

Scoped Natural Heritage Evaluation

John Fink c/o John Poechman

P/N 3218 | September 10, 2019

County of Simcoe Town of Penetanguishene Fox Street Pin# 584370044 (Lot 6 – 10)



ENGINEERING PLANNING ENVIRONMENTAL CONSULTANTS

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Scoped Natural Heritage Evaluation

Town of Penetanguishene

P/N 19-3218 September 10, 2019

1.0 Introduction

Skelton, Brumwell & Associates Inc. was retained by the owner of five (5) lots directly north of McGuire Park on Fox Street to prepare a Scoped Natural Heritage Evaluation (NHE). These properties currently only have Roll Numbers which are as follows 437201000702150, 437201000702134, 437201000702130, 437201000702126 and 437201000702122.

1.1 Location

The property is described as Fox Street Pin# 584370044(Lot 6 - 10), in the Town of Penetanguishene. The combined 5 lots are approximately 1 hectare in size.

Subject Property

Ray Cr

Yeo St

Shordan St.

Figure 1 – Site Location

1.2 Terms of Reference

The Terms of Reference for any study including Natural Heritage Evaluations are typically established with the approval authority or the local conservation authority through a ratified Memorandum of Understanding (MOU). In this case, the following Terms of the NHE were established with the Town of Penetanguishene.

Number	Action	Commentary
1.	Identification of Natural Heritage Features as per the Natural Heritage Reference Manual	Examples include: Significant Wildlife Habitat, Significant Woodlands, Significant Valleylands and Significant Areas of Natural and Scientific Interests
2.	Inventory species at risk	Assessment should include suitable habitat on and adjacent to the site. If suitable habitat is present, survey specific for those species must be completed
3.	Complete Ecological Land Classification (ELC) to vegetation type	Based on Lee et.al. 1998 Ecological Land Classification for Southern Ontario: First Approximation and its Applications. SCSS Field Guide FG-02
4.	Collect and Inventory vascular plants	Undertaken during late spring/early summer to provide a two-season vegetation survey
5.	Undertake three (3) amphibian surveys	Based on the Marsh Monitoring Protocol
6.	Spring Bat Snag/ Cavity Survey	To be completed before leaf out
7.	Complete Acoustic Bat Monitoring	Complete survey for 10 days during June or early July.
8.	Provide a map of natural heritage features and other environmental feature	To be provided on a high quality orthoimage

2.0 Methods

Preparation of this study involves review of background documentation, field investigations, consultation with government officials and analysis.

2.1 Consultation

2.1.1 Town of Penetanguishene

The Town of Penetanguishene was consulted and was provided with a Terms of Reference to scope the requirements for the NHE and provide any initial comments or information on the proposed development. The town provided comments on the Terms of Reference by telephone conversation on Wednesday August 21, 2019, and confirmed the appropriateness of the work to be undertaken. The Terms of Reference correspondence is included in Appendix A.

2.2 Background Research

Background research was completed to identify previously identified natural heritage features and functions on/or adjacent to the lot. The documents/sources listed below provided additional resources for this study:

- Ministry of Natural Resources (MNR) Natural Heritage Information Centre (NHIC);
- Town of Penetanguishene Official Plan and Zoning By-law; and
- County of Simcoe Interactive Mapping.

2.3 Field Investigations

Field investigations occurred only on the subject lands. Adjacent lands were investigated using roadside observations (i.e. visual observations from property lines, air photos, etc.).

Field investigations were scoped with the Town, and included the following:

- Vascular Plant Survey (Spring & Summer);
- 3 Amphibian Surveys
- Spring Bat Snag/ Cavity Survey
- 10 days of Acoustic Bat Surveying
- Ecological Land Classification.

2.4 Flora

2.4.1 Vascular Plants

Both vascular plant surveys were completed using a roving transect through all habitats and areas planned for development. Particular attention was paid during field investigations for rare species and Species at Risk listed in the Ontario *Endangered Species Act* (2007).

The significance of vascular plants sampled was assessed based on the Natural Heritage Information Centre's (NHIC) rankings (Srank) for provincial rarity.

2.4.2 Vegetation Communities

Vegetation communities were identified using the Ecological Land Classification (ELC) for Southern Ontario, First Approximation (Lee et al., 1998). Polygons were delineated using aerial photography, field sampled and classified into the most appropriate vegetation type. The polygons were identified based on vegetative cover, soils and landscape features.

The significance of the vegetation communities was assessed based on the Natural Heritage Information Centre's (NHIC) rankings where applicable.

2.5 Fauna

2.5.1 Wildlife

Incidental observations were made for mammals and herptiles (amphibians and reptiles) during field investigations through observations of physical evidence (scats, tracks) and for shelter, feeding and breeding sites (e.g. vernal pools, beneath logs, rocks, etc.).

During the initial site visit, observations were made regarding the potential presence of vernal pools or flooded wetland areas which could support breeding amphibian species.

2.5.2 Aquatic/Wetland Features

The background review indicated MNRF unevaluated wetland on the majority of the property.

3.0 Existing Conditions

3.1 Background Documentation

3.1.1 Ministry of Natural Resources

A search of the MNRF NHIC database was performed.

NHIC square 17TNK8458, the only square applicable to the site, has four records of natural heritage significance: Massasauga (*Sistrurus catenatus*), Giant Lacewing (*Polystoechotes punctatus*), Lake Sturgeon (*Acipenser fulvescens*) and a Restricted Species documented.

A review of MNRF records with regard to potential restricted species in the Township indicates that the potential restricted species document could be: American Ginsing (*Panax quinquefolius*), Spotted Turtle (*Clemmys guttata*) and Wood Turtle (*Glyptemys insculpta*).

3.1.2 County of Simcoe Interactive Mapping

A search was completed using the County of Simcoe Interactive Mapping geographic tool. This search identified a portion of the property is unevaluated wetland.

3.2 Vegetation

3.2.1 Vegetation Communities

Vegetation communities were identified within the study area using ELC to the Vegetation Type shown on Figure 2. Detailed descriptions of communities are included below.

FOD7-1: Fresh – Moist White Elm Lowland Deciduous Forest Type

This community is largely dominated by White Elm (*Ulmus laevis*). Associates consist primarily of Silver Maple (*Acer saccharinum*) and Basswood (*Tilia americana*). Very little shrub or ground cover.

FOD5: Dry – Fresh Sugar Maple Deciduous Forest Ecosite

This ecosite had many species including Sugar Maple (*Acer saccharum*), Basswood, White Birch (*Betula papyrifera*), Red Oak (Quercus rubra), Trembling Aspen (*Populus tremuloides*) and White Ash (*Fraxinus americana*). Shrub layer consisted of European Buckthorn (*Rhamnus cathartica*) and Choke Cherry (*Prunus virginiana*). Ground cover was almost completely dominated by Poison Ivy (*Toxicodendron radicans*).

FOC2-2: Dry - Fresh White Cedar Coniferous Type

This ecosite was almost completely dominated by Eastern White Cedar (*Thuja occidentalis*). Associates included Black Walnut (*Juglans nigra*) and Red Oak. No shrub or ground cover was found in this ecosite type.

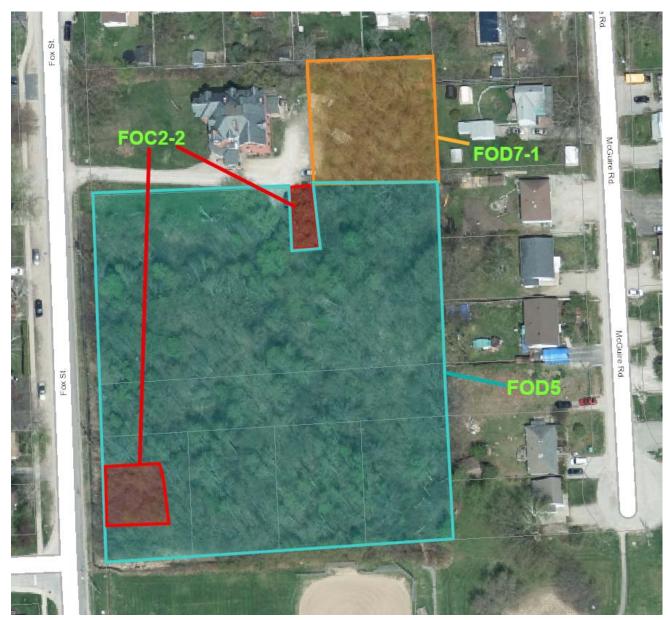


Figure 2 – Ecological Land Classification

3.2.2 Vascular Flora

There were 37 plant species identified within property. All species observed on the property are found to be common to similar habitats found in Ontario.

A list of vascular plants and their status in Ontario is included in Appendix B.

3.3 Wildlife

3.3.1 Wildlife

Incidental wildlife observations are included in Appendix B.

3.3.2 Amphibian Survey

Three amphibian surveys were completed on this property due to the large amount of standing water on the property this spring. No amphibian species were heard calling during these surveys. These locations were also examined for egg mass or salamander spermatophores, this also resulted in no observations.

3.4 Aquatic Features and Significant Wetland

It is noted that the spring of 2019 was unusually wet with flooding across the province including Penetanguishene.

No significant wetlands were documented on the site. As previously indicated, the background review suggested the potential presence on unevaluated wetland on the subject lands. Our observations suggest that areas of imperfect drainage do occur, primarily as a result of the adjacent development of the lands. The areas which support wetland vegetation are very limited and do not satisfy the minimum area for the purposes of wetland evaluation. The extent of surrounding development, the nature of imperfect drainage, the absence of amphibians and wetland related functions, indicates that the site does not support a wetland features but instead exhibits intermittent poor drainage features associated with the fact that surrounding lands have been regarded and developed.

Further analysis of natural heritage features does therefore not include an analysis of aquatic features nor wetlands.

4.0 Analysis of Natural Heritage Features

Policy documents were utilized to analyse the presence of natural heritage features and ecological functions on the subject property and adjacent lands. These included the Provincial Policy Statement (PPS) (Ontario Government 2014), *Endangered Species Act*, and Significant Wildlife Habitat Criteria for Ecoregion 6E (MNRF 2015).

The following provides an analysis of whether any natural heritage features are found on or adjacent to the subject property. The identification of these features is the result of background research, fieldwork and analysis.

4.1 Significant Habitat of Endangered or Threatened Species

The MNRFs NHIC Mapping program documented the Massasauga Rattlesnake currently listed as (Threatened) within this area. The property currently does not exhibit characteristic habitat and has too much tree cover and no rock outcroppings or wetland/shoreline habitat that this snake species prefers. The site is also surrounded by urban development. Therefore, we believe that there is currently no habitat that supports this species within the property boundary.

The MNRFs NHIC Mapping program also documented Lake Sturgeon currently listed as (Threatened) within this area. This is an aquatic species. There is currently no habitat that supports this species.

A review of the potential species which are listed as Restricted Species similarly suggests that the site does not provide appropriate habitat.

During acoustic monitoring it was documented that two (2) Endangered bat species were found on the property. These species were Little Brown Bat (*Myotis lucifugus*) and Northern Long-Eared Bat (*Myotis septentrionalis*). Both these species live in deciduous or mixed wood forests. These species are also very commonly found with residential dwellings.

It is our opinion that these bats are roosting in the attic of nearby houses including the historical building found just north of the property. These bats likely feed over the property, park and baseball diamond south of the property.

It is our opinion that the presence of bat species on the site can be addressed through the placement of appropriately designed and situated bat boxes on each of the lots during the development process. Where feasible tree retention should also occur. Tree preservation plans should be prepared as a component of the development approval process. This will assist in the continued provision of bat habitat in the area.

The Ministry of Environment, Conservation and Parks (MECP) was consulted on the presence of this species and the potential development of this site. They further advised as follows:

"Please adhere to the timing windows and ensure tree removal does not occur between April 1 – October 15. No further comment."

4.2 Significant Woodlands

There are no significant woodlands identified on the subject property or within 120m.

4.3 Significant Valleylands

There are no significant valleylands identified on the subject property or within 120m.

4.4 Significant Wildlife Habitat

There is no significant wildlife habitat identified on the subject property or within 120m.

Although no other significant wildlife habitat was observed on site, it is recommended that any clearing for the proposed developments avoid the migratory bird season and bat roosting period of April 1 – October15th, to ensure no harm to roosting bats, nesting birds or their nests, which are protected under the *Migratory Bird Convention Act*.

4.5 Significant Areas of Natural and Scientific Interest (ANSI)

A desktop review of the MNRF NHIC database and County of Simcoe interactive mapping found no ANSI's within the study area.

5.0 Conclusion & Recommendations

Based on the analysis of the observed field results, Skelton Brumwell & Associates is of the opinion that there will be no negative long-term impacts to the local environment or to the Town of Penetanguishene's natural environment if the above noted property is developed. This site is surround by urban development and is too small to play an important role in the local ecological environment.

There are two at risk bat species present on the property. It is the MECP position that this habitat does not play a role in the habitat management of the species and tree removal will not harm or these species if cutting occurs outside the roosting period.

Although a portion of the property is shown as wetland on town and county mapping further investigation does not support the presence of a wetland feature. Similarly, no aquatic features are present. Poor drainage of the site can be addressed as development of the site occurs.

Therefore, we conclude that the potential development of this site for residential dwellings is acceptable on the basis of the following recommendations:

- That the timing of woodland removal shall adhere to the provisions of the Migratory
 Birds Convention Act and bat roosting periods with no cutting between April 1 –
 October15th;
- 2. That the removal of trees on-site will occur in a sustainable manner that will involve the re-use of wood and limbs such as the creation of mulching products;
- 3. The preparation of tree preservation plans during the development approvals process;
- 4. The placement of appropriately designed and located bat boxes on each lot on the property during the development process.



Figure 3 – Developable Land

All of which is respectfully submitted, SKELTON, BRUMWELL & ASSOCIATES INC.

laylor Wymr

Per:

Per:

Taylor Wynia, Hon. BSc Ecologist/Herpetologist

Michael Wynia, RPP Senior Ecologist and Planner/ Partner

Appendix A

Terms of Reference and Correspondence with MECP

Andrea Betty <abetty@penetanguishene.ca> Wed 2019-08-21 11:05 AM

Taylor Wynia

?

Hi Taylor,

are you able to give me a call today to discuss? I will be in the office this afternoon after 1:30 until about 4.

Thanks,

Andrea Betty, MCIP RPP
Director of Planning and Community Development
Town of/Ville de Penetanguishene
10 rue Robert Street West/ouest
P.O. Box 5009
Penetanguishene, Ontario
L9M 2G2

Telephone: 705-549-7453 ext. 215

Fax: 705-549-3743

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1 1

From: Taylor Wynia [mailto:twynia@skeltonbrumwell.ca]

Sent: Wednesday, July 31, 2019 10:55 AM

To: Andrea Betty

Subject: Re: Terms of Reference - EIS - Roll # 437201000702150

Hello Andrea,

Sorry to bother you again about this project but just looking for some clarification. Our client John Fink who owns the property told us that an EIS was required due to the potential of species at risk bats. However, we were just wondering if there was some confusion with the client over an EIS compared to a study to cover the ESA.

Can you clarify that an EIS is required for this site?

Thanks for your help.

Taylor Wynia

From: Taylor Wynia <twynia@skeltonbrumwell.ca>

Sent: July 31, 2019 10:11:45 AM

To: Andrea Betty <abetty@penetanguishene.ca>

Subject: Re: Terms of Reference - EIS - Roll # 437201000702150

Hello Andrea,

I was wondering if you have a had a chance to look over our Terms of Reference for this EIS.

Thanks for your help and time.

Taylor Wynia

From: Andrea Betty <abetty@penetanguishene.ca>

Sent: July 19, 2019 3:36:04 PM

To: Taylor Wynia <twynia@skeltonbrumwell.ca>

Subject: RE: Terms of Reference - EIS - Roll # 437201000702150

HI Taylor,

Sorry I have been catching up on a few things and haven't had a chance to look closely at your email. I will follow up with you on this next week.

Regards,

Andrea Betty, MCIP RPP
Director of Planning and Community Development
Town of/Ville de Penetanguishene
10 rue Robert Street West/ouest
P.O. Box 5009
Penetanguishene, Ontario
L9M 2G2

Telephone: 705-549-7453 ext. 215

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From: Taylor Wynia [mailto:twynia@skeltonbrumwell.ca]

Sent: Thursday, July 18, 2019 8:50 AM

To: Andrea Betty

Subject: Re: Terms of Reference - EIS - Roll # 437201000702150

Hello Andrea

I am very sorry for the confusion around the Terms of Reference. I have posted the terms of reference below as well as attached a map of the location.

Since first sending the terms of reference to SSEA I have been in contact with the MECP about the species at risk bats found on the property through the acoustic surveys (Little Brown Bat & Northern Long Eared Bat). MECP has informed me that "Please adhere to the timing windows and ensure tree removal does not occur between April 1 – October 15. No further comment."

We have been retained by John Fink who is proposing a to sell five properties for future residential dwellings just north of Penetanguishenes downtown (please see map attached). These properties currently only have Roll Numbers which are as follows; 437201000702150, 437201000702134, 437201000702130, 437201000702126 and 437201000702122.

We want to ensure that the Terms of Reference are appropriate and are vetted through the SSEA. As a result, we are recommending the following tasks as part of the EIS:

- Identification of natural heritage features as per the PPS such as significant wildlife habitat;
- Species at risk inventory in order to meet the provisions of the *Endangered Species Act*; screen for SAR by assessing suitable habitat on and adjacent to the property. If suitable habitat for SAR are present, surveys specific to those species will be completed to determine species presence/absence.
- Ecological Land Classification (ELC) to vegetation type; as per Lee et al. 1998 Ecological Land Classification for Southern Ontario: First Approximation and Its Applications. SCSS Field Guide FG-02.
- Collect an inventory of vascular plants on the property during the spring/early summer to provide a vegetation survey.
- Record observations of all wildlife occurrences and assess wildlife habitat function; screen for existing or potential significant wildlife
 habitat on the property;
- 3 Frog Call surveys (Following Marsh Monitoring Protocol);
- Spring Bat Snag/Cavity Survey
- Acoustic Bat Monitoring for a period of 10 days within June 2019

Can you please confirm that these TOR are acceptable or provide any changes.

Thanks,

From: Michelle Hudolin < MHudolin@severnsound.ca>

Sent: July 16, 2019 9:18:30 AM

To: Taylor Wynia <twynia@skeltonbrumwell.ca> Cc: 'Andrea Betty' <abetty@penetanguishene.ca>

Subject: RE: Terms of Reference - EIS - Roll # 437201000702150

Hello Taylor,

The SSEA is involved with the review of Environmental Impact Studies at the request of our partner municipalities. As a result, your first contact to discuss the proposal and need for an EIS should be the Town of Penetanguishene (Andrea Betty, Director of Planning and Community Development, 705-549-7453 ext. 215.

I've copied Andrea on this email; she will advise SSEA to request our involvement, if applicable.

Kind regards, Michelle

Michelle Hudolin

Wetlands & Habitat Biologist Severn Sound Environmental Association 489 Finlayson St PO Box 460

Port McNicoll ON LOK 1R0 Tel: 705-534-7283 ext. 202 Fax: 705-534-7459

Email: MHudolin@severnsound.ca Web-site: www.severnsound.ca

Twitter: @SSEA_SSRAP

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Be Green! Read from the screen.

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From: Taylor Wynia [mailto:twynia@skeltonbrumwell.ca]

Sent: July-15-19 2:18 PM **To:** Michelle Hudolin

Subject: Terms of Reference - EIS - Roll # 437201000702150

Hello Michelle,

We have been retained by John Fink who is proposing a to sell five properties for future residential dwellings just north of Penetanguishenes downtown (please see map attached). These properties currently only have Roll Numbers which are as follows; 437201000702150, 437201000702134, 437201000702130, 437201000702126 and 437201000702122.

We want to ensure that the Terms of Reference are appropriate and are vetted through the SSEA. As a result, we are recommending the following tasks as part of the EIS:

- Identification of natural heritage features as per the PPS such as significant wildlife habitat;
- Species at risk inventory in order to meet the provisions of the *Endangered Species Act*; screen for SAR by assessing suitable habitat on and adjacent to the property. If suitable habitat for SAR are present, surveys specific to those species will be completed to determine species presence/absence.
- Ecological Land Classification (ELC) to vegetation type; as per Lee et al. 1998 Ecological Land Classification for Southern Ontario: First Approximation and Its Applications. SCSS Field Guide FG-02.
- Collect an inventory of vascular plants on the property during the spring/early summer to provide a vegetation survey.
- Record observations of all wildlife occurrences and assess wildlife habitat function; screen for existing or potential significant wildlife habitat on the property;
- 3 Frog Call surveys (Following Marsh Monitoring Protocol);
- Spring Bat Snag/Cavity Survey
- Acoustic Bat Monitoring for a period of 10 days within June 2019

Can you please confirm that these TOR are acceptable or provide any changes.

Taylor Wynia, Wildlife Technologist, B.Sc. | Ecologist Skelton, Brumwell & Associates Inc. Engineering Planning Environmental Consultants

twynia@skeltonbrumwell.ca www.skeltonbrumwell.ca

Scheifley, Jody (MECP) <jody.scheifley@ontario.ca> Tue 2019-07-16 9:13 AM

Taylor Wynia

?

Hi Taylor,

Please adhere to the timing windows and ensure tree removal does not occur between April 1 – October 15. No further comment.

Thank-you

Jody Scheifley

Management Biologist | Permissions and Compliance Section, Species at Risk Branch Ministry of Environment, Conservation and Parks 519-371-8422 1450 7^{TH} Avenue East Owen Sound, Ontario, N4K 2Z1

1_______

From: Taylor Wynia <twynia@skeltonbrumwell.ca>

Sent: July 15, 2019 4:37 PM

To: Species at Risk (MECP) <SAROntario@ontario.ca> Subject: Species at Risk Bats - Penetanguishene Ontario

Hello,

Skelton Brumwell & Associates Inc have been retained by John Fink to carry out an environmental impact study for future residential dwellings.

The proposed project is located within Penetanguishene Ontario. There is no current address for these five lots only these five role numbers 437201000702150, 437201000702134, 437201000702130, 437201000702126 and 437201000702122. The closest address to the property is 83 Fox St, Penetanguishene, ON which is attached to the northern section of the property. The property is approximately 1.4ha in size. Please see attached aerial photo of property.

Ten nights of acoustic surveys were completed. These preliminary investigations established the presence of Little Brown Bat (Myotis lucifugus) and Northern Long-Eared Bat (Myotis septentrionalis). Hoary Bat (Lasiurus cinereus) Silver-Haired Bat (Lasio-nycteris noctivagans) and Big Brown Bat (Eptesicus fuscus) were also recorded on site.

No other species at risk were found on the property during field investigations.

Clearing of trees is proposed outside to occur outside of the regular roosting period (October 15 and April 1).
We would appreciate your comments.
Should you require any additional information please contact me.
Thank you for your time and help.
Taylor Wynia, Wildlife Technologist, B.Sc. Ecologist
Skelton, Brumwell & Associates Inc.
Engineering Planning Environmental Consultants
93 Bell Farm Rd, Suite 107, Barrie, ON L4M 5G1
Tel: 705-726-1141 ext 119 Toll Free: 877-726-1141
twynia@skeltonbrumwell.ca www.skeltonbrumwell.ca
"innovation with integrity"

Appendix B

Vascular Plant List, Breeding Bird List and Incidental Wildlife Observations

Vas	cular Plant List	
Common Name	Scientific Name	Status
Alternate Leaved Dogwood	Cornus alternifolia	Common
Aster Sp.	Asteraceae	Common
Balsam Poplar	Populus balsamifera	Common
Basswood	Tilia americana	Common
Black Walnut	Juglans nigra	Common
Broad Leaved Cattail	Typha latifolia	Common
Canada Goldenrod	Solidago canadensis	Common
Canada Mayflower	Maianthemum canadense	Common
Choke Cherry	Prunus virginiana	Common
Cow Vetch	Vicia cracca	Common
Eastern Hemlock	Tsuga canadensis	Common
Eastern White Cedar	Thuja occidentalis	Common
European Buckthorn	Rhamnus cathartica	Common
Largetooth Aspen	Populus grandidentata	Common
Manitoba Maple	Acer negundo	Common
Posion Ivy	Toxicodendron radicans	Common
Pussy Willow	Salix Discolor Muhl	Common
Red Clover	Trifolium pratense	Common
Red Oak	Quercus rubra	Common
Red Oiser Dogwood	Cornus sericea	Common
Silver Maple	Acer saccharinum	Common
Staghorn Sumac	Rhus typhina	Common
Sugar Maple	Acer saccharum	Common
Trembling Aspen	Populus tremuloides	Common
White Ash	Fraxinus americana	Common
White Birch	Betula papyrifera	Common
White Spruce	Picea glauca	Common
White Trillium	Trillium grandiflorum	Common
Wild Carrot	Daucus carota	Common
Wild Grape	Vitis vinifera	Common
Wild Sarsaparilla	Aralia nudicaulis	Common
Wild Strawberry	Fragaria vesca	Common
Woodland Sedge	Carex blanda	Common
Red Raspberry	Rubus idaeus	Common
Horsetail	Equisetum	Common
White Elm	Ulmus laevis	Common
Willow Sp.	Salix	Common

Incidental Wildlife Observations				
Common Name	Scientific Name	Status		
Eastern Gray Squirrel	Sciurus carolinensis	Common		
Raccon	Procyon lotor	Common		
Eastern Cottentail	Sylvilagus floridanus	Common		
Eastern Garter Snake	Thamnophis sirtalis sirtalis	Common		
Big Brown Bat	Eptesicus fuscus	Common		
Silver-Haired Bat	Lasionycteris noctivagans	Common		
Hoary Bat	Lasiurus cinereus	Common		
Black Capped Chickadee	Poecile atricapillus	Common		
Pileated Woodpecker	Dryocopus pileatus	Common		
Northern Cardinal	Cardinalis cardinalis	Common		
American Robin	Turdus migratorius	Common		
White Breasted Nuthatch	Sitta carolinensis	Common		
Blue Jay	Cyanocitta cristata	Common		
Mourning Dove	Zenaida macroura	Common		