

## Robert Brown

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**From:** Anthony Goodban <anthony.goodban@sympatico.ca>  
**Sent:** July-13-17 4:07 PM  
**To:** Robert Brown  
**Cc:** 'Walter Branco'  
**Subject:** FW: 169 Prince Albert St., Kingsville - Draft Terms of Reference for Scoped EIS  
**Attachments:** Branco Prince Albert Townhouses EIA ToR.PDF; Branco Prince Albert Townhouses Geocortex Screening Map.pdf; 2017-04\_SAR Screening Process\_Technical Bulletin.pdf

Hi Robert,

I am writing to confirm that I have been retained by Walter Branco at Noah Homes to prepare a Scoped EIS report for ERCA based on the attached Terms of Reference, and to prepare a Species at Risk Stage 1 (Information Request) Screening request for submission to the Ministry of Natural Resources and Forestry (MNRF).

Please let me know if you have any questions.

Best regards,

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:** Dan Lebedyk [mailto:DLebedyk@erca.org]  
**Sent:** July 12, 2017 10:19 AM  
**To:** Anthony Goodban  
**Cc:** wbranco@noahhomes.ca; Robert Brown (rbrown@kingsville.ca); Mike Nelson  
**Subject:** RE: 169 Prince Albert St., Kingsville - Draft Terms of Reference for Scoped EIS

Dear Anthony:

### **ERCA File: EIA-16-17**

Attached please find the Terms of Reference for the EIA associated with the proposed development on property identified as 169 Prince Albert St. N. Because the EIA has been scoped down to address only adjacent lands issues and an MNRF ESA screening, the fee associated with this EIA has been assessed at \$115.00, in accordance with our Board of Directors' approved fee schedule. Our review of your final EIA will be issued upon receipt of the study along with submission of the required review fee from the proponent. I have also included a detailed screening map of the property as well as the latest MNRF ESA Screening Technical Bulletin for your reference.

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

Thank you.



regs@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

## **Environment Impact Assessment (EIA) Terms of Reference**

DATE: July 12, 2017

**ERCA File Number:** EIA-16-17

**Municipality:** Kingsville

**Property:** CON 1 WESTERN DIVISION, LOT 1, 169 PRINCE ALBERT ST N, ARN: 371111000001200, PIN: 751730308

**Natural Area:** Palmer Drain

**Significance:** Adjacent to Significant Valleyland, Significant Wildlife Habitat; Species at Risk

**Proposal:** Branco Prince Albert Townhouses

**Recommendation:** Complete the Environmental Impact Assessment (EIA) as per the following established Terms of Reference. The EIA shall include appropriate mitigation measures (such as setbacks, buffering, fencing, etc.) in order to prevent negative impacts, for the following categories of consideration:

- **Adjacent lands to the existing significant natural heritage feature (Significant Valleyland, potential Significant Wildlife Habitat)** in accordance with Policy 2.1.8 of the PPS.

The EIA shall also include appropriate consideration of:

- **Habitat of Endangered Species and Threatened Species**, in consultation with the Ontario Ministry of Natural Resources and Forestry (MNRF) as per the attached Technical Memo, in accordance with Policy 2.1.7 of the PPS.

Please refer to the above referenced ERCA File Number when corresponding on this file, including the submission of any payment.

I would be pleased to discuss this review further at your convenience. If you should have any questions, or require any additional information please do not hesitate to contact me.

Yours Truly,

Dan Lebedyk  
/dl

### ***Technical Bulletin: Aylmer District Species at Risk Screening Process***

This technical bulletin outlines the process for engaging the Ministry of Natural Resources and Forestry (MNRF) Aylmer District Office regarding the *Endangered Species Act, 2007 (ESA)*.

The ESA provides protection for species listed as *Endangered* or *Threatened* on the [Species at Risk in Ontario List](#). Individuals receive protection under Section 9 and their habitat is protected under Section 10. The ESA is a law of general application that is binding on everyone in the province of Ontario, and applies to both private and public lands. MNRF Aylmer District provides review of a project's compliance under the ESA by responding to species at risk (SAR) information requests (Stage 1) and project screening requests (Stage 2) only when both of the following conditions are met:

1. The request comes directly from the property owner or their delegate (e.g. consultants) on their behalf; and,
2. A specific project/activity is proposed.

#### **MNRF Aylmer District Contact Information**

All ESA-related requests must be submitted to MNRF Aylmer District via our ESA inbox at [ESA.Aylmer@ontario.ca](mailto:ESA.Aylmer@ontario.ca)

***NOTE: MNRF response time is between 8 and 10 weeks after receipt of all required information, due to the high volume of requests received.***

#### **Stage 1: Information Request**

To ensure due diligence under the ESA, MNRF encourages property owners and/or their delegates proposing to conduct site alteration (such as construction, vegetation/debris removal, site grading, etc.) to request SAR information from Aylmer District prior to beginning site alteration and/or conducting SAR surveys. For MNRF to respond to an information request, the following information is required:

- Proponent information (name, mailing address, and email address);
- Property location and mapping (municipal address and/or lot and concession);
- Digital photos of the property, including the vegetation on-site, if available;
- General description of all proposed activities and extent of development footprint (e.g. residential, driveway, vegetation clearing). Maps / site layout drawings are beneficial;
- Current state of vegetation, property maintenance/management (e.g. frequency of mowing), and recent property landscape history/changes (within the last five years);
- Timing and duration of proposed activities;
- Copies of past correspondence with MNRF about the property, if applicable; and,
- Status of municipal planning or Environmental Assessment process, if any.

Once the above information has been provided, MNRF will review available SAR data to determine if SAR species and/or their habitat(s) are known or likely to occur on or in the general area of the property. MNRF's response will be one of the following:

1. There is a low likelihood for SAR species and/or habitat to occur and/or be impacted
  - o Further project screening will not be needed unless recommendations to avoid impacts cannot be followed or significant changes to the project are made (e.g. natural vegetation proposed to be removed).
2. SAR species and/or habitat are known to occur on or near the property, or there is a high likelihood for SAR species and/or habitat to occur
  - o MNRF may recommend that field assessments by a qualified biologist are needed to determine whether the proposed project may contravene the ESA.
    - o It is expected that the retained qualified biologist will use the information provided by MNRF to scope and design the field assessments, including identifying appropriate species-specific survey methodologies and timing.
    - o MNRF can provide guidance on field assessments (i.e. protocols or proposed work plans). Some field assessment methodologies may require MNRF authorizations under the ESA and the *Fish and Wildlife Conservation Act*.
  - o After field assessments have been completed, proceed to Stage 2.

**NOTE:** MNRF strongly recommends that no on-site activity (i.e. site alteration, vegetation/debris removal, etc.) occur until Stage 2 is complete, in order for proponents to demonstrate due diligence and remain in compliance with the ESA. Failure to comply with this recommendation could result in a contravention of the ESA and possible compliance / enforcement action.

## Stage 2: Project Screening / IGF Review

Following MNRF's recommendations, a qualified biologist should complete appropriate field assessments and submit the results in an Information Gathering Form (IGF) to initiate a project screening request.

### Link to IGF:

<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>

MNRF will review the IGF to determine whether the project is likely to contravene the ESA (Section 9 and/or Section 10). MNRF's response will be one of the following:

1. Contravention under the ESA is not likely to occur:
  - o A response will be provided, which could include recommendations necessary to avoid impacts to SAR; or,
2. Contravention under the ESA is likely to occur:
  - o MNRF will recommend options for seeking approval under the ESA, such as applying for a permit or assessing eligibility for alternative regulatory processes. Please be advised that applying for a permit does not guarantee approval and processes can take several months before a permit may be issued.

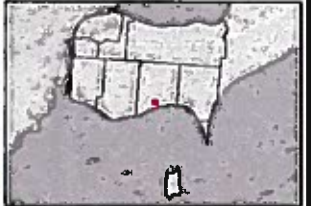
# Branco Prince Albert Townhouses



## Legend

- Lots and Concessions
- Regional Assessment (ARN) Ownersh
- Ownership Parcels (PIN)
- Provincially Significant Wetland (PSW)
- Significant Valley Land (SVL)
- Existing Natural Features (ERNHSS)**
  - Open Water
  - Marsh
  - Swamp
  - Forest
  - Other Terrestrial Natural Feature
- Restoration Opportunities (ERNHSS)**
  - Restoration Opportunity Other
  - Riparian Buffer (30m)
  - Wetland Buffer (240m)
- 1:100 yr Flood Line
- Maximum Observed Flooding
- Limit of Regulated Area
- COE/ERCA-wm\_MunicipalDrains\_ERC
- Channelized Natural

## Location



## Notes



THIS MAP IS INTENDED FOR INTERNAL USE ONLY.

Data herein is provided on an "as is" basis and is for visual reference only. Map not to be used for navigation or plan of survey.  
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7/12/2017