

Appendix D

Select Correspondence

Andra Burse

From: Gord Bell
Sent: March 15, 2024 11:26 AM
To: eanotification.swregion@ontario.ca
Cc: jbeh1@countyofessex.ca; Amussio@tecumseh.ca; Steve Taylor (London); Darcie Dillon; Kristine Dimoff; Gord Bell
Subject: County of Essex Cty. Rd. 46 and Town of Tecumseh Con. 8 and 9 MCEA Commencement and PCC No 1 Notices
Attachments: County of Essex Cty 46 and Town of Tecumseh Con 8 and 9 MCEA Commencement and PCC No. 1.xlsx; 23-041 Essex CR 46 Study Commencement and PCC 1 Notice Mar 12-24 QC.pdf

In accordance with the MECP Streamlined Notification Process, please find attached the following : Streamlined Notification form and a copy of the project Notice of Study Commencement and Public Consultation Centre (PCC) No. 1. This is a joint prophecy project with the County being the designated prime proponent given the longer length undertaking. The Notice provides contact information and staff members for both the County and Town. The Notice will be placed in the Windsor Star on Thursday March 28, 2024, and placed on the County and Town websites and social media accounts. Finally, notification will be provided to known and identified public, stakeholders and Indigenous Peoples in advance of the PCC.

Gordon Bell
Senior Environmental Planner
BT Eng. Inc

Andra Burse

From: Gord Bell
Sent: March 15, 2024 11:30 AM
To: jbeh1@countyofessex.ca; Amussio@tecumseh.ca; Steve Taylor (London); Darcie Dillon; Kristine Dimoff
Subject: FW: County of Essex Cty. Rd. 46 and Town of Tecumseh Con. 8 and 9 MCEA Commencement and PCC No 1 Notices

FYI..... In case MECP did not automatically notify you of receipt of the email.Gord

From: EA Notices to SWRegion (MECP) <eanotification.swregion@ontario.ca>
Sent: Friday, March 15, 2024 11:26 AM
To: Gord Bell <gord.bell@bteng.ca>
Subject: Automatic reply: County of Essex Cty. Rd. 46 and Town of Tecumseh Con. 8 and 9 MCEA Commencement and PCC No 1 Notices

This is to acknowledge your email has been delivered to the Regional email account. A Regional EA Coordinator will contact you if additional information is needed. To speak directly to a Regional EA Coordinator, go to the INFO-GO website and under our ministry, select: 1) Drinking Water and Environmental Compliance Division 2) applicable Regional Office 3) Technical Support Section 4) Air, Pesticides, and Environmental Planning 5) Environmental Planner and EA Coordinator

March 18, 2024
BTE File: 23-041

Dear Agency/Stakeholder

**Re: County of Essex and Town of Tecumseh
County Road 46 and Concession Roads 8 and 9 Environmental Assessment Study
Study Commencement and Public Consultation Centre No. 1 Letter**

The County of Essex in partnership with the Town of Tecumseh is undertaking an EA Study for improvements to County Road 46 (Provincial Road/North Talbot Road/Middle Road) from Highway 401 to County Road 19 (Manning Road), and Concession Roads 8 and 9 from County Road 46 northerly to the Town boundary, in the Town of Tecumseh, Ontario. The study will evaluate alternatives to improve the operation and safety of the roadways. The Study Area is shown in **Figure 1**.

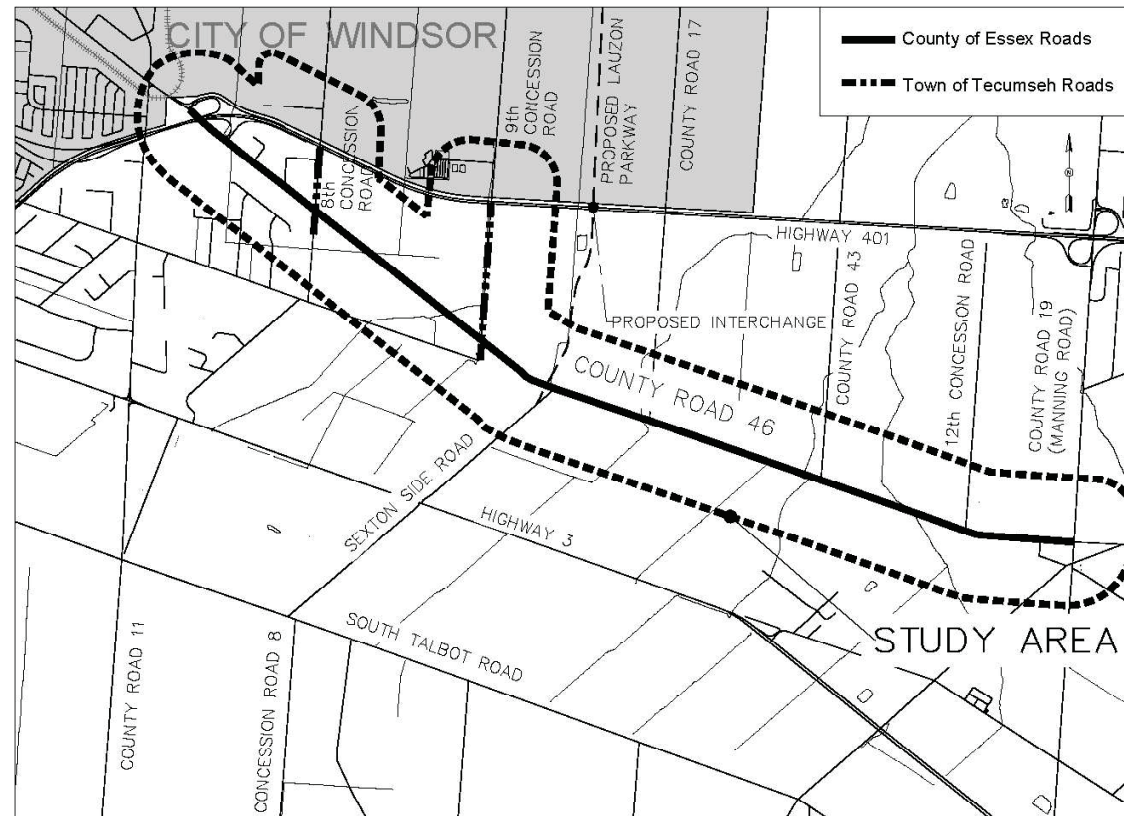


Figure 1: Study Area

The project is being initiated as a Schedule C undertaking of County Road 46 under the jurisdiction of the County of Essex and Schedule B projects for Concession Roads 8 and 9 under the jurisdiction of the Town of Tecumseh. The Study will proactively consult with the adjacent property owners, public, stakeholders and Indigenous Peoples.

The public consultation process is vital to this Study and the County wants to ensure that anyone with interest in the project has the opportunity to provide input. An in-person Public Consultation Centre (PCC) is being held as follows:

Date: April 4, 2024
Time: 5:00 pm to 8:00 pm
Location: Ciociaro Club
3745 North Talbot Road, Oldcastle, ON N0R 1L0

This letter is also to request any background data or concerns that you may have related to the Study Area. If you have any information such as reports, mapping, inventories, etc. that could assist us on this project, we would appreciate the opportunity to review this material. To maintain our study schedule, we are requesting this information or any comments by April 19, 2024.

There is an opportunity at any time during the Class EA process for interested persons to provide comments.

For more information contact:

Steve Taylor, P.Eng., M.Eng.
EA Project Manager
BT Engineering Inc.
509 Talbot Street,
London, ON N6A 2S5
Phone: 519-672-2222
Email: stevenj.taylor@bteng.ca

Jerry Behl, P. Eng., PMP, PTOE, RSP1
Manager, Transportation Planning &
Development
County of Essex
360 Fairview Avenue West, Suite 315,
Essex ON N8M 1Y6
Phone: 519-776-6441 ext. 1316
Email: JBehl@countyofessex.ca

Alessia Mussio, P.Eng.
Engineering Project Manager
Town of Tecumseh
917 Lesperance Road
Tecumseh, ON N8N 1W9
Phone: 519-735-2184, ext. 140
Email: amussio@tecumseh.ca

Should you require any further assistance with this project please do not hesitate to contact us.

Yours truly,

Steve Taylor, P.Eng., M.Eng., CVS-Life
EA Project Manager, BT Engineering Inc.

cc: Jerry Behl, Manager, Transportation Planning & Development, County of Essex
Alessia Mussio, Engineering Project Manager, Town of Tecumseh

Andra Bursey

From: Steve Taylor (London)
Sent: March 26, 2024 2:10 PM
To: Elaine Bennett
Cc: Victoria Peczulis; Kristine Dimoff; Gord Bell; Nithen Samuel
Subject: Re: Environmental Assessment Study request for information

Thank you Elaine/Victoria.

We are interested in wells and septic systems. We'll review the MFIPPA request.

The other question is if you have any knowledge of any hazardous sites along the road corridor from past uses.

Steve



Steve Taylor P.Eng., M.Eng., CVS-LIFE, P.E.
Chief Executive Officer
509 Talbot Street
London, Ontario
N6A 2S5
E-Mail: stevenj.taylor@bteng.ca
Phone: 519-672-2222
Toll Free: 1-866-218-1001
www.bteng.ca

From: Elaine Bennett <ebennett@wechu.org>
Sent: March 26, 2024 10:51 AM
To: Steve Taylor (London) <stevenj.taylor@bteng.ca>
Cc: Victoria Peczulis <vpeczulis@wechu.org>
Subject: Environmental Assessment Study request for information

Hello Steve,

The Windsor Essex County Health Units, Environmental Health Department is in receipt of your request for reports, mapping and inventory etc. for the Environmental Assessment Study being conducted in the Town of Tecumseh.

To assist you with this request we require further information pertaining to the types of reports you would require e.g. file searches, septic search, food premises inspection report, environmental study etc.

I would like to bring to your attention that there is a cost associated with file and septic searches, to receive information a MFIPPA request must be completed please I am providing you the direct link for more information and details to make a request <https://www.wechu.org/key-policies/privacy-statement>.

If you have any questions feel free to contact me.

Regards,
Elaine

Elaine Bennett CPHI(C) | Manager | Environmental Health

Windsor-Essex County Health Unit
1005 Ouellette Ave., Windsor, N9A 4J8
Ph. 519-258-2146 Ex. 3156
Fx. 519-258-8672



Healthy people in a healthy community.

March is nutrition month! This year, we want you to change the way you think about food. Check out our updated [Food and Nutrition page](#) to learn more.

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Andra Bursey

From: Elaine Bennett <ebennett@wechu.org>
Sent: March 26, 2024 3:10 PM
To: Steve Taylor (London)
Cc: Victoria Peczulis; Kristine Dimoff; Gord Bell; Nithen Samuel
Subject: RE: Environmental Assessment Study request for information

Hello Steve,

The health unit does not have knowledge of any hazardous sites, the municipalities may be better able to provide this information.

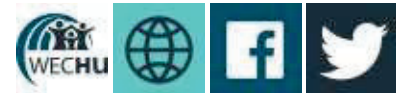
You may want to reach out to Ministry of Natural Resources and Forestry, for the hazardous sites in the study area. Last year they were identifying/mapping out Legacy Oil and Gas Wells throughout Ontario, this could be helpful.

As well the Ministry of Environment has a publicly available website that list well records.

Thanks,
Elaine

ELAINE BENNETT *CPHI(C)* | Manager | Environmental Health

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Cc: Victoria Peczulis <vpeczulis@wechu.org>; Kristine Dimoff <kristine.dimoff@bteng.ca>; Gord Bell <gord.bell@bteng.ca>; Nithen Samuel <NSamuel@countyofessex.ca>
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Chief Executive Officer

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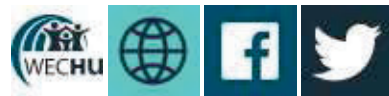
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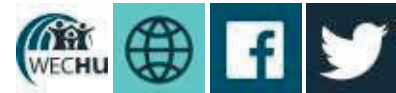
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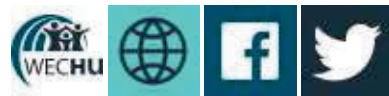
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Andra Bursey

From: Macki, Monika (MECP) <Monika.MacKi@ontario.ca>
Sent: April 8, 2024 11:24 AM
To: Gord Bell
Cc: Jerry Behl; amussio@tecumseh.ca; Steve Taylor (London); Darcie Dillon; Kristine Dimoff
Subject: RE: County of Essex Cty. Rd. 46 and Town of Tecumseh Con. 8 and 9 MCEA Commencement and PCC No 1 Notices
Attachments: MECP Acknowledgement of NOC - MEA Class EA Sch C- County of Essex Cty. Rd. 46 and Town of Tecumseh Con. 8 and 9_.pdf; Supporting Attachment - Species at Risk Proponents Guide to Preliminary Screening (May 2019).pdf; Supporting Attachment - Proponent's Intro to Delegation of Procedural Aspects of Consultation with Aboriginal Communities.pdf

Hello,

Please find the attached letter of acknowledgement and supporting attachments in response to the Notice of Commencement of the County of Essex Cty. Rd. 46 and Town of Tecumseh Con. 8 and 9 MCEA being undertaken by the County of Essex and Town of Tecumseh in accordance with the Municipal Class Environmental Assessment (Schedule C).

Thank you,

Monika Macki

Environmental Resource Planner/Environmental Assessment Coordinator
Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
monika.macki@ontario.ca

From: Gord Bell <gord.bell@bteng.ca>
Sent: Monday, March 18, 2024 11:15 AM
To: Macki, Monika (MECP) <Monika.MacKi@ontario.ca>
Cc: Jerry Behl <jbehl@countyofessex.ca>; amussio@tecumseh.ca; Steve Taylor (London) <stevenj.taylor@bteng.ca>; Darcie Dillon <darcie.dillon@bteng.ca>; Kristine Dimoff <kristine.dimoff@bteng.ca>; Gord Bell <gord.bell@bteng.ca>
Subject: FW: County of Essex Cty. Rd. 46 and Town of Tecumseh Con. 8 and 9 MCEA Commencement and PCC No 1 Notices

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Monika,

The email notification of Friday March 15, 2024 had the completed Project Information Form (PIF) along with the combined Commencement and PIC Notice and was sent to the eanotification.swregion@ontario.ca . I have resent the Friday email with both attachments to address your request for the PIF. Please advise if you have difficulty with the PIF.

Gord Bell

From: Gord Bell

Sent: Friday, March 15, 2024 11:26 AM

To: eanotification.swregion@ontario.ca

Cc: jbehl@countyofessex.ca; Amussio@tecumseh.ca; Steve Taylor (London) <stevenj.taylor@bteng.ca>; Darcie Dillon <darcie.dillon@bteng.ca>; Kristine Dimoff <kristine.dimoff@bteng.ca>; Gord Bell <gord.bell@bteng.ca>

Subject: County of Essex Cty. Rd. 46 and Town of Tecumseh Con. 8 and 9 MCEA Commencement and PCC No 1 Notices

In accordance with the MECP Streamlined Notification Process, please find attached the following : Streamlined Notification form and a copy of the project Notice of Study Commencement and Public Consultation Centre (PCC) No. 1. This is a joint prophecy project with the County being the designated prime proponent given the longer length undertaking. The Notice provides contact information and staff members for both the County and Town. The Notice will be placed in the Windsor Star on Thursday March 28, 2024, and placed on the County and Town websites and social media accounts. Finally, notification will be provided to known and identified public, stakeholders and Indigenous Peoples in advance of the PCC.

Gordon Bell

Senior Environmental Planner

BT Eng. Inc

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement, de la
Protection de la nature et des Parcs



Environmental Assessment
Branch

Direction des évaluations
environnementales

7th Floor
135 St. Clair Avenue W
Toronto ON M4V 1P5
Tel.: 416 314-8001
Fax.: 416 314-8452

7ème étage
135, avenue St. Clair Ouest
Toronto ON M4V 1P5
Tél. : 416 314-8001
Télééc. : 416 314-8452

April 8, 2024

Alessia Mussio, P.Eng.
Engineering Project Manager
Town of Tecumseh
amussio@tecumseh.ca

Steve Taylor, P.Eng., M.Eng.
Consultant Project Manager
BT Engineering Inc.
stevenj.taylor@bteng.ca

Jerry Behl, P. Eng., PMP, PTOE, RSP1
Manager, Transportation Planning & Development
County of Essex
JBehl@countyofessex.ca

Gordon Bell
Senior Environmental Planner
BT Eng. Inc
gord.bell@bteng.ca

BY EMAIL ONLY

Re:
**County of Essex Cty. Rd. 46 and Town of Tecumseh Con. 8 and 9
County of Essex and Town of Tecumseh
Municipal Class Environmental Assessment, Schedule C
Acknowledgement of Notice of Commencement**

Dear Alessia Mussio,

This letter is in response to the Notice of Commencement for the above noted project. The Ministry of the Environment, Conservation and Parks (MECP) acknowledges that the County of Essex and Town of Tecumseh (proponent) has indicated that the study is following the approved environmental planning process for a Schedule C project under the Municipal Class Environmental Assessment (Class EA).

The **updated (August 2022)** attached "Areas of Interest" document provides guidance regarding the ministry's interests with respect to the Class EA process. Please address all areas of interest in the EA documentation at an appropriate level for the EA study. Proponents who address all the applicable areas of interest can minimize potential delays to the project schedule. **Further information is provided at the end of the Areas of Interest document relating to recent changes to the Environmental Assessment Act through Bill 197, Covid-19 Economic Recovery Act 2020.**

The Crown has a legal duty to consult Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that may adversely impact that right. Before authorizing this project, the Crown must ensure that its duty to consult has been fulfilled, where such a duty is triggered. Although the duty to consult with Aboriginal peoples is a duty of the Crown, the Crown may delegate procedural aspects of this duty to project proponents while retaining oversight of the consultation process.

The proposed project may have the potential to affect Aboriginal or treaty rights protected under Section 35 of Canada's *Constitution Act* 1982. Where the Crown's duty to consult is triggered in relation to the proposed project, **the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter.** The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Based on information provided to date and the Crown's preliminary assessment the proponent is required to consult with the following communities who have been identified as potentially affected by the proposed project:

- Aamjiwnaang First Nation
- Bkejwanong (Walpole Island)
- Caldwell First Nation
- Chippewas of Kettle and Stony Point
- Chippewas of the Thames First Nation
- Oneida Nation of the Thames

Steps that the proponent may need to take in relation to Aboriginal consultation for the proposed project are outlined in the "[Code of Practice for Consultation in Ontario's](#)

[Environmental Assessment Process](#)". Additional information related to Ontario's Environmental Assessment Act is available online at: www.ontario.ca/environmentalassessments.

Please also refer to the attached document "A Proponent's Introduction to the Delegation of Procedural Aspects of consultation with Aboriginal Communities" for further information, including the MECP's expectations for EA report documentation related to consultation with communities.

The proponent must contact the Director of Environmental Assessment Branch (EABDirector@ontario.ca) under the following circumstances after initial discussions with the communities identified by the MECP:

- Aboriginal or treaty rights impacts are identified to you by the communities;
- You have reason to believe that your proposed project may adversely affect an Aboriginal or treaty right;
- Consultation with Indigenous communities or other stakeholders has reached an impasse; or
- A Section 16 Order request is expected based on impacts to Aboriginal or treaty rights

The MECP will then assess the extent of any Crown duty to consult for the circumstances and will consider whether additional steps should be taken, including what role you will be asked to play should additional steps and activities be required.

A draft copy of the report should be sent directly to me prior to the filing of the final report, allowing a minimum of 30 days for the ministry's technical reviewers to provide comments.

Please also ensure a copy of the final notice is sent to the ministry's South West Region EA notification email account (eanotification.swregion@ontario.ca) after the draft report is reviewed and finalized.

Should you or any members of your project team have any questions regarding the material above, please contact me at monika.macki@ontario.ca.

Sincerely,

Monika Macki

Monika Macki
Environmental Resource Planner / Environmental Assessment Coordinator
Project Review Unit, Environmental Assessment Branch

Enclosed: Areas of Interest

Attached: Client's Guide to Preliminary Screening for Species at Risk

A Proponent's Introduction to the Delegation of Procedural Aspects of Consultation with Aboriginal Communities

AREAS OF INTEREST (v. August 2022)

It is suggested that you check off each section after you have considered / addressed it.

Planning and Policy

- Applicable plans and policies should be identified in the report, and the proponent should describe how the proposed project adheres to the relevant policies in these plans.
 - Projects located in MECP Central, Eastern or West Central Region may be subject to [A Place to Grow: Growth Plan for the Greater Golden Horseshoe \(2020\)](#).
 - Projects located in MECP Central or Eastern Region may be subject to the [Oak Ridges Moraine Conservation Plan \(2017\)](#) or the [Lake Simcoe Protection Plan \(2014\)](#).
 - Projects located in MECP Central, Southwest or West Central Region may be subject to the [Niagara Escarpment Plan \(2017\)](#).
 - Projects located in MECP Central, Eastern, Southwest or West Central Region may be subject to the [Greenbelt Plan \(2017\)](#).
 - Projects located in MECP Northern Region may be subject to the [Growth Plan for Northern Ontario \(2011\)](#).
- The [Provincial Policy Statement \(2020\)](#) contains policies that protect Ontario's natural heritage and water resources. Applicable policies should be referenced in the report, and the proponent should describe how the proposed project is consistent with these policies.
- In addition to the provincial planning and policy level, the report should also discuss the planning context at the municipal and federal levels, as appropriate.

Source Water Protection

The *Clean Water Act, 2006 (CWA)* aims to protect existing and future sources of drinking water. To achieve this, several types of vulnerable areas have been delineated around surface water intakes and wellheads for every municipal residential drinking water system that is located in a source protection area. These vulnerable areas are known as a Wellhead Protection Areas (WHPAs) and surface water Intake Protection Zones (IPZs). Other vulnerable areas that have been delineated under the CWA include Highly Vulnerable Aquifers (HVAs), Significant Groundwater Recharge Areas (SGRAs), Event-based modelling areas (EBAs), and Issues Contributing Areas (ICAs). Source protection plans have been developed that include policies to address existing and future risks to sources of municipal drinking water within these vulnerable areas.

Projects that are subject to the Environmental Assessment Act that fall under a Class EA, or one of the Regulations, have the potential to impact sources of drinking water if they occur in designated vulnerable areas or in the vicinity of other at-risk drinking water systems (i.e. systems that are not municipal residential systems). MEA Class EA projects may include

activities that, if located in a vulnerable area, could be a threat to sources of drinking water (i.e. have the potential to adversely affect the quality or quantity of drinking water sources) and the activity could therefore be subject to policies in a source protection plan. Where an activity poses a risk to drinking water, policies in the local source protection plan may impact how or where that activity is undertaken. Policies may prohibit certain activities, or they may require risk management measures for these activities. Municipal Official Plans, planning decisions, Class EA projects (where the project includes an activity that is a threat to drinking water) and prescribed instruments must conform with policies that address significant risks to drinking water and must have regard for policies that address moderate or low risks.

- In October 2015, the MEA Parent Class EA document was amended to include reference to the Clean Water Act (Section A.2.10.6) and indicates that proponents undertaking a Municipal Class EA project must identify early in their process whether a project is or could potentially be occurring with a vulnerable area. **Given this requirement, please include a section in the report on source water protection.**
 - The proponent should identify the source protection area and should clearly document how the proximity of the project to sources of drinking water (municipal or other) and any delineated vulnerable areas was considered and assessed. Specifically, the report should discuss whether or not the project is located in a vulnerable area and provide applicable details about the area.
 - If located in a vulnerable area, proponents should document whether any project activities are prescribed drinking water threats and thus pose a risk to drinking water (this should be consulted on with the appropriate Source Protection Authority). Where an activity poses a risk to drinking water, the proponent must document and discuss in the report how the project adheres to or has regard to applicable policies in the local source protection plan. This section should then be used to inform and be reflected in other sections of the report, such as the identification of net positive/negative effects of alternatives, mitigation measures, evaluation of alternatives etc.
- While most source protection plans focused on including policies for significant drinking water threats in the WHPAs and IPZs it should be noted that even though source protection plan policies may not apply in HVAs, these are areas where aquifers are sensitive and at risk to impacts and within these areas, activities may impact the quality of sources of drinking water for systems other than municipal residential systems.
- In order to determine if this project is occurring within a vulnerable area, proponents can use [Source Protection Information Atlas](#), which is an online mapping tool available to the public. Note that various layers (including WHPAs, WHPA-Q1 and WHPA-Q2, IPZs, HVAs, SGRAs, EBAs, ICAs) can be turned on through the "Map Legend" bar on the left. The mapping tool will also provide a link to the appropriate source protection plan in order to identify what policies may be applicable in the vulnerable area.

- For further information on the maps or source protection plan policies which may relate to their project, proponents must contact the appropriate source protection authority. **Please consult with the local source protection authority to discuss potential impacts on drinking water. Please document the results of that consultation within the report and include all communication documents/correspondence.**

More Information

For more information on the *Clean Water Act*, source protection areas and plans, including specific information on the vulnerable areas and drinking water threats, please refer to [Conservation Ontario's website](#) where you will also find links to the local source protection plan/assessment report.

A list of the prescribed drinking water threats can be found in [section 1.1 of Ontario Regulation 287/07](#) made under the *Clean Water Act*. In addition to prescribed drinking water threats, some source protection plans may include policies to address additional "local" threat activities, as approved by the MECP.

Climate Change

The document "[Considering Climate Change in the Environmental Assessment Process](#)" (Guide) is now a part of the Environmental Assessment program's Guides and Codes of Practice. The Guide sets out the MECP's expectation for considering climate change in the preparation, execution and documentation of environmental assessment studies and processes. The guide provides examples, approaches, resources, and references to assist proponents with consideration of climate change in EA. Proponents should review this Guide in detail.

- **The MECP expects proponents of Class EA projects to:**
 1. Consider during the assessment of alternative solutions and alternative designs, the following:
 - a. the project's expected production of greenhouse gas emissions and impacts on carbon sinks (climate change mitigation); and
 - b. resilience or vulnerability of the undertaking to changing climatic conditions (climate change adaptation).
 2. Include a discrete section in the report detailing how climate change was considered in the EA.

How climate change is considered can be qualitative or quantitative in nature and should be scaled to the project's level of environmental effect. In all instances, both a project's impacts on climate change (mitigation) and impacts of climate change on a project (adaptation) should be considered.

- The MECP has also prepared another guide to support provincial land use planning direction related to the completion of energy and emission plans. The "[Community Emissions Reduction Planning: A Guide for Municipalities](#)" document is designed to educate stakeholders on the municipal opportunities to reduce energy and greenhouse gas emissions, and to provide guidance on methods and techniques to incorporate consideration of energy and greenhouse gas emissions into municipal activities of all types. We encourage you to review the Guide for information.

Air Quality, Dust and Noise

- If there are sensitive receptors in the surrounding area of this project, a quantitative air quality/odour impact assessment will be useful to evaluate alternatives, determine impacts and identify appropriate mitigation measures. The scope of the assessment can be determined based on the potential effects of the proposed alternatives, and typically includes source and receptor characterization and a quantification of local air quality impacts on the sensitive receptors and the environment in the study area. The assessment will compare to all applicable standards or guidelines for all contaminants of concern. **Please contact this office for further consultation on the level of Air Quality Impact Assessment required for this project if not already advised.**
- If a quantitative Air Quality Impact Assessment is not required for the project, the MECP expects that the report contain a qualitative assessment which includes:
 - A discussion of local air quality including existing activities/sources that significantly impact local air quality and how the project may impact existing conditions;
 - A discussion of the nearby sensitive receptors and the project's potential air quality impacts on present and future sensitive receptors;
 - A discussion of local air quality impacts that could arise from this project during both construction and operation; and
 - A discussion of potential mitigation measures.
- As a common practice, "air quality" should be used an evaluation criterion for all road projects.
- Dust and noise control measures should be addressed and included in the construction plans to ensure that nearby residential and other sensitive land uses within the study area are not adversely affected during construction activities.
- The MECP recommends that non-chloride dust-suppressants be applied. For a comprehensive list of fugitive dust prevention and control measures that could be applied, refer to [Cheminfo Services Inc. Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities](#) report prepared for Environment Canada. March 2005.

- The report should consider the potential impacts of increased noise levels during the operation of the completed project. The proponent should explore all potential measures to mitigate significant noise impacts during the assessment of alternatives.

Ecosystem Protection and Restoration

- Any impacts to ecosystem form and function must be avoided where possible. The report should describe any proposed mitigation measures and how project planning will protect and enhance the local ecosystem.
- Natural heritage and hydrologic features should be identified and described in detail to assess potential impacts and to develop appropriate mitigation measures. The following sensitive environmental features may be located within or adjacent to the study area:
 - Key Natural Heritage Features: Habitat of endangered species and threatened species, fish habitat, wetlands, areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.
 - Key Hydrologic Features: Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs, and wetlands.
 - Other natural heritage features and areas such as: vegetation communities, rare species of flora or fauna, Environmentally Sensitive Areas, Environmentally Sensitive Policy Areas, federal and provincial parks and conservation reserves, Greenland systems etc.

We recommend consulting with the Ministry of Natural Resources and Forestry (MNRF), Fisheries and Oceans Canada (DFO) and your local conservation authority to determine if special measures or additional studies will be necessary to preserve and protect these sensitive features. In addition, for projects located in Central Region you may consider the provisions of the Rouge Park Management Plan if applicable.

Species at Risk

- The Ministry of the Environment, Conservation and Parks has now assumed responsibility of Ontario's Species at Risk program. Information, standards, guidelines, reference materials and technical resources to assist you are found at <https://www.ontario.ca/page/species-risk>.
- The Client's Guide to Preliminary Screening for Species at Risk (Draft May 2019) has been attached to the covering email for your reference and use. Please review this document for next steps.

- For any questions related to subsequent permit requirements, please contact SAROntario@ontario.ca.

Surface Water

- The report must include enough information to demonstrate that there will be no negative impacts on the natural features or ecological functions of any watercourses within the study area. Measures should be included in the planning and design process to ensure that any impacts to watercourses from construction or operational activities (e.g. spills, erosion, pollution) are mitigated as part of the proposed undertaking.
- Additional stormwater runoff from new pavement can impact receiving watercourses and flood conditions. Quality and quantity control measures to treat stormwater runoff should be considered for all new impervious areas and, where possible, existing surfaces. The ministry's [Stormwater Management Planning and Design Manual \(2003\)](#) should be referenced in the report and utilized when designing stormwater control methods. **A Stormwater Management Plan should be prepared as part of the Class EA process** that includes:
 - Strategies to address potential water quantity and erosion impacts related to stormwater draining into streams or other sensitive environmental features, and to ensure that adequate (enhanced) water quality is maintained
 - Watershed information, drainage conditions, and other relevant background information
 - Future drainage conditions, stormwater management options, information on erosion and sediment control during construction, and other details of the proposed works
 - Information on maintenance and monitoring commitments.
- Ontario Regulation 60/08 under the *Ontario Water Resources Act* (OWRA) applies to the Lake Simcoe Basin, which encompasses Lake Simcoe and the lands from which surface water drains into Lake Simcoe. If a proposed sewage treatment plant is listed in Table 1 of the regulation, the report should describe how the proposed project and its mitigation measures are consistent with the requirements of this regulation and the OWRA.
- Any potential approval requirements for surface water taking or discharge should be identified in the report. A Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 L/day, except for certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please review the [Water Taking User Guide for EASR](#) for more information. Additionally, an

Environmental Compliance Approval under the OWRA is required for municipal stormwater management works.

Groundwater

- The status of, and potential impacts to any well water supplies should be addressed. If the project involves groundwater takings or changes to drainage patterns, the quantity and quality of groundwater may be affected due to drawdown effects or the redirection of existing contamination flows. In addition, project activities may infringe on existing wells such that they must be reconstructed or sealed and abandoned. Appropriate information to define existing groundwater conditions should be included in the report.
- If the potential construction or decommissioning of water wells is identified as an issue, the report should refer to Ontario Regulation 903, Wells, under the OWRA.
- Potential impacts to groundwater-dependent natural features should be addressed. Any changes to groundwater flow or quality from groundwater taking may interfere with the ecological processes of streams, wetlands or other surficial features. In addition, discharging contaminated or high volumes of groundwater to these features may have direct impacts on their function. Any potential effects should be identified, and appropriate mitigation measures should be recommended. The level of detail required will be dependent on the significance of the potential impacts.
- Any potential approval requirements for groundwater taking or discharge should be identified in the report. A Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 L/day, with the exception of certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please review the [Water Taking User Guide for EASR](#) for more information.
- Consultation with the railroad authorities is necessary wherever there is a plan to use construction dewatering in the vicinity of railroad lines or where the zone of influence of the construction dewatering potentially intercepts railroad lines.

Excess Materials Management

- In December 2019, MECP released a new regulation under the Environmental Protection Act, titled “[On-Site and Excess Soil Management](#)” (O. Reg. 406/19) to support improved management of excess construction soil. This regulation is a key step to support proper management of excess soils, ensuring valuable resources don’t go to waste and to provide clear rules on managing and reusing excess soil. New risk-based standards referenced by

this regulation help to facilitate local beneficial reuse which in turn will reduce greenhouse gas emissions from soil transportation, while ensuring strong protection of human health and the environment. The new regulation is being phased in over time, with the first phase in effect on January 1, 2021. For more information, please visit <https://www.ontario.ca/page/handling-excess-soil>.

- The report should reference that activities involving the management of excess soil should be completed in accordance with O. Reg. 406/19 and the MECP’s current guidance document titled “[Management of Excess Soil – A Guide for Best Management Practices](#)” (2014).
- All waste generated during construction must be disposed of in accordance with ministry requirements.

Contaminated Sites

- Any current or historical waste disposal sites should be identified in the report. The status of these sites should be determined to confirm whether approval pursuant to Section 46 of the EPA may be required for land uses on former disposal sites. We recommend referring to the [MECP’s D-4 guideline](#) for land use considerations near landfills and dumps.
 - Resources available may include regional/local municipal official plans and data; provincial data on [large landfill sites](#) and [small landfill sites](#); Environmental Compliance Approval information for waste disposal sites on [Access Environment](#).
- Other known contaminated sites (local, provincial, federal) in the study area should also be identified in the report (Note – information on federal contaminated sites is found on the Government of Canada’s [website](#)).
- The location of any underground storage tanks should be investigated in the report. Measures should be identified to ensure the integrity of these tanks and to ensure an appropriate response in the event of a spill. The ministry’s Spills Action Centre must be contacted in such an event.
- Since the removal or movement of soils may be required, appropriate tests to determine contaminant levels from previous land uses or dumping should be undertaken. If the soils are contaminated, you must determine how and where they are to be disposed of, consistent with *Part XV.1 of the Environmental Protection Act (EPA)* and Ontario Regulation 153/04, Records of Site Condition, which details the new requirements related to site assessment and clean up. Please contact the appropriate MECP District Office for further consultation if contaminated sites are present.

Servicing, Utilities and Facilities

- The report should identify any above or underground utilities in the study area such as transmission lines, telephone/internet, oil/gas etc. The owners should be consulted to discuss impacts to this infrastructure, including potential spills.
- The report should identify any servicing infrastructure in the study area such as wastewater, water, stormwater that may potentially be impacted by the project.
- Any facility that releases emissions to the atmosphere, discharges contaminants to ground or surface water, provides potable water supplies, or stores, transports or disposes of waste must have an Environmental Compliance Approval (ECA) before it can operate lawfully. Please consult with MECP's Environmental Permissions Branch to determine whether a new or amended ECA will be required for any proposed infrastructure.
- We recommend referring to the ministry's [environmental land use planning guides](#) to ensure that any potential land use conflicts are considered when planning for any infrastructure or facilities related to wastewater, pipelines, landfills or industrial uses.

Mitigation and Monitoring

- Contractors must be made aware of all environmental considerations so that all environmental standards and commitments for both construction and operation are met. Mitigation measures should be clearly referenced in the report and regularly monitored during the construction stage of the project. In addition, we encourage proponents to conduct post-construction monitoring to ensure all mitigation measures have been effective and are functioning properly.
- Design and construction reports and plans should be based on a best management approach that centres on the prevention of impacts, protection of the existing environment, and opportunities for rehabilitation and enhancement of any impacted areas.
- The proponent's construction and post-construction monitoring plans must be documented in the report, as outlined in Section A.2.5 and A.4.1 of the MEA Class EA parent document.

Consultation

- The report must demonstrate how the consultation provisions of the Class EA have been fulfilled, including documentation of all stakeholder consultation efforts undertaken during the planning process. This includes a discussion in the report that identifies concerns that were raised and **describes how they have been addressed by the proponent** throughout

the planning process. The report should also include copies of comments submitted on the project by interested stakeholders, and the proponent's responses to these comments (as directed by the Class EA to include full documentation).

- Please include the full stakeholder distribution/consultation list in the documentation.

Class EA Process

- If this project is a Master Plan: there are several different approaches that can be used to conduct a Master Plan, examples of which are outlined in Appendix 4 of the Class EA. **The Master Plan should clearly indicate the selected approach for conducting the plan**, by identifying whether the levels of assessment, consultation and documentation are sufficient to fulfill the requirements for Schedule B or C projects. Please note that any Schedule B or C projects identified in the plan would be subject to Part II Order Requests under the Environmental Assessment Act, although the plan itself would not be. **Please include a description of the approach being undertaken (use Appendix 4 as a reference).**
- If this project is a Master Plan: Any identified projects should also include information on the MCEA schedule associated with the project.
- The report should provide clear and complete documentation of the planning process in order to allow for transparency in decision-making.
- The Class EA requires the consideration of the effects of each alternative on all aspects of the environment (including planning, natural, social, cultural, economic, technical). The report should include a level of detail (e.g. hydrogeological investigations, terrestrial and aquatic assessments, cultural heritage assessments) such that all potential impacts can be identified, and appropriate mitigation measures can be developed. Any supporting studies conducted during the Class EA process should be referenced and included as part of the report.
- Please include in the report a list of all subsequent permits or approvals that may be required for the implementation of the preferred alternative, including but not limited to, MECP's PTTW, EASR Registrations and ECAs, conservation authority permits, species at risk permits, MTO permits and approvals under the *Impact Assessment Act, 2019*.
- Ministry guidelines and other information related to the issues above are available at <http://www.ontario.ca/environment-and-energy/environment-and-energy>. We encourage you to review all the available guides and to reference any relevant information in the report.

Amendments to the EAA through the Covid-19 Economic Recovery Act, 2020

Once the EA Report is finalized, the proponent must issue a Notice of Completion providing a minimum 30-day period during which documentation may be reviewed and comment and input can be submitted to the proponent. The Notice of Completion must be sent to the appropriate MECP Regional Office email address.

The public can request a higher level of assessment on a project if they are concerned about potential adverse impacts to constitutionally protected Aboriginal and treaty rights. In addition, the Minister may issue an order on his or her own initiative within a specified time period. The Director (of the Environmental Assessment Branch) will issue a Notice of Proposed Order to the proponent if the Minister is considering an order for the project within 30 days after the conclusion of the comment period on the Notice of Completion. At this time, the Director may request additional information from the proponent. Once the requested information has been received, the Minister will have 30 days within which to make a decision or impose conditions on your project.

Therefore, the proponent cannot proceed with the project until at least 30 days after the end of the comment period provided for in the Notice of Completion. Further, the proponent may not proceed after this time if:

- a Section 16 Order request has been submitted to the ministry regarding potential adverse impacts to constitutionally protected Aboriginal and treaty rights, or
- the Director has issued a Notice of Proposed order regarding the project.

Please ensure that the Notice of Completion advises that outstanding concerns are to be directed to the proponent for a response, and that in the event there are outstanding concerns regarding potential adverse impacts to constitutionally protected Aboriginal and treaty rights, Section 16 Order requests on those matters should be addressed in writing to:

Minister of the Environment, Conservation and Parks
Ministry of the Environment, Conservation and Parks
777 Bay Street, 5th Floor
Toronto ON M7A 2J3
minister.mecp@ontario.ca

and

Director, Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Ave. W, 1st Floor
Toronto ON, M4V 1P5
EABDirector@ontario.ca

Client's Guide to Preliminary Screening for Species at Risk

***Ministry of the Environment, Conservation and Parks
Species at Risk Branch, Permissions and Compliance***

DRAFT - May 2019

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1.0 Purpose, Scope, Background and Context

1.1 Purpose of this Guide

This guide has been created to:

- help clients better understand their obligation to gather information and complete a preliminary screening for species at risk before contacting the ministry,
- outline guidance and advice clients can expect to receive from the ministry at the preliminary screening stage,
- help clients understand how they can gather information about species at risk by accessing publicly available information housed by the Government of Ontario, and
- provide a list of other potential sources of species at risk information that exist outside the Government of Ontario.

It remains the client's responsibility to:

- carry out a preliminary screening for their projects,
- obtain best available information from all applicable information sources,
- conduct any necessary field studies or inventories to identify and confirm the presence or absence of species at risk or their habitat,
- consider any potential impacts to species at risk that a proposed activity might cause, and
- comply with the *Endangered Species Act (ESA)*.

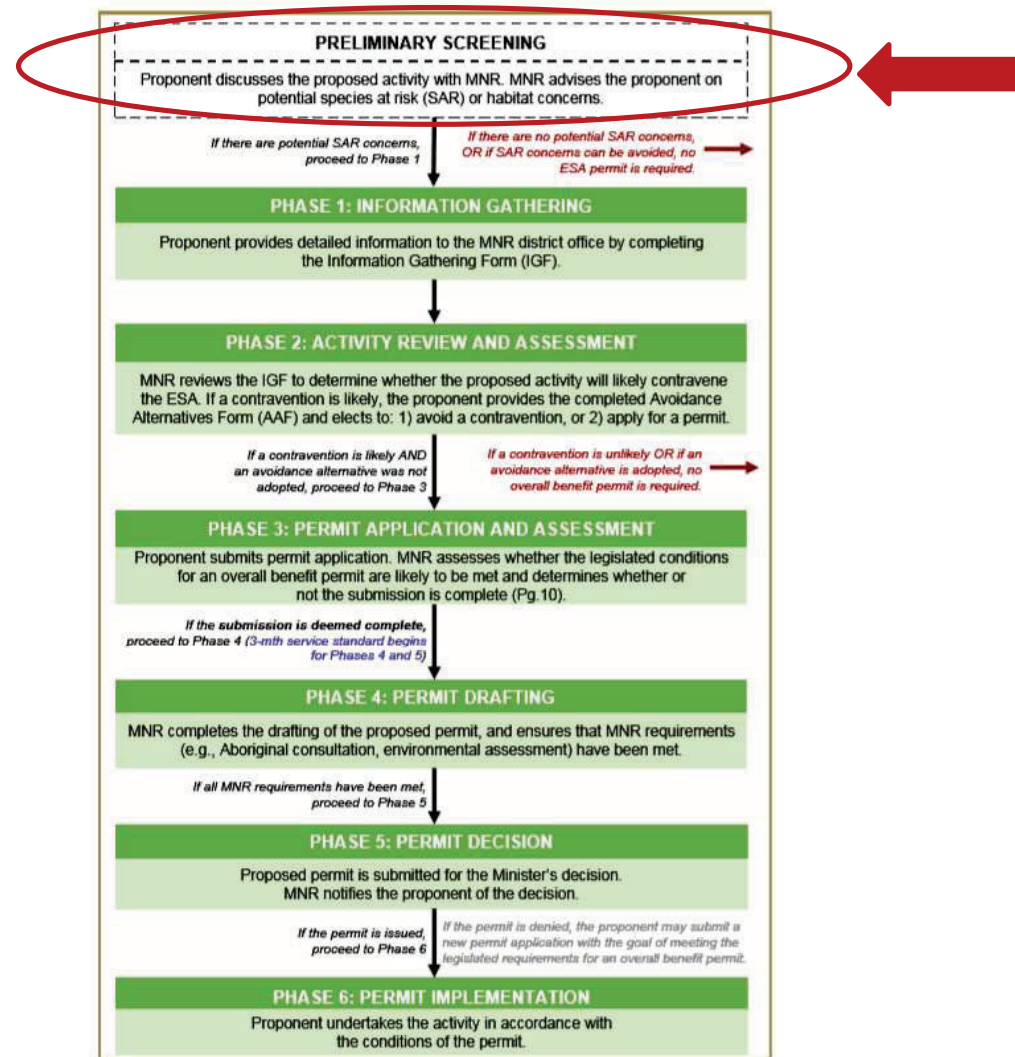
To provide the most efficient service, clients should initiate species at risk screenings and seek information from all applicable information sources identified in this guide, at a minimum, prior to contacting Government of Ontario ministry offices for further information or advice.

1.2 Scope

This guide is a resource for clients seeking to understand if their activity is likely to impact species at risk or if they are likely to trigger the need for an authorization under the ESA. It is not intended to circumvent any detailed site surveys that may be necessary to document species at risk or their habitat nor to circumvent the need to assess the impacts of a proposed activity on species at risk or their habitat. This guide is not an exhaustive list of available information sources for any given area as the availability of information on species at risk and their habitat varies across the province. This guide is intended to support projects and activities carried out on Crown and private land, by private landowners, businesses, other provincial ministries and agencies, or municipal government.

1.3 Background and Context

To receive advice on their proposed activity, clients must first determine whether any species at risk or their habitat exist or are likely to exist at or near their proposed activity, and whether their proposed activity is likely to contravene the ESA. Once this step is complete, clients may contact the ministry at SAROntario@ontario.ca to discuss the main purpose, general methods, timing and location of their proposed activity as well as information obtained about species at risk and their habitat at, or near, the site. At this stage, the ministry can provide advice and guidance to the client about potential species at risk or habitat concerns, measures that the client is considering to avoid adverse effects on species at risk or their habitat and whether additional field surveys are advisable. This is referred to as the “Preliminary Screening” stage. For more information on additional phases in the diagram below, please refer to the *Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits* policy available online at <https://www.ontario.ca/page/species-risk-overall-benefit-permits>



2.0 Roles and Responsibilities

To provide the most efficient service, clients should initiate species at risk screenings and seek information from all applicable information sources identified in this guide prior to contacting Government of Ontario ministry offices for further information or advice.

Step 1: Client seeks information regarding species at risk or their habitat that exist, or are likely to exist, at or near their proposed activity by referring to all applicable information sources identified in this guide.

Step 2: Client reviews and consider guidance on whether their proposed activity is likely to contravene the ESA (see section 3.4 of this guide for guidance on what to consider).

Step 3: Client gathers information identified in the checklist in section 4 of this guide.

Step 4: Client contacts the ministry at SAROntario@ontario.ca to discuss their preliminary screening. Ministry staff will ask the client questions about the main purpose, general methods, timing and location of their proposed activity as well as information obtained about species at risk and their habitat at, or near, the site. Ministry staff will also ask the client for their interpretation of the impacts of their activity on species at risk or their habitat as well as measures the client has considered to avoid any adverse impacts.

Step 5: Ministry staff will provide advice on next steps.

Option A: Ministry staff may advise the client they can proceed with their activity without an authorization under the ESA where the ministry is confident that:

- no protected species at risk or habitats are likely to be present at or near the proposed location of the activity; or
- protected species at risk or habitats are known to be present but the activity is not likely to contravene the ESA; or
- through the adoption of avoidance measures, the modified activity is not likely to contravene the ESA.

Option B: Ministry staff may advise the client to proceed to Phase 1 of the overall benefit permitting process (i.e. Information Gathering in the previous diagram), where:

- there is uncertainty as to whether any protected species at risk or habitats are present at or near the proposed location of the activity; or
- the potential impacts of the proposed activity are uncertain; or
- ministry staff anticipate the proposed activity is likely to contravene the ESA.

3.0 Information Sources

Land Information Ontario (LIO) and the Natural Heritage Information Centre (NHIC) maintain and provide information about species at risk, as well as related information about fisheries, wildlife, crown lands, protected lands and more. This information is made available to organizations, private individuals, consultants, and developers through online sources and is often considered under various pieces of legislation or as part of regulatory approvals and planning processes.

The information available from LIO or NHIC and the sources listed in this guide should not be considered as a substitute for site visits and appropriate field surveys. Generally, this information can be regarded as a starting point from which to conduct further field surveys, if needed. While this data represents best available current information, it is important to note that a lack of information for a site does not mean that species at risk or their habitat are not present. There are many areas where the Government of Ontario does not currently have information, especially in more remote parts of the province. The absence of species at risk location data at or near your site does not necessarily mean no species at risk are present at that location. On-site assessments can better verify site conditions, identify and confirm presence of species at risk and/or their habitats.

Information on the location (i.e. observations and occurrences) of species at risk is considered sensitive and therefore publicly available only on a 1km square grid as opposed to as a detailed point on a map. This generalized information can help you understand which species at risk are in the general vicinity of your proposed activity and can help inform field level studies you may want to undertake to confirm the presence, or absence of species at risk at or near your site.

Should you require specific and detailed information pertaining to species at risk observations and occurrences at or near your site on a finer geographic scale; you will be required to demonstrate your need to access this information, to complete data sensitivity training and to obtain a Sensitive Data Use License from the NHIC. Information on how to obtain a license can be found online at <https://www.ontario.ca/page/get-natural-heritage-information>.

Many organizations (e.g. other Ontario ministries, municipalities, conservation authorities) have ongoing licensing to access this data so be sure to check if your organization has this access and consult this data as part of your preliminary screening if your organization already has a license.

3.1 Make a Map: Natural Heritage Areas

The Make a Natural Heritage Area Map (available online at http://www.gisapplication.lrc.gov.on.ca/mamnh/Index.html?site=MNR_NHLUPS_NaturalHeritage&viewer=NaturalHeritage&locale=en-US) provides public access to natural heritage information, including species at risk, without the user needing to have Geographic Information System (GIS) capability. It allows users to view and identify generalized species at risk information, mark areas of interest, and create and print a custom map directly from the web application. The tool also shows topographic information such as roads, rivers, contours and municipal boundaries.

Users are advised that sensitive information has been removed from the natural areas dataset and the occurrences of species at risk has been generalized to a 1-kilometre grid to mitigate the risks to the species (e.g. illegal harvest, habitat disturbance, poaching).

The web-based mapping tool displays natural heritage data, including:

- Generalized Species at risk occurrence data (based on a 1-km square grid),
- Natural Heritage Information Centre data.

Data cannot be downloaded directly from this web map; however, information included in this application is available digitally through Land Information Ontario (LIO) at <https://www.ontario.ca/page/land-information-ontario>.

3.2 Land Information Ontario (LIO)

Most natural heritage data is publicly available. This data is managed in a large provincial corporate database called the LIO Warehouse and can be accessed online through the LIO Metadata Management Tool at <https://www.javacoeapp.lrc.gov.on.ca/geonetwork/srv/en/main.home>. This tool provides descriptive information about the characteristics, quality and context of the data. Publicly available geospatial data can be downloaded directly from this site.

While most data are publicly available, some data may be considered highly sensitive (i.e. nursery areas for fish, species at risk observations) and as such, access to some data maybe restricted.

3.3 Additional Species at Risk Information Sources

- The Breeding Bird Atlas can be accessed online at <http://www.birdsontario.org/atlas/index.jsp?lang=en>
- eBird can be accessed online at <https://ebird.org/home>
- iNaturalist can be accessed online at <https://www.inaturalist.org/>
- The Ontario Reptile and Amphibian Atlas can be accessed online at <https://ontarionature.org/programs/citizen-science/reptile-amphibian-atlas>
- Your local Conservation Authority. Information to help you find your local Conservation Authority can be accessed online at <https://conservationontario.ca/conservation-authorities/find-a-conservation-authority/>
Local naturalist groups or other similar community-based organizations
- Local Indigenous communities
- Local land trusts or other similar Environmental Non-Government Organizations
- Field level studies to identify if species at risk, or their habitat, are likely present or absent at or near the site.
- When an activity is proposed within one of the continuous caribou ranges, please be sure to consider the caribou Range Management Policy. This policy includes figures and maps of the continuous caribou range, can be found online at <https://www.ontario.ca/page/range-management-policy-support-woodland-caribou-conservation-and-recovery>

3.4 Information Sources to Support Impact Assessments

- Guidance to help you understand if your activity is likely to adversely impact species at risk or their habitat can be found online at <https://www.ontario.ca/page/policy-guidance-harm-and-harass-under-endangered-species-act> and <https://www.ontario.ca/page/categorizing-and-protecting-habitat-under-endangered-species-act>
- A list of species at risk in Ontario is available online at <https://www.ontario.ca/page/species-risk-ontario>. On this webpage, you can find out more about each species, including where it lives, what threatens it and any specific habitat protections that apply to it by clicking on the photo of the species.

4.0 Check-List

Please feel free to use the check list below to help you confirm you have explored all applicable information sources and to support your discussion with Ministry staff at the preliminary screening stage.

- ✓ Land Information Ontario (LIO)
- ✓ Natural Heritage Information Centre (NHIC)
- ✓ The Breeding Bird Atlas
- ✓ eBird
- ✓ iNaturalist
- ✓ Ontario Reptile and Amphibian Atlas
- ✓ List Conservation Authorities you contacted: _____

- ✓ List local naturalist groups you contacted: _____

- ✓ List local Indigenous communities you contacted: _____

- ✓ List any other local land trusts or Environmental Non-Government Organizations you contacted: _____

- ✓ List and field studies that were conducted to identify species at risk, or their habitat, likely to be present or absent at or near the site: _____

- ✓ List what you think the likely impacts of your activity are on species at risk and their habitat (e.g. damage or destruction of habitat, killing, harming or harassing species at risk): _____

A PROPONENT'S INTRODUCTION TO THE DELEGATION OF PROCEDURAL ASPECTS OF CONSULTATION WITH ABORIGINAL COMMUNITIES

DEFINITIONS

The following definitions are specific to this document and may not apply in other contexts:

Aboriginal communities – the First Nation or Métis communities identified by the Crown for the purpose of consultation.

Consultation – the Crown's legal obligation to consult when the Crown has knowledge of an established or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. This is the type of consultation required pursuant to s. 35 of the *Constitution Act, 1982*. Note that this definition does not include consultation with Aboriginal communities for other reasons, such as regulatory requirements.

Crown – the Ontario Crown, acting through a particular ministry or ministries.

Procedural aspects of consultation – those portions of consultation related to the process of consultation, such as notifying an Aboriginal community about a project, providing information about the potential impacts of a project, responding to concerns raised by an Aboriginal community and proposing changes to the project to avoid negative impacts.

Proponent – the person or entity that wants to undertake a project and requires an Ontario Crown decision or approval for the project.

I. PURPOSE

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that may adversely impact that right. In outlining a framework for the duty to consult, the Supreme Court of Canada has stated that the Crown may delegate procedural aspects of consultation to third parties. This document provides general information about the Ontario Crown's approach to delegation of the procedural aspects of consultation to proponents.

This document is not intended to instruct a proponent about an individual project, and it does not constitute legal advice.

II. WHY IS IT NECESSARY TO CONSULT WITH ABORIGINAL COMMUNITIES?

The objective of the modern law of Aboriginal and treaty rights is the *reconciliation* of Aboriginal peoples and non-Aboriginal peoples and their respective rights, claims and interests. Consultation is an important component of the reconciliation process.

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. For example, the Crown's duty to consult is triggered when it considers

issuing a permit, authorization or approval for a project which has the potential to adversely impact an Aboriginal right, such as the right to hunt, fish, or trap in a particular area.

The scope of consultation required in particular circumstances ranges across a spectrum depending on both the nature of the asserted or established right and the seriousness of the potential adverse impacts on that right.

Depending on the particular circumstances, the Crown may also need to take steps to accommodate the potentially impacted Aboriginal or treaty right. For example, the Crown may be required to avoid or minimize the potential adverse impacts of the project.

III. THE CROWN'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS

The Crown has the responsibility for ensuring that the duty to consult, and accommodate where appropriate, is met. However, the Crown may delegate the procedural aspects of consultation to a proponent.

There are different ways in which the Crown may delegate the procedural aspects of consultation to a proponent, including through a letter, a memorandum of understanding, legislation, regulation, policy and codes of practice.

If the Crown decides to delegate procedural aspects of consultation, the Crown will generally:

- Ensure that the delegation of procedural aspects of consultation and the responsibilities of the proponent are clearly communicated to the proponent;
- Identify which Aboriginal communities must be consulted;
- Provide contact information for the Aboriginal communities;
- Revise, as necessary, the list of Aboriginal communities to be consulted as new information becomes available and is assessed by the Crown;
- Assess the scope of consultation owed to the Aboriginal communities;
- Maintain appropriate oversight of the actions taken by the proponent in fulfilling the procedural aspects of consultation;
- Assess the adequacy of consultation that is undertaken and any accommodation that may be required;
- Provide a contact within any responsible ministry in case issues arise that require direction from the Crown; and
- Participate in the consultation process as necessary and as determined by the Crown.

IV. THE PROPONENT'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS

Where aspects of the consultation process have been delegated to a proponent, the Crown, in meeting its duty to consult, will rely on the proponent's consultation activities and documentation of those activities. The consultation process informs the Crown's decision of whether or not to approve a proposed project or activity.

A proponent's role and responsibilities will vary depending on a variety of factors including the extent of consultation required in the circumstance and the procedural aspects of consultation the Crown has delegated to it. Proponents are often in a better position than the Crown to discuss a project and its potential impacts with Aboriginal communities and to determine ways to avoid or minimize the adverse impacts of a project.

A proponent can raise issues or questions with the Crown at any time during the consultation process. If issues or concerns arise during the consultation that cannot be addressed by the proponent, the proponent should contact the Crown.

a) What might a proponent be required to do in carrying out the procedural aspects of consultation?

Where the Crown delegates procedural aspects of consultation, it is often the proponent's responsibility to provide notice of the proposed project to the identified Aboriginal communities. The notice should indicate that the Crown has delegated the procedural aspects of consultation to the proponent and should include the following information:

- a description of the proposed project or activity;
- mapping;
- proposed timelines;
- details regarding anticipated environmental and other impacts;
- details regarding opportunities to comment; and
- any changes to the proposed project that have been made for seasonal conditions or other factors, where relevant.

Proponents should provide enough information and time to allow Aboriginal communities to provide meaningful feedback regarding the potential impacts of the project. Depending on the nature of consultation required for a project, a proponent also may be required to:

- provide the Crown with copies of any consultation plans prepared and an opportunity to review and comment;
- ensure that any necessary follow-up discussions with Aboriginal communities take place in a timely manner, including to confirm receipt of information, share and update information and to address questions or concerns that may arise;

- as appropriate, discuss with Aboriginal communities potential mitigation measures and/or changes to the project in response to concerns raised by Aboriginal communities;
- use language that is accessible and not overly technical, and translate material into Aboriginal languages where requested or appropriate;
- bear the reasonable costs associated with the consultation process such as, but not limited to, meeting hall rental, meal costs, document translation(s), or to address technical & capacity issues;
- provide the Crown with all the details about potential impacts on established or asserted Aboriginal or treaty rights, how these concerns have been considered and addressed by the proponent and the Aboriginal communities and any steps taken to mitigate the potential impacts;
- provide the Crown with complete and accurate documentation from these meetings and communications; and
- notify the Crown immediately if an Aboriginal community not identified by the Crown approaches the proponent seeking consultation opportunities.

b) What documentation and reporting does the Crown need from the proponent?

Proponents should keep records of all communications with the Aboriginal communities involved in the consultation process and any information provided to these Aboriginal communities.

As the Crown is required to assess the adequacy of consultation, it needs documentation to satisfy itself that the proponent has fulfilled the procedural aspects of consultation delegated to it. The documentation required would typically include:

- the date of meetings, the agendas, any materials distributed, those in attendance and copies of any minutes prepared;
- the description of the proposed project that was shared at the meeting;
- any and all concerns or other feedback provided by the communities;
- any information that was shared by a community in relation to its asserted or established Aboriginal or treaty rights and any potential adverse impacts of the proposed activity, approval or disposition on such rights;
- any proposed project changes or mitigation measures that were discussed, and feedback from Aboriginal communities about the proposed changes and measures;
- any commitments made by the proponent in response to any concerns raised, and feedback from Aboriginal communities on those commitments;
- copies of correspondence to or from Aboriginal communities, and any materials distributed electronically or by mail;

- information regarding any financial assistance provided by the proponent to enable participation by Aboriginal communities in the consultation;
- periodic consultation progress reports or copies of meeting notes if requested by the Crown;
- a summary of how the delegated aspects of consultation were carried out and the results; and
- a summary of issues raised by the Aboriginal communities, how the issues were addressed and any outstanding issues.

In certain circumstances, the Crown may share and discuss the proponent's consultation record with an Aboriginal community to ensure that it is an accurate reflection of the consultation process.

c) Will the Crown require a proponent to provide information about its commercial arrangements with Aboriginal communities?

The Crown may require a proponent to share information about aspects of commercial arrangements between the proponent and Aboriginal communities where the arrangements:

- include elements that are directed at mitigating or otherwise addressing impacts of the project;
- include securing an Aboriginal community's support for the project; or
- may potentially affect the obligations of the Crown to the Aboriginal communities.

The proponent should make every reasonable effort to exempt the Crown from confidentiality provisions in commercial arrangements with Aboriginal communities to the extent necessary to allow this information to be shared with the Crown.

The Crown cannot guarantee that information shared with the Crown will remain confidential. Confidential commercial information should not be provided to the Crown as part of the consultation record if it is not relevant to the duty to consult or otherwise required to be submitted to the Crown as part of the regulatory process.

V. WHAT ARE THE ROLES AND RESPONSIBILITIES OF ABORIGINAL COMMUNITIES' IN THE CONSULTATION PROCESS?

Like the Crown, Aboriginal communities are expected to engage in consultation in good faith. This includes:

- responding to the consultation notice;
- engaging in the proposed consultation process;
- providing relevant documentation;

- clearly articulating the potential impacts of the proposed project on Aboriginal or treaty rights; and
- discussing ways to mitigate any adverse impacts.

Some Aboriginal communities have developed tools, such as consultation protocols, policies or processes that provide guidance on how they would prefer to be consulted. Although not legally binding, proponents are encouraged to respect these community processes where it is reasonable to do so. Please note that there is no obligation for a proponent to pay a fee to an Aboriginal community in order to enter into a consultation process.

To ensure that the Crown is aware of existing community consultation protocols, proponents should contact the relevant Crown ministry when presented with a consultation protocol by an Aboriginal community or anyone purporting to be a representative of an Aboriginal community.

VI. WHAT IF MORE THAN ONE PROVINCIAL CROWN MINISTRY IS INVOLVED IN APPROVING A PROPONENT'S PROJECT?

Depending on the project and the required permits or approvals, one or more ministries may delegate procedural aspects of the Crown's duty to consult to the proponent. The proponent may contact individual ministries for guidance related to the delegation of procedural aspects of consultation for ministry-specific permits/approvals required for the project in question. Proponents are encouraged to seek input from all involved Crown ministries sooner rather than later.



Hydro One Networks Inc.

483 Bay Street
8th Floor South Tower
Toronto, Ontario M5G 2P5

HydroOne.com

April 24, 2024

Re: County Road 46 from Highway 401 to County Road 19

Attention:
Steve Taylor, P.Eng., M.Eng.
Consultant Project Manager
BT Engineering Inc.


Thank you for sending us notification regarding County Road 46 from Highway 401 to County Road 19. In our preliminary assessment, we have confirmed that Hydro One has existing distribution assets within your study area.

At this time, we do not have sufficient information to comment on the potential resulting impacts that your project may have on our infrastructure. As such, we must stay informed as more information becomes available so that we can advise if any of the alternative solutions present actual conflicts with our assets, and if so; what resulting measures and costs could be incurred by the proponent. Note that this response does not constitute approval for your plans and is being sent to you as a courtesy to inform you that we must continue to be consulted on your project.

Hydro One must be consulted during all stages of your project. Please ensure that all future communications about this and future project(s) are sent to us electronically to secondarylanduse@hydroone.com

Sent on behalf of,

**Secondary Land Use
Asset Optimization
Strategy & Integrated Planning
Hydro One Networks Inc.**

 Outlook

Fw: County of Essex Notice of Public Consultation Centre No. 2 for County Road 46/Concession Roads 8 and 9

From Steve Taylor (London) <stevenj.taylor@bteng.ca>

Date Thu 11/7/2024 2:57 PM

To Andra Burseley <andra.burseley@bteng.ca>; Darcie Dillon <darcie.dillon@bteng.ca>

Andra: Save this to the select correspondence appendix.

Darcie: There is no railway in this study area. (Am I correct). If so maybe an email/letter to the identifying receipt of their letter and then identify that on this project we do not have a railway crossing.



Steve Taylor P.Eng., M.Eng., CVS-LIFE, P.E.

Chief Executive Officer

509 Talbot Street

London, Ontario

N6A 2S5

E-Mail: stevenj.taylor@bteng.ca

Phone: 519-672-2222

Toll Free: 1-866-218-1001

[www.bteng.ca]www.bteng.ca

From: Paul Charbachi <Paul_Charbachi@viarail.ca>

Sent: November 7, 2024 10:35 AM

To: Darcie Dillon <darcie.dillon@bteng.ca>; Steve Taylor (London) <stevenj.taylor@bteng.ca>;

JBehl@countyofessex.ca <JBehl@countyofessex.ca>; SHabiba@countyofessex.ca <SHabiba@countyofessex.ca>

Cc: Stefan Lout <Stefan_Lout@viarail.ca>; Jefferson Lefranc <Jefferson_Lefranc@viarail.ca>; Michael Mazzilli <Michael_Mazzilli@viarail.ca>; Shant Demirdjian <Shant_Demirdjian@viarail.ca>

Subject: RE: County of Essex Notice of Public Consultation Centre No. 2 for County Road 46/Concession Roads 8 and 9

Hello,

The Applicant must submit engineering drawings signed and sealed by a certified professional. The engineering drawings will be reviewed by an engineering firms designated by VIA at the Applicant's expenses.

The Applicant must also submit locates to VIA. The locates must be submitted to VIA electronically and physically. The Applicant must meet the following requirements:

- **Transport Canada:**
 - *Railway Safety Act*, Part III, Sections 24 and 25.
- **For Clearance:**
 - *Railway Right of Way Access Control Policy*;
 - *Wire Crossings and Proximities Regulations* – C.R.C., c. 1195;
 - *Standards Respecting Railway Clearances* – TC E-05;
 - Notice of Railway Works Regulations, a copy of the notice must be sent to VIA.
- **Traffic control near a railways:**
 - *Circular 13 Railway Association of Canada*
- **For Grade Crossings:**
 - *Grade Crossings Regulations*;
 - The provisions that must be adhered to with respect to the creation of new entrance ways or intersecting roads from the nearest rail. Reference GCR Sub-Section 101(1) and Grade Crossings Standards Article 11.
 - *Grade Crossings Standards*;
 - *Transport Canada Standard for LED Signals Modules at Highway/Railway Grade Crossings* – TC E-14;
 - *Minimum Railway/Road Crossing Sightline Requirements for All Grade Crossings Without Automatic Warning Devices* – G4-A.
 - The requirements surrounding sightlines, of which any construction or activities (Duplex development) on the property or new properties must ensure they do not obstruct the required minimum grade crossing sightlines. (reference Section 21 of the GCR).
 - All crossings shall be constructed / design with at least 20 feet 0 grade from each side of the rail
- **Canadian Standards Association:**
 - CAN/CSA C22.3 No. 1 – Overhead Systems;
 - CAN/CSA C22.3 No. 7 - Underground Systems;
 - CAN/CSA Z662 – Oil and Pipeline Systems;
 - CAN/CSA-B137.4 - Polyethylene Piping Systems for Gas Services.
- **VIA:**
 - *Buried Signal and Communication Guidelines*;
 - *Guidelines for New Development*;
 - *guidance which the Federation of Canadian Municipalities (FCM) has created on this topic specifically, you can find their guidance within the following link: Guidelines for New Development in Proximity to Railway Operations.*
 - Adjacent landowners, buildings and overhead structures are not allowed to drain or modify existing drainage ways to divert water onto railway property without a hydraulic study and approval of the VIA Rail Infrastructure Department;
 - All loads must be in compliance with Cooper E90;
 - Inspection frequency and submittal
 - Agreements signed between Via and the applicant
- **The Federation of Canadian Municipalities and the Railway Association of Canada:**
 - *Guidelines for New Development in Proximity to Railway Operations.*
- **Other:**

- Proper fencing must be included or planned to be installed in order to avoid any trespassing or intrusions into the VIA right-of-way;
- All fence maintenance will be done on the Applicant expense.

In addition, the Applicant must comply with the following areas of concern for which VIA request information, reassurances and/or commitments with regards to the application:

- **Utilities:**
 - Electrical and Gas Supply.

VIA would like assurances from the City and the Applicant that the new development will not negatively impact on the capacity, availability, stability of the supply and future growth capability thereof.

- Communications

VIA would like assurances from the City and the Applicant, that the new development will not impact VIA's operations as a result of potential alterations to the existing cellphone towers or any other fibre-optic infrastructures supplying the VIA station and property.

- **Water & Wastewater:**

- Drainage Sanitary/Storm

VIA would like assurances that the new development will not limit or interfere with its operations, specifically the main sanitary drainage that runs South-to-North from the Train Yards, through VIA's property towards the proposed development.

- Water supply

VIA would like assurances that the new development will not affect the supply and water pressure that is provided for the station.

- **Construction Disturbances:**

- VIA requests a copy of the Pedestrian study (from New Development).
- VIA is concerned by the flow of people that will go through our premises (either interior or exterior) to access the station.

- Station access (vehicle traffic)

Confirmation that the New Development access/exits, and traffic volumes will not affect or interfere VIA traffic circulation. VIA also needs confirmation, as well as the access to it, will be kept for our operations and upcoming growth.

- **Neighbour Relationships:**

- VIA requests the Applicant's monitoring and management plan of the impacts of its construction, including but not limited to:
 - Air contaminants / Dust pollution;
 - Noise pollution / Working hours;
 - Existing conditions;
 - and the impacts of vibrations.
- VIA requests the Applicant's communication and management plan for future tenants and or owners of the project with respect to VIA's active train station nearby, that may produce one or more of, but not limited to, the following: emission of noise, dust, vibration, fumes, odours and other gaseous or non-gaseous emissions that may affect the enjoyment of the development for which VIA shall not be held responsible.

VIA requests the Applicant's commitment to making all efforts not to interfere with VIA's operations, VIA's track infrastructure or use of VIA property. When in the vicinity of VIA property or Railway right-of-way, VIA requests the Applicant commitment to comply with and conform to all VIA, Department of Transport and Canadian Transportation Agency rules and regulations, or any other authority having jurisdiction.

When and where the City's or the Applicant's actions, whether direct or indirect, negatively impact any of the above, VIA's operations, and or VIA's property, VIA wants assurances from the City and the Applicant that they will take all necessary and possible steps to mitigate or eliminate those impacts.

In light of our requests, VIA requires the City and the Applicant to indemnify VIA against any and all claims, damages or proceedings (including legal costs and other costs and expenses) that may arise in relation to the non-compliance to any condition contained in this letter.

Should you have any questions or concerns, please feel free to contact the undersigned.

Sincerely,



Paul Charbachi
Infrastructure Engineer
M: 514-607-5833
Paul_Charbachi@viarail.ca

From: Stefan Lout <Stefan_Lout@viarail.ca>
Sent: November 7, 2024 8:04 AM
To: Paul Charbachi <Paul_Charbachi@viarail.ca>
Subject: FW: County of Essex Notice of Public Consultation Centre No. 2 for County Road 46/Concession Roads 8 and 9

FYI

Thanks
Stefan Lout
Sr. Facility Manager, SWO
VIA Rail Canada
65 Front St. Toronto, ON M5J 1E6
C :416-575-3775



la voie qu'on aime
love the way

Image

From: Darcie Dillon <darcie.dillon@bteng.ca>
Sent: Wednesday, November 6, 2024 4:53:27 PM
Cc: Steve Taylor (London) <stevenj.taylor@bteng.ca>; Jerry Behl <JBehl@countyofessex.ca>; Sumaiya Habiba <SHabiba@countyofessex.ca>
Subject: County of Essex Notice of Public Consultation Centre No. 2 for County Road 46/Concession Roads 8 and 9

EXPÉDITEUR EXTERNE: Faites preuve de prudence avec les liens et les pièces jointes provenant d'un expéditeur externe.

EXTERNAL SENDER: Use caution with links and attachments from an external sender.

Good Afternoon,

Please find attached the Notice of Public Consultation Centre No. 2 for the County Road 46 and Concession Roads 8 and 9 Environmental Assessment Study.

The second in-person PCC is being held as follows:

Date: Wednesday, November 13, 2024
Time: 5:00 pm to 8:00 pm
Presentation at 6:00 pm
Location: Ciociaro Club
3745 North Talbot Road, Oldcastle, ON N0R 1L0

For more information, please see the attached notice.

Thanks!
Darcie



Darcie Dillon, P.Eng.
President, Transportation Engineer
E-Mail: darcie.dillon@bteng.ca
Ottawa: 613-228-4813
Toronto: 905-709-4554
London: 519-672-2222
www.bteng.ca



FW: County of Essex Notice of Public Consultation Centre No. 2 for County Road 46/Concession Roads 8 and 9

From Mentley, Ryan (MTO) <Ryan.Mentley@ontario.ca>
Date Wed 2024-12-11 9:12 AM
To Darcie Dillon <darcie.dillon@bteng.ca>
Cc Steve Taylor (London) <stevenj.taylor@bteng.ca>; SHabiba@countyofessex.ca <SHabiba@countyofessex.ca>; Jerry Behl <JBehl@countyofessex.ca>; Robertson, Andrew T. (MTO) <Andrew.Robertson2@ontario.ca>

📎 1 attachment (298 KB)
 23-041 Essex CR 46 EA PCC 2 Notice Oct 24-24 QC.pdf;

Good morning Darcie,

Thank you for circulating the Ministry of Transportation (MTO) with the attached County of Essex/Town of Tecumseh Environmental Assessment to evaluate alternatives to improve the operation and safety of the roadways. The submission has been considered in accordance with the *Public Transportation and Highway Improvement Act* and MTO's highway access management guidelines. The following outlines our comments.

MTO is supportive of development/growth within the County of Essex, and we will look for ways to help facilitate the continued growth of the area while maintaining the functional integrity of the provincial highway network. MTO has interest in any development/construction/installation that can impact the provincial highway network. This includes road work, sanitary facilities, stormwater facilities, municipal drains, service crossings, etc. Any work that is located within the highway property limit or on lands that fall within the highway Permit Control Area (PCA) will require MTO review, approval and permits.

Any encroachments/works identified within the highway property limits are subject to MTO conditions, approval and permits, prior to construction. The following link provides information regarding MTO's PCA, permit information and application:
<https://www.hcms.mto.gov.on.ca/>

MTO looks forward to receiving additional material as the project progresses. Please let me know if you have any questions.

Regards,

Ryan Mentley
 Corridor Management Planner
 Highway Corridor Management Section
 Ministry of Transportation
 659 Exeter Road, London ON, N6E 1L3
 Tel: (519) 878-4026
 Fax: (519) 873-4228

ryan.mentley@ontario.ca

Please note MTO has launched Land Development Review (LDR) Module for planning applications, as part of our MTO Highway Corridor Management System (HCMS) web-portal. In addition to the previous "[View MTO Control Areas](#)", "[Submit an Inquiry](#)", "[Request a Pre-Consultation](#)", and "[Apply for MTO Permit](#)" functions, the platform "[Request a Land Development Review](#)" has been developed to better serve the development sector to track the status of all land development planning submission types. Planning files should be submitted through LDR. Once submitted the file will be assigned to the appropriate MTO staff (with contact information being provided) to facilitate and provide MTO comments.

Note: MTO appreciates and requests new applications or inquires be submitted by our municipal partners through this system moving forward: <https://www.hcms.mto.gov.on.ca>.

Get [Outlook for Android](#)

From: Darcie Dillon <darcie.dillon@bteng.ca>
Sent: Wednesday, November 6, 2024 4:53:27 PM
Cc: Steve Taylor (London) <stevenj.taylor@bteng.ca>; Jerry Behl <JBehl@countyofessex.ca>; Sumaiya Habiba <SHabiba@countyofessex.ca>
Subject: County of Essex Notice of Public Consultation Centre No. 2 for County Road 46/Concession Roads 8 and 9

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.
 Good Afternoon,

Please find attached the Notice of Public Consultation Centre No. 2 for the County Road 46 and Concession Roads 8 and 9 Environmental Assessment Study.

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For more information, please see the attached notice.

Thanks!
 Darcie



Darcie Dillon, P.Eng.

President, Transportation Engineer

E-Mail: darcie.dillon@bteng.ca

Ottawa: 613-228-4813
Toronto: 905-709-4554
London: 519-672-2222

www.bteng.ca



Re: 6395 County Rd 46 Tecumseh On

From Steve Taylor (London) <stevenj.taylor@bteng.ca>

Date Mon 2025-01-06 12:37 PM

To Maninder Brar <realtormbrar@gmail.com>; jbehl@countyofessex.ca <jbehl@countyofessex.ca>; amussio@tecumseh.ca <amussio@tecumseh.ca>

Cc Darcie Dillon <darcie.dillon@bteng.ca>

Maninder

I am confirming that this notice was related the planning of new transportation infrastructure for the County and Tecumseth. It is following the municipal Class EA. It is not related to any land use changes for zoning.

I hope this helps.

Steve Taylor
BTE Project Manager



Steve Taylor P.Eng., M.Eng., CVS-LIFE, P.E.

Chief Executive Officer

509 Talbot Street

London, Ontario

N6A 2S5

E-Mail: stevenj.taylor@bteng.ca

Phone: 519-672-2222

Toll Free: 1-866-218-1001

[www.bteng.ca]www.bteng.ca

From: Maninder Brar <realtormbrar@gmail.com>

Sent: January 5, 2025 3:56 PM

To: Steve Taylor (London) <stevenj.taylor@bteng.ca>; jbehl@countyofessex.ca <jbehl@countyofessex.ca>; amussio@tecumseh.ca <amussio@tecumseh.ca>

Subject: 6395 county rd 46 Tecumseh On

Hi everyone

I am the owner of the above Said property i was just wondering i received one letter from the City of Tecumseh regarding Public Consultation Centre i just want to know is it some about the change of zoning if you can please advice me something in brief i would be thankful letter attached.

Regrads

Maninder Brar

Realtor

Royal Canadian Realty Brokerage

Direct: 647 710 9710

Office: 905 364 0727

www.maninderbrar.com

REFERRALS ARE ALWAYS WELCOME AND MUCH APPRECIATED



August 6, 2025
BTE File: 23-041

Ministry of Natural Resources
Aylmer Guelph District Office
615 John Street North,
Aylmer, ON N5H 2S8

Re: County of Essex, County Road 46 and Concession Roads 8 and 9 Environmental Assessment Application for a License to Collect Fish for Scientific Purposes

BT Engineering Inc. (BTE) has been retained by the County of Essex (County) to complete a Municipal Class Environmental Assessment (MCEA) (2024, as amended) and preliminary design for improvements for County Road 46 and the Town of Tecumseh Concession Roads 8 and 9. The Environmental Assessment (EA) for County Road 46 and Concession Roads 8 and 9 are being undertaken concurrently as one EA Study.

The County Road 46 area under study extends from the southeast boundary of the City of Windsor approximately 8 km easterly to County Road 19. The Study Area is illustrated on **Figure 1**. It includes the Town of Tecumseh’s Concession Roads 8 and 9 from County Road 46 northerly to Highway 401, approximately 0.5 km and 1.0 km respectively.



Figure 1: Study Area

BT Engineering Inc.
509 Talbot Street
London, ON N6A 2S5
519-672-2222



A License to Collect Fish for Scientific Purposes is required to conduct a fish community inventory to confirm the existing conditions of the watercourses and municipal drains in the Study Area. The scope includes completing a fish community survey and aquatic habitat assessment of nine watercourses and municipal drains that are tributaries of Little River and Pike Creek within the study area limits, identified as Crossings 1-9 on **Figure 1**.

Collection gear will include an electrofisher, operated by two qualified staff, a beach seine and minnow traps (single overnight set). Fish species of all nearby watercourses will be identified, counted and returned to the waters unharmed. We do not expect to collect reference samples. Data will be reported back to the MNR within 30 days of sampling on the appropriate data forms.

A VHS Risk Assessment Questionnaire is included as **Attachment 1**. Should you require any additional information, please contact the undersigned at your convenience.

Yours truly,

Shawn R. Taylor, M.Sc. R.P. Bio
Sr. Aquatic Ecologist
BT Engineering Inc.

Attachment: 1. VHS Risk Assessment Questionnaire

**Ministry of Natural
Resources**

Aylmer-Guelph District

Aylmer Work Centre
615 John Street North
Aylmer, ON N5H 2S8
Tel: 519-773-9241

**Ministère des Richesses
Naturelles**

District d'Aylmer et de Guelph

Centre de travail d'Aylmer
615 rue John Nord
Aylmer, (Ontario) N5H 2S8
Tél: 519-773-9241



August 8th, 2025

BT Engineering
100 Craig Henry Dr, Suite 201
Ottawa
K2G 5W3

Re: Licence to Collect Fish for Scientific Purposes # AYGU-2025-FWCA-00887

Thank you for contacting the Ministry regarding your proposed activity. Attached is your licence and associated conditions to conduct fisheries surveys for an environmental assessment of Sturgeon Creek, and tributaries of Little River and Pike Creek in Essex County, ON.

Ensure that you have read and adhere to all conditions on the attached Schedule A and have this documentation on site while conducting activities authorized under this license.

Please be advised that all responsibilities under the *Endangered Species Act* (ESA) now reside with the Ministry of Environment, Conservation and Parks (MECP). All correspondence and enquiries related to the ESA or Species at Risk (SAR) should be sent to SAROntario@ontario.ca.

Before commencement of any work, return the signed Licence and Schedule A by email to mnrf.ayl@ontario.ca.

Note that the licence conditions require results to be submitted to mnrf.ayl@ontario.ca using the accompanying Site Collection Report form within 30 days of the termination date of the licence, and not later than January 31st of the following year.

Yours truly,

Tassa West
Integrated Resource Management Technical Specialist
Aylmer-Guelph District



This licence is issued under Part IV of Ontario Regulation 664/98 (Fish Licensing) made under the *Fish and Wildlife Conservation Act, 1997* to collect the species, sizes and quantities of fish from the waters as set out below.

LICENSEE:

This Licence is issued to: Mailing Address of Licensee:
Steve Taylor 100 Craig Henry Dr, Suite 201, Ottawa, ON K2G 5W3
Phone Number of Licensee: Email Address of Licensee:
613-228-4813 brooke.finlay@bteng.ca

Name of Business/Organization/Affiliation:

BT Engineering

LICENCE EFFECTIVE DATE: 2025-08-08 **LICENCE EXPIRY DATE:** 2025-10-31

PURPOSE OF COLLECTION: FISHERIES SURVEYS TO COMPLETE AN ENVIRONMENTAL ASSESSMENT.

This Licence authorizes the licence holder together with the assistants named in application #AYGU-2025-FWCA-00887 (the "Application") to collect the species, sizes and quantities of fish from the waters and locations identified in the Application.

LICENCE CONDITIONS:

- 1. This licence and the Application must be carried at all times while activities are being carried out under the authority of the licence.
- 2. Fish can only be collected by means of the following gear: *seine nets, dip nets, baitfish traps, and electrofishing gear (backpack)*.
- 3. All gear used to collect fish shall be inspected at least once daily and clearly marked with the name and licence number of the licence holder any time it is left unattended while in the water.
- 4. Due to potential spawning activity by resident or migratory fish species, visual inspection of all sampling areas must be done prior to sampling. Sampling must not be initiated if spawning activity or redds are observed. Should spawning activity or redds be observed after sampling has commenced, all sampling must be stopped in order to prevent disturbance to the fish and habitats.
- 5. All gear and equipment used for fish collection shall be decontaminated using the decontamination methods outlined for watercraft and watercraft equipment in the document entitled "*Best Management Practices for Preventing the Spread of Aquatic Invasive Species – Guidance for Watercraft Users*", dated 2021, available on a website maintained by the Government of Ontario.



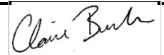
- 6. Unless specified otherwise in these conditions, all live fish collected, other than a species classified as a prohibited or restricted invasive species under the *Invasive Species Act, 2015* or an aquatic invasive species set out under the *Aquatic Invasive Species Regulations (AISR)* made under the *Fisheries Act (Canada)*, shall be immediately released, in a manner that causes the least harm to the fish, into the closest suitable habitat outside of the work area.
- 7. Any person acting under the authority of this licence, shall immediately report the capture of any invasive fish species, as defined in the AISR, (e.g. Ruffe, Tubenose Goby, Round Goby, rusty crayfish, invasive carp, etc.) to the Invading Species Hotline (1-800-563-7711) or www.eddmaps.org/ontario/distribution. Any such specimens shall be euthanized (and eviscerated if required under either the AISR or the *Ontario Fishery Regulations, 2007*).
- 8. Unless specifically authorized under the *Endangered Species Act, 2007 (ESA)* (e.g., regulation or permit) and/or federal *Species at Risk Act (SARA)* permit, sampling must cease when a species at risk is caught. These fish shall be immediately released in a manner that causes the least harm to the fish, into the closest suitable habitat outside of the work area. The appropriate authorities shall be notified to obtain required authorization prior to continuation of sampling. Contact the Ministry of Environment, Conservation and Parks (<https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization>) and/or Fisheries and Oceans Canada (<https://www.dfo-mpo.gc.ca/species-especies/sara-lep/permits-permis/index-eng.html>) for information on the relevant authorization.
- 9. All fish species at risk must also be reported to the Ministry of Natural Resources and Forestry Natural Heritage Information Centre on the appropriate form at: [Natural Heritage Information Centre \(NHIC\) Observation Reporting Form | EngageON \(ontario.ca\)](https://www.ontario.ca/page/natural-heritage-information-centre)
- 10. The holder this licence shall complete a report as required under subsection 34.1(9) of Ontario Regulation 664/98 and submit it to the Minister by January 31 following the licence expiration [or substitute alternate date as applicable].

For a link to the reporting form, please go to the related page on Ontario.ca.

This licence is not valid in Provincial Parks, Conservation Reserves, National Parks, National Historic canals and waterways, National Marine Conservation Areas, or Conservation Authority property without the written permission from the authorized person in charge of the area concerned.

This licence does not allow access to any private property without permission of the landowner.

Ministry Approval

Issued by: Claire Burks, District Supervisor	Signature: 	Date Signed: August 8, 2025
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box SIGN 138972W-13897259

Submission ID : AYGU-2025-FWCA-00887

Submission date : 8/5/2025

Application for Licence to Collect Fish for Scientific Purposes

Application Type	
Is this a new request for a License/Permit/Authorization OR Is this related to an existing request New	Select Action New Approval

Business Information	
Type of Business (Select one)	
Name of Business/Organization/Affiliation BT Engineering	
Carrying on Business as (If different from Legal Name)	Business Number

Address of Business		
Mailing Address		
Address 100 Craig Henry Drive, Suite 201		
PO Box	City/Town/Municipality Ottawa	
Country CA	Province/State ON	Postal/Zip Code k2g 5w3

Physical Address		
Address		City/Town/Municipality
Country	Province/State	Postal/Zip Code
Fire Number	Lot	Concession

Applicant Information		
Name		
First Name Steve	Middle Name	Last Name Taylor

Contact Information	
Telephone 613-228-4813	Email brooke.finlay@bteng.ca
Mobile Number	ext.
Name of Business/Organization/Affiliation	


Applicant Address Information		
Mailing Address		
Address 100 Craig Henry Drive, suite 201		
PO Box	City/Town/Municipality Ottawa	
Country CA	Province/State ON	Postal/Zip Code k2g 5w3
Physical Address		

Address		City/Town/Municipality
Country	Province/State	Postal/Zip Code
Fire Number	Lot	Concession

Application for a Licence to Collect Fish for Scientific Purposes		
Assistant Information		
Assistant First Name	Assistant Middle Name	Assistant Last Name
Brooke		Finlay
Helene		Bygott
Harjit		Khalsa
Shawn		Taylor

Gear To Be Used	
Collection Information	
Reasons for Collection Other	
Reason fish community survey and aquatic habitat assessment	
Collection Period Start Date 2025-08-05	Collection Period End Date 2025-10-31

Species				
Name of Water Body (and UTM)	MNRF District	Species	Specify Size	Numbers
Sturgeon Creek (17 T 370048.65 m E, 4657648.06 m N)	Aylmer Guelph District	Any	All	All
Tributaries of Little River (17 T 340648.18 m E, 4677456.84 m N)	Aylmer Guelph District	Any	All	All
Tributaries of Pike Creek (17 T 341894.03 m E, 4676789.15 m N)	Aylmer Guelph District	Any	All	All

Attestation	
<input checked="" type="checkbox"/> I certify that the information provided in this application is true.	
Enter your name to confirm your attestation. Brooke Finlay	



Fisheries Policy Section Technical Bulletin Best Management Practices

COLLECTION OF FISH FOR SCIENTIFIC PURPOSES

The Ministry of Natural Resources is implementing control measures to slow and limit the spread of **Viral Hemorrhagic Septicemia (VHS)** into new waters. The virus that causes VHS can be destroyed by disinfection treatments, drying or heat. However, it is capable of surviving on any inanimate object that is not thoroughly dried between uses.

VHS Positive Waters in the VHS Management Zone: the waters of Lakes Ontario, Erie, Huron (including Georgian Bay), their connecting waterways and adjacent tributaries up to the first impassable barrier for all fish species. (Note: Where fish are manually transferred over barriers or pass through a fishway, that barrier will not be considered to be impassable. Low head lamprey weirs or dams that do not normally stop salmonid passage also are not considered impassable.)

VHS Management Zone: includes the area bounded by the provincial road network which encompasses the waters defined as VHS Positive Waters in the VHS Management Zone.

Lake Simcoe Management Zone: includes the area bounded by the provincial road network which encompasses the waters around Lake Simcoe (based on fish movement, water flow and watershed boundaries).

Maps depicting the VHS Management Zone and Lake Simcoe Management Zone can be viewed at: <http://www.mnr.gov.on.ca/en/Business/LetsFish/2ColumnSubPage/239471.html>

The Best Management Practices described in this document should be followed by all personnel involved in the collection, handling, transportation and holding of all fish for scientific purposes. Ministry staff will confirm through a risk assessment that appropriate control measures will be in place before authorizing scientific collection activities in the VHS or Lake Simcoe Management Zones.

Collection and Handling of Fish Gametes

Where the purpose is to collect fish gametes for fertilization and rearing, please refer to MNR Fish Culture Technical Bulletin Best Management Practices BMP 2009-01, Egg Disinfection and Incubation Procedures for Salmonids (Salmon, Trout, and Whitefish) or BMP 2011-01 Egg Disinfection Procedures for Muskellunge and Walleye. Public versions of these documents are also available on the internet at:

http://www.mnr.gov.on.ca/en/Business/LetsFish/2ColumnSubPage/STEL02_166029.html

Collection and Handling of Fish

Fish should not be collected from the VHS or Lake Simcoe Management Zones unless appropriate precautions are in place to ensure that the virus is not transferred to waters outside of the Management Zones.

1. When cleaning/gutting fish at any site other than the site of capture, ensure that the waste products do not contact natural waterways – refer to treatment of holding water in this Bulletin.
2. If fish are not going to be transferred live to a research facility, they should be euthanized immediately and properly preserved or frozen.
3. All collected fish should be labelled with date, location of capture, name of licence holder and licence number.
4. Do not transfer fish that appear to be sick (exception - fish appearing sick may be transferred to an approved fish health lab or research facility for testing/research)

Refer to disposal of fish in this bulletin.

Disinfection of all Equipment and Clothing

The following measures are particularly important and must be followed if equipment will be used to collect fish from a waterbody in the VHS and Lake Simcoe Management Zones and then used to collect fish in a waterbody that is not VHS positive.

1. CLEAN by removing all mud, aquatic plants and animals from all gear (including boats, boat motors, trailers, livewells, waders, gloves, nets, sampling equipment etc.) when leaving a body of water and prior to disinfecting gear.
2. DISINFECT all gear (including boats, boat motors, trailers, livewells, waders, gloves, nets, sampling equipment etc.) used during fish collection using at least one of the following (note: clean water means well water, commercially bottled or municipally treated water):
 - a. Chlorine bleach solution of 100mL per litre of clean water, or
 - b. Iodophor solution of 100 mL of iodophor per litre of clean water, or
 - c. **Complete** drying after each use (exposure to sunlight can help to speed the drying process).
3. TREAT holding water prior to discharge:
 - a. Chlorine bleach solution of 100mL per litre of water,
 - b. Exposure time of 1 hour,
 - c. If water contains a lot of organic matter use 250 mL of bleach per litre of water and let sit for 1 hour.
4. DISPOSAL of treated fish holding water and treated wash water used for equipment cleaning should be done properly:
 - a. In a municipal sewer system leading to a treatment facility, or
 - b. On the ground well away from fish bearing waters. Care should be taken while disposing of this water, as chlorine bleach is toxic to fish and other organisms.

Movement of Live Fish to Research Facility

1. It is permissible to transport live fish captured in the VHS Management Zone within the VHS Management Zone or fish captured in the Lakes Simcoe Management Zone within the Lake Simcoe Management Zone.
2. It is permissible to transport live fish taken from waters that are not VHS positive to facilities in the VHS and Lake Simcoe Management Zones.
3. Persons may transport live fish taken from the VHS or Lake Simcoe Management Zones to areas in the other zone or to areas that are not VHS positive subject to:
 - a. Submission of a completed Application for a Licence to Collect Fish for Scientific Purposes (Form FW1031) which must be approved by MNR (or submission of

- information on planned collection activities for Fisheries and Oceans Canada staff), and
- b. Submission of a completed risk assessment questionnaire which must be approved by MNR, and
 - c. Adherence to the Best Management Practices outlined in this Bulletin, and
 - d. Issuance of a Licence to Collect Fish for Scientific Purposes (Form FW0032) by MNR with appropriate conditions (or confirmation that collection activities may be undertaken with appropriate modifications for Fisheries and Oceans Canada staff).
4. Water used to transport live fish to a research facility should be pathogen free and must not be taken from waters in the VHS or Lake Simcoe Management Zones. Acceptable sources of water include:
 - a. Well water, or
 - b. Commercially bottled water, or
 - c. Municipally treated water (water safe for human consumption).
 5. Persons holding fish taken from the VHS or Lake Simcoe Management Zones in facilities outside of the Management Zones must conform to the treatment and disposal practices of effluent and fish described in this Bulletin.

Treatment and Disposal of Facility Effluent

1. Facility effluent must be controlled to minimize impact on fish bearing waters.
2. Effluent from fish that may have been exposed to VHS should be disinfected with a 20% chlorine bleach solution and let sit until the chlorine dissipates before being discharged into a municipal sewer system leading to a treatment facility.
3. Dumping effluent into roadway drains is not acceptable.

Treatment and Disposal of Fish

The following precautions should be taken to dispose of fish:

1. Dispose of fish, internal organs, skin, scales, heads and tails in the garbage.
2. Do not release fish into a lake or river (**this activity is not authorized under a Licence to Collect Fish for Scientific Purposes**). Put them in the garbage or biohazard disposal.
3. Do not give away any fish collected under your licence (**this activity is not authorized under a Licence to Collect Fish for Scientific Purposes**).



December 18, 2025
ERCA File: 2737-25

planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

Steve Taylor, P.Eng., M.Eng.

Consultant Project Manager

BT Engineering Inc.
509 Talbot Street
London, ON N6A 2S5
Email: steven.taylor@bteng.ca

**Jerry Behl, P. Eng., PMP,
PTOE, RSP1**

Manager, Transportation
Planning & Development

County of Essex
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Essex ON N8M 1Y6
Email: JBehl@countyofessex.ca

Alessia Mussio, P.Eng.

Engineering Project Manager

Town of Tecumseh
917 Lesperance Road
Tecumseh, ON N8N 1W9
Email: amussio@tecumseh.ca

Re: Notice of Study Completion County of Essex and Town of Tecumseh County Road 46 from Highway 401 to County Road 19, Town of Tecumseh Concession Roads 8 and 9 from County Road 46 northerly to the Town Boundary Municipal Class Environmental Assessment.

Thank you for circulating our office with the Notice of Study Completion for the Municipal Class C EA noted above. Our office has received and reviewed the draft Environmental Study Report for this project. We understand that purpose of this project is to facilitate road network improvements within Essex County.

We understand that some construction activities may take place within areas subject to our Regulation under the Conservation Authorities Act (Ontario Regulation No. 41/24). Approvals from our office are required prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. Additionally, please be advised that stormwater management is generally subject to Conservation Authority approval. Any proposed works within the Essex Region Conservation Authority's (ERCA) Limit of Regulated Area or that may impact the downstream receivers may require the issuance of an approval from our office. Additional approvals may be required by our office through the Drainage Act process.

We note that parts of the Study Area for this project appear to lie within the Upper Little River Watershed Drainage and Stormwater Master Plan (Stantec, 2023) and the Oldcastle Stormwater Master Plan (Landmark, 2022) and this project should be designed accordingly.

In addition, the project study area may lie partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk



County Rd 46 & Con Rd 8 & 9 EA

Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should this proposal require the installation of fuel storage on site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. If a Risk Management Plan has previously been negotiated on the subject property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

The EBA and other vulnerable areas are delineated using the best available mapping of drains and other watercourses. The proposed project appears to include the creation, relocation or removal of drains and/or other open watercourses and sewers, which could alter the delineation of vulnerable areas in the Essex Region. Should the project plan result in any of the above actions that could affect the delineation of the vulnerable area, the proponent is asked to inform the Essex Region Source Protection Authority. Once the project is complete and these changes are finalized, Essex Region Source Protection staff may need to adjust the delineation of the vulnerable areas. Any changes to these delineations would need to be included in formal updates to the Source Protection Plan and Assessment Report using the provisions of the Clean Water Act (s.34 or s. 36) or its Regulations (s.51).

The report notes in Section 3.2.3: "The Study Area is not located within an Intake Protection Zone..." However, according to ERCA mapping, parts of the Study Area are located within Intake Protection Zone 3. Intake Protection Zone 3 (IPZ-3) extends outward from IPZ-2 and covers larger watershed areas generally within a specific time of travel related to the transport of specific contaminants reaching the intake. IPZ-3 includes all rivers and tributaries where modelling demonstrates that contaminant spills may reach the intake during an extreme rainfall or windstorm event.

Section 3.4.2.8 states, "Within this Report, Section 3.4.2 Proposed/Approved Development outlines the undertaking's compliance with the 'A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)'. ERCA notes that the Windsor-Essex County region is not located within the Greater Golden Horseshoe. Please refer to the *Provincial Planning Statement (2024)* for relevant policies.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



County Rd 46 & Con Rd 8 & 9 EA



Alicia Good
Watershed Planner
/alg



Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature
et des Parcs

Environmental Assessment
Branch

Direction des évaluations
environnementales

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Via E-mail Only

December 19, 2025

Jerry Behl
Manager
County of Essex
JBehl@countyofessex.ca

**Re: County Rd 46 from Highway 401 to County Road 19
Municipal Class Environmental Assessment C
Project Review Unit Comments –Environmental Study Report**

Dear Jerry,

This letter is in response to the Notice of Completion provided for the Environmental Study Report (Report/ESR) for the above noted Class Environmental Assessment (EA) project. The Ministry of the Environment, Conservation and Parks (ministry) provides the following comments for your consideration.

Species at Risk

- 1) The Province of Ontario passed [Bill 5: Protecting Ontario by Unleashing our Economy Act, 2025](#) which included amendments to the *Endangered Species Act, 2007* that are now in force. A copy of the Environmental Registry of Ontario notice can be found here: [Environmental Registry of Ontario](#).

Attached is a series of guidance documents to assist applicants in understanding some of the changes to the amended ESA and the upcoming Species Conservation Act, 2025. An

Environmental Registry of Ontario posting is also available online to view the [Proposed legislative and regulatory amendments to enable the Species Conservation Act, 2025](#).

- 2) The proposed timing for tree activities, as detailed on page 125 of the EA, differ from the sensitive timing windows recommended by MECP for migratory and resident species at risk (SAR) bats in southern Ontario. The active season for Little Brown Myotis, Northern Myotis, and Tri-colored Bat extends from April 1 to September 30, while Eastern Small-footed Myotis remain active from March 15 to November 30s. To provide protection for both migratory and resident SAR bats, an active season of March 15 to November 30 is generally recommended. As a best management practice, applicants are encouraged to consider scheduling project activities outside of this active season, where feasible. Doing so can help reduce potential impacts on SAR bats.
- 3) MECP notes that more detailed surveys are to be conducted during the design phase of the project. MECP is supportive of further species at risk surveys, particularly for Butler's Gartersnake, Eastern Foxsnake, Red Mulberry and SAR trees. Species in Southwestern Ontario (particularly snakes species) can be very cryptic, and as such, increased survey effort may be required to determine presence/absence.
- 4) If Butternut or Black Ash are identified within the woodlots requiring tree removal, applicants may wish to consider existing conditional exemptions or other regulations for the species as opposed to permit conditions.
 - a. For Butternut, please see [O. Reg. 830/21 – Part V](#)
 - b. For Black Ash, please see [O. Reg 6/24](#) and [O. Reg. 7/24](#)

Surface Water

- 5) Preliminary details on sizing in Appendix I include calculations in which it appears that the post-construction flows exceed pre-construction flows. As with ERCAs requirements, the MECP's criterion, as detailed in the [Stormwater Management Planning and Design Manual](#), is to keep post-development peak flows less than or equal to pre-development, and this should be modelled for each return period from 2 through 100 years.
- 6) The MECP manual also recommends incorporating vegetation around stormwater ponds to provide shading and reduce thermal impacts on receiving waters. Pond configurations should maximize length to width ration to avoid large open water areas that cannot be shaded by riparian vegetation. Strategically planting deciduous and coniferous trees along pond edges or outlet channels, particularly when the outlet channel is long, helps maintain colder water temperatures before reaching the receiving waters.

Thank you for circulating this Report for the ministry's consideration. Please document the receipt of this Project Review Unit Comments letter in the final report. We look forward to receiving a written response from the County of Essex/Town of Tecumseh to address our comments provided above.

Should you or any members of your project team have any questions regarding the material above, please contact me at monika.macki@ontario.ca.

Sincerely,

Monika Macki

Monika Macki
Environmental Resource Planner / EA Coordinator
Environmental Assessment Program Support, Environmental Assessment Branch
Ontario Ministry of the Environment, Conservation and Parks

Client Messaging on Protections Under the Amended *Endangered Species Act, 2007* – Applying for a New Permit

June 2025

On June 5, 2025, the Province of Ontario passed [Bill 5: Protecting Ontario by Unleashing our Economy Act, 2025](#) which included amendments to the *Endangered Species Act, 2007* that are now in force, and the creation of the *Species Conservation Act, 2025* which is not yet in effect. These changes are intended to streamline permit applications and approvals and help projects proceed faster while continuing to provide important protections for species at risk and their habitats.

Below we have provided some highlights of the recent amendments to the *Endangered Species Act, 2007*, for you to consider in relation to your project activities, along with guidance to help you determine next steps in the authorization process.

Changes to protections under the amended *Endangered Species Act, 2007*

Species protection

Undertaking an activity that results in harassment of a species is no longer prohibited under the amended *Endangered Species Act, 2007*, and therefore does not require you to seek a permit or make use of an exemption.

The [Policy Guidance on Harm and Harass under the Endangered Species Act](#) can support you in determining whether an activity may result in only harassment, or whether it may result in harm or killing. Please note that this policy guidance was developed prior to the June 5, 2025, amendments, and some are no longer relevant.

Habitat protection

Under the amended *Endangered Species Act, 2007*, the definition of habitat has been changed and is now:

- for animals, the dwelling place and immediate surrounding area
- for plants, the critical root zone
- for all other species (for example, lichens), an area on which any member of the species directly depends to carry out its life processes

Habitat for animals does not include areas used exclusively for foraging or travelling between dwelling places. Existing habitat guidance materials available on the [ministry's webpage](#) – such as recovery strategies, general habitat descriptions, and habitat protection summaries will continue to provide valuable information to support you in identifying habitat as it is defined under the amended legislation, though may contain outdated references to concepts from the previous legislation.

Determining whether species' habitat is present

To determine whether a species' habitat exists in an area expected to be affected by an activity, it will often be necessary to both:

- a) conduct a desktop analysis to assess the likelihood of species presence in the area based on:
 - o existing species observation records (e.g., available through the [Natural Heritage Information Centre](#) or other sources)
 - o species distribution maps or habitat suitability modelling
 - o existing information on ecological site condition (e.g., Ecological Land Classification, satellite imagery, etc.)
- b) where species are known or likely to be present, conduct appropriate site assessments and field surveys, as necessary, to determine whether areas that meet the definition of habitat are present.

Alternatively, where the species is known or likely to be present in the general area, you may assume that suitable areas are habitat and take appropriate action in advance of your project (e.g., register or seek a permit). This approach may result in cost and time savings in circumstances where precise habitat locations or boundaries are unknown and would require significant survey effort (e.g., multiple years) or research to determine.

Determining whether an activity is likely to damage or destroy habitat

Not every activity that occurs within or near habitat will damage or destroy it. Activities that take place in a habitat but do not result in damage or destruction can proceed without the need for a permit or exemption. Conversely, you should also keep in mind that in some cases, activities that take place outside of habitat can result in impacts to habitat, such as introducing pollution to a waterway that results in habitat impacts further downstream.

To support you in determining whether an activity is likely to result in the damage or destruction of habitat, it is recommended that you refer to the definitions of these terms in the [Categorizing and Protecting Habitat under the Endangered Species Act](#). Please note that this policy guidance was developed prior to the June 5, 2025 legislative amendments, and therefore some aspects are no longer relevant.

Applying for a permit under the amended *Endangered Species Act, 2007*

After you have assessed how the amendments relate to your project activities, and you wish to proceed with seeking an authorization under the amended *Endangered Species Act, 2007*, the instructions in the attached documents should be used to complete and submit an Information Gathering Form and C-Permit Application Form.

In deciding whether to issue a permit, the Minister will assess the application in how it aligns with the purposes of the *Endangered Species Act, 2007* with considerations such as whether the applicant:

- o confirmed the presence or absence of species and their habitat that may be impacted by the activity
- o considered how their planned activity avoids impacts to species and their habitat, and where avoidance cannot occur considered reasonable alternatives
- o demonstrated how their planned activities will avoid and/or minimize adverse impacts to the species and their habitat
- o demonstrated how the lasting impacts of the activity will be mitigated to support long-term protection and conservation of the species
- o retained a person with the level of expertise needed to assess impacts and propose/implement effective mitigations, to prepare the permit application and carry out requirements of the permit

Undertaking the necessary due diligence to assess whether an activity qualifies for an exemption, requires a permit, or is outside the scope of the Act, is the responsibility of the person or organization planning to undertake an activity.

If you have questions regarding the implementation of protections under the amended *Endangered Species Act, 2007*, need clarity on applying the amended legislation, or have questions about submitting an application for a permit, please contact SAROntario@ontario.ca.

Final note – the *Species Conservation Act, 2025*

In time, once new supporting regulations are created, the *Endangered Species Act, 2007*, will be replaced by the new *Species Conservation Act, 2025* which will enable a new Species Conservation Registry to allow for faster, online registration of eligible activities impacting protected species. Additionally, under the *Species Conservation Act, 2025*, provincial authorization for migratory birds and aquatic species (fish and mussels) listed on Schedule 1 of the federal *Species at Risk Act* would not be required.

While it is anticipated that these changes may occur in 2026, the ministry is not able to provide precise timing on the changes. Until the *Species Conservation Act, 2025* is enacted, the amended *Endangered Species Act, 2007* continues to apply and any applications and information shared with the ministry at this time will be assessed under the current legislation.

Given these pending changes, it will be up to each applicant to determine the best course of action in seeking an authorization to meet their project needs and timelines.

How to Complete a C-Permit Application Form under the *Endangered Species Act, 2007 as Amended*

June 2025

On June 5, 2025, the Province of Ontario made amendments to the *Endangered Species Act, 2007*, that impact the requirements for issuing a permit for activities that impact species at risk or their habitat. This document provides information on how to use the existing C-Permit Application Form under the amended legislation.

Purpose of the C-Permit Application Form

C-Permit Application Forms are used by individuals or organizations applying for a permit under the *Endangered Species Act, 2007*, as amended, to provide important information about a proposed activity impacting species at risk or their habitat in order to support a Minister's decision on the issuance of a permit.

The combined information provided in the Information Gathering Form and C-Permit Application Form provides the ministry with an understanding on where, when, and how an activity impacting species at risk or their habitat is being planned and how it meets legislative and regulatory requirements.

How to use the C-Permit Application Form

Applicants or their representatives should continue to use and follow the instructions of the C-Permit Application Form that was available prior to the *Endangered Species Act, 2007*, being amended with the following adjustments and considerations:

- References throughout the form to the Ministry of Natural Resources should be understood to refer to the Ministry of the Environment, Conservation and Parks.
- All references to overall benefit permit or overall benefit permit under clause 17(2)(c) should be understood to refer to a "Permit issued under subsection 17(1) of the *Endangered Species Act, 2007*, as amended."
- **Section 1:** Contact information

All mandatory fields identified by an asterisk (*) should be completed.

- **Section 2.1:** Consideration of alternatives

Applicants are asked to describe and compare reasonable alternatives to or within the project activity that would avoid or reduce the impact to species at risk and their habitat. Applicants should:

1. Identify 3 to 4 alternatives including one that considers not undertaking the activity.
2. Include alternatives such as a reduction in project footprint, a modified design (for example, using a 2-span bridge versus a 3-span), or using different materials (such as using gravel vs asphalt) to reduce overall impacts.
3. For each alternative not selected, include information on why that option is not viable which may include social or economic considerations (for example, prohibitively high costs).

Note that activities that avoid all impacts to species at risk and their habitat do not require an authorization and no submissions to the ministry are necessary.

- **Section 2.2:** Steps to minimize adverse effects

Applicants are asked to describe what mitigation measures will be taken to reduce the impact of the project activity to species at risk or their habitat. Examples may include installation of barriers or relocation of impacted species.

- **Section 2.3:** Steps to achieve an overall benefit

Previously, applicants were asked to describe how overall benefit will be achieved for each protected species adversely affected by the activity. Under the *Endangered Species Act, 2007*, as amended, there are no longer legislative requirements to achieve an overall benefit.

Going forward, this section should now be used to describe any proposed actions to mitigate the lasting impacts of the activity on species at risk. In other words, this section should describe any proposals by the applicants that may include additional actions or investments to counterbalance some or all of the long-term adverse impacts caused by the planned activity. For example, a mitigation could be planting trees close by to replace trees that will be removed, contributions to relevant conservation organizations, funding for relevant research to support impacted species, or plans to create or enhance habitat elsewhere in place of any damaged or destroyed habitat.

These actions will help inform the overall reasonableness of issuing a permit in consideration of the purposes of the *Endangered Species Act, 2007*, as amended.

- **Section 3:** Required technical drawing, maps, or figures

Applicants are asked to provide information, such as technical drawings, maps, or figures to describe planned activities, minimization of adverse impacts on species and their habitat, and how the lasting impacts of the activity will be mitigated. Note that documents specifically related to an overall benefit plan are no longer required.

- **Section 4:** Submission information

This section includes outdated contact information. Please ensure all correspondence is submitted to the Ministry of the Environment, Conservation and Parks at SAROntario@ontario.ca.

Submitting a C-Permit Application Form

Once the C-Permit Application Form is completed, applicants can submit the form, along with the Information Gathering Form, if not submitted already, and any supplementary information, to SAROntario@ontario.ca. The ministry's technical staff will review the application documents and provide information on the next steps in the permit application process. Please ensure to keep the ministry informed of any changes to your projects, including changes to project timelines, to help ensure a quick and efficient review of your application.

Any questions on the use of the C-Permit Application Forms can be submitted to SAROntario@ontario.ca.

How to Complete an Information Gathering Form under the *Endangered Species Act, 2007* as Amended

June 2025

On June 5, 2025, the Province of Ontario made amendments to the *Endangered Species Act, 2007*, that include changes to the requirements for issuing a permit for activities that impact species at risk or their habitat. This document provides information on how to use the existing Information Gathering Form under the amended legislation.

Purpose of the Information Gathering Form

An Information Gathering Form is used by individuals or organizations applying for a permit under the *Endangered Species Act, 2007*, as amended, to provide important information about a proposed activity impacting species at risk or their habitat. This information is used to support a Minister's decision on the issuance of a permit.

Together with the application form (C-Permit Application Form), an Information Gathering Form collects details from applicants on activities that may adversely affect species or their habitat protected under the *Endangered Species Act, 2007* to inform whether the proposed activity is likely to require an authorization.

Authorizations under the *Endangered Species Act, 2007*, are only required where impacts contravene sections 9 and 10 of the amended Act. There may be times where an applicant completes a thorough species at risk screening, including relevant field assessments and surveys, and definitively determines there is no evidence of species at risk or their habitat on or near the proposed activity site, or the activity can be completely avoided, and concludes that an authorization under the amended *Endangered Species Act, 2007*, is not required. In this case, the applicant does not need to submit the Information Gathering Form or screening results to the ministry, but it is recommended that screenings, assessments, and rationale for how prohibited impacts will be avoided be thoroughly documented and retained for possible future reference.

How to use the form

Applicants or their representatives should continue to use and follow the instructions of the Information Gathering Form that was available prior to the *Endangered Species Act, 2007*, being amended with the following adjustments and considerations:

- References throughout the form to the Ministry of Natural Resources should be understood to refer to the Ministry of the Environment, Conservation and Parks.
- **Section 1**, page 2, under *Species at Risk Field Surveys*, asks "Has MNR determined whether species at risk surveys are needed?"

This field does not need to be completed.

The Ministry does not provide information related to species at risk location data, except for Caribou (boreal population). Individuals carrying out an activity are responsible for determining whether species at risk or their habitat are present on or around the site of the activity, and ultimately ensuring their actions do not contravene the amended *Endangered Species Act, 2007*.

It is recommended that applicants contact the Natural Heritage Information Centre at nhicrequests@ontario.ca for species at risk location data relevant to their project location and surrounding area.

For activities proposed within or near Caribou (boreal population) distribution, please contact the ministry at SAROntario@ontario.ca for Caribou (boreal population) protected habitat information.

- **Section 4**, Table 3, pages 13 and 14, asks for a “*Description of habitat features on site*” and “*How and when the species is (or may be) using the habitat to carry out its life process*”.

Please note that some of the examples provided in these sections no longer align with the new definition of habitat under the amended *Endangered Species Act, 2007*.

It is recommended that applicants refer to the new habitat definition in section 2(1) of the amended Act to support determinations of whether an activity is likely to damage or destroy habitat. Note that the new definition does not include habitat used exclusively for foraging or for travelling between dwelling places as identified in the definition. Only features within the scope of the new habitat definition in the amended Act need to be listed.

- **Section 7**, *Submission Information* lists outdated contact information.

This section includes outdated contact information. Please ensure all correspondence is submitted to the Ministry of the Environment, Conservation and Parks at SAROntario@ontario.ca.

Submitting the form

The Information Gathering Form can be submitted in advance of the C-Permit Application Form, if applicants are looking for upfront guidance, or along with the C-Permit Application Form and any supplementary information, to SAROntario@ontario.ca. The ministry’s technical staff will review the application documents and provide information on the next steps in the permit application process.

Any questions on the use of the Information Gathering Form can be submitted to SAROntario@ontario.ca.

From: [Christopher Manzon](#)
To: [Phil Bartnik](#)
Subject: CTY Rd 46 ESR Final Report
Date: Monday, November 24, 2025 9:05:53 AM
Attachments: [ATT00001.png](#)
[ATT00002.png](#)
[ATT00003.png](#)

Phil,

Took a really quick look at the ESR. No mention of underground utility corridor. I know when we met at the PIC you said you were going to comment, not sure if you were able to but if you did, they didn't incorporate anything. The only thing they identify is a 2m wide corridor for overhead utility. I think there really should be some reflection of your water and sanitary servicing, probably under the trails as that is the only place left in the cross section, not great. could be an issue for water separation if MECP is picky. Storm is shown as open channel. Let me know if you want to discuss.



Chris

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Sign up to myENWIN for 24/7 access to your billing information, consumption data and more. Visit my.enwin.com to register.

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