



Muncaster  
Environmental  
Planning Inc.

March 24, 2020

Hard Rock Ottawa  
4837 Albion Road  
Ottawa, Ontario  
K1X 1A3

**RE: 4837 Albion Road, Hard Rock Hotel & Casino  
Environmental Impact Statement - Revised**

I have completed an Environmental Impact Statement (EIS) for an expanded casino, hotel, and a theatre at the existing Rideau Carleton Raceway at 4837 Albion Road. The site is on the west side of Albion Road, approximately 600 metres north of Rideau Road and 2.7 kilometres south of Leitrim Road. This EIS assesses the proposed areas of site disturbance, as shown on Figure 1 at the end of this report, and adjacent lands, and only includes the west portion of the overall site, between the existing racetrack and Albion Road to the west. The site is described as Lot 23, Concession 4, Gloucester Geographic Township of the City of Ottawa.

This EIS has been updated to address City of Ottawa comments dated January 14<sup>th</sup> and South Nation Conservation comments dated January 24<sup>th</sup>, 2020.

***Site Context and Proposed Development***

The site and most of the adjacent lands are designated *General Rural Area* on Schedule A of the Official Plan and the site is zoned Rural Commercial. No wetland habitats or channels with aquatic habitat potential were observed on or adjacent to the limits of site disturbance, with a south portion of the Leitrim Provincially Significant Wetland beginning approximately 200 metres north of the north edge of the limit of disturbance. *Sand and Gravel Resource Areas* are designated to the west of the limit of disturbance, west of Albion Road. The Leitrim Wetland is also the closest portion of the City's Natural Heritage System, as mapped on the Schedule L1 Overlay of the Official Plan, and the closest Natural Area, as identified by Brownell and Blaney (1997) and Area of Natural and Scientific Interest. There are no environmental constraints shown for the site on Schedule K, with the area within the *Airport Vicinity Development Zone*.

As shown on the Site Plan included at the end of this report, the Rideau Carleton Raceway and Slots (Hard Rock Casino) is proposed to be expanded in one phase of construction. Internal renovations to the existing casino have already been made and the expansion will include an addition to the casino, hotel and Hard Rock Live (a theatre). This addition will be located west of the horse racing track and southeast of the existing casino, with the proposed limits of site disturbance shown with a red line on Figure 1.

The study area is defined as the proposed limits of site disturbance, as shown on Figure 1, plus adjacent lands of up to 120 metres as identified in OMNR (2010). For the purposes of this report Albion Road is considered in a north-south orientation.

### ***Methodology***

An EIS is required to examine the potential for Species at Risk utilization and other natural heritage features on or adjacent to the areas of site disturbance that may be impacted by the proposed development. This EIS was prepared in accordance with Section 4.7.8 of the City of Ottawa Official Plan following the EIS Guidelines with guidance from the Natural Heritage Reference Manual (OMNR, 2010). The field survey and this report were completed by Bernie Muncaster, who has a Master's of Science in Biology and over thirty-three years of experience in completing natural environment assessments.

The EIS will provide the methodology to mitigate as required negative impacts on significant features and functions, including Species at Risk. Potential Species at Risk in the general area were identified from Ministry of Natural Resources and Forestry databases, the Ontario Breeding Bird Atlas, and Species at Risk reported for the overall City of Ottawa.

The natural environment features of the site and adjacent lands were reviewed on October 5<sup>th</sup>, 2017 under a mix of sunny and cloudy skies, a light to moderate breeze, and an air temperature of 21° C. No frost had occurred to date. As the proposed areas of disturbance are already highly disturbed, there is no anticipation that the existing conditions have changed notably since the fall of 2017.

### ***Existing Conditions***

The proposed limits of site disturbance and much of the adjacent lands are dominated by existing parking lots, entrances, other access routes and buildings. Some woody vegetation has been planted or regenerated on former fields on the adjacent lands, east of the northeast corner of the limit of site disturbance, as shown on Figure 1 and described below. In addition, deciduous hedgerows are along the north edge of the limit of disturbance and trees have been planted in association with the access routes and entrances to the buildings. The area of disturbance is virtually flat, with a gentle slope to the north in the northeast corner. Native soils are mapped as sandy and silty tills, which is consistent with field observations.

#### **Northeast Vegetation**

As shown on Figure 1 a small area, about 0.25 hectares, adjacent to the northeast corner of the limit of disturbance was planted with red pines. The pines are now up 26cm diameter at breast height (dbh) and were likely planted in the late 1990s (Photo 1). Glossy and common buckthorn shrubs are in the understory, with wild parsnip, tall goldenrod, Canada goldenrod, common dandelion, white bedstraw, common burdock, brome grass, and wild grape representative of the ground flora among the red pines. The pines appear to be in generally good condition.

Where the woody vegetation adjacent to the planted pines was greater than 25 percent cover, the vegetation community is labelled as a cultural thicket on Figure 1 (Photo 2). Common buckthorn

was dominant, with staghorn sumac, glossy buckthorn, red raspberry, tartarian honeysuckle and apple shrubs also present. White elms up to 28cm dbh were the largest trees in the thicket habitat. Many of the elms had extensive bark damage and vine coverage was common. Smaller Manitoba maple and a 12cm dbh Russian olive were also present. Ground vegetation in the cultural thicket included common mullein, Canada goldenrod, early goldenrod, narrow-leaved goldenrod New England aster, small white aster, wild parsnip, wild carrot, reed canary grass, orchard grass, daisy fleabane, red clover, evening primrose, soapwort, cow vetch, common mugwort, bittersweet nightshade, common milkweed, bladder campion, common strawberry, field sow-thistle, Canada thistle, thimbleweed, and curled dock.

#### Deciduous Hedgerows

White elms and coppice Manitoba maple up to 30cm dbh were common in the intermittent deciduous hedgerows along the north edge of the limit of disturbance (Photo 3). Some of the elms appeared dead and others had extensive wild grape and wild cucumber coverage. The south hedgerow was more intermittent. Tartarian honeysuckle, smooth rose, and common buckthorn shrubs were among the hedgerow trees, along with small black locust and European mountain ash stems.

#### Plantings adjacent to Entrances

Rows of planted Norway maples up to 20cm dbh were along both sides of the main entrance off Albion Road. Some of the maples had dead branches, while others appeared to be in better condition (Photo 6). Juniper shrubs were among the maple plantings.

Planted Norway maples up to 22cm dbh were also near the building entrances (Photo 4), along with smaller Norway maples and lindens. A row of planted Scot's pine up to 22cm dbh was along the south side of the north entrance off Albion Road (Photo 5). Small white cedars up to 15cm dbh were around a building in the south portion of the proposed limit of disturbance. As shown in the Tree Conservation Report produced by NOVATECH (revised March 23<sup>rd</sup>, 2020), this cedar hedge will be retained.

The locations and descriptions of the plantings are provided in the Tree Conservation Report

#### Cultural Meadows

Scattered areas of cultural meadow are mostly manicured areas dominated by bluegrass, with Canada thistle, meadow grass, common dandelion, red clover, common ragweed, and bird's-foot trefoil present. Along the edges of the manicured areas and adjacent to the pine plantings and intermittent hedgerows wild carrot, chicory, cow vetch, wild grape, thicket creeper, common mullein, common mugwort, evening primrose, bladder campion, common burdock, New England aster, common milkweed, purple loosestrife, field mustard, European bur-reed, and field sow-thistle were also representative of the ground flora. A short hedgerow of white cedar was along the south portion of the west edge of the cultural meadow to the east of the northeast portion of the limit of disturbance.

Wildlife observations included Canada goose, American crow, ring-billed gull, blue jay, killdeer, mourning dove, white-breasted nuthatch, black-capped chickadee, song sparrow, American robin, American goldfinch, and red squirrel. No evidence of raptor nesting or wildlife cavity trees were observed on or adjacent to the proposed areas of disturbance.



*Photo 1 - Red pines planted along the northeast corner of the proposed limit of disturbance*





*Photo 2 - Cultural thicket adjacent to the northeast corner of the proposed limit of disturbance.  
View looking east*



*Photo 3 - Young white elm in intermittent hedgerow along the north portion of  
the proposed limit of disturbance. View looking east*





*Photo 4 – Planted maples along the entrance to the main building*



*Photo 5 – Planted Scot's pine to the south of the north exit to Albion Road.  
View looking east*



*Photo 6 – Planted maples along the north side of the main entrance off Albion Road.  
View looking east*

#### Significant Wildlife Habitat

The potential for significant wildlife habitat was assessed using the guidance in OMNR (2010) and MNRF (2015). No flora, fauna, or ecological conditions identified in the background review or field survey that would trigger a Significant Wildlife Habitat designation with respect to the ELC communities present were observed within the limits of disturbance or adjacent lands. For example, in the cultural and other habitats no tree cavities were noted that may support maternity colonies for bats or other potential wildlife denning and no stick nests were observed. Stone fences for potential use by snakes and other wildlife were not observed. No forest interior habitat or old growth forest is present. No evidence of colonial nesting bird breeding habitat or other examples of seasonal concentration areas were observed. Wetland habitat is not present and no rare vegetation communities or rare or specialized habitat, including seeps or springs, were noted.

There are no significant linkage functions between the Natural Areas to the north and the study area due to the very high level of disturbance in the proposed areas of disturbance and adjacent agricultural activity, aggregate operations and a golf course.

#### Significant Woodlands

Significant Woodlands are defined using the criteria in Table 7-2 of the Natural Heritage Reference Manual (OMNR, 2010). The on-site plantation on its own is too small, young and homogenous to be considered significant. The plantations are connected via an intermittent

hedgerow to extensive forests to the north. Based on the size and extent of forest interior habitat these off-site forests to the north would meet criteria for Significant Woodlands. Other criteria for Significant Woodlands may also be met in the off-site forests to the north. As assessed below, the proposed development will not impact the ability of the overall contiguous forest to function as a Significant Woodlands, provided the recommended mitigation measures are properly implemented. There will be no impact from the proposed development on the characteristics which make the overall forest to the north significant. An extended distance of over 350 metres will separate the new development from the forests to the north. In addition, the planned extension of Earl Armstrong Road to the east will be between the areas of proposed disturbance and the forests further to the north.

### Species at Risk

No Species at Risk were observed during the field survey. The Ministry of Natural Resources and Forestry (MNRF)'s Make a Map: Natural Heritage Areas website was reviewed again on March 2<sup>nd</sup>, 2020. This site allows for a search of Threatened and Endangered species covered by the 2008 *Endangered Species Act*, as well as other species of interest. A search was conducted on the 1 km squares including the site and adjacent lands (18VR51-25 and -26). No Species at Risk or species of special concern were identified for these squares.

Five Species at Risk, eastern whip-poor-will, barn swallow, bank swallow, eastern meadowlark, and bobolink, are identified for the overall 10 km square (18VR51) including the current site in the Ontario Breeding Bird Atlas. Suitable habitat for these Threatened species was not observed within the areas of disturbance or adjacent lands. Eastern whip-poor-will requires large wooded areas with open patches and/or open woodlands or alvar habitats. Eastern meadowlark and bobolink utilize larger grassland areas. No structures for potential use by barn swallows or sand habitats used by bank swallow were observed on or adjacent to the areas of disturbance.

Additional potential Species at Risk for the general area identified in December 8<sup>th</sup>, 2017 correspondence from the Kemptville District MNRF (Appendix A) included chimney swift and butternut. Butternut is found in a variety of habitats in eastern Ontario. No butternuts were observed on or within 50 metres of the areas of proposed disturbance. No chimneys were observed on or adjacent to the areas of disturbance which could be used for chimney swift nesting and no cavity trees for potential bat use were noted. Wetland habitat is not present within or adjacent to the proposed limit of disturbance.

The potential Species at Risk reported for the City of Ottawa were also reviewed, with an emphasis on the endangered and threatened species historically reported in the overall City, including butternut, American ginseng, eastern prairie fringed-orchid, wood turtle, spiny softshell, Blanding's turtle, musk turtle, bobolink, eastern meadowlark, barn swallow, bank swallow, Henslow's sparrow, loggerhead shrike, eastern whip-poor-will, bald eagle, cerulean warbler, golden eagle, least bittern, little brown bat, eastern small-footed myotis, northern long-eared bat, olive hickorynut, eastern cougar, lake sturgeon, and American eel. The habitat requirements of these species along with those listed as special concern were reviewed.



Based on the site and adjacent habitat, the potential Species at Risk most likely to occur within or adjacent the areas of proposed disturbance is butternut, which is found in a variety of habitats in eastern Ontario. No butternuts were observed on or within 50 metres of the limit of disturbance.

### ***Impact Analysis and Recommendations***

Natural heritage features, as identified in the Provincial Policy Statement and OMNR (2010), found in the vicinity of the areas of proposed disturbance include the Leitrim Provincially Significant Wetlands, which begin approximately 200 metres north of the north edge of the proposed limit of disturbance. Given this distance no potential impacts on the wetland are anticipated. The stormwater for the site will be designed so treated post-development inputs to the wetland are similar to existing pre-development inputs.

Significant Woodlands are also to the north of the site. A tenuous connection between the on-site pine plantations and the large forested area to the north appears to occur via a deciduous hedgerow. An extended distance of over 350 metres will separate the new development from the forests to the north. In addition, the planned extension of Earl Armstrong Road to the east will be between the site and the forests further to the north of the site.

No specimen trees are on or adjacent to the areas of proposed disturbance. The largest trees in the immediate vicinity of the north edge of the proposed limit of disturbance are up to 30cm dbh. Thus, to protect the critical root zones of these trees, no excavations, filling, grading or other site disturbances are to occur within three metres of the north property line, unless a certified arborist determines no potential impact to trees in the vicinity.

Tree retention is not a priority for this site due to the species present and the young age of the trees but several areas will be retained adjacent to the south and northeast portion of the proposed areas of disturbance, as shown on the Tree Conservation Report prepared by NOVATECH (revised March 23<sup>rd</sup>, 2020). The features and functions of the existing on-site trees can be relatively easily replaced over time with plantings of native trees and shrubs.

As the proposed site changes are to occur within existing areas that are highly disturbed and do not currently provide any natural heritage features or functions of note on site or contribute significantly to adjacent lands and the local landscape, the potential for cumulative effects resulting from the proposed development is considered negligible.

The following mitigation measures are recommended:

1. Planting of native trees and shrubs is recommended for the future site landscape plans. There are no planting sensitivities for the site. It is important that native trees from a local seed stock be used whenever possible. Recommended species for planting include a mix of coniferous and deciduous trees such as sugar maple, red maple, basswood, bur oak, red oak, tamarack, and white spruce, along with nannyberry, elderberry, ninebark, and dogwood shrubs;

2. Woody vegetation removal is to occur before April 15<sup>th</sup> or after August 15<sup>th</sup> for the protection of breeding birds, unless a survey conducted by a qualified biologist within five days of the vegetation removal identifies no bird nesting activity;
3. To protect the trees to the north and south of the site, if work is to occur within ten metres of these property lines, the adjacent trees to be retained are to be protected with sturdy construction fencing at least 1.3 metres in height three metres inside the property line. Signs, notices, or posters are not to be attached to any tree. No grading, heavy machinery traffic, stockpiling of material, machine maintenance and refueling, or other activities that may cause soil compaction are to occur inside of the protection fencing. The root system, trunk, and branches of the trees to be retained are to be protected from damage. If roots of retained trees are exposed during site alterations, the roots shall be immediately reburied with soil or covered with filter cloth, burlap, or woodchips and kept moist until the roots can be buried permanently. A covering of plastic should be used to retain moisture during an extended period when watering may not be possible. Any roots that must be cut are to be cut cleanly to facilitate healing and as far from the tree as possible. Exhaust fumes from all equipment during construction will not be directed towards the canopy of adjacent retained trees. All of the supports and bracing for the protective fencing should be placed outside of the protected area and should be installed in such a way as to minimize root damage. Also, since the desired effect of the barrier is to prevent construction traffic from entering the retained tree's critical root zone, the barrier should be kept in place until all site servicing and construction has been completed;
4. Tree protection fencing should also be installed around the critical root zone of any trees to be retained in the northeast corner if work is to occur within ten metres of these trees;
5. As recommended in City of Ottawa (2015) prior to beginning work each day, the work area is to be checked for wildlife by conducting a thorough visual inspection of the work space and immediate surroundings. See Section 2.5 of the City's Protocol for Wildlife Protection during Construction (City of Ottawa, 2015) for additional recommendations on construction site management. Any turtles or snake observed in the vicinity of the work areas or that may otherwise be in danger are to be safely relocated to the north. Animals should be moved only far enough to ensure their immediate safety. See Appendix 1 and the links in Section 4 of City of Ottawa (2015) for suggestions on how to effectively relocate turtles and snakes;
6. Municipal by-laws and provincial regulations for noise will be followed and utilities will be located as required in the vicinity of the site prior to construction. Waste will be managed in accordance with provincial regulations;
7. The contractor will have a spill kit on-hand at all times in case of spills or other accidents; and,
8. The extent of exposed soils is to be kept to a minimum at all times. Re-vegetation of exposed, non-developed areas is to be achieved as soon as possible.

In addition, many helpful wildlife oriented mitigation measures are detailed in the City's Protocol for Wildlife Protection during Construction (City of Ottawa, 2015). The contractor is to review in detail and understand the City's Protocol for Wildlife Protection during Construction prior to commencement of construction. The contractor is to be aware of the potential Species at Risk in the vicinity of the site including butternut and barn swallow. Appendix 1 of City of Ottawa (2015) describes these species. The project biologist for this



assignment is Bernie Muncaster (613-748-3753). Any Species at Risk sightings are to be immediately reported to the Ministry of the Environment, Conservation and Parks and work that may impact the species suspended immediately.

### ***Conclusion***

An expanded casino, hotel, and theatre are the major components of additional development proposed at an existing horserace track. The areas of proposed disturbance only include the west portion of the overall site, west of the existing horse racing track and casino.

The areas of disturbance are dominated by existing parking lots, entrances and other access routes, and buildings and is highly disturbed from an ecological perspective. Significant Wetlands and Significant Woodlands are further to the north and are not anticipated to be impacted. Provided the recommended mitigation measures are properly implemented, no impacts on these features are anticipated from the proposed development. Portions of the existing woody vegetation to the east of the northeast corner of the proposed limit of disturbance are now planned to be retained.

This EIS concludes that it is the professional opinion of the author that the construction and operation of the proposed development is not anticipated to impact the features and functions of the Natural Heritage System to the north, including Significant Wetlands and Woodlands.

### ***References***

Brownell, V.R. and C.S. Blaney. 1997. Natural Area Data and Evaluation Record prepared for the Regional Municipality of Ottawa-Carleton, Planning and Property Department.

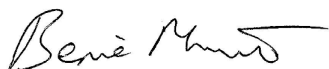
City of Ottawa. 2015. Protocol for Wildlife Protection during Construction. August, 2015. 14 pp & Append.

Ontario Ministry of Natural Resources. 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. 2<sup>nd</sup> Edition. March 2010. 233 pp.

Ontario Ministry of Natural Resources and Forestry. 2015. Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E. January, 2015. 38 pp.

Please call if you have any questions on this revised EIS.

Yours Sincerely,  
**MUNCASTER ENVIRONMENTAL PLANNING INC.**



Bernie Muncaster, M.Sc.  
Principal

rideautrackeisrev



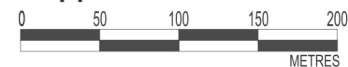
### Legend

- Overall Site
- Limits of Site Disturbance
- Vegetation Communities

### Vegetation Communities

- ① Cultural meadow
- ② Cultural thicket
- ③ Pine plantation
- ④ Deciduous hedgerow

Approx. Scale 1:5,500



**Figure 1**

FILE: 17-09

February 20, 2020

Prepared for:

**Hard Rock Ottawa**

Prepared by:

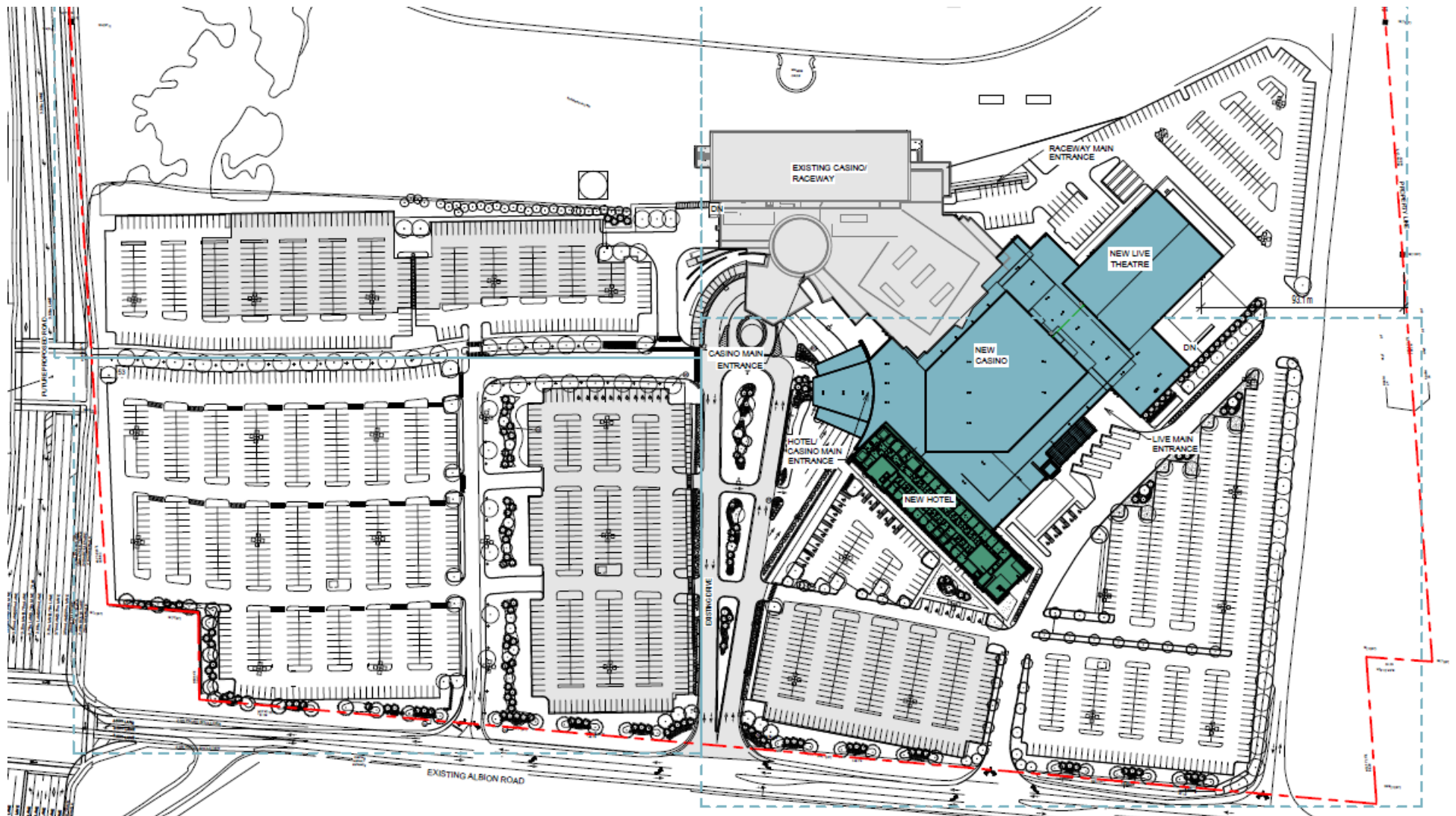


Muncaster  
Environmental  
Planning Inc.

### ENVIRONMENTAL IMPACT STATEMENT

**4837 Albion Road, Hard Rock Hotel & Casino  
Gloucester, City of Ottawa**

FIGURE 2 – SITE PLAN



**APPENDIX A**

**MINISTRY of NATURAL RESOURCES and FORESTRY**

**CORRESPONDENCE**



**Ministry of Natural  
Resources and Forestry**

Kemptville District

10-1 Campus Drive  
Kemptville ON K0G 1T0  
Tel.: 613 258-8204  
Fax: 613 258-3920

**Ministère des Richesses  
naturelles et des Forêts**

District de Kemptville

10-1, promenade Campus  
Kemptville ON K0G 1T0  
Tél.: 613 258-8204  
Télééc.: 613 258-3920



Fri. Dec 8, 2017

Bernie Muncaster  
Muncaster Environmental Planning Inc  
491 Buchanan Crescent  
Ottawa  
K1J 7V2  
(613) 748-3753  
bmuncaster@rogers.com

Attention: Bernie Muncaster

**Subject: Information Request - Developments**  
**Project Name: 4837 Albion Road Development**  
**Site Address: 4837 Albion Road**  
**Our File No. 2017\_GLO-4330**

#### **Natural Heritage Values**

The Ministry of Natural Resources and Forestry (MNRF) Kemptville District has carried out a preliminary review of the above mentioned area in order to identify any potential natural resource and natural heritage values.

The following Natural Heritage values were identified for the general subject area:

- Candidate ANSI, Life Science, Albion Road Wetland (Provincial)
- Evaluated Wetland, Leitrim (Evaluated-Provincial)
- Lake (Non-Sensitive)
- Pit, 4059
- Unevaluated Wetland (Not evaluated per OWES)

Municipal Official Plans contain information related to natural heritage features. Please see the local municipal Official Plan for more information, such as specific policies and direction pertaining to activities which may impact natural heritage features. For planning advice or Official Plan interpretation, please contact the local municipality. Many municipalities require environmental impact studies and other supporting studies be carried out as part of the development application process to allow the municipality to make planning decisions which are consistent with the Provincial Policy Statement (PPS, 2014).

The MNRF strongly encourages all proponents to contact partner agencies and appropriate municipalities early on in the planning process. This provides the proponent with early knowledge regarding agency requirements, authorizations and approval timelines; Ministry of the Environment

and Climate Change (MOECC) and the local Conservation Authority may require approvals and permitting where natural values and natural hazards (e.g., floodplains) exist.

As per the Natural Heritage Reference Manual (NHRM, 2010) the MNRF strongly recommends that an ecological site assessment be carried out to determine the presence of natural heritage features and species at risk and their habitat on site. The MNRF can provide survey methodology for particular species at risk and their habitats.

The NHRM also recommends that cumulative effects of development projects on the integrity of natural heritage features and areas be given due consideration. This includes the evaluation of the past, present and possible future impacts of development in the surrounding area that may occur as a result of demand created by the presently proposed project.

#### **Wildland Fire**

MNRF woodland data shows that the site contains woodlands. The lands should be assessed for the risk of wildland fire as per PPS 2014, Section 3.1.8 "*Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards*". Further discussion with the local municipality should be carried out to address how the risks associated with wildland fire will be covered for such a development proposal. Please see the Wildland Fire Risk Assessment and Mitigation Guidebook (2016) for more information.

#### **Significant Woodlands**

Section 2.1.5 b) of the PPS states: *Development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.* The 2014 PPS directs that significant woodlands must be identified following criteria established by the Ontario Ministry of Natural Resources and Forestry, i.e. the Natural Heritage Reference Manual (NHRM), 2010. Where the local or County Official Plan has not yet updated significant woodland mapping to reflect the 2014 PPS, all wooded areas should be reviewed on a site specific basis for significance. The MNRF Kemptville District modelled locations of significant woodlands in 2011 based on NHRM criteria. The presence of significant woodland on site or within 120 metres should trigger an assessment of the impacts to the feature and its function from the proposed development.

#### **Significant Wildlife Habitat**

Section 2.1.5 d) of the PPS states: *Development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.* It is the responsibility of the approval authority to identify significant wildlife habitat or require its identification. The MNRF has several guiding documents which may be useful in identification of significant wildlife habitat and characterization of impacts and mitigation options:

- Significant Wildlife Habitat Technical Guide, 2000
- The Natural Heritage Reference Manual, 2010
- Significant Wildlife Habitat Mitigation Support Tool, 2014



- Significant Wildlife Habitat Criteria Schedule for Ecoregion 5E and 6E, 2015

The habitat of special concern species (as identified by the Species at Risk in Ontario list) and Natural Heritage Information Centre tracked species with a conservation status rank of S1, S2 and S3 may be significant wildlife habitat and should be assessed accordingly.

### **Species at Risk**

A review of the Natural Heritage Information Centre (NHIC) and internal records indicate that there is a potential for the following threatened (THR) and/or endangered (END) species on the site or in proximity to it:

- Bank Swallow (THR)
- Barn Swallow (THR)
- Bobolink (THR)
- Butternut (END)
- Chimney Swift (THR)
- Eastern Meadowlark (THR)
- Whip poor will (THR)

All endangered and threatened species receive individual protection under section 9 of the ESA and receive general habitat protection under Section 10 of the ESA, 2007. Thus any potential works should consider disturbance to the individuals as well as their habitat (e.g. nesting sites). General habitat protection applies to all threatened and endangered species. Note some species in Kemptville District receive regulated habitat protection. The habitat of these listed species is protected from damage and destruction and certain activities may require authorization(s) under the ESA. For more on how species at risk and their habitat is protected, please see: <https://www.ontario.ca/page/how-species-risk-are-protected>.

If the proposed activity is known to have an impact on any endangered or threatened species at risk (SAR), or their habitat, an authorization under the ESA may be required. It is recommended that MNRF Kemptville be contacted prior to any activities being carried out to discuss potential survey protocols to follow during the early planning stages of a project, as well as mitigation measures to avoid contravention of the ESA. Where there is potential for species at risk or their habitat on the property, an Information Gathering Form should be submitted to Kemptville MNRF at [sar.kemptville@ontario.ca](mailto:sar.kemptville@ontario.ca).

The Information Gathering Form may be found here:

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&ENV=WWE&NO=018-0180E>

For more information on the ESA authorization process, please see:

<https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization>

One or more special concern species has been documented to occur either on the site or nearby. Species listed as special concern are not protected under the ESA, 2007. However, please note that some of these species may be protected under the Fish and Wildlife Conservation Act and/or

Migratory Birds Convention Act. Again, the habitat of special concern species may be significant wildlife habitat and should be assessed accordingly. Species of special concern for consideration:

- Eastern Wood-Pewee (SC)
- Monarch (SC)
- Peregrine Falcon (SC)
- Snapping Turtle (SC)
- Wood Thrush (SC)

If any of these or any other species at risk are discovered throughout the course of the work, and/or should any species at risk or their habitat be potentially impacted by on site activities, MNRF should be contacted and operations be modified to avoid any negative impacts to species at risk or their habitat until further direction is provided by MNRF.

Please note that information regarding species at risk is based largely on documented occurrences and does not necessarily include an interpretation of potential habitat within or in proximity to the site in question. Although this data represents the MNRF's best current available information, it is important to note that a lack of information for a site does not mean that additional features and values are not present. It is the responsibility of the proponent to ensure that species at risk are not killed, harmed, or harassed, and that their habitat is not damaged or destroyed through the activities carried out on the site.

The MNRF continues to strongly encourage ecological site assessments to determine the potential for SAR habitat and occurrences. When a SAR or potential habitat for a SAR does occur on a site, it is recommended that the proponent contact the MNRF for technical advice and to discuss what activities can occur without contravention of the Act. For specific questions regarding the Endangered Species Act (2007) or SAR, please contact MNRF Kemptville District at [sar.kemptville@ontario.ca](mailto:sar.kemptville@ontario.ca).

The approvals processes for a number of activities that have the potential to impact SAR or their habitat have recently changed. For information regarding regulatory exemptions and associated online registration of certain activities, please refer to the following website: <https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization>.

Please note: The advice in this letter may become invalid if:

- The Committee on the Status of Species at Risk in Ontario (COSSARO) re-assesses the status of the above-named species OR adds a species to the SARO List such that the section 9 and/or 10 protection provisions apply to those species; or
- Additional occurrences of species are discovered on or in proximity to the site.

**This letter is valid until: Sat. Dec 8, 2018**

The MNRF would like to request that we continue to be circulated on information with regards to this project. If you have any questions or require clarification please do not hesitate to contact me.

Sincerely,

Carolyn Hann  
Management Biologist  
[carolyn.hann@ontario.ca](mailto:carolyn.hann@ontario.ca)

Encl.\

- ESA Infosheet
- NHIC/LIO Infosheet