the Property is avoided. It is standard practice in the Okanagan to assign disturbance thresholds for developments based on ESA values. Generally, for ESA 2, retention is targeted at 60-80% and ESA 3 is targeted at 40-60%. The anticipated future development, as displayed on Figure 7 of the revised EA, this retention threshold is far exceeded, and it is possible to conserve more of the ESA 2 areas than the 84% retained in SL 6. There are no areas within the Property's boundaries designated as ESA 1, or High Sensitivity, which are areas generally to be avoided.▪ It is also unclear as to how the proposed development will result in the destruction of the ESDPA, as has been stated. It has not been requested that the Property be excluded from the ESDPA for future phases of development. Throughout the Okanagan, and RDOS, development regularly occurs within ESDPAs. The requirement of undertaking an environmental assessment is to ensure that developments within an ESDPA are done in a way that aligns with the objectives and conditions of the OCP and limits impacts, either by avoiding sensitive areas within properties, mitigating potential impacts, or offsetting unavoidable disturbances.▪ In terms of disrupting wildlife corridors and habitat connectivity, this is not the case, as is explained in more detail in the revised 2021 EA. Much of the wildlife sign and trails occur on the east side of the driveway, and during recent site visits, observed sign such as tracks and scat, indicate that wildlife are readily using the driveway as a travel corridor.▪ Evaluations of slope stability are outside of the scope of the EA, however Ecora is providing Geotechnical services for the existing development as well as the new application and can provide more context. The sites where the buildings are potentially being sited are on relatively flat benches, and no major cuts or recontouring are anticipated for the preliminary house sites at this time.

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<p>In addition to the policy considerations described above, SOSCP has several recommendations, comments and concerns with the 2020 Environmental Assessment. If the current application is approved, the 2020 EA should be amended to address these issues prior to issuance of an Environmentally Sensitive Development Permit (ESDP) for subdivision:</p> <p>a) Though the RDOS Development Procedures Bylaw prescribes how ESAs are determined, it would be beneficial to have an explanation of how these areas were mapped, what attributes were assessed, and why they differ from the previous mapped ESAs submitted for the 2014 ESDP and those shown in Appendix A. Confirmation of whether this mapping was done remotely and/or on site should be stated as well.</p>	<p>This has been described in more detail in the revised 2021 EA. The EA classes defined in the 2015 report and addenda have been retained, as stated in the 2020 and 2021 EA, following a review of site sensitivities and habitat features during several site visits conducted between 2020 and 2021.</p>
<p>The project area is within Mule Deer winter range and the range for Bighorn Sheep as identified by the provincial government. Though regulations for Mule Deer winter range apply only to Crown Land, consideration should be given to how the proposed subdivision will impact wildlife corridors and movement for these species.</p>	<p>This is described in more detail in the revised report based on habitats and wildlife sign observed over several site visits. As described above, the corridor appears to run in a north/south fashion, largely east of the driveway, and this determination was based on site visits conducted by multiple QEPs that resulting in similar observations of wildlife use.</p>
<p>Environmentally valuable resources have not been clearly identified or mapped on the property, only generally referred to within the body of the EA. This includes the mapping of Critical Habitat attributes, wildlife trees, rare plant surveys and formal wildlife surveys. Detailed concerns about this are noted below.</p>	<p>This has been included in Figure 7 of the 2021 EA. Rare plant surveys and specific wildlife surveys were not conducted, as multiple site visits at different times of the year and over several years had plant and wildlife inventory components, as well as reviewed wildlife suitability for known and potential species at risk that occur in the area.</p>
<p>There have been numerous discussions with Environment and Climate Change Canada (ECCC) on the Bank Swallow colony formed on the exposed cliff face formed due to road construction. The EA states that the QEP, applicant, and construction firm would consult with the Canadian Wildlife Service (CWS) and ECCC on suitable replacement habitat since the current colony impedes road construction. SOSCP followed up with ECCC and CWS. They strongly discourage the destruction and replacement of habitat but stated that if the applicant does so, they must adhere to all applicable regulations including the Species at Risk Act (SARA) and the Migratory Birds Act (MBA). As of a site inspection from the Highway 3 shoulder on January 23rd (photos can be provided), the colony has been destroyed. ECCC did not mention that any discussions had taken place yet with the applicant regarding habitat replacement. There is significant concern as to whether this colony destruction abided by the legal requirements of SARA and the MBA.</p>	<p>It should be noted that the driveway works are part of the existing development permit, not the application. Discussion about the bank swallow colony was part of the description of existing environmental values onsite. The works at the driveway entrance were an MOTI requirement, and were completed to be in compliance with MOTI regulations.</p> <ul style="list-style-type: none"> ▪ The Proponent and Ecora had followed up with Randal Lake at CWS, and following discussions between September and December, came to an agreement on the plan to move forward with the colony relocation, after reviewing the situation. As the colony had established in an anthropogenically created site, ▪ Ecora proposed to include similar habitat in the new cut slope needed as part of the driveway entrance expansion. It was also agreed that doing the work outside of the breeding season, when birds have migrated south is acceptable, as under SARA, Bank Swallows have one type of residence: the occupied burrow. CWS approved the workplan via email on December 10, 2020, and following a review by the permitting staff, confirmed that SARA permits are not required for the work. ▪ A new nesting site was created at the driveway entrance on March 17, 2021, under the supervision of a QEP, and was designed to create more nesting area than was previously

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	available. The details of the restoration works are outlined in the monitoring reports prepared by Ecora as part of the conditions of the existing development permits.
<p>The EA was reviewed against the RDOS Development Procedures Bylaw and the following sections appear to be missing or incomplete:</p> <ul style="list-style-type: none"> a) 1.c.3.b.i) - location of plant species is not shown on the site maps and plant communities are only generally identified according to Sensitive Ecosystems Inventory (SEI) and Terrestrial Ecosystem Mapping (TEM). b) 1.c.3.b.iii) - a list of found species is not provided except for those from a Conservation Data Centre (CDC) Query and none are shown on the site maps c) 1.c.3.b.iv) - area of expected/potential terrestrial/aquatic wildlife use are not shown on the site maps and are only generally described in the EA with no delineation of wildlife corridors or areas of use d) 1.c.3.b.v) - observations and/or recorded locations of federally listed, provincially ranked, or regionally significant plant communities and species or their habitats are not shown on site maps and no formal wildlife or vegetation surveys were undertaken e) 1.c.3.b.vii) - other existing environmentally valuable resources, including wildlife connectivity corridors, wildlife trees, and hibernacula are not shown on site maps and do not appear to have been mapped or inventoried f) 1.c.3.b.viii) - landforms, site stability, geological and topographical features are not shown on site maps and geological and topographical features are only briefly discussed in the EA g) 1.c.3.b.ix) - adjacent lands and uses are not shown on site maps and are only briefly discussed in the EA h) 1.c.3.b.x) - cross sections for sites with slopes greater than 20% are not shown on site maps i) 1.c.3.c - though endangered species records are attached as a CDC Query, this subsection states that if rare and endangered species potentially utilize the site, a species specific inventory must be conducted in the appropriate seasons j) 1.c.3.f - the identification of environmentally valuable resources occurring within the study area is required to determine ESA boundaries. It is unclear from the EA what process, procedures and methodology was utilized to map these areas. As per the requirements of this subsection, there are many considerations that go into determining each ESA category. These are missing from the EA other than noting what the Development 	<p>Following discussions and confirmation on items to be revised with RDOS the figures were updated as part of the 2021 EA to align with the Development Procedures Bylaw. It should be noted that the purpose of Figures in an EA is not to be stand alone items, but to provide reference to what is described in the report.</p> <ul style="list-style-type: none"> a) This is a requirement that is fulfilled in other means. The 2021 update details vegetation inventory results by polygon as shown by the figures. It is impractical to show the results of a vegetation inventory on a figure in any legible format that allows for readability. b) Historic species observations listed by the CDC as well as critical habitat areas are shown in the figures for both reports. A list of species observed is provide in the EA report. Showing this on a Figure is not valuable, as wildlife are mobile and in the absence of critical habitat features, does not provide much insight into the value of a point location. As described in the 2020 EA as well as the 2021 EA, signs of wildlife use (coyote/canids, birds and deer) were present throughout the site. c) The 2021 update revised the figures to include sensitive features and wildlife corridors (Figures 4 and 7). As described in the report, the entire property can be used by wildlife. The 2020 EA update also includes a discussion of habitat potential of known species at risk occurrences in the area. d) Figure 3 in the 2020 report (Figure 4 in the 2021 report) shows locations of critical habitat and occurrence polygons for species at risk. Regionally important plant communities are described by the TEM mapping polygons, as it pertains directly to ecological communities that are described, in part, by vegetation species present and abundance. Vegetation communities are described as part of Section 3 of both reports and have been explicitly referenced to polygons on the figures in the 2021 report. e) These features were mapped, and described in the 2020 EA, however as the application pertains to a subdivision and rezone only, a discussion of wildlife features impacted by development is irrelevant. As part of the 2021 revision, locations of wildlife habitat features are discussed in more detail and shown on the figures. f) Geological, stability and other geotechnical concerns are outside of the scope of the Environmental assessment, as stated in the introduction of the assessment. These features are described in more detail in the geotechnical assessment, which was reviewed as part of the EA development. Sites of rock outcrops are described by TEM and SEI mapping, as they comprise distinct habitats. g) Adjacent lands are shown via imagery in the site overview figure and other figures. The context of the site and surrounding properties are discussed in more detail in the reports. h) Site cross sections have not been shown as a discussion about geological hazard potential or slopes is not within the scope of the report. More detail on slope stability and

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<p>Procedures Bylaw states. What site features and attributes were included in the mapping the ESAs? Do they include Critical Habitat attributes, wildlife trees, known occurrences or incidental observations of wildlife or rare plants, snake or bat hibernacula, sensitive ecosystems, etc.? Further details need to be provided on how the ESA were determined and what they include. Each ESA should have a dedicated section within the EA explaining each component required under Subsection 1.c.3.f which then provides the rationale for their classification between ESA 1 thru 4.</p> <p>k) 1.c.4 - the entirety of this section on Impact Assessment & Mitigation was completed. The concern is that the recommendations are very general in nature and not specific to the proposed development on each lot. While understandable, as this is often undertaken at the time of site development, there should be more detailed requirements and recommendations based on the location of ESA 2 area on each lot, the location of each dwelling (which the EA states is generally known), and that many environmentally valuable resources should be known but have not been assessed and detailed in the EA. With this existing and additional information, recommendations for the entire development and each lot should be provided.</p>	<p>geotechnical hazards can be found in the geotechnical report. As there is no real development currently proposed that impacts slopes, it is not valuable information to include, particularly as Figure 1 in both reports provides an overview of topography in the area.</p> <p>i) This is outlined in more detail in the 2021 revision. A standard industry practice in municipal land development assessments is to utilize an assessment of habitat potentials for species at risk. This was done following the numerous site visits completed by Ecora between 2012 and 2021, which were informed by desktop assessments for potentially occurring species at risk (as described in the methodology section of both versions of the EAs). To complete species specific surveys for each species at risk with potential to occur on the property would be an unreasonable expectation in terms of both expense and permitting time for the scope and potential impacts anticipated for most small-scale land development projects, like what is proposed and anticipated for the Property. As BC uses a professional reliance model, the professional judgement and experience of QEPs conducting environmental assessments should be sufficient enough to provide a realistic assessment of species potentials onsite and addressing how potential impacts can be mitigated.</p> <p>j) This is explained in more detail in the 2021 EA, however the criteria considered in ESA classification is provided in the Methods section of both report versions.</p> <p>k) This is unrealistic, as the scope of the assessment was to consider the suitability of the Property for subdivision and the anticipated future development. As detailed designs for the future single-family residences have not been developed, specific mitigation measures that address impacts within development footprints cannot be provided, and it would be unreasonable to do so since specific impacts are not yet known. The intent of the impact assessment and mitigation recommendations were to help guide future development in a manner that avoids sensitive features and relies upon the required development permit submissions prior to developing on each lot to address site specific impacts of the proposed building plan. As was included as part of the conditions of the impact statement, future works must be evaluated as per ESDP requirements and specific mitigations to address any potential impacts must be developed prior to construction.</p>
<p>Despite the existence of a valid ESDP for the proposed single residence, best practices would suggest that work should be paused until a determination has been made on this application and the ESDP for the proposed subdivision. This is because changes to lot layout, road construction, mitigation measures, and environmental considerations may all significantly change the course and outcome of the current road and dwelling construction. It is advisable that the applicant cease construction until such time as a decision has been issued on their current application to avoid potential lost time and increased costs if requirements for the development change.</p>	<p>This is unreasonable to suggest, as works are being carried out as per the conditions of the ESDP and monitored by qualified professionals. The subdivision plan has been prepared to work with the existing design that has been permitted. There is no requirement for this to happen, and we fail to understand how this is best practice, considering the design of the subdivision and future developments have the stated objective of utilizing the existing infrastructure. It is a valid point that any redesigns would be costly to the client, and would require appropriate restoration, however this is not anticipated, and the Proponent has considered this potential and accepted the risk.</p>

SOSCP Comment	Ecora Response
<p>As noted above, the QEP recommends that site specific recommendations for development be undertaken at the time of an ESDP for each future residence. Typically this would be the approach undertaken for a subdivision development. There are significant concerns with this approach based on proposed bylaw amendments to all OCPs which will remove ESDP requirements at the time of development. If this bylaw is approved, there will be no protections or provisions in place for requiring site specific EAs to be undertaken at the time of development. Therefore there is a strong recommendation that this current EA be as comprehensive as possible, including site specific recommendations for each lot, in case the proposed OCP amendments pass before development proceeds in this subdivision.</p>	<p>As of the time of writing, the 2021 OCP amendment has been passed, and the requirement is still included. The suggestion to undertake designs of the four additional residences is an unreasonable expense for the Proponent, as the intent is that lot owners would be responsible for undertaking the design and construction of low-impact custom homes.</p> <p>Under the expedited permit process, if that were the case for future development, a QEP would still be involved to recommend measures to mitigate or eliminate any impacts that may occur as a result of development. If environmentally significant features are impacted, then the process would result in a full ESDPA process.</p>
<p>The QEP appears to have made all efforts to design the lot layouts such that the impacts to ESA 2 areas is reduced and the majority of ESA 2 is captured within SL 6 which will be zoned Conservation Area. SL 3 and 4 contain several smaller portions of ESA 2 and consideration should be given to adjusting lot boundaries to avoid impacts to these ESA areas by either consolidating the lots or removing them from the plan.</p>	<p>Preliminary building sites have been outlined in the 2021 EA revision to provide a visual reference on how development may proceed in a manner that preserves sensitive habitat features within the Property. To adjust lot boundaries to exclude all ESA 2 features would not be feasible while still allowing for lots large enough to maintain the rural character of the area or provide enough room to design around any sensitive features. Constraining development to smaller areas, in Ecora's experience, tends to result in a higher intensity of impact within the permanent disturbance footprint.</p>
<p>Section 3.1.1 notes the mapped TEM and SEI ecological communities on the property. A description of each of these communities should be provided in the EA.</p>	<p>The TEM communities are standard communities as described by the TEM standards (RIC 1998), Field Manual for Describing TEM Ecosystems (2nd ed. 2015), and the mapping done by Haney and Iverson (2012). This is described briefly in the EAs as part of the TEM/SEI results section, and then in more detail in the vegetation section which describes the composition of vegetation communities on the Property. The 2021 EA revision makes this link more explicit by linking the mapped polygons, as shown in the figures, throughout the assessment.</p>
<p>Section 3.2.1 states that there are no defined antelope-brush steppe ecosystems on the property as the antelope-brush present is sporadic and relatively sparse in abundance. In light of the rarity of antelope-brush ecosystems, all efforts should be made to avoid this species on the property. The seral stage of this ecosystem is not described and continued existence on the property may increase establishment and gradual succession to an identifiable antelope-brush steppe ecosystem if left undisturbed.</p>	<p>While antelope-brush steppe ecosystems are red-listed communities, antelope brush itself is not (i.e., yellow-listed). Antelope brush occurs within its range in other ecological communities, such as the Big-Sagebrush-Bluebunch Wheatgrass community.</p> <ul style="list-style-type: none"> ▪ While there may be potential for succession the ecological communities on the property to one dominated by antelope brush, it would likely be a long process and would be unreasonable to postpone any development until it occurs. <p>The protection of at risk or regionally important ecological communities is a legitimate objective, and as stated in the EAs, development is intended to proceed in a way that limits impact to these communities and provides offsetting as required (i.e., will follow the OCP ESDPA and best practice guidelines as outlined by the QEP).</p> <ul style="list-style-type: none"> ▪ As recommended in the report, any offsetting or planting that occurs is recommended to be comprised of native species.

SOSCP Comment	Ecora Response
	<ul style="list-style-type: none"> ▪ This includes sagebrush, rabbit brush, or antelope brush, dependent on stock availability and if deemed suitable to be planted by nursery or landscaping experts. <p>To provide a background on the intent of the development, the Proponent is committed to restoring the footprints of the on-going development with native species and landscaping for both public aesthetics as well as to ensure that the natural integrity of the Property is maintained. This commitment is illustrated by the plans to go above and beyond the required restoration as outlined in the permit conditions and restore areas of riprap armouring and road footprints with topsoil and native species, including sagebrush seedlings and local herb and forb species.</p>
<p>Some of the mapping deficiencies are noted above as not meeting the requirements of the RDOS Development Procedures Bylaw. It should be emphasized again that Critical Habitat (CH) attributes needs to be delineated and defined on site. This should be done at the time of subdivision since lot layout may be impacted based on the location of CH. If a particular lot contains an abundance of CH and the layout is already approved, it will be difficult to mitigate or establish a low impact developable area. If done at the time of subdivision, the lots can either be consolidated or dedicated as part of SL 6. All of the features described within section 3.3 should be mapped and inventoried as well. Impacts to CH and these features need to be discussed and steps to mitigate those impacts should be detailed in the EA.</p>	<p>The 2020 EA highlights the mapped Critical Habitat onsite, which are all attribute-based polygons and describes the presence of habitat features on the Property. The 2021 revision goes into more detail regarding mapped Critical Habitat and any attributes that may be present onsite.</p> <p>It was found that Critical Habitat attributes were not present, as defined in the appropriate SARA and COSEWIC documentation, although features that may be used by species at risk are present on site. Recommendations have been made to ensure that these features are protected during future developments and will be considered during the next phase of development onsite, in which detailed designs will allow the QEP to assess any specific impacts to each lot.</p>
<p>The QEP confirms that two out of the three watercourses on site do not fall within the definition of a stream and therefore are not subject to a RAPR assessment. Was a RAPR assessment submitted to the provincial government for Bourguiba Creek?</p>	<p>A riparian assessment was completed as part of the 2020 and 2021 EAs, as per the methods described in the RAPR Manual.</p> <ul style="list-style-type: none"> ▪ As per the definitions of a stream in the <i>Riparian Areas Protection Act</i>, the north gully was found not to meet the definition as it does not contribute flows to a fish bearing stream. ▪ Bourguiba Creek’s applicability under the Act was revised following site visits in 2020, as the 2015 report deemed it to be not applicable. ▪ The Streamside Protection and Enhancement Area was determined for Bourguiba Creek as a measure of due diligence, and has been displayed on Figure 6 of the 2020 EA, and Figure 7 of the 2021 EA. The assessment was not submitted to the government, as no development is proposed within the Riparian Assessment Area, which does not overlap the Property.
<p>Section 3.4 notes that there are not expected to be fish present in any of the streams due to their ephemeral nature. Confirmation of this should be undertaken when a species site inventory is completed.</p>	<p>Given that the north gully is generally dry, and any flows that may be conveyed have a high likelihood of going underground before it joins up with known fish habitat downstream, as well as the barriers to migration posed by the highway, steep slopes and agricultural land uses downstream of the reach within the Property, it can be deemed as not fish bearing. If the north gully is wetted, it may hold water for such a short duration that it would not be possible to sample and likely not provide enough time or flow for fish to use the reach.</p>

SOSCP Comment	Ecora Response
	<ul style="list-style-type: none"> ▪ Determining non-fish bearing status through stream characteristics is a valid methodology as per accepted guidance (Reconnaissance 1:20,000 Fish and Fish Habitat; RIC 2001, and as per methods outlined in the RAPR Manual). <p>The middle gully was deemed not to meet the definition of a stream under the WSA, following multiple visits and assessments by QEPs with backgrounds in hydrology and freshwater and aquatics biology, failing to find evidence of any overland flow and determining that it does not convey water, as per the definition of a stream under the WSA.</p>
<p>Section 4.1 notes that the areas planned for future houses within each of the proposed lots appear to be suitable. These development pockets should be shown on one of the figures within the EA and associated site prep (contingent on the geotechnical report) should be discussed in the mitigation section.</p>	<p>The 2021 EA has added these footprints to Figure 7. It should be noted however, that these building footprints are entirely conceptual and have not yet been reviewed by geotechnical or civil engineers and so are subject to change.</p>
<p>Section 5 discusses Mitigation and Recommendations. There should be consideration given to compensation and conservation offsets based on the level of development impact. In addition, species specific mitigation strategies should be provided.</p>	<p>As this application pertains to subdivision and rezone only, and the extent of development is not known, an offset or restoration plan cannot be prepared at this stage with any accuracy.</p> <p>The 2020 and 2021 EA speaks to provisions for site restoration and enhancement if required when detailed designs are available.</p> <ul style="list-style-type: none"> ▪ Based on guidelines for development in environmentally sensitive areas, and thresholds of acceptable retention levels, it is not anticipated that the future development within subdivided lots will exceed this. ▪ The preservation of lands from development is a standard method of offsetting or compensating for development. SL 6 has been designated for this purpose, and encompasses 44% of the Property area, and 84% of the ESA 2 within the Property. This protection of approximately 5.6 ha is well beyond typical 1:1 or 3:1 offsetting of the anticipated future development area. <p>Section 5.4 and 5.5 speaks to mitigation measures recommended for the protection of plants and wildlife during future works, in addition to avoidance measures outlined by the timing windows described in Section 5.2.</p>
<p>Section 5.2 discusses Reduced Risk Timing Windows. In addition to federal government guidelines, the QEP should also adhere to recommended provincial timing window guidelines.</p>	<p>The Okanagan breeding bird window is generally April 1 to August 31, with the exception of some birds of prey and herons. The general window described by the 2020 and 2021 EA extends this by approximately two weeks, and the ECCC nesting period for the region is even more stringent, which is why it was used.</p> <ul style="list-style-type: none"> ▪ As works will be occurring under the oversight of a QEP, any field-fit measures that must be applied to prevent a contravention of the <i>Wildlife Act</i> or <i>Migratory Birds Convention Act</i> are provided for in follow up bullets in the EA.

SOSCP Comment	Ecora Response
	<ul style="list-style-type: none"> ▪ As timing for developments that are anticipated to be proposed following the subdivision of the property have yet to be determined, specific mitigations have not been prepared and are outside of the scope of this application.
<p>Section 5.2.2 Aquatic Resources appears to conflict with earlier statements in the EA which noted that Bourguiba Creek would not be impacted by the development.</p>	<p>The mitigations recommended speak to the need for additional measures and permitting required in the event that Bourguiba creek is impacted by future developments.</p>
<p>Section 5.2.3 does not mention potential impacts of grading or soil disturbance to reptiles and amphibians that may be present on the property, including several snake species and particularly spadefoots.</p>	<p>The provisions outlined in 5.2.3 (5.3.3 in the updated EA), speak to avoidance of sensitive features and relying on timing windows to avoid sensitive periods where the potential for impact will occur. As there is no construction currently proposed as part of this application, specific instances of development footprints that may result in harm or mortalities have not been determined and so cannot have mitigations proposed.</p> <p>With regards to spadefoots there are no mapped locations or Critical Habitat identified in proximity to the Property, nor are there any ideal breeding ponds (i.e., vernal pools) present within the Property that would suggest toads may be present. While Bourguiba Creek may be an option as a breeding site, it is not ideally suited as described in the federal or provincial recovery strategies for critical habitat, and so the likelihood of toads being present is low, hence why they are not mentioned explicitly in the report or the revision.</p>
<p>Section 5.3. states that storage areas, including the stockpiling of materials, must be situated at least 30 metres away from watercourses and drainage features. Based on aerial photos of the site and Figure 6.0, there appears to be an existing stockpile site directly situated within the ephemeral draw that bisects the middle of the property. This should be rectified as soon as possible as it appears to be a contravention of the Water Sustainability Act.</p>	<p>As stated in the 2020 report, and more detail provided in the revision, the middle gully was deemed to not meet the requirements of a stream under the WSA. Additionally, the stockpile area described is part of the works under the previous permit, and so outside of the scope of the application.</p>
<p>Specific comments for each map figure:</p> <ol style="list-style-type: none"> a) Figure 2.0 is missing a descriptor for BGxh1 and RZ is described in the body of the EA as road but Urban on this figure. It is unclear as to what the non-coloured area of this figure represents. Is it deemed Not Sensitive? This non-coloured area is listed as RZ (road) as per TEM yet the road only occupies a small portion of this polygon. b) Figure 3.0 is very difficult to read. Separating it out into separate figures would allow for it to be more easily understood. c) The subdivision lot layout shown in several figures as overlaid on the aerial imagery should be adjusted such that the access road for SL 1, 2, and 3 is aligned with the existing disturbed road area leading to the stockpile site. d) The blue colours in Figure 6.0 make it difficult to distinguish between Stormwater and Proposed Nest Relocation. The Proposed Nest Relocation 	<p>Figures were revised as part of the 2021 revision, following discussions with RDOS on their feedback after their review. Specific items are addressed below:</p> <ol style="list-style-type: none"> a) This has been revised for clarity. The definition of BGxh1, referring to the BEC subzone, is defined in the report and is a standard term for ecosystem mapping in the Okanagan. The absence of a definition does not detract from the figure. b) Revised in the 2021 Report. c) As the stockpile site is a temporary disturbance, the road providing access to SL 1, 2, and 3 has yet to be engineered, this is not a critical item. In addition, the available aerial imagery is from 2016, and so certain temporary disturbance areas, as provided for under the existing permit, have changed slightly as progress on the approved construction scope has been made. The future developments will endeavor to utilize disturbed or lower sensitivity areas, as described in the EAs, of which the temporary disturbance areas should be incorporated prior to final restoration for the entire Property.

SOSCP Comment	Ecora Response
<p>is not described or referenced anywhere else in the EA, which is a concern. There is mention of colony re-establishment but not relocation. The Riparian Assessment Area referenced in the legend is not shown anywhere in the figure.</p> <p>e) Appendix A shows the slope cut for the approach and driveway as encroaching on the adjacent property. Has this been discussed with and approved by the adjacent landowner? This appendix also references an EOA in the legend. Can this acronym be defined?</p>	<p>d) The proposed nest relocation is part of the scope of work under the existing permit and was included as a potentially sensitive wildlife feature. This has been revised as part of the 2021 update.</p> <p>e) EOA refers to Edge of Asphalt, as per the lines shown on the edges of the highway. The Engineering Drawings have been shown as a preliminary layout of the subdivision, along with the driveway plan from the initial design in 2016. While the lot layout has not been altered, the driveway's cut/fill extents have been changed to reduce their extent. The design of the driveway is within the scope of the existing development permit, and subject to geotechnical considerations, however, is not the item being addressed by the permit submission.</p>
<p>A Development Permit Variance was submitted on December 22, 2020 to the RDOS for a height variance to a proposed retaining wall. This request was done due to concerns about impacting a Telus right-of-way and the Bank Swallow colony. Since the Bank Swallow colony has now been destroyed, it is unclear if this variance is still justified. This would need to be assessed against the geotechnical report and in consultation with ECCC and the CWS.</p>	<p>This item is outside of the scope of the application and is part of the works permitted by the existing development permit. As described above, alterations to the driveway were made to be in compliance with MOTI requirements, and its state prior to the winter of 2020 was to provide access to the house pad on Lot 5. The Development Permit Variance and its need is not relevant to the 2020 or 2021 EA or the subdivision and rezoning application that forms the basis for the ESDPA submission.</p>

Table 2.2 Issues raised in the BC MOFLNRORD Letter dated March 15, 2021, and Ecora's Response

MoFLNRORD Comments	Ecora Response
<p>In order to declare a stream absent or not applicable under the RAPR, strong evidence must be presented to show there is never flow that connects with a fish-bearing stream. In this case, such evidence does not appear to have been provided in the case of the mapped unnamed tributaries to Haynes Ck on the subject property.</p>	<p>The original determination for the gullies not being applicable under RAPR (then RAR) was made as part of the 2015 EA and addenda for the existing permit for works, which was accepted by RDOS and communicated to the province via memos prepared by Ecora.</p> <ul style="list-style-type: none"> ▪ Following a review of the streams as part of the 2020 assessment, it was deemed that Bourguiba Creek was found to be flowing, and likely contributing flows to Haynes Creek, though the culvert under Highway 3 was likely a barrier to fish passage. ▪ Additional detail has been provided on the assessment of the gullies in the revised 2021 EA.
<p>Additionally, the cleared and grubbed landing created mid-stream may be subject to flooding and/or require a culvert under Sec. 11 of the Water Sustainability Act</p>	<p>The middle gully has been reviewed by hydrotechnical, geotechnical, and civil engineers as to the impacts to the driveway, and a stormwater ditch has been designed to convey surface runoff from the road into a holding tank with an overflow outlet to Bourguiba Creek, which has yet to be designed, but will follow the permitting requirements under the WSA.</p> <ul style="list-style-type: none"> ▪ Following several assessments of the middle gully by multiple QEPs experienced in hydrology, aquatic biology and fisheries, it was determined that there is no evidence of recent or historic flow within the gully based on vegetation growth, recent or historic scour or deposited materials, and historic knowledge from the landowner and local neighbours. As such, it should not be considered a stream, as defined by the WSA as it does not convey or have a reasonable potential to convey water. The 2021 EA was revised to provide more detail as to this determination.

MoFLNRORD Comments	Ecora Response
<p>While exact development footprint in each lot may be unknown at this time, a detailed investigation of sensitive species and habitat values in each proposed lot should be completed before effects of rezoning can be properly evaluated. Without identifying location of these values it is not possible to determine whether the number of lots proposed is appropriate for this location.</p>	<p>Site investigations for habitat suitability and wildlife and plant inventories were completed during several visits to the Property between 2012 and 2021. These visits assessed potential for impacts to plant communities and wildlife, as well as species at risk, and were incorporated as part of the recent assessment. The 2021 revised EA provides more detail as to the suitability and wildlife use, including locations of sensitive features and corridors displayed on Figures 4 and 7.</p>
<p>Critical habitat has not been mapped on the subject property to show that areas proposed for development will minimize impacts to this habitat</p> <ul style="list-style-type: none"> o This includes wildlife trees for Lewis' Woodpecker. These should be mapped to show that lots can be developed without impacting potential nesting or forage areas. 	<p>The Critical Habitat polygons that overlap with the Property are attribute based and are applicable provided that the defined Critical Habitat features are present. The 2021 revision included additional detail and discussion on the suitability of the Property as Critical Habitat for the identified Species.</p> <ul style="list-style-type: none"> ▪ Wildlife trees have been included on the figures of the revision, however, are sporadic and generally outside of areas considered ideal for future buildings. ▪ Given that the proposed density of the subdivision will be 5 houses over approximately 12.6 ha, the foraging potential of the Property is not anticipated to be severely impacted, particularly as locations where development is proposed are generally lacking in berries or shrubs used by Lewis's Woodpecker to forage. ▪ Likely, some loss of Big Sagebrush may occur as a result of future developments, however it is abundant on the Property and should not impact populations of invertebrates relied upon by foraging birds.
<p>It is unclear how destruction of swallow colony nesting area was able to proceed without a development permit but still under the supervision of a QEP</p>	<p>The works undertaken that required the relocation of the swallow colony are part of the scope approved under the existing development permit issued by RDOS, and so not a part of the scope of development proposed by this application.</p> <ul style="list-style-type: none"> ▪ Following discussions between the proponent, RDOS, Ecora, and Randall Lake of CWS, a relocation plan was determined, and it was confirmed that since works were occurring during the winter, no SARA or other federal permits were required. ▪ Additionally, as the nests were vacant before the colony was relocated, the works compliant with the <i>Wildlife Act</i>, which provides protection to occupied nests. ▪ New colony habitat was created on March 17, 2021, under the direction of a QEP based on available best practices, within the cut area of the driveway in an area created for habitat enhancement. ▪ As of the most recent site visit in late June of 2021 bank swallows have successfully established a new nesting colony that will be protected from any foreseeable future development. ▪ This process and follow up monitoring is detailed in the monitoring reports prepared by Ecora as part of the monitoring program for the existing works as per the conditions of the existing permit.

3. Summary

This document has been prepared to address the comments raised by SOSCP and FLNRO in regard to the proposed subdivision and rezoning of the Property at 1750 Highway 3, Regional District of Okanagan Similkameen. As the comments received have been provided following review of the EA submitted in November of 2020, most have been addressed in the revised EA submitted in March of 2021.

A number of comments provided pertain to ongoing works at the Property, which is being undertaken under the existing ESDP issued in 2016 by RDOS. While these comments have been addressed above, it is Ecora’s opinion that they have been provided outside of the scope of the permit application currently underway. Ongoing works have been addressed by the original and revised EAs as a description of the environmental condition of the Property and existing developments. The impact assessment for the purposes of the application evaluates any potential impacts of future development and the suitability of the Property for the rezoning and subdivision plan that has been proposed. Ongoing works on the Property and any concerns or deficiencies are addressed by environmental monitoring reports and follow up documents prepared by Ecora, as per the conditions of the issued DP.

Additionally, specific comments or mitigation and offsetting recommendations are not possible at this time as detailed development plans (e.g., building designs, development footprints, areas of permanent disturbance) have not yet been prepared. This is because lots are intended to be developed with custom homes by future lot owners. Additionally, future development is anticipated to be subject to ESDPA requirements, and so Ecora anticipates that site specific mitigations or offsetting will be addressed at that time.

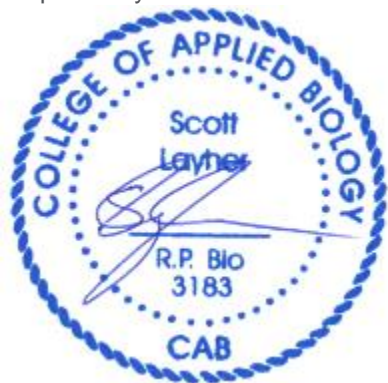
4. Closure

We trust this report meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

Ecora Engineering & Resource Group Ltd.

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