

## Appendix D

### Ed Hooker

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**From:** Species at Risk (MECP) <SAROntario@ontario.ca>  
**Sent:** Wednesday, September 4, 2019 7:33 PM  
**To:** Anthony Goodban  
**Cc:** Ed Hooker; rcspencer@rcspencer.ca; 'Shane LaFontaine'; 'David Armstrong'; 'Brian Armstrong'  
**Subject:** RE: Follow-up for Ridge Side Estates, Cottam - Species at Risk Stage 1 (Information Request) Screening

Hello Mr. Goodban,

The Ministry of Environment, Conservation and Parks (MECP) has reviewed species at risk (SAR) information as well as the previous response provided by MNRF for the proposed Ridge Side Estates development along County Road 34 East, in Cottam, Town of Kingsville, Essex County.

The Species at Risk in Ontario (SARO) List 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. The current SARO List can be found on e-laws (<http://www.e-laws.gov.on.ca/navigation?file=home&lang=en>).

There are no known occurrences of SAR on the property. There are known occurrences of SAR in the general area of the property, but with low potential to occur on the property under its current vegetated state / agricultural use. Based on the information provided, including the proposal to retain the perimeter hedgerows, the project will likely not contravene the ESA 2007.

Eastern Foxsnake (Carolinian population) and its habitat are protected under the ESA 2007. This species regularly inhabits agricultural lands throughout the area, and so, woodlands, farm hedgerows, old fields, wetlands, and drainage corridors can be important habitats as well as seasonal migration linkages. Specific features such as rotting logs or stumps, piles of organic material (such as compost, sawdust, or woodchips), rock piles, brush piles, and dump sites of old agricultural debris/equipment are likely to provide habitat functions for Eastern Foxsnake in the project area. This species may also utilize old bridges, culverts, and foundations as communal over-wintering sites. If any of the above features are found to occur, they must be protected from all disturbances that would result in damage or destruction of their habitat functions. It is recommended that netting type erosion control measures not be used for projects over drains and rivers. At these locations an alternative product such as Curlex Netfree® blanket or the use of riprap over geotextile fabric should be used for erosion control to prevent entanglement of Eastern Foxsnake.

This guidance is valid until December 31<sup>st</sup>, 2020. MECP should be contacted for a new review if the project activities have not been completed by this date, or if land ownership has changed.

Should any of the project parameters change, please notify the Permissions and Compliance Section immediately to obtain guidance on whether additional actions will need to be taken to remain in compliance with the ESA 2007. Also, if any SAR species and/or habitats are observed in the project area, please contact the Permissions and Compliance Section as soon as possible.

Please visit <https://www.ontario.ca/page/species-risk> for more information on SAR species and habitat.

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 provincial data relies on observers to report sightings of SAR.

It is important to note that changes may occur in both species and habitat protection which could affect whether proposed projects may have adverse effects on SAR. The ESA 2007 applies to endangered and threatened species listed on the Species at Risk in Ontario (SARO) List (<http://www.ontario.ca/environment-and-energy/species-risk-ontario-list>). The Committee on the Status of Species at Risk in Ontario (COSSARO) meets regularly to evaluate new species for listing and/or re-evaluate species already on the SARO List. 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 if a species-specific habitat regulation comes into effect.

Please be advised that it is your responsibility to comply with all other relevant provincial or federal legislation, municipal by-laws or required approvals from other agencies.

If you have any concerns or questions regarding this letter, please contact me by email at [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca).

Thank you,

**Kathryn Markham**  
Management Biologist  
Permissions and Compliance Section, Species at Risk Branch  
Ministry of Environment, Conservation and Parks

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**From:** Anthony Goodban <[anthony.goodban@sympatico.ca](mailto:anthony.goodban@sympatico.ca)>  
**Sent:** August 12, 2019 10:47 AM  
**To:** Species at Risk (MECP) <[SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)>  
**Cc:** 'Ed Hooker' <[ehooker@wolfhooker.com](mailto:ehooker@wolfhooker.com)>; [rcspencer@rcspencer.ca](mailto:rcspencer@rcspencer.ca); 'Shane LaFontaine' <[slafontaine@rcspencer.ca](mailto:slafontaine@rcspencer.ca)>; 'David Armstrong' <[davidarmstrongfarmsinc@gmail.com](mailto:davidarmstrongfarmsinc@gmail.com)>; 'Brian Armstrong' <[4realestate@royallepage.ca](mailto:4realestate@royallepage.ca)>  
**Subject:** Follow-up for Ridge Side Estates, Cottam - Species at Risk Stage 1 (Information Request) Screening

Dear Sir or Madam,

Goodban Ecological Consulting Inc. (GEC) was retained by Wolf Hooker Professional Corporation, on behalf of WOBOCORP LTD., DAVID ARMSTRONG FARMS INC. and 2506665 ONTARIO LTD. to prepare a Stage 1 (Information Request) Species at Risk Screening Request for their proposed Ridge Side Estates development in Cottam (see Figures 1 and 2).

A site visit was completed by GEC on July 4, 2017, in order to generally characterize the subject lands and search for Species at Risk that may be detected at that time of year. GEC submitted a request for a Ministry of Natural Resources and Forestry (MNRF) Species at Risk Stage 1 (Information Request) Screening on August 2, 2017 (see below and attached).

Aylmer District MNRF provided a response to the SAR screening on September 12, 2017 (see below). MNRF reached the following conclusions:

*"There are no known occurrences of SAR on the property. There are known occurrences of SAR in the general area of the property, but with low potential to occur on the property under its current vegetated state / agricultural use..."*

*...Based on the information provided, including the proposal to retain the perimeter hedgerows, the project will likely not contravene the ESA 2007. However, it is recommended that MNRF be re-contacted if the project has not begun within the anticipated 24 months [emphasis added], since changes to the ESA 2007 and SARO List may have come into effect."*

It is now anticipated that construction for the Ridge Side Estates project will not commence within 24 months of MNRF's September 12, 2017, SAR screening email. As recommended by MNRF (see above), we are now following-up with the Ministry of Environment, Conservation and Parks (MECP) since the project will not have commenced within the originally anticipated time frame (i.e. by September 2019).

GEC revisited the site on July 14, 2019 to confirm that site in a condition similar to that observed during the original GEC site visit on July 4, 2017. The site is being maintained on a regular basis, in anticipation of the site being developed. Conditions observed by GEC on July 14, 2019 were very similar to conditions originally observed on July 4, 2017. A series of representative site photographs taken by GEC on July 14, 2019 are provided in Attachment C.

It is requested that MECP provide a letter of advice or email indicating that the Ridge Side Estates project will likely not contravene Section 9 (Species Protection) or Section 10 (Habitat Protection) of the *Endangered Species Act* (ESA 2007), consistent with MNRF's previous conclusions in their September 17, 2017 SAR screening. It is anticipated that the project will commence within the next 24 months.

Please do not hesitate to contact me if you have any questions or require further information.

Thank you for your attention to this matter.

Anthony G. Goodban, B.Sc., M.E.S.(Pl.), MCIP, RPP  
Consulting Ecologist and Natural Heritage Planner

**GOODBAN ECOLOGICAL CONSULTING INC. (GEC)**  
879 Cabot Trail, Milton, ON L9T 3W4  
Office: (905) 693-9064  
Mobile: (905) 691-0774

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**From:** ESA-Aylmer (MNRF) [<mailto:ESA.Aylmer@ontario.ca>]  
**Sent:** September 12, 2017 11:03 AM  
**To:** Anthony Goodban  
**Cc:** 'RC Spencer - Rick Spencer'; [davidarmstrongfarmsinc@gmail.com](mailto:davidarmstrongfarmsinc@gmail.com); [4realestate@royallepage.ca](mailto:4realestate@royallepage.ca); 'Ed Hooker'; MNRF Ayl Planners (MNRF)  
**Subject:** RE: Ridge Side Estates, Cottam - Request for MNRF Species at Risk Stage 1 (Information Request) Screening

Hello Anthony,

MNRF Aylmer District has completed the species at risk (SAR) information request screening for the proposed Ridge Side Estates development along County Road 34 East in Cottam, Town of Kingsville, Essex County.

The Species at Risk in Ontario (SARO) List 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. The current SARO List can be found on e-laws (<http://www.e-laws.gov.on.ca/navigation?file=home&lang=en>).

There are no known occurrences of SAR on the property. There are known occurrences of SAR in the general area of the property, but with low potential to occur on the property under its current vegetated state / agricultural use.

Eastern Foxsnake (Carolinian population) and its habitat are protected under the ESA 2007. This species regularly inhabits agricultural lands throughout the area, and so, woodlands, farm hedgerows, old fields, wetlands, and drainage corridors can be important habitats as well as seasonal migration linkages. Specific features such as rotting logs or stumps, piles of organic material (such as compost, sawdust, or woodchips), rock piles, brush piles, and dump sites of old agricultural debris/equipment are likely to provide habitat functions for Eastern Foxsnake in the project area. This species may also utilize old bridges, culverts, and foundations as communal over-wintering sites. If any of the above features are found to occur, they must be protected from all disturbances that would result in damage or destruction of their habitat functions. It is recommended that netting type erosion control measures not be used for projects over drains and rivers. At these locations an alternative product such as Curlex Netfree® blanket or the use of riprap over geotextile fabric should be used for erosion control to prevent entanglement of Eastern Foxsnake.

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.

Based on the information provided, including the proposal to retain the perimeter hedgerows, the project will likely not contravene the ESA 2007. However, it is recommended that MNRF be re-contacted if the project has not begun within the anticipated 24 months, since changes to the ESA 2007 and SARO List may have come into effect.

It is important to note that changes may occur in both species and habitat protection which could affect whether proposed projects may have adverse effects on SAR. The Committee on the Status of Species at Risk in Ontario (COSSARO) meets regularly to evaluate new species for listing and/or re-evaluate species already on the SARO List. 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 if a species-specific habitat regulation comes into effect.

Thank you,

**Catherine Jong**  
Management Biologist  
MNRF Aylmer District  
615 John Street North  
Aylmer, ON N5H 2S8

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**From:** Anthony Goodban [<mailto:anthony.goodban@sympatico.ca>]

**Sent:** August-02-17 10:37 AM

**To:** ESA-Aylmer (MNRF)

**Cc:** 'RC Spencer - Rick Spencer'; [davidarmstrongfarmsinc@gmail.com](mailto:davidarmstrongfarmsinc@gmail.com); [4realestate@royallepage.ca](mailto:4realestate@royallepage.ca); 'Ed Hooker'

**Subject:** Ridge Side Estates, Cottam - Request for MNRF Species at Risk Stage 1 (Information Request) Screening

## Introduction

Goodban Ecological Consulting Inc. (GEC) was retained by Wolf Hooker Professional Corporation, on behalf of WOBORP LTD., DAVID ARMSTRONG FARMS INC. and 2506665 ONTARIO LTD. to prepare a Stage 1 (Information Request) Species at Risk Screening Request for their proposed Ridge Side Estates development in Cottam.

To assist in your review, the following materials are attached:

- Figure 1 - Local Landscape - Broad View - ERCA Imagery (Scale 1:7625).
- Figure 2 - Local Landscape - Property View - ERCA Imagery (Scale 1:3812).
- Figure 3 - Cottam Properties - North Portion - MNRF Imagery (Scale 1:2256)
- Figure 4 - Cottam Properties - South Portion - MNRF Imagery (Scale 1:2256)
- Plan 12R-26017
- Plan 12R-26659
- Attachment A - Drainage Petition Map
- Attachment B - Photo Album (Note: photo locations are shown on Figure 4)

A site visit was completed by GEC on July 4, 2017, in order to generally characterize the subject lands and search for Species at Risk that may be detected at that time of year.

The site comprises two properties located in Cottam on the northeast side of County Road 34, close to the intersection of Belle River Road East and County Road 34 (see Figures 1 to 4, and Plans of Survey). The legal description is as follows:

Concession and Lot No: Part Lot 269, Concession N.T.R.

Part No. and Reference Plan: Pt. 1 & 2, 12R-26017, Pt. 2, 12R-26659

The site covers approximately 4.0 ha in total. The property includes regularly mown areas, fallow farmland, areas cleared in order to resume farming, a small farm pond overgrown with Narrow-leaved Cattail and perimeter hedgerows. The site is essentially one large open field.

#### **Proponent Information**

- The registered owners of the properties are WOBOCORP LTD., DAVID ARMSTRONG FARMS INC. and 2506665 ONTARIO LTD.
- The owners are represented by:

Mr. E. Hooker  
Wolf Hooker Professional Corporation  
100-72 Talbot Road North  
Essex, Ontario N8M 1A2

Phone: (519) 776-4244

E-mail: [ehooker@wolfhooker.com](mailto:ehooker@wolfhooker.com)

#### **Project Understanding**

Our understanding of the proposed development is that the site will be developed as a residential subdivision. Stormwater from the proposed subdivision will be directed to a stormwater management pond in the northeast corner of the site, which will outlet into a new drain that will connect to a branch of the Smith Newman Drain. A municipal drainage petition has been filed at Town of Kingsville in order to accommodate the provision of the necessary outlet from the site to a municipal drain (see Attachment A - Drainage Petition Map).

Access to the site will be from County Road 34 to the south. The development will include 40 single family and semi-detached residential units, a SWM pond and park area.

The site will be graded and prepared accordingly for the installation of standard services to accommodate the planned residential development. The lands within the Cottam area (including the subject property) are currently identified in

the Town's zoning by-law for residential uses but largely constrained by availability of sewage capacity and await expansion of the existing lagoon (see details below). As timing of the expansion has yet to be determined and one of the owners is a farmer, the site has been cleared for interim agricultural uses.

The Plan of Subdivision application has not yet filed, pending the outcome of this MNRF Species at Risk Stage 1 (Information Request) Screening request. The Town of Kingsville has recently held a meeting on sewage lagoon upgrades to accommodate the requirements of this proposed development and those of other property owners also in need of sewage capacity. Town administration will be obtaining an updated costing of the upgrades and the anticipated time frame for completion of the works and thereafter report back to the property owners.

The majority of the site will be required to accommodate the development and there will be rear-lot tree-saving opportunities for the perimeter hedgerows. It is anticipated that site preparation activities could commence within 12 to 24 months (subject to available sewage capacity) and it may take up to 3 years for the full build-out of the development to be completed.

#### NHIC Database

A check on the Natural Heritage Information Centre's website was completed to find out which SAR had been reported from the 1 km x 1 km squares (17LG5565 and 17LG5665) in which most of the subject property occurs and a summary of records is provided below in Table 1.

Table 1: NHIC Database SAR Records for 17LG5565 and 17LG5665 1km x 1km Squares						
Element Occurrence ID	Scientific Name	Common Name	S-Rank	MNR Status*	Last Observed	Extirpated?
2429	<i>Oenothera gaura</i>	Biennial Gaura	S3		1917-09-04	
2474	<i>Polygonum erectum</i>	Erect Knotweed	SH		1972-09-20	
5615	<i>Ptelea trifoliata</i>	Common Hoptree	S1	SC	1982-10	
11682	<i>Sistrurus catenatus</i> Pop. 2	Massasauga (Carolinian Population)	S1	END	1930	Yes
13327	<i>Tyto alba</i>	Barn Owl	S1	END	1939-06	
59499	<i>Platanthera ciliaris</i>	Yellow Fringed-orchid	SX		1881-08-15	Yes
95617	<i>Euphyes dukesi</i>	Duke's Skipper	S2		1986-07-23	

**Table 1: NHIC Database SAR Records for 17LG5565 and 17LG5665  
1km x 1km Squares**

Element Occurrence ID	Scientific Name	Common Name	S-Rank	MNR Status*	Last Observed	Extirpated?
<p><b>*Note:</b></p> <p>END = Endangered in Ontario          THR = Threatened in Ontario          SC = Special Concern</p>						

### Site Description

Non-native introduced species listed in the site description below are denoted with a "+" sign.

Please refer to **Figures 3 and 4**, and **Attachment B**.

The site covers approximately 4.0 ha in total. The site is essentially one large open field (see **Attachment B: Photos 1-3, 6-9**). Historically the whole property was in agricultural use. Some areas are mown on a regular basis. Some woody regeneration (mainly Green Ash [*Fraxinus pennsylvanica*]) was cleared in order to resume farming activity. There are some perimeter hedgerows.

There is a small farm pond onsite that is overgrown with Narrow-leaved Cattail (*Typha angustifolia*)(see **Attachment B: Photos 4 and 5**). Adult Green Frogs were observed around the pond.

Hedgerows "A" and "B" (see **Figure 4**) mainly comprises young trees (5 to 15 cm dbh) such as Green Ash, White Elm (*Ulmus americana*), White Mulberry (*Morus alba* +), Black Walnut (*Juglans nigra*), Basswood (*Tilia americana*), Pin Oak (*Quercus palustris*) and Manitoba Maple (*Acer negundo*), with occasional larger Silver Maple (*Acer saccharinum*) and Eastern Cottonwood (*Populus deltoides*). The main shrubs are Gray Dogwood (*Cornus foemina* ssp. *racemosa*), Common Buckthorn (*Rhamnus cathartica* +) and Staghorn Sumac (*Rhus typhina*). The ditches are very shallow and discontinuous; they were dry on July 4, 2017.

Hedgerow "C" includes a cluster of trees offsite and the fenceline trees. Tree and shrub species include Black Walnut, Manitoba Maple, White Mulberry (+), Green Ash, White Elm, Gray Dogwood, Staghorn Sumac and Common Buckthorn (+). There are a few large (>60 cm dbh) specimen Bur Oak (*Quercus macrocarpa*) on the property line.

No plant or wildlife species at risk were observed during the July 4, 2017 field visit. The site was searched assiduously for plant species at risk such as Butternut, Eastern Flowering Dogwood and Red Mulberry, and none were observed. No species at risk grassland birds (e.g. Bobolink and Eastern Meadowlark) were observed during the site visit.

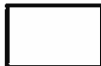
We look forward to MNRF's response to our Stage 1 (Information Request) Species at Risk Screening. Please let me know if you have any questions or require further information.

Anthony

When responding to this e-mail, please request a "Read Receipt" so that you will know if I actually receive your e-mail. For some reason I am having difficulty

**Anthony G. Goodban, B.Sc., M.E.S.(Pl.), MCIP, RPP**  
**Consulting Ecologist and Natural Heritage Planner**

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