



Dan Krutsch,
Landmark Engineers Inc.,
2280 Ambassador Drive,
Windsor , ON ,
N9C 4E4

June 21, 2013

Dear Mr. Krutsch:

Re: Central Grand Marais Drain Study and Environmental Assessment (Dougall Avenue to Walker Road) – MNR Additional Species

The Natural Heritage Assessment (NHA) Report for Central Grand Marais Drain Study and Environmental Assessment (Dougall Avenue to Walker Road) was completed on May 29, 2013 by BioLogic Incorporated.

As part of the NHA process an information request was submitted to the Ministry of Natural Resources (MNR) on March 26, 2013 to confirm and/or update the natural heritage data (i.e., NHIC database, Land Inventory Ontario mapping, DFO mapping, and Official Plan mapping) for the project. At the time of writing the NHA Report, we had not received comment from the MNR. However, on June 11, 2013 the MNR provided comment to our data request [Attachment 1].

MNR completed a species at risk screening for the project study area and adjacent lands and identified reptile and plant species that have a potential to occur in the study area. The NHA report identified and discusses potential habitat, impacts and/or identified mitigation measures for all the species listed by MNR except for one: the Snapping Turtle (SC).

Snapping Turtles are listed as Special Concern provincially under the *Endangered Species Act* (ESA) and federally under the *Species at Risk Act* (SARA). As a Special Concern species, they are not protected under either act, however if suitable habitat is present within the study area, it may be considered as Significant Wildlife Habitat.

Snapping Turtles prefer slow-moving water with a soft mud bottom and dense aquatic vegetation. They typically nest in sandy or gravelly areas along river banks, use muddy areas as nursery habitat for young, bask in areas where vegetation does not block sunlight or prevent them from entering the water if startled and hibernate underwater, buried beneath logs, sticks, or overhanging banks in small streams that flow continuously throughout the winter or in deep

muddy areas (COSEWIC, 2008).

There is very limited habitat for Snapping Turtles within the Grand Marais Drain. The drain banks are highly vegetated and are mostly rip rap lined with the tablelands being maintained lawns which lack the exposed sandy/gravelly material for suitable for nesting. There are very limited pools (only 2, one behind each weir) and they would only provide limited overwintering habitat. Due to the lack of suitable habitat, only incidental encounters with the Snapping Turtle are anticipated for this project.

To mitigate potential impacts due to incidental encounters the following mitigation measures should be employed:

- A description of the Snapping Turtle and a field identification guide should be made available to the staff and posted at the site office.
- Should a Snapping Turtle be encountered during the construction of the Grand Marais Drain improvements, construction activities in the vicinity should be halted while the turtle is relocated to suitable nearby habitat by a qualified ecological professional or consultant (i.e., faunal biologist or expert) outside the area of construction into suitable habitat. Once the turtle is removed from the construction area, activities can resume.

Should you wish to clarify any questions or require additional information as part of the review of this letter that supplements the NHA report dated May 29, 2013, please not hesitate to contact us.

Yours truly,
BioLogic



Robyn Leppington, B.Sc.
Aquatic Biologist

GMD MNR AdditionalSpeciesResponseletterFINAL.wpd

Attachment 1 - MNR Correspondence

Reference

COSEWIC. 2008. COSEWIC assessment and status report on the Snapping Turtle *Chelydra serpentina* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vii + 47 pp.

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Attachment 1

Robyn Leppington

From: McCloskey, Amanda (MNR) [Amanda.McCloskey@ontario.ca]
Sent: Tuesday, June 11, 2013 12:02 PM
To: Robyn Leppington
Cc: McCloskey, Amanda (MNR)
Subject: FW: Grand Marais Drain EA - Drain Improvements
Attachments: Grand Marais Drain EA - Drain Improvements (1.19 MB)

Hi Robyn,

Thank you for contacting the MNR requesting additional EO data for the Grand Marais Drain EA, in the City of Windsor. The MNR would like to provide the following information:

The Species at Risk in Ontario (SARO) List is Ontario Regulation 230/08 issued under the *Endangered Species Act, 2007*. The *Endangered Species Act, 2007* (ESA) came into force on June 30, 2008 and provides both individual protection (section 9) and habitat protection (section 10) to species listed as endangered or threatened on the SARO List. The current SARO List, issued under the ESA 2007, can be found on e-laws (<http://www.e-laws.gov.on.ca/navigation?file=home&lang=en>). If an activity or project will result in adverse effects to species and/or habitat protected under the ESA, an authorization under the ESA would be required to avoid contravening the act. Please note that authorizations are not guaranteed and that the review timelines for Authorization Request Packages can be several months. Site-specific investigation within and adjacent to the subject lands may find additional species and/or habitat location on or adjacent to the site.

A screening of the property and adjacent lands has been completed. There are no known occurrences of species at risk within the identified study area (see attachment); however, there is a potential for a number of species to occur. The request for data already identifies Eastern Foxsnake, Willowleaf Aster, Butler's Gartersnake, Climbing Prairie Rose, and Swamp Rose-mallow, which may be present in the area. One additional species that could potentially occur in the area, but was not listed in the information provided is Snapping Turtle (SC). Common Five-lined Skink was identified in the NHIC data search; however the likelihood of this species occurring in the study area is very low.

It should be noted that this is an initial project screening for SAR and the absence of an element occurrence does not indicate the absence of species. The province has not been surveyed comprehensively for the presence or absence of SAR, and MNR data relies on observers to report sightings of SAR. Consequently, the presence of element occurrences is useful to flag the presence of SAR within the project location and surrounding area, but is not an appropriate tool to determine whether a species or habitat is present at the local (property-scale) level.

It is important to be aware that changes may occur in both species and habitat protection which could affect whether your proposed project has any adverse effects on species/habitat. As of June 30, 2013, general habitat protection (section 10) will apply to transition species that currently only receive species protection (section 9) under the ESA 2007. The ESA 2007 applies to species listed on the Species at Risk in Ontario (SARO) List (www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and / or re-evaluate species already listed. As a result, species designations may change, which could in turn

change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change (i.e. if a species-specific habitat regulation comes into effect). The regulation would prescribe the area as the habitat of the species.

If you have any questions please do not hesitate to ask.

Thank you,

Amanda

Amanda McCloskey

District Planner

Ministry of Natural Resources

Aylmer District

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amanda.mccloskey@ontario.ca

From: Robyn Leppington [mailto:rleppington@biologic.ca]

Sent: March 26, 2013 11:42 AM

To: McCloskey, Amanda (MNR)

Subject: Grand Marais Drain EA - Drain Improvements

Amanda,

Please find attached the EO screening and a map of the Grand Marais Drain improvements project in Windsor.

I am interested in any additional information/data that MNR might have for the study area that I have not found on NHIC, LIO and on DFO SAR mapping.

Thanks Amanda, I look forward to hearing from you shortly.

Robyn Leppington
Biologist

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