



825 Riverside Drive

Environmental Impact Assessment

Project Location:

825 Riverside Drive West, Windsor, ON

Prepared for:

Shergar Developments c/o Auburn Developments
560 Wellington Street 2nd Floor,
London, ON

Prepared by:

MTE Consultants
123 St. George Street
London, ON N6A 3A1

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Contents

1.0	Introduction	4
1.1	Report Objective	4
1.2	Format	4
1.3	Background Documents.....	5
1.4	Pre-Consultation	5
2.0	Land Use Settings	6
2.1	Environmental Designations	6
2.2	Land Use Designations.....	6
2.3	Zoning Bylaws	6
2.4	Essex Region Conservation Authority (ERCA) Regulation.....	6
3.0	Triggers for EIA	7
4.0	Description of the Natural Environment	8
4.1	Physical Environment Records	8
4.1.1	Physiography and Geology.....	8
4.1.2	Soils.....	8
4.1.3	Topography	8
4.2	Hydrology Records	8
4.2.1	Surface Water.....	8
4.2.2	Groundwater.....	8
4.3	Biological Setting	9
4.3.1	Vegetation	9
4.4	Wildlife Habitat.....	9
4.4.1	Significant Wildlife Habitat.....	9
4.5	Floral Site Inventories	10
4.6	Faunal Site Inventories	10
4.6.1	Avifauna.....	10
4.6.2	Snake Habitat Survey	11
4.6.3	Bat Maternity Roost Survey	11
4.7	Aquatic Habitat	11
5.0	Evaluation of Natural Heritage Features.....	12
5.1	Provincial Policy.....	12
5.1.1	Habitat of Endangered and Threatened Species.....	12
5.1.2	Significant Wetlands	12
5.1.3	Significant Woodlands	13
5.1.4	Significant Valleylands	13
5.1.5	Significant Wildlife Habitat.....	13
5.1.6	Areas of Natural and Scientific Interest.....	13

5.1.7	Fish Habitat – Broad Scale/Detail Scale.....	13
5.1.8	Provincial Policy Summary.....	13
5.2	City of Windsor Policy	14
5.2.1	Lands Designated Natural Heritage	14
5.2.2	Lands Designated Environmental Policy Area.....	14
5.3	ERCA Policy Considerations and Regulated Lands	14
6.0	Development Proposal	15
7.0	Impacts and Mitigation.....	16
	Table 2: Significant Natural Heritage Features.....	16
7.1	Direct Impacts.....	16
7.1.1	Faunal SAR	16
7.2	Indirect Impacts	18
8.0	Summary and Conclusions.....	19

Figures

- Figure 1 – Site Location
- Figure 2 – Natural Heritage Features
- Figure 3 – Land Use (City of Windsor Official Plan, 2018)
- Figure 4 – Zoning (City of Windsor Zoning By-law, 2016)
- Figure 5 – ERCA Regulation Limit
- Figure 6 – Vegetation Communities
- Figure 7 – Development Proposal
- Figure 8 – Development Overlay
- Figure 8b – Site Grading Plan (Turner-Fleischer, 2016)

Tables

- Table 1: Ecological Land Classification for the Subject Lands
- Table 2: Significant Natural Heritage Features

Executive Summary

The proponent is proposing the construction of a mixed residential development on 825 Riverside Drive West and an adjoining unaddressed parcel, located at the intersection of Crawford Avenue and Riverside Drive West, in the City of Windsor [Figure 1]. The property is currently maintained lawn with an existing commercial building and parking lot, as well as an unmaintained former railway right-of-way. Through site investigations and correspondence with the Ministry of Natural Resources and Forestry (MNRF), now the Ministry of Environment, Conservation and Parks (MECP), the rail line right-of-way has been identified as habitat for Endangered snake species (Butler's Gartersnake and Eastern Foxsnake) protected under the provincial Endangered Species Act (ESA, 2007). The Subject Lands are also adjacent to (within 120m) of fish habitat within the Detroit River. This report summarizes the results of life science investigations conducted on the Subject Lands and evaluates the identified natural heritage features and functions based on provincial, municipal, and conservation authority policies. This report also provides recommendations and mitigations to prevent impacts to remaining natural heritage features and functions on the site.

1.0 Introduction

The proponent has initiated the planning process to construct a mixed residential development with an associated laneway and underground parking on two adjoining legal parcels hereinafter referred to collectively as the Subject Lands, described as Part Lot 76, Concession 1 Petite Cote, Township of Sandwich, City of Windsor [Figure 1]. The Subject Lands are located south-east of the Riverside Drive West and Crawford Avenue intersection, in the City of Windsor [Figure 1]. One parcel, with the municipal address of 825 Riverside Drive West, is an existing commercial development, while the second unaddressed parcel is a former railway right-of-way. Collectively, the Subject Lands are referred to as 825 Riverside Drive West. Life science data collection on the Subject Lands was completed in 2017 and 2019. This report compiles the data collection for those years.

1.1 Report Objective

The purpose of an Environmental Impact Assessment (EIA) is to assess the impacts and mitigation strategies of the proposed development on identified natural heritage features and functions. A summary of the studies completed within the Subject Lands and an evaluation of potential direct and indirect impacts relating to identified natural heritage features are provided.

1.2 Format

This report is organized in the following sections to conform to the requirements of the Environmental Impact Assessment (EIA) Guidelines of the Essex Region Conservation Authority (ERCA). Natural heritage features and functions identified in this EIA are evaluated through a review of the Natural Heritage Reference Manual (NHRM, 2010) for policy 2.1 of the Provincial Policy Statement (MAH, 2014), and the City of Windsor Official Plan (2018).

The EIA contains the following components, in accordance with the standards noted above:

- Section 2.0 Land Use Setting
- Section 3.0 Triggers for EIA
- Section 4.0 Description of the Natural Environment

Section 5.0	Evaluation of Natural Heritage Features
Section 6.0	Development Proposal
Section 7.0	Impacts and Mitigation
Section 8.0	Summary and Conclusions

1.3 Background Documents

The following existing data and studies were used to review the current environment:

- Provincial Policy Statement (PPS) (2014)
- *Endangered Species Act* (ESA) (2007)
- *Species at Risk Act* (SARA)
- *Fisheries Act* (1985)
- *Conservation Authorities Act. Ontario Regulation 158/06* (2006)
- City of Windsor Official Plan (2018)
- City of Windsor Zoning By-law (2016)
- Natural Heritage Reference Manual (MNRF, 2010)
- Significant Wildlife Habitat Criteria Schedules – Ecoregion 7-E (MNRF, 2015)

1.4 Pre-Consultation

The proponent has been in discussions with the City of Windsor, the ERCA, MNRF (now MECP), and MTE Consultants regarding the development proposal since 2017.

2.0 Land Use Settings

The Subject Lands are 2.7ha in size and located immediately southeast of the intersection of Riverside Drive West and Crawford Avenue in the City of Windsor, County of Essex, ON. The existing developed portion of the Subject Lands includes a commercial building with associated maintained grounds and parking lot, while the railway right-of-way forms the east boundary [Figure 1].

Adjacent land use includes residential developments to the east, west and south. The Detroit River is north of the Subject Lands separated by Riverside Drive West. The larger region is primarily residential and commercial as it is within the City of Windsor and has a long history of human settlement. Lands along the Detroit River shoreline are maintained parklands. Former and active railway right-of-ways support the majority of unmaintained vegetation in area.

2.1 Environmental Designations

The Subject Lands are not identified as a Natural Heritage or an Environmental Policy Area by the City of Windsor Official Plan (Schedule C, 2012). The Detroit River and the waterfront area are considered Shoreline and Flood Prone Areas [Figure 2]. No additional Natural Heritage areas are identified adjacent to the Subject Lands.

2.2 Land Use Designations

The Subject Lands include a variety of land use classifications including Mixed Use, Residential, and Commercial Corridor [Figure 3]. The Residential designation corresponds to the commercial building, maintained lawns, and parking lot. The surrounding area is primarily designated as Residential and Mixed Use [Figure 3].

2.3 Zoning Bylaws

The westerly section of the Subject Lands are zoned as Commercial District (Neighbourhood) and the remainder is zoned as Commercial District (Major) [Figure 4]. The adjacent areas to the Subject Lands are primarily zoned as Residential [Figure 4].

2.4 Essex Region Conservation Authority (ERCA) Regulation

The Subject Lands are not within the regulation limit of the Essex Region Conservation Authority (ERCA). A permit from the ERCA is not required for the proposed development project [Figure 5]. ERCA does not identify the Woodland, or any area within or adjacent to the Subject Lands as a Natural Area under the Essex Region Natural Heritage System Strategy (ERNHSS, 2013) [ERCA Public Interactive Mapping, 2019].

3.0 Triggers for EIA

When a development proposal requires a Planning Act application (ie. Draft Plan submission, amendments to the Official Plan and/or zoning by-law), the City of Windsor requires an Environmental Evaluation Report (EER) or a similar report be completed if the legal parcel in question is within or is adjacent to identified natural heritage components. This Environmental Impact Assessment (EIA) report will satisfy the requirements of an EES for the City of Windsor.

The proponent is planning a mixed residential subdivision with associated laneways and underground parking that may require planning amendments.

Triggers for the Environmental Impact Assessment (EIA) are as follows:

- Proposed development within 120m of fish habitat within the Detroit River

In addition, the *Endangered Species Act (2007)* protects species and habitat that are not always identified on Official Plan Schedules. To be consistent with the Provincial Policy Statement (MMAH, 2014) the requirements for an additional study can be triggered without any adjacent features identified on the Official Plan schedules.

The following section (4.0) reviews the natural heritage setting of the Subject Lands. Section 5.0 reviews the proposed development with respect to natural heritage issues that may require consideration in the planning application process.

4.0 Description of the Natural Environment

The following existing data and studies were used to review the current environment, including existing available databases, reports, and literature to identify any existing natural heritage features within the Subject Lands and adjacent to the Subject Lands. The records that were reviewed and analyzed include:

- a) Physical Environment Records:
- b) Hydrology Records
- c) Provincial Government records
- d) Local Municipality Records
- e) The ERCA

4.1 Physical Environment Records

4.1.1 Physiography and Geology

Bedrock geology of the Subject Lands consists of Middle Devonian-aged limestone, dolostone, and shale of the Dundee Formation (OGS, 1991).

4.1.2 Soils

Soils in the vicinity of the Subject Lands are associated with Brookston clay that is characterized by dark clay over mottled clay, over blue-grey compact gritty clay, and few stones. These soils are characterized as having poor drainage (Richards *et al.*, 1949). Soils within the Subject Lands property are primarily fill with some sand found at 12m depth (Well ID: 2105961, Ontario.ca).

4.1.3 Topography

Overall, topography in the general area of the proposed development is sloped towards the Detroit River to the north and the Subject Lands topography reflects this.

4.2 Hydrology Records

4.2.1 Surface Water

The Subject Lands are located within the Detroit River sub-watershed that form part of the larger Essex Region watershed that drains 1681km² of land into Lake Erie, Lake St. Clair, and the Detroit River. There are no surface water features within or adjacent to the Subject Lands save for the Detroit River that is located 60m north adjacent to the Subject Lands.

4.2.2 Groundwater

Targeted surveys to determine groundwater depth have not been completed for the Subject Lands. However, literature examining groundwater levels within Essex County classify the area of Windsor, including the Subject Lands, as an area of low prevalence of groundwater (ERCA, 2004). Public well records for the site agree with the literature in that groundwater was not observed within the Subject Lands during well digging (Well ID: 2105961, Ontario.ca). No ground water seepage was observed along railway embankment

4.3 Biological Setting

There are no Provincially Significant Areas (PSWs or ANSIs) within 1km of the Subject Lands (NHIC, 2019).

Woody vegetation growing along the western bank of the railway right of way is identified on the Natural Heritage Information Centre (NHIC) mapping as a Woodland. This woodland is not identified by the City of Windsor Official Plan, 2018 or by the ERCA under the Essex Region Natural Heritage System Strategy (ERNHSS, 2013).

4.3.1 Vegetation

The vegetation communities within the Subject Lands were assessed by Will Huys (Plant and Wildlife Technician and Arborist) on September 20, 2017 utilizing the Southern Ontario Ecological Land Classification System (ELC; Lee et al, 1998) [Figure 6]. All vegetation communities found within the Subject Lands are cultural in nature [Appendix A].

Table 1: Ecological Land Classifications for the Subject Lands

Community Type	Polygon	ELC Code	Description	S-rank	Area (ha)
Terrestrial Communities					
Cultural	1	CUW	Mineral Cultural Woodland	n/a	0.5
Cultural	2	CUT/CUW	Mineral Cultural Thicket / Woodland	n/a	0.3

The majority of the vegetation on the site is mowed lawn and maintained landscaping associated with the existing commercial use. The railway right-of-way contains the remaining cultural vegetation communities.

Community 1 is a Mineral Cultural Woodland (CUW1) dominated by Manitoba Maple, Siberian Elm, Tree-of-heaven, and White Mulberry in the canopy layer. The understory is composed of Common Buckthorn, Tatarian Honeysuckle, and Riverbank Grape. The lower vegetation layers are dominated by Garlic Mustard, Canada Goldenrod, and Dames Rocket. The dominant vegetation species within this community are non-native and/or invasive species.

Community 2 is a Mineral Cultural Thicket / Woodland (CUT1/CUW1) with the same non-native and invasive dominant plant composition as Community 1. Community 2 was maintained (trees cleared) in the recent past, likely as a component of railway activities and contains significantly fewer canopy layer trees and more shrubs, grasses and forbs.

4.4 Wildlife Habitat

4.4.1 Significant Wildlife Habitat

Candidate Significant Wildlife Habitat (SWH) is identified by evaluating vegetation communities using criteria outlined in the Significant Wildlife Habitat Technical Guide (MNRF, 2000) and the

Significant Wildlife Habitat Criteria Schedules (MNRF, 2015). If the threshold criteria outlined are met, the candidate SWH becomes confirmed SWH.

The Subject Lands fall within Ecoregion-7E using the SWH Criteria Schedules. Based on the vegetation communities present and the field investigations completed, the following candidate SWH communities were identified within the Subject Lands:

- Bat Maternity Colonies – Community 1 and 2
- Special Concern and Rare Wildlife Species – Community 1 and 2

To determine if SWH is present within the Subject Lands, the candidate SWH identified above are evaluated further in Section 5.0 based on the results of life science inventories.

4.5 Floral Site Inventories

A review of the NHIC database and correspondence with the MECP identified the following species as floral SAR that are potentially found within the area of the Subject Lands.

- American Chestnut [END]
- Butternut [END]
- Kentucky Coffee-tree [THR]

Floral site investigations were completed on May 17th, June 5th, June 27th, and September 28th, 2017 by Will Huys. No floral species protected under the *ESA* (2007) or floral species of provincial interest were identified within the Subject Lands during site surveys. The dominant vegetation within the Subject Lands are non-native trees and shrubs.

Summary: No floral species protected under the *ESA* (2007) or species of provincial interest (Special Concern and S1-S3) were identified within the Subject Lands during site investigations.

4.6 Faunal Site Inventories

A review of the NHIC database and correspondence with the MNRF (now MECP) identified the following faunal species protected under the *ESA* (2007) that are found or are potentially found within the area of the Subject Lands.

- Butler's Gartersnake [END]
- Eastern Foxsnake [END]
- SAR Bats [END/THR]

In the case of Eastern Foxsnake [END], the Subject Lands are considered "regulated habitat" under the *Endangered Species Act* (2007).

Targeted faunal surveys including a two visit breeding bird survey, a snake habitat survey, and a bat maternity roost survey were completed on the Subject Lands.

4.6.1 Avifauna

Breeding bird surveys were completed on June 5th and June 27th, 2017 according to the protocols outlined in the Ontario Breeding Bird Atlas (OBBA) (Cadman *et al.*, 2007).

No avian SAR individuals or species of provincial interest were identified within any of the vegetation communities that were surveyed for breeding birds [Appendix B].

4.6.2 Snake Habitat Survey

In southwestern Ontario (Essex-Kent and Haldimand-Norfolk), Eastern Foxsnake [END] are often associated with wetlands, but require a variety of early successional vegetation communities including old fields, prairies, marsh and dune-shoreline habitats (COSEWIC, 2008). Characteristic habitat of the Butler's Gartersnake [END] includes old fields, disturbed sites, urban and industrial sites and tallgrass prairie. Essential habitat components include a dense cover of grasses or herbs and an abundance of earthworms as prey (COSEWIC, 2010).

Surveys targeting snakes and their habitat were completed on June 1, 2017 and May 7th, 2018 by Paul Mikoda. Surveys were completed during the time and season when snakes would be most active and actively basking. One Butler's Gartersnake [END] was observed during surveys in 2017 and two (2) individuals were observed during surveys in 2018 [Appendix C]. These individuals were observed underneath debris along the railway tracks. The wooded areas adjacent to the railway tracks (Community 1 and 2) were observed to be steep and too shaded to provide suitable SAR snake habitat. No Eastern Foxsnake [END] individuals were observed during site investigations.

4.6.3 Bat Maternity Roost Survey

A survey to identify candidate bat maternity roost trees was completed within Community 1 and 2 on May 7th, 2018. Three (3) candidate maternity roost trees were identified within the Subject Lands. Use of these candidate trees by SAR bats has not been confirmed.

4.7 Aquatic Habitat

The Department of Fisheries and Oceans Canada (DFO) Species at Risk mapping identified four (4) SAR fish and three (3) mussel species that are found or are potentially found within the Detroit River adjacent to the Subject Lands. No critical habitat for SAR was identified within the Detroit River and there is no aquatic habitat within the Subject Lands.

5.0 Evaluation of Natural Heritage Features

This section reviews the Provincial, Municipal, and Conservation Authority regulatory policies with respect to the results of life science inventories and the background reviews that have been completed for the Subject Lands.

The provincial and municipal natural heritage policies provide guidelines that determine appropriate land uses on and adjacent to natural heritage features. Policies that pertain to this site include:

- The Provincial Policy Statement from MAH, Section 2.1;
 - these have been reviewed with the Natural Heritage Reference Manual (NHRM) (MNRF, 2010) and the supporting criterion schedules (MNRF, 2015)
- the City of Windsor Official Plan (2018)
- the ERCA Regulation

Features that warrant further evaluation for significance or require guidance with respect to construction activity are discussed in more detail in Section 7.0

5.1 Provincial Policy

The Provincial Policy considerations are based on the Provincial Policy Statement from MAH, 2014, Section 2.1, and reviewed using provincial mapping (NHIC) and the NHRM (Sections 5-11) (MNRF, 2010) as applied to Ecoregion 7E using supporting criterion schedules (MNRF, 2015).

5.1.1 Habitat of Endangered and Threatened Species

Site and species-specific life science inventories identified Butler's Gartersnake [END] individuals underneath debris along the railway track. No individuals were found within the habitat adjacent to the railway track as this area is suspected of being too shaded for suitable snake habitat. Butler's Gartersnake receive general habitat protection under the *ESA*.

No additional floral or faunal SAR were identified within the Subject Lands during site investigations. Three (3) trees that meet the criteria of potential maternity roost habitat for SAR bats were identified within the Subject Lands. Impacts to the trees will be avoided as removal of these trees is not required.

Although no Eastern Foxsnake [END] were reported, through correspondence with MNRF (now MECP) it was determined that the Subject Lands are considered regulated habitat for Eastern Foxsnake, as there is a record within 1.5km. Butler's Gartersnake, Eastern Foxsnake, SAR Bats and their habitat require further consideration in this EIA.

5.1.2 Significant Wetlands

There are no provincially significant wetlands within or adjacent to the Subject Lands (NHIC/LIO, 2019).

5.1.3 Significant Woodlands

The identified woodland within the Subject Lands is under 2ha and as such does not meet the threshold for review under provincial guidelines. Additionally, the woodland is dominated by non-native and invasive plant species. This feature has been addressed under Municipal Policy, Section 3.4. The woodland has not been identified as significant under the City of Windsor Official Plan (2018)

5.1.4 Significant Valleylands

There are no significant valleylands within or adjacent to the Subject Lands.

5.1.5 Significant Wildlife Habitat

Candidate Significant Wildlife Habitat was identified in Section 4.2.2 based on vegetation communities present on the Subject Lands. These communities are further evaluated utilizing life science data collected during site inventories and surveys to determine if defining criteria for these communities is met, based on SWH Schedules for Ecoregion 7E.

Bat Maternity Roost Colonies

Three (3) potential bat maternity roost trees were identified within the Subject Lands; two in Community 1 and 1 additional tree was identified within the maintained section of the site. The criteria of >10/ha large diameter (>25cm DBH) trees was not met for the identified communities and so the habitat is confirmed not SWH. However, consideration for SAR bats is still required and is discussed under Section 5.1.1.

Confirmed Not SWH

Special Concern and Rare Wildlife Species

No special concern species or species of provincial interest were identified within or adjacent to the Subject Lands during life science investigations.

Confirmed Not SWH

5.1.6 Areas of Natural and Scientific Interest

There are no life science or earth science ANSI's within or adjacent to the Subject Lands.

5.1.7 Fish Habitat – Broad Scale/Detail Scale

No watercourses were identified within the Subject Lands but the Detroit River is approximately 60m north of the Subject Lands. Indirect impacts to fish habitat within the Detroit River will require further consideration.

5.1.8 Provincial Policy Summary

Based on a review of the LIO/NHIC, 2019 mapping and evaluation of the life science data collected from the Subject Lands against provincial policy (MAH, Section 2.1 (2014), the following natural heritage features and functions on and adjacent to the Subject Lands require further consideration:

- Habitat of Endangered and Threatened Species

- Fish Habitat within the Detroit River (>60m from Subject Lands)

5.2 City of Windsor Policy

5.2.1 Lands Designated Natural Heritage

The Subject Lands are not included in or within 120m of areas designated as Natural Heritage by the City of Windsor Official Plan (2018).

5.2.2 Lands Designated Environmental Policy Area

The Subject Lands are not included in or within 120m of areas designated as Environmental Policy Area by the City of Windsor Official Plan (2018).

5.3 ERCA Policy Considerations and Regulated Lands

The Subject Lands are not within the Essex Region Conservation Authority (ERCA) regulation limit for flood hazards associated with the Detroit River [Figure 5].

6.0 Development Proposal

The proponent (Shergar Developments Inc.) is seeking approval for a proposed mixed residential development with associated laneway and underground parking complex. The proposed location and final design of the proposed development was guided by urban design concepts and site engineering, as well as the natural heritage concerns discussed in this EIA. For natural heritage, protection of Butler's Gartersnake [END] individuals and regulated habitat for Eastern Foxsnake was the primary driver for the current site plan [Figure 7]. This will be discussed in greater detail under Section 7.0 of this report.

An Official Plan amendment is required as part of this application, as the Subject Lands have a Commercial Corridor designation on part of the legal parcel. Additionally, a zoning by-law amendment is required for the Subject Lands as the entire legal parcel is zoned as Commercial.

7.0 Impacts and Mitigation

This section reviews the development proposal [Figure 7] and identifies potential direct and indirect impacts to the significant natural heritage features within and adjacent to the Subject Lands. Appropriate avoidance, protection, and mitigation measures for the impacts are detailed.

Based on the review in Section 5.0, the significant features identified are summarized under Table 2.

Table 2: Significant Natural Heritage Features

Environmental Consideration	Related Feature or Function on the Subject Lands
Habitat of Endangered and Threatened Species	Butler's Gartersnake [END] individuals and regulated habitat for Eastern Foxsnake [END]
Fish Habitat	Detroit River

7.1 Direct Impacts

7.1.1 Faunal SAR

Two (2) Butler's Gartersnake [END] individuals have been identified during site surveys within the Subject Lands along the existing railway track corridor adjacent to Community 1 and 2. Additionally, the Subject Lands are considered regulated habitat for Eastern Foxsnake [END] despite the absence of observed individuals. The proposed subdivision will directly impact approximately 0.5ha of regulated Eastern Foxsnake habitat represented by Community 1. Impacts to the three (3) candidate SAR bat trees will be avoided as these trees will not be removed for the proposed development [Figure 8].

An Overall Benefit Permit (CPAF) has been requested by MECP with respect to the proposed development [Appendix D] to address the impacts to Eastern Foxsnake [END] regulated habitat and Butler's Gartersnake individuals under the *Endangered Species Act, 2007*. MTE is currently in discussions with MECP with respect to the CPAF for the Subject Lands but clearance has not been provided at this time. While the CPAF application is being reviewed, this report should be circulated for regulatory approvals to all required parties in parallel with the CPAF application. Details of the compensation and mitigation measures that will be implemented as part of the CPAF application are provided below, as they pertain to the proposed development plan design.

The proposed development plan has been adjusted to ensure that a 0.35ha linkage area is retained post development as a movement corridor for SAR snake species. This linkage corridor will continue to provide suitable habitat for SAR snakes post-development and maintain the linkage to other suitable habitats adjacent to the Subject Lands [Figure 8]. Retaining walls are proposed for the edges of the linkage corridor with the grading of the corridor gradually sloping upwards from north to south and sloping downwards to meet the existing grades at the south end of the property [Figure 8b]. This proposed grading will ensure that the habitat is suitable for SAR snake movement post development.

Additional habitat improvements to the Subject Lands and the movement linkage feature have been proposed, including native species plantings, to create improved habitat for Butler's Gartersnake and Eastern Foxsnake. A mix of native grasses and low shrubs is recommended to promote suitable habitat for the above SAR snake species.

Additional mitigation recommendations for works within areas of regulated habitat for Eastern Foxsnake and SAR snake individuals have been provided below. These measures are considered best management practices for works within the Subject Lands once all approvals have been given, including recommendations through the Endangered Species Act approval process. Should any additional mitigation measures be proposed by MECP, these will be incorporated as well prior to development.

Recommendation 1:

Prior to conducting any work on site, project personnel and contractors should be made aware of the possible presence of Eastern Foxsnake and Butler's Gartersnake and their protection under the ESA 2007. Information materials to aid in species identification and encounter response should be provided to all personnel on site.

Recommendation 2:

Between April 1 and November 30th, all equipment and machinery that is left idle for over 1 hour, or overnight, on the property must be visually examined prior to (re)ignition, to ensure snakes are not present within the machinery. This visual examination should include all lower components of the machinery, including operational extensions and running gear.

Recommendation 3:

Any SAR snake that is encountered on site must be protected from harm and harassment. Should a SAR snake be observed in the work area and presumed to be unharmed, all project personnel and operating machinery should maintain a minimum 30 meter distance from it at all times until it has left the area. MNR District must be contacted immediately if this cannot be done. A large Rubbermaid type container with ventilated lid should be kept on site at all times in the event a SAR snake is injured or killed during the project. Should a SAR snake be injured it should be immediately transported in the container to a licensed Veterinarian for care and/or euthanasia. During transport the snake inside the container should be maintained at a temperature between 10 and 30°C. Contact the Aylmer District MNR office immediately if any Eastern Foxsnakes or Butler's Gartersnakes are harmed or killed during construction.

Recommendation 4:

The property should be clean and free of debris for any activities that occur during the active season for snakes (April 1st to November 30th). Snakes may find and occupy materials and equipment stored on site and could be harmed when materials and debris are handled or used. Materials such as excavated soils should only be stored in areas that have previously been mowed to a height of 5 cm or shorter. Excavated soil should not be stored on the sites long term. Flat materials such as plywood or rubber mats should not be left lying on the ground. Any material stockpiles created on the property during the project must be visually examined for SAR snakes prior to disturbance or removal.

Recommendation 5:

Existing maintained areas (lawn) should be maintained to ensure grass does not grow higher than 7 cm. Allowing grass to grow greater than 15 cm in height could attract snakes to the construction sites.

7.2 Indirect Impacts

Fish habitat within the Detroit River is located approximately 60m north of the proposed development within the Subject Lands. Several species of SAR fish and mussels are identified as potentially being found in the Detroit River at this location. This habitat is separated from the Subject Lands by Riverside Drive West to the north and areas of mowed lawn and public walking trails. As such, no direct impacts to fish habitat are anticipated from the proposed works. However, the topography of the Subject Lands gradually slopes towards the Detroit River and so indirect impacts from surface water runoff need to be considered.

Indirect sedimentation impacts along the development boundary to the north is the primary area of focus to ensure that sediments do not enter the Detroit River system.

Recommendation 6:

Prior to construction, heavy duty sediment and erosion control fencing should be installed along the northern boundary of the Subject Lands and along the eastern boundary of development. The fence will prevent sedimentation of the Detroit River from the construction site and will act as a barrier to SAR snakes that are in the area and to.

Recommendation 7:

Stock piles of soil should be established in locations that are away from natural drainage areas to the Detroit River. If soil stock piles begin to slump, robust sediment and erosion fencing should be installed along the limits of the stock pile. The stock pile locations should be described in the detailed site design phase.

Recommendation 8:

Sediment and erosion control fencing should be inspected prior to construction to ensure proper installation and during construction to ensure proper functionality. Any issues that are found are to be fixed the same day.

Recommendation 9:

Sediment and erosion control fencing will be installed according to the Guidelines for Erosion and sediment Control for Urban Construction Sites (OMNR, 1987) and the applicable standards established in the Ontario Provincial Standard Specification/Ontario Provincial Standard Drawings (OPSS/OPSD) documents

8.0 Summary and Conclusions

Shergar Developments (the proponent) is proposed the construction of a mixed residential development with associated laneway and underground parking complex on the properties defined as the Subject Lands, located at 825 Riverside Drive West in the City of Windsor [Figure 8]. This EIA has set the development boundaries of the proposed development according to natural heritage features and functions that are present within the Subject Lands and has outlined appropriate measures to ensure proper mitigation and compensation for identified natural heritage features.

It is our opinion that provided Eastern Foxsnake [END] regulated habitat is created and protected, mitigation measures for Butler's Gartersnake are followed during all phases of construction, and indirect impacts to fish habitat are mitigated, no impacts to natural heritage are expected. Provided these recommendations are followed and incorporated into future development plans, it is our belief that the development can proceed as proposed, pending all other necessary regulatory approvals. Should the proposed development plans expand or be modified from what has been evaluated in this report, an EIA addendum should be completed.

MTE seeks comments from the City of Windsor and ERCA with respect to the contents of this EIA. Formal comments can be submitted in writing to MTE on behalf of the client. Should you wish to clarify any questions or require additional information as part of the review of this EIA, do not hesitate to contact us.

All of which is respectfully submitted,

MTE CONSULTANTS INC.



Dave Hayman, M.Sc

Manager, Environmental Services

519-204-6510 Ext.2241

Windsor Field Office 519-966-1645

dhayman@mte85.com

ZA/PM

shergarriversidedriver eia (45608-100)final.docx



Figure 1: Site Location
(2017 Google Earth Air Photo)



0 1,000
Scale 1:50,000
Key Plan

Print on 11X17, Landscape Orientation
0 150
Scale 1:7500
November 2019





Figure 2: Natural Heritage
(City of Windsor Official Plan, Schedule C, 2012)



0 1,000
Scale 1:50,000

Key Plan

Legend

	ENVIRONMENTAL POLICY AREA (A, B)		KNOWN OR SUSPECTED FORMER WASTE DISPOSAL SITES
	NATURAL HERITAGE		MINERAL MINING SITES
	CANDIDATE NATURAL HERITAGE SITES		POLLUTION CONTROL PLANTS
	RAIL YARD		AIRPORT OPERATING AREA
	SHORELINE AND FLOODPRONE AREAS		
	FLOODPLAIN AREAS		
	AGGREGATE RESOURCE SITES		
	NOISE EXPOSURE FORECAST (30, 25)		

* Locations are approximate and should be verified by survey where necessary.

Print on 11X17, Landscape Orientation

0 500

Scale 1:25000

November 2019



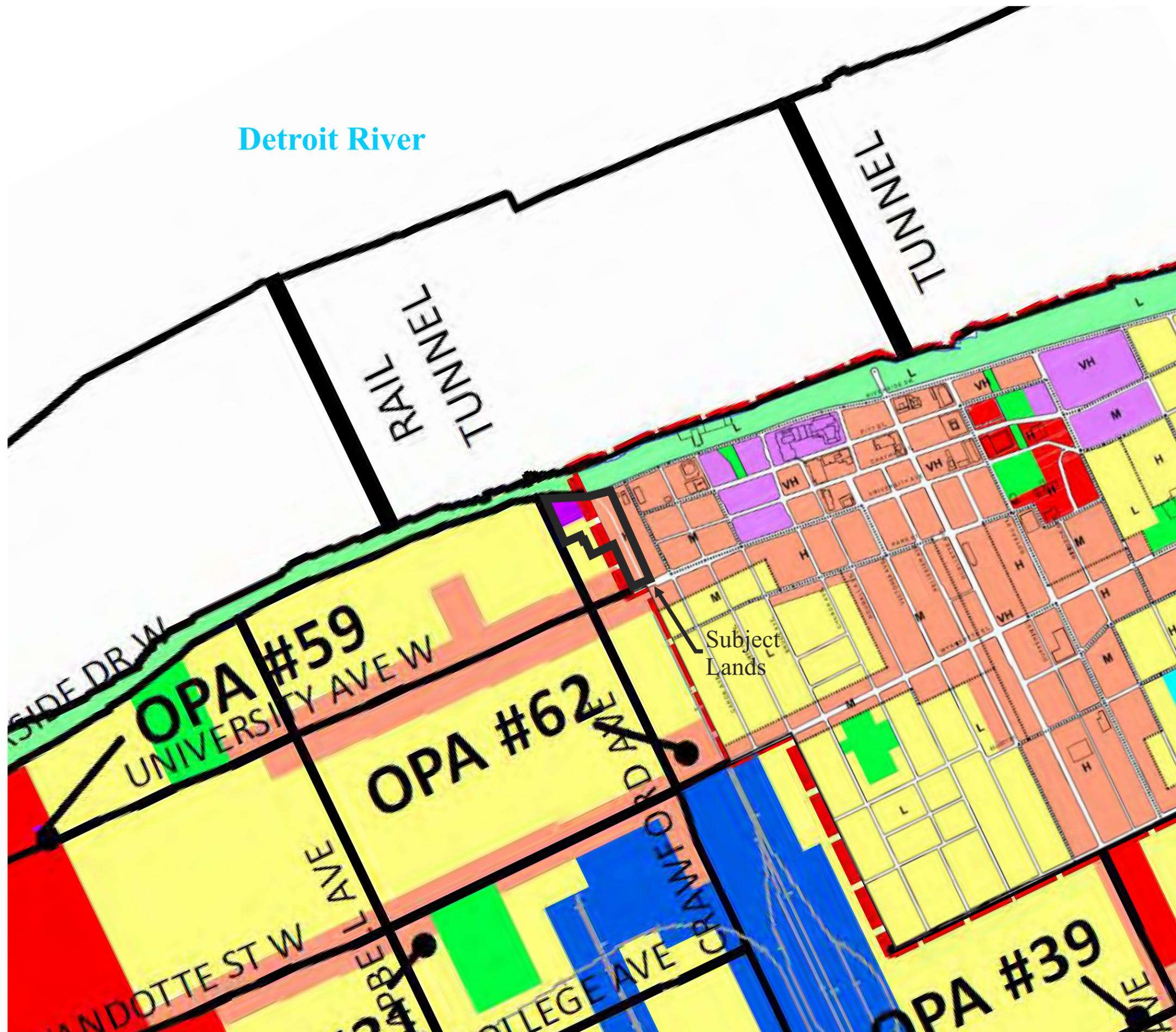


Figure 3: Land Use Designations
(City of Windsor Official Plan 2016, Schedule D; E)



0 1,000
Scale 1:50,000
Key Plan

Legend

- Residential
- Open Space
- Waterfront Recreation
- Mixed Use
- Entertainment/Hospitality
- Major Institutional
- Industrial
- Commercial Corridor
- Business Park
- Boundary of Windsor City Centre (Schedule E)

Print on 11X17, Landscape Orientation

0 30

Scale 1:1500
November 2019



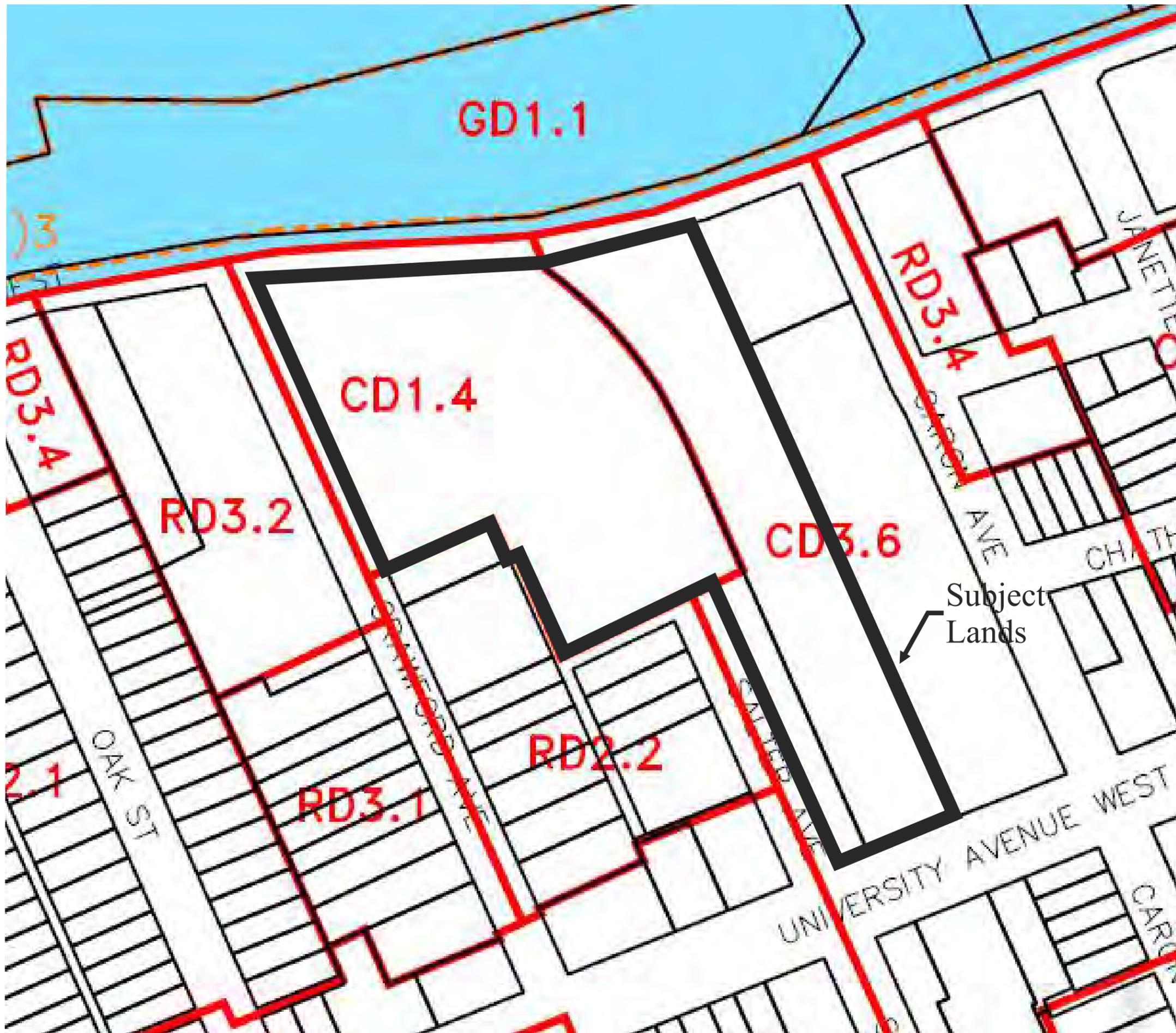


Figure 4: Zoning
(City of Windsor Zoning District Map 3)



0 1,000
Scale 1:50,000
Key Plan

Legend

- - Zone Boundary
- - Detroit River/Lake St. Clair Flood Prone Area
- GD1.1 - Green District
- RD2._ - Residential Districts (Medium)
- RD3._ - Residential Districts (High Density)
- CD1._ - Commercial Districts (Neighbourhood)
- CD3._ - Commercial Districts (Major)

Print on 11X17, Landscape Orientation

0 30

Scale 1:1500
November 2019



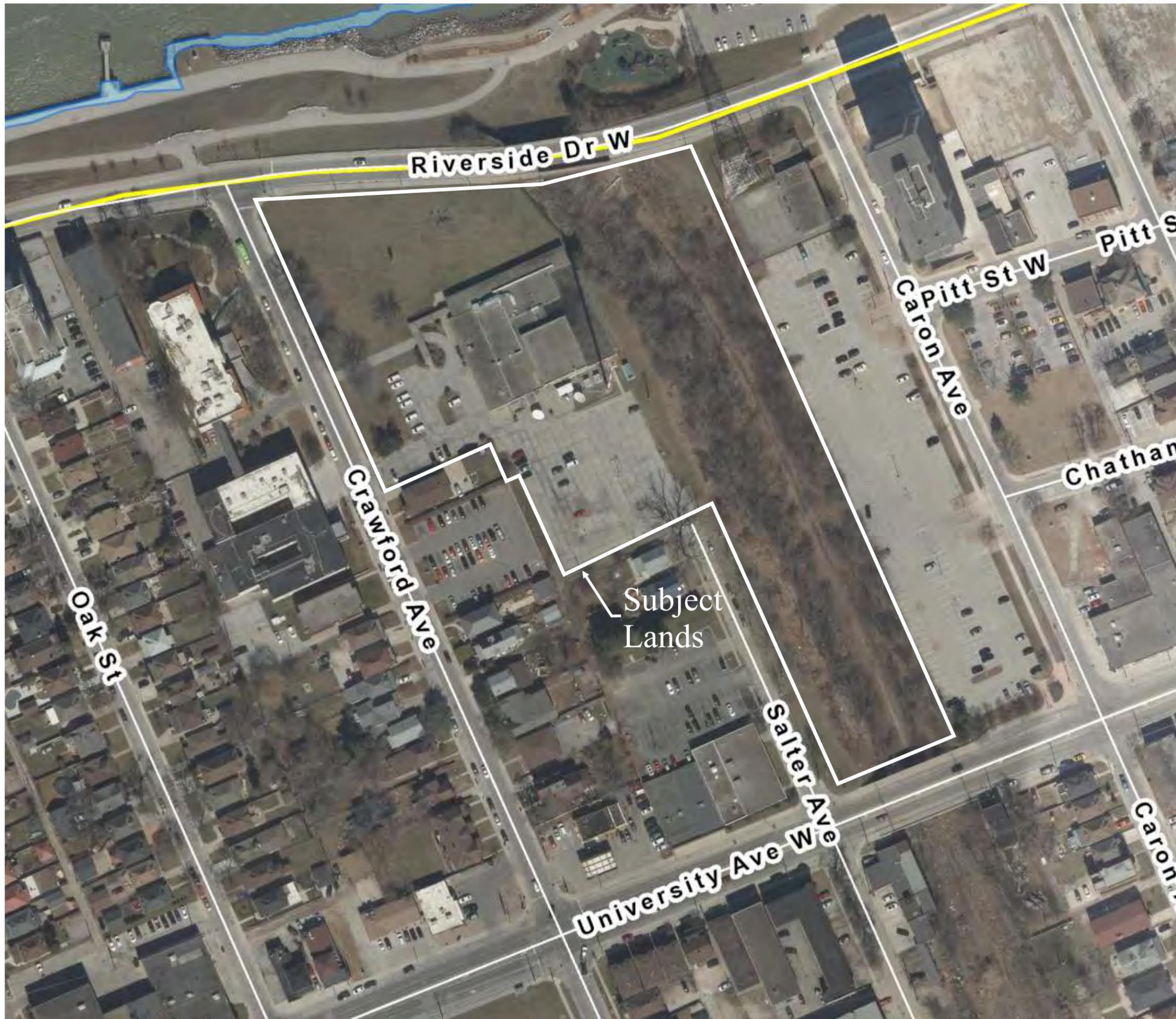


Figure 5: ERCA Regulation Limit
(2019 ERCA Air Photo)



0 1,000
Scale 1:50,000
Key Plan

Legend

- - ERCA Regulation Limit
- - 100 Year Flood Line

* Locations are approximate and should be verified by survey where necessary.

Print on 11X17, Landscape Orientation

0 30

Scale 1:1500
November 2019



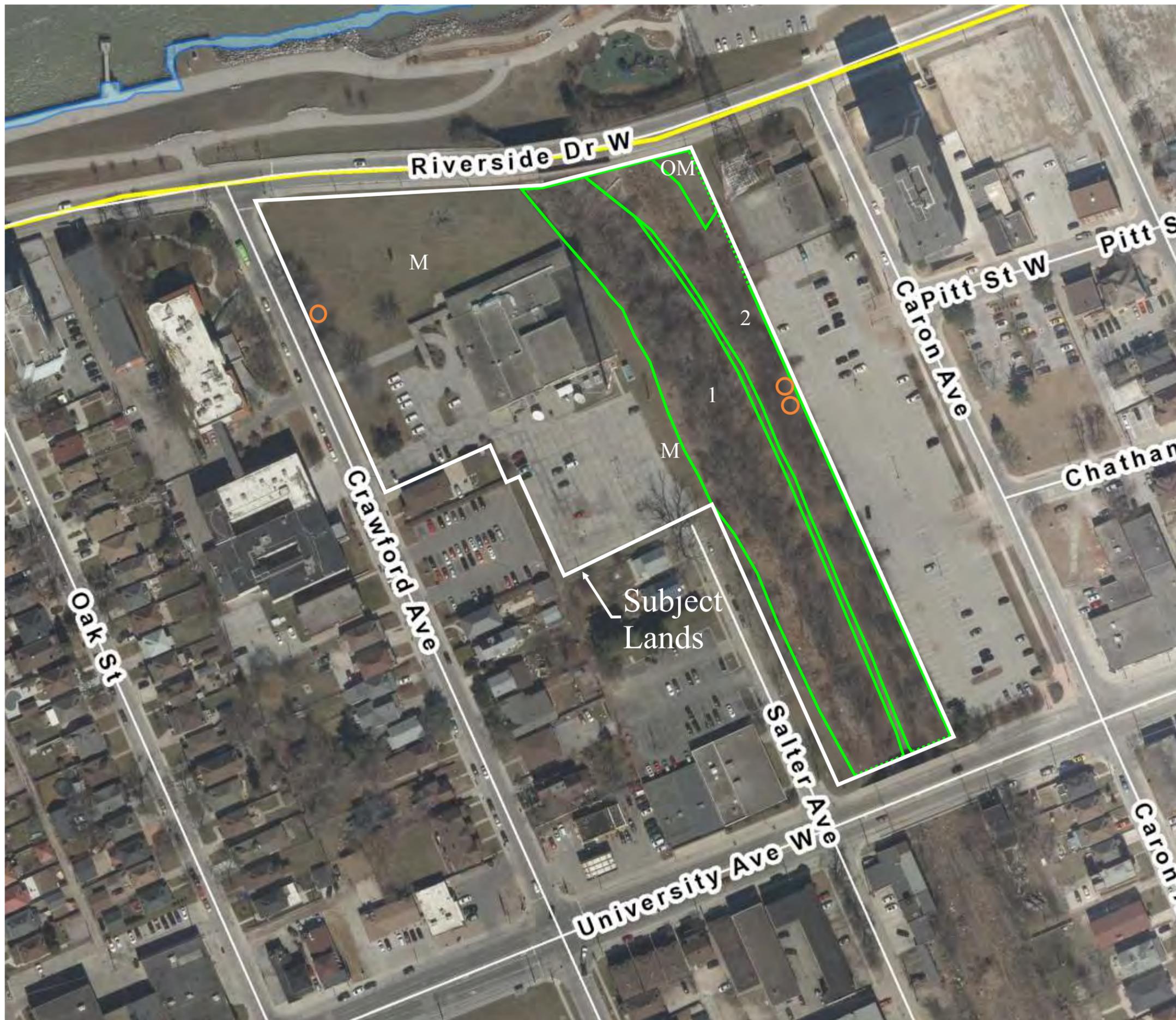


Figure 6: Vegetation Communities
(2019 ERCA Air Photo)



0 1,000
Scale 1:50,000
Key Plan

Legend

- M - Maintained Lawn
- OM - Occasionally Maintained Lawn (as Roadside)
- 1 - Mineral Cultural Woodland (CUW1)
- 2 - Mineral Cultural Thicket/Woodland (CUT1/CUW1)
- - Potential SAR Bat Maternity Roost Trees

Print on 11X17, Landscape Orientation

0 30

Scale 1:1500
November 2019



Figure 7: Development Plan
(Turner Fleischer, 2016)



0 1,000
Scale 1:50,000
Key Plan

Legend

- M - Maintained Lawn
- OM - Occasionally Maintained Lawn (as Roadside)
- 1 - Mineral Cultural Woodland (CUW1)
- 2 - Mineral Cultural Thicket/Woodland (CUT1/CUW1)
- Snake Movement Corridor Linkage (0.35a)

* Locations are approximate and should be verified by survey where necessary.

Print on 11X17, Landscape Orientation

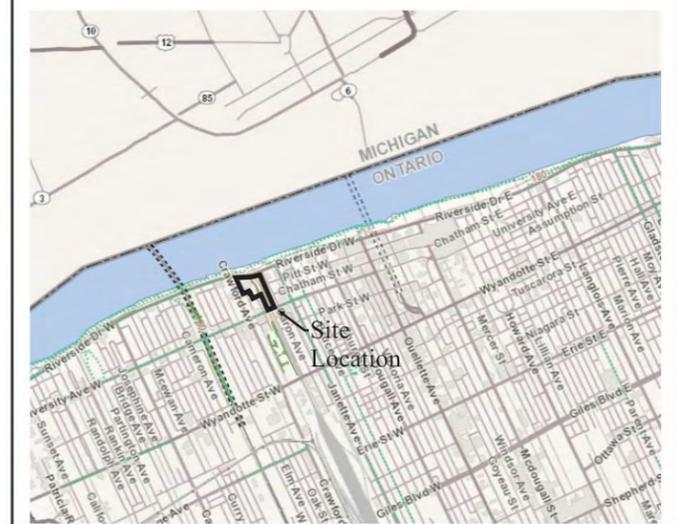
0 20
Scale 1:1000

November 2019





Figure 8: Development Overlay
(2019 ERCA Air Photo)



0 1,000
Scale 1:50,000
Key Plan

Legend

- M - Maintained Lawn
- OM - Occasionally Maintained Lawn (as Roadside)
- 1 - Mineral Cultural Woodland (CUW1)
- 2 - Mineral Cultural Thicket/Woodland (CUT1/CUW1)
- - Potential SAR Bat Maternity Roost Trees
- - Snake Movement Corridor Linkage (0.35ha)

* Locations are approximate and should be verified by survey where necessary.

Print on 11X17, Landscape Orientation

0 20
Scale 1:1000

November 2019





TURNER FLEISCHER

TURNER FLEISCHER ARCHITECTS INC.
67 Lesmill Road Toronto ON Canada M3B 2T8
Telephone (416) 425-2222
turnerfleischer.com

This drawing, as an instrument of service, is provided by and is the property of Turner Fleischer Architects Inc. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify Turner Fleischer Architects Inc. of any variations from the supplied information. This drawing is not to be scaled. The architect is not responsible for the accuracy of survey, structural, mechanical, electrical, etc. information shown on this drawing. Refer to the appropriate consultant's drawings before proceeding with the work. Construction must conform to all applicable codes and requirements of authorities having jurisdiction. The contractor working from drawings not specifically marked "For Construction" must assume full responsibility and bear costs for any corrections or changes resulting from its work.

LEGEND:

EXISTING ELEVATION +00.00m

PROPOSED ELEVATION +00.00m

NOTE:
1ST FLOOR F.F.E. FOR BUILDINGS 2A, 2B + 2C ARE APPROXIMATE (TO BE VERIFIED)



#	DATE	DESCRIPTION	BY
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Figure 8b: Site Grading Plan

PROJECT: 825 RIVERSIDE DRIVE WEST

WINDSOR, ONTARIO

DRAWING: GRADING STUDY

PROJECT NO.

16.154

PROJECT DATE

2016-10-04

DRAWN BY

Author

CHECKED BY

Checker

SCALE

As indicated

DRAWING NO.

SPA-1.00

Appendix A

ELC Field Sheets

ELC COMMUNITY DESCRIPTION & CLASSIFICATION	SITE: <u>Auburn-Windsor</u>		POLYGON: <u>1</u>	
	SURVEYOR(S): <u>WH</u>		DATE: <u>Sept 20, 2017</u>	TIME: start finish
	UTMZ: <u>17</u>	UTME:	UTMN:	

POLYGON DESCRIPTION

SYSTEM	SUBSTRATE	TOPOGRAPHIC FEATURE	HISTORY	PLANT FORM	COMMUNITY
<input type="checkbox"/> TERRESTRIAL <input type="checkbox"/> WETLAND <input type="checkbox"/> AQUATIC	<input type="checkbox"/> ORGANIC <input checked="" type="checkbox"/> MINERAL SOIL <input type="checkbox"/> PARENT MIN. <input type="checkbox"/> ACIDIC BEDRK. <input type="checkbox"/> BASIC BEDRK. <input type="checkbox"/> CARB. BEDRK.	<input type="checkbox"/> LACUSTRINE <input type="checkbox"/> RIVERINE <input type="checkbox"/> BOTTOMLAND <input type="checkbox"/> TERRACE <input type="checkbox"/> VALLEY SLOPE <input checked="" type="checkbox"/> TABLELAND <input type="checkbox"/> ROLL UPLAND <input type="checkbox"/> CLIFF <input type="checkbox"/> TALUS <input type="checkbox"/> CREVICE / CAVE <input type="checkbox"/> ALVAR <input type="checkbox"/> ROCKLAND <input type="checkbox"/> BEACH / BAR <input type="checkbox"/> SAND DUNE <input type="checkbox"/> BLUFF	<input type="checkbox"/> NATURAL <input checked="" type="checkbox"/> CULTURAL	<input type="checkbox"/> PLANKTON <input type="checkbox"/> SUBMERGED <input type="checkbox"/> FLOATING-LVD. <input type="checkbox"/> GRAMINOID <input type="checkbox"/> FORB <input type="checkbox"/> LICHEN <input type="checkbox"/> BRYOPHYTE <input checked="" type="checkbox"/> DECIDUOUS <input type="checkbox"/> CONIFEROUS <input type="checkbox"/> MIXED	<input type="checkbox"/> LAKE <input type="checkbox"/> POND <input type="checkbox"/> RIVER <input type="checkbox"/> STREAM <input type="checkbox"/> MARSH <input type="checkbox"/> SWAMP <input type="checkbox"/> FEN <input type="checkbox"/> BOG <input type="checkbox"/> BARREN <input type="checkbox"/> MEADOW <input type="checkbox"/> PRAIRIE <input checked="" type="checkbox"/> THICKET <input type="checkbox"/> SAVANNAH <input type="checkbox"/> WOODLAND <input type="checkbox"/> FOREST <input type="checkbox"/> PLANTATION
SITE			COVER		
<input type="checkbox"/> OPEN WATER <input type="checkbox"/> SHALLOW WATER <input type="checkbox"/> SURFICIAL DEP. <input type="checkbox"/> BEDROCK			<input type="checkbox"/> OPEN <input checked="" type="checkbox"/> SHRUB <input type="checkbox"/> TREED		

STAND DESCRIPTION:

LAYER	HT	CVR	SPECIES IN ORDER OF DECREASING DOMINANCE (up to 4 sp) (>> MUCH GREATER THAN; > GREATER THAN; = ABOUT EQUAL TO)
1 CANOPY	3	3	<u>ACCnegu >> ULMpumi = ALLaHi = MORallos</u>
2 SUB-CANOPY			
3 UNDERSTOREY	3	3	<u>RHAacath > LONtata = VITripa</u>
4 GRD. LAYER	5	3	<u>ALLpeti > HESmatr > SOLcana = NBPcta</u>

HT CODES: 1 => 25m 2 = 10<HT 25m 3 = 2<HT 10m 4 = 1<HT 2m 5 = 0.5<HT 1m 6 = 0.2<HT 0.5m 7 = HT<0.2m
CVR CODES 0 = NONE 1 = 0% < CVR 10% 2 = 10 < CVR 25% 3 = 25 < CVR 60% 4 = CVR > 60%

STAND COMPOSITION:	BA:
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SIZE CLASS ANALYSIS:	< 10	10 - 24	25 - 50	> 50
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STANDING SNAGS:	< 10	10 - 24	25 - 50	> 50
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DEADFALL / LOGS:	< 10	10 - 24	25 - 50	> 50
------------------	------	---------	---------	------

ABUNDANCE CODES: N = NONE R = RARE O = OCCASIONAL A = ABUNDANT

COMM. AGE:	PIONEER	<input checked="" type="checkbox"/> YOUNG	MID-AGE	MATURE	OLD GROWTH
------------	---------	---	---------	--------	------------

SOIL ANALYSIS:

TEXTURE:	DEPTH TO MOTTLES / GLEY	g =	G =
MOISTURE:	DEPTH OF ORGANICS: (cm)		
HOMOGENEOUS / VARIABLE	DEPTH TO BEDROCK: (cm)		

COMMUNITY CLASSIFICATION: ELC CODE

COMMUNITY CLASS:	<u>CULTURAL</u>	<u>CU</u>
COMMUNITY SERIES:	<u>WOODLAND / THICKET</u>	<u>CUW/CUT</u>
ECOSITE:	<u>MINERAL</u>	<u>CUW1/CUT1</u>
VEGETATION TYPE:		
INCLUSION		
COMPLEX		

Notes: East half more shrubby and open, West half more treed and thick

ELC MANAGEMENT / DISTURBANCE	SITE: <u>Auburn-Windsor</u>		POLYGON: <u>1</u>	
	DATE: <u>May 17</u>		SURVEYOR(S): <u>WH</u>	

DISTURBANCE EXTENT	0	1	2	3	SCORE †
TIME SINCE LOGGING	> 30 YRS	15 - 30 YRS	5 - 15 YRS	0 - 5 YEARS	N/A
INTENSITY OF LOGGING	NONE	FUEL WOOD	SELECTIVE	DIAMETER LIMIT	0
EXTENT OF LOGGING	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
SUGAR BUSH OPERATIONS	NONE	LIGHT	MODERATE	HEAVY	0
EXTENT OF OPERATIONS	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
GAPS IN FOREST CANOPY	NONE	SMALL	INTERMEDIATE	LARGE	9
EXTENT OF GAPS	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
LIVESTOCK (GRAZING)	NONE	LIGHT	MODERATE	HEAVY	0
EXTENT OF LIVESTOCK	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
ALIEN SPECIES	NONE	OCCASIONAL	ABUNDANT	DOMINANT	9
EXTENT OF ALIEN SPECIES	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
PLANTING (PLANTATION)	NONE	OCCASIONAL	ABUNDANT	DOMINANT	0
EXTENT OF PLANTING	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
TRACKS AND TRAILS	NONE	FAINT TRAILS	WELL MARKED	TRACKS OR	9
EXTENT OF TRACKS/TRAILS	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
DUMPING (RUBBISH)	NONE	LIGHT	MODERATE	HEAVY	9
EXTENT OF DUMPING	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
EARTH DISPLACEMENT	NONE	LIGHT	MODERATE	HEAVY	9
EXTENT OF DISPLACEMENT	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
RECREATIONAL USE	NONE	LIGHT	MODERATE	HEAVY	9
EXTENT OF RECR. USE	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
NOISE	NONE	SLIGHT	MODERATE	INTENSE	9
EXTENT OF NOISE	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
DISEASE/DEATH OF TREES	NONE	LIGHT	MODERATE	HEAVY	2
EXTENT OF DISEASE / DEATH	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
WIND THROW (BLOW DOWN)	NONE	LIGHT	MODERATE	HEAVY	0
EXTENT OF WIND THROW	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
BROWSE (e.g. DEER)	NONE	LIGHT	MODERATE	HEAVY	0
EXTENT OF BROWSE	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
BEAVER ACTIVITY	NONE	LIGHT	MODERATE	HEAVY	0
EXTENT OF BEAVER	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
FLOODING (pools & puddling)	NONE	LIGHT	MODERATE	HEAVY	0
EXTENT OF FLOODING	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
FIRE	NONE	LIGHT	MODERATE	HEAVY	0
EXTENT OF FIRE	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
ICE DAMAGE	NONE	LIGHT	MODERATE	HEAVY	0
EXTENT OF ICE DAMAGE	NONE	LOCAL	WIDESPREAD	EXTENSIVE	
OTHER	NONE	LIGHT	MODERATE	HEAVY	9
EXTENT	NONE	LOCAL	WIDESPREAD	EXTENSIVE	

† INTENSITY x EXTENT = SCORE

Appendix B

Breeding Bird Survey Results



AVIFAUNAL SURVEY INFORMATION SUMMARY SHEET

Project: GSP Group - 825 Riverside Drive Collector(s): WH
 Visit 1 Date: 5-Jun-17 Visit 2: 27-Jun-17
 Start: 7:15 End: 7:45 Start: 8:30 End: 9:00
 Weather: overcast, cool Weather: breezy, clear

Species Code	Species Name	Evidence Code		No.		S Rank	ESA Status	PIF Status	Community	Notes
		vis 1	vis 2	vis 1	vis 2					
REVI	Red-eyed Vireo	SM	-	2	0	S5			1	UNLIKELY BREEDER, LIMITED HABITAT
AMRO	American Robin	P	FY	2	2	S5			1	CONFIRMED BREEDING
GRCA	Gray Catbird	T	SM	1	2	S4			1	POSSIBLE BREEDER, DECENT HABITAT
EUST	European Starling	-	P	0	2	SNA			1	POSSIBLE BREEDER, DECENT HABITAT
SOSP	Song Sparrow	SM	T	1	4	S5			1	POSSIBLE BREEDER, DECENT HABITAT
NOCA	Northern Cardinal	AE	P	2	2	S5			1	CONFIRMED BREEDING
INBU	Indigo Bunting	SM	SM	1	1	S4			1	POSSIBLE BREEDER, DECENT HABITAT
RWBL	Red-winged Blackbird	SH	P	1	2	S4			1	POSSIBLE BREEDER, DECENT HABITAT
COGR	Common Grackle	-	P	0	2	S5		RC	1	UNLIKELY BREEDER, LIMITED HABITAT
BHCO	Brown-headed Cowbird	VO	FY	2	6	S4			1	YOUNG FLEDGED BY AMRO
BAOR	Baltimore Oriole	P	SH	2	1	S4			1	POSSIBLE BREEDER, DECENT HABITAT
HOSP	House Sparrow	SH	P	3	4	SNA			1	LIKELY BREEDER, GOOD HABITAT

Evidence Codes:

Breeding Bird - Possible

SH=Suitable Habitat SM=Singing Male

Breeding Bird - Probable

T=Territory A=Anxiety Behaviour D=Display N=Nest Building P=Pair V=Visiting Nest

Breeding Bird - Confirmed

DD=Distraction NE=Eggs AE=Nest Entry NU=Nest Used NY=Nest Young FY=Fledged Young FS=Food/Faecal Sack

Other Wildlife Evidence

OB=Observed DP=Distinctive Parts TK=Tracks VO=Vocalization HO=House/Den FE=Feeding Evidence CA=Carcass

Fy=Eggs or Young SC=Scat SI=Other Signs (specify)

Appendix C

Snake Habitat Field Survey Notes

Appendix D

MNRF CPAF Request Email



From: ESA-Aylmer (MNRF) <ESA.Aylmer@ontario.ca>
Sent: Wednesday, April 11, 2018 11:26 AM
To: Dylan Morse
Cc: Jamie Crich; MNRF Ayl Planners (MNRF)
Subject: RE: InfoRequest - Shergar Developments - 825 Riverside Drive, Windsor
Attachments: Shergar Developments - 825 Riverside Windsor - Stage 1MNRFSubmittedFebru....pdf

Hello Dylan,

MNRF Aylmer District has completed the species at risk (SAR) information request for Shergar Developments' proposed mixed residential development at 825 Riverside Drive West, in the City of Windsor, Essex County.

The Species at Risk in Ontario (SARO) List (<https://www.ontario.ca/laws/regulation/080230>) is Ontario Regulation 230/08 issued under the *Endangered Species Act, 2007* (ESA 2007). The ESA 2007 came into force on June 30, 2008, and provides both species protection (section 9) and habitat protection (section 10) to species listed as endangered or threatened on the SARO List. SAR information can be found on MNRF's website (<http://www.ontario.ca/environment-and-energy/species-risk-ontario-list>).

Based on MNRF's SAR data, there are several known occurrences of Butler's Gartersnake (END, species and general habitat protection) on the property. MNRF also notes the 1 Butler's Gartersnake individual found by Biologic on-site.

Additionally, there are known occurrences of the following SAR in the general area with potential for species and/or habitat to occur on the property:

- Eastern Foxsnake – Carolinian population (END, species and regulated habitat protection)
- SAR Bats (END, species and general habitat protection)
- American Chestnut (END, species and general habitat protection)
- Butternut (END, species and general habitat protection)
- Kentucky Coffee-tree (THR, species and general habitat protection)

Please note that this is an initial 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 MNRF data relies on observers to report sightings of SAR.

It is recommended that alternatives to the proposed development be considered to avoid impacts to SAR species and habitat on-site. If this cannot be done, SAR field assessments for the species and habitats mentioned above should be completed. After SAR field assessments have been completed, it is recommended that the proponent begin the process for an "overall benefit" permit in order to complete the project while remaining in compliance with the ESA 2007; by submitting to ESA.Aylmer@ontario.ca an Information Gathering Form (IGF).

Online resources available for templates and more information:

- Overall benefit permit process: <https://www.ontario.ca/page/species-risk-overall-benefit-permits>
- IGF template and guidance document: <http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/MinistryResults?Openform&SRT=T&MAX=5&ENV=WWE&STR=1&TAB=PROFILE&MIN=018&BRN=21&PRG=31>