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**SNGREC environmental comments regarding C140-15 (OPA3-25) Briarwood Ltd. - Dundalk**

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**From** Emmett Vanson <LRLUST@sixnations.ca>

**Date** Thu 7/31/2025 10:15 AM

**To** Shavindra Fernando <sfernando@southgate.ca>

**Cc** lrca@sixnations.ca <lrca@sixnations.ca>

Sekon (Hello) Shavindra,

Included are my environmental comments on behalf of Six Nations of the Grand River Elected Council (SNGREC) regarding C140-15 (OPA3-25) Briarwood Ltd. in Dundalk. Please confirm receipt of these comments.

**SNGREC's Stance**

SNGREC opposes this application and strongly encourages refusal of this application in its current state due to the impact to the wetland located on the site.

SNGREC believes this development is not worth the removal of a portion of this wetland as there is plenty of land outside of the wetland that could be developed instead of encroaching into the wetland. Regardless of PSW or evaluated status, common or rare species, SNGREC believes wetlands are worth protecting, and development should be designed following the mitigation hierarchy. This means avoidance comes first and compensation comes as a last resort.

SNGREC requests that this development be altered to not encroach on the wetland, and follow the following requests before approval is reconsidered.

**Haldimand Tract and 1701 Nanfan Treaty Preamble**

Six Nations of the Grand River (SNGR) Territory is within the most highly urbanized land in Canada. Development has occurred on Six Nations' traditional territory without consultation or consent of SNGR. The cumulative effects of this intense development has contributed to significant environmental degradation and, as a result, Six Nations has experienced severe impacts on its ability to exercise Aboriginal and Treaty Rights that are not only set out in the treaties themselves but are also recognized and affirmed in Section 35 of the Constitution Act, 1982. These treaty lands are subject to unresolved litigation and any infringement upon our treaty rights must be fully mitigated by the proponent. The 1701 Nanfan Treaty guarantees SNGR's right to

harvest and hunt on this property for perpetuity, but this proposal undermines those rights. SNGR must be accommodated to mitigate any harm to its treaty rights caused by the proponent.

### **Wetland Removal and Buffers**

SNGREC requests a 41m buffer from wetlands to protect habitat function and water quality. The current state of intending to build within the wetland would result in no buffer from the wetland. This would also have insufficient buffers for the watercourse as SNGREC requests 30m buffers from watercourses. These buffers are based on Beacon Environmental's 2012 Buffer Guideline Review document (specifically table 7 on page 88 summarizes the effectiveness of different buffer sizes). Further, the indicated watercourse on the flood plain site plan does not reflect what is seen on 2025 satellite view as a watercourse additionally heads E-W closer to the site.

On top of the large negative direct impacts, developing this close could increase the cost of development (greater potential for unexpected costs), make the residents experience more annoying insects, and make water taking more detrimental to the environment. The underground car park built right to the back of the site, closest to the wetland, is inadvisable.

Should this development continue as planned, SNGREC will require a meeting with the proponent and financial accommodation, as well as a 3:1 areal replacement of wetlands if built onsite, or 4:1 areal replacement if offsite. This means 3-4x the size of what is removed. This somewhat compensates for the lag time to become a functional wetland, the years of development of the wetland, and possibility of a constructed wetland not being successful or functional. SNGREC also requires that wetland compensation is paired with a monitoring and contingency plan to prevent failure of the wetland.

### **Landscaping**

SNGREC requests that all species used in landscaping and compensation for this site are native species. Please provide the list of landscaping species to SNGREC for review before procurement begins.

### **Tree Removal and Compensation**

SNGREC requests a 10:1 tree replacement ratio for all trees removed regardless of DBH and 1:1 for any dead trees/snags removed as these are an important habitat feature. A high tree replacement

ratio helps to restore lost ecological function and considers time for regrowth and reduced survivability due to deer browsing and tree die-off. The goal of an increased tree replacement ratio is also to create habitat and strengthen ecological resilience. Most city/regional tree compensation requirements are insufficient as they are bare minimum settler perspectives that do not take into account the indigenous perspective and obligation to protect and enhance the natural environment. **SNGREC expects that compensation includes estimates for past clearing events that occurred on site to prepare the site.**

Further, the higher tree replacement ratio better compensates for the long lasting, permanent impact of the development that will no longer be able to be used by Indigenous people. The removal of or damage to the natural environment has an immense negative impact to Six Nations of the Grand River Aboriginal and Treaty Rights in this area. Planting additional trees and improving the environment helps make up for the negative impacts from development on these rights.

Planted trees must be site-specific native species and should be planted as close to the site as possible without impacting existing natural features and ecosystems, as should any future landscaping species be native species.

Has the proponent considered planting plugs or other earlier-growth trees to help increase the feasibility of planting additional trees? SNGREC requires planting best practices are used and suggests collaboration with Kayanase Plant Nursery for recommendations and guidance.

Please be advised, if tree offset is not feasible onsite, SNGREC expects offset plantings to take place as close as reasonably possible to the impacted site. SNGREC encourages collaboration with the Grand River Conservation Authority, Saugeen Valley Conservation Authority, or the Township of Southgate to achieve these offset plantings. Lastly, the Six Nations of the Grand River Environmental Levy may be considered should closer sites be unavailable. SNGREC expects that the tree replacement is paired with a robust and complete monitoring and maintenance plan complete with contingency actions to ensure successful establishment of the trees for long term success.

## References

Beacon Environmental. (2012). Ecological buffer guideline review. Prepared for Credit Valley Conservation. Retrieved from <https://cvc.ca/wp-content/uploads//2021/06/Ecological-Buffer-Guideline-Review.pdf>

Thank you for taking my comments. I look forward to hearing and collaborating more on this project. Please do not hesitate to reach out if you have any questions or concerns.

Niá:wen (thank you),

**Emmett Vanson, BSc.** (he/him)

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