Ministry of the Environment, Conservation and Parks | **Ministère de l'Environnement, de la Protection de la nature et des Parcs**

Ontario

PERMIT UNDER subsection 17(1) of the ENDANGERED SPECIES ACT, 2007

Permit #: ER-ESA-013-25

Issued to:	Trailroad BESS Inc. c/o Carl Haeussler 41 Victoria Street Gatineau Quebec, J8X 2A1
Term:	This permit comes into force on the date it is issued and expires when all conditions have been completed.
Location:	4186 Williams McEwen Drive in Ottawa, Ontario, at the location outlined in green in Schedule B (the **"Site"**).
Project Description:	To construct a Battery Energy Storage System to contribute to Ontario's electrical storage capacity in Ottawa, Ontario (the **"Project"**).

1. **Authority.** This permit is issued to Trailroad BESS Inc. (the "**Permit Holder**") under subsection 17(1) of the *Endangered Species Act, 2007* ("**ESA**").

2. **Application to Species.** This permit applies to Black Ash, which is listed as endangered in O. Reg. 230/08 "Species at Risk in Ontario List" (**"SARO List"**).

3. **Authorization.** This permit authorizes the Permit Holder to engage in the following activities that would otherwise be prohibited by subsection 10(1) of the ESA for the purpose of carrying out the Project or fulfilling the conditions of this permit:

   (a) damage or destroy up to 0.2 ha of Black Ash habitat.

4. **Compliance:** Section 36 of the ESA provides that non-compliance with the prohibitions in subsections 9(1) and 10(1) of that Act and any provision of this permit constitutes an offence.

5. **Schedules:** The following schedules form part of this permit:

   - Schedule A: Conditions
   - Schedule B: Site Location
   - Schedule C: Compensation Area

Pursuant to subsection 17(1) of the ESA, I hereby issue this permit authorizing the activities described above, subject to the conditions set out herein.



Hon. Todd McCarthy
Minister of the Environment, Conservation and Parks

Date of Issuance: 24/03/2026
(dd/mm/yy)

SCHEDULE A: CONDITIONS

Definitions

1. In this permit,

"Black Ash Assessment Guidelines" means the Ontario document titled "Black Ash Assessment Guidelines: Assessment of Black Ash (Fraxinus nigra) for the purposes of the *Endangered Species Act, 2007*", dated June 2024, available at: https://www.ontario.ca/files/2024-06/mecp-black-ash-assessment-guidelines-en-2024-06-20.pdf;

"Black Ash Habitat" means the area within a radial distance of 30 metres from the stem of a Protected Black Ash tree, which includes the Critical Root Zone and areas that support Black Ash reproductive life processes;

"Compensation Area" means the area identified as the "12m x 12m Tree Planting Area" in Schedule C, located at the Site;

"DBH" means the diameter at breast height of a tree trunk measured at 1.37 metres (4.3 feet) above ground;

"EAB" means Emerald Ash Borer;

"Incidental Encounter" means any encounter at the Site with a species listed on the SARO List);

"Growing Period" means the period in any year which begins on June 1 with the flushing of leaves in the spring and which ends on October 1 with leaf yellowing and leaf fall;

"**MECP**" means the Ministry of the Environment, Conservation and Parks;

"NHIC" means the Natural Heritage Information Centre;

"Permanent Fencing" means the permanent fencing that will be installed around the entire facility at the Site, at the locations identified as "Permanent Fence" in Schedule C, providing a barrier between the operating facility and the retained trees;

"Planted Black Ash Tree" means a Black Ash sapling or tree that was planted as a requirement of this permit;

"Planting Season" means the periods during which planting conditions will not result in excessive root damage and the ground is not frozen or snow covered, generally from March 31 to May 31 or from September 20 to October 30 in any year;

"Project Activities" means all activities associated with undertaking the Project which may negatively impact Protected Black Ash or its habitat at the Site, including but not limited to vegetation and tree removal, heavy equipment use, and the construction of the battery energy storage system, but excluding any Protection and Conservation Measures;

"Protected Black Ash" means a Black Ash tree that does not meet the criteria for the exemption from clause 9(1)(a) of the ESA under O. Reg. 6/24;

"Protective Fencing" means fencing that has been installed to protect an area with Protected Black Ash trees, at the locations identified as "Black Ash Protective Fencing" in Schedule C;

"Protection and Conservation Measures" means the activities required by conditions 15 through 24, which are intended to minimize adverse effects on and support the protection and conservation of Black Ash;

"**Qualified Professional**" means a person who has the education, training, experience and expertise in conservation and protection of Black Ash, and has the ability to undertake the requirements of this permit that are to be undertaken or overseen by that person;

"Retained Black Ash Tree" means any Black Ash tree located at the Site that is identified as "Retained Black Ash Tree" in Schedule C;

"SARO List" means the species lists in Ontario Regulation 230/08 (Species at Risk in Ontario List); and

"Tend" or "Tending" means the process of caring for, cultivating, and maintaining plants to support their healthy growth and development, including a range of tasks such as watering, applying fertilizer, weeding, pruning, and diagnosing and treating pests.

General

2. The Permit Holder shall retain one or more Qualified Professional(s) to:

(a) undertake the activities that this permit requires be undertaken by a Qualified Professional; and

(b) supervise and assist with other activities required by this permit that are within the purview of a Qualified Professional.

3. The Permit Holder shall keep a copy of this permit on the Site at all times during the Project and/or when any Protection and Conservation Measures are taking place and make it available for review by any person(s) working on the Project or Protection and Conservation Measures.

4. The Permit Holder shall give a copy of this permit to every Qualified Professional working on the Project or Protection and Conservation Measures.

5. The Permit Holder shall act with due diligence to avoid killing or harming Protected Black Ash while carrying out the Project and while fulfilling the conditions of this permit.

6. At the request of MECP staff and on reasonable notice, the Permit Holder shall provide MECP staff and others accompanying them with access to the Site and any other areas for the purposes of observing the Project and any activities undertaken in relation to this permit. If access is requested to an area not at the Site and not owned or controlled by the Permit Holder, the Permit Holder shall make reasonable efforts to obtain the requested access. For greater certainty, this condition does not affect the powers of a provincial officer under the ESA.

7. The first time any Project Activities are commenced, the Permit Holder shall notify the MECP within 24 hours by email to SAROntario@ontario.ca, referencing the number of this permit (ER-ESA-013-25).

8. The Permit Holder shall notify the MECP immediately by email to SAROntario@ontario.ca, referencing the number of this permit, of any change in the name or address of the Permit Holder.

9. The Permit Holder shall notify the MECP immediately by email to SAROntario@ontario.ca, referencing the number of this permit, if the Permit Holder:

(a) becomes bankrupt, becomes insolvent or makes an assignment for the benefit of creditors;

(b) has a receiver appointed in respect of it;

(c) takes a step toward dissolution or is amalgamated;

(d) undergoes a change in control or ownership;

(e) takes or is subject to any other thing which may adversely affect the Permit Holder's ability to satisfy this permit; or

(f) is unable to satisfy any of the conditions of this permit.

MECP Review/Approval Role for Minor Changes

10. If it is not possible to complete Project Activities in accordance with permit conditions, the Manager of Permissions Section in the MECP Species at Risk Branch may approve changes to permit details including the maps provided in the Schedules, without an amendment to this permit, if the following conditions are met:

(a) the proposed changes to Project Activities would not result in impacts to a Protected Black Ash tree, or to any other species listed as extirpated, endangered, or threatened on the SARO List;

(b) the proposed changes to Project Activities would not result in an increase to the amount of habitat authorized to be damaged or destroyed in section 3 of this permit;

(c) all Protection and Conservation Measures are being completed in accordance with conditions 15 through 24 and will not be affected in their intended outcomes;

(d) any extension to an amount of time required to complete any actions under this permit is not greater than 1 year; and

(e) a Biologist in the MECP Species at Risk Branch has reviewed the changes and determined that conditions 10(a) through 10(d) will be met.

11. The following conditions apply to any changes requested or approved under condition 10:

(a) If the Permit Holder wishes to request a change under condition 10, the Permit Holder shall make a written request with reasons to support the request and documentation to clearly demonstrate that conditions 10(a) through 10(d) will be met to the MECP Species at Risk Branch by email to SAROntario@ontario.ca, with the subject line referencing the number of this permit.

(b) Requests should be submitted at least 30 days before the change is requested to be implemented. Changes submitted later than 30 days may result in insufficient time to review the submitted request.

(c) If any changes have been made to the permit and approved under condition 10, these changes shall be clearly documented and a copy of the approval and supporting documentation shall be kept by the Permit Holder with the permit at all times.

Awareness and Training

12. The Permit Holder shall ensure that any person engaging in an activity authorized by or required by this permit is provided education and awareness training by a Qualified Professional, prior to working on the Project or any Protection and Conservation Measures, that addresses:

(a) the existence and identification of Protected Black Ash and its habitat at the Site;

(b) all of the requirements of this permit; and

(c) steps to be taken when engaging in Project Activities to avoid harming or killing Protected Black Ash and to minimize any damage to or destruction of its habitat.

13. The Permit Holder shall keep a record of all training conducted in accordance with condition 12 for at least 5 years following the completion of the Protection and Conservation Measures, and that record shall include:

(a) the name of each Qualified Professional who conducted the training;

(b) the names of all persons trained, and a declaration signed by each trainee certifying that they have been trained in accordance with the requirements under condition 12;

(c) the date(s) of the training;

(d) the manner in which the training was provided; and

(e) a copy of the training materials.

Species at Risk Reporting

14. Within 5 business days of any Incidental Encounter or observation at the Site or Compensation Area, the Permit Holder shall provide the following information for each observation to the NHIC by email to NHICrequests@ontario.ca:

(a) the name of the species;

(b) the name and affiliation of the observer;

(c) the date and time of the observation;

(d) the location of the observation (UTM coordinate or detailed description); and

(e) a digital photograph of the individual, if possible.

Protection and Conservation Measures

15. The Permit Holder shall implement all reasonable erosion and sediment control measures (e.g., silt fences) at the Site prior to the commencement of any Project Activities to prevent construction run-off and soil sedimentation from entering the lands adjacent to any Retained Black Ash Tree or potential impacts to off-site Black Ash trees and their habitat, and maintain all installed measures in good repair until the completion of all Project Activities.

16. The Permit Holder shall ensure that all machinery is cleaned in accordance with the "*Clean Equipment for Industry Protocol*", found at: http://www.ontarioinvasiveplants.ca/wp-content/uploads/2016/07/Clean-Equipment-Protocol_June2016_D3_WEB-1.pdf, prior to entering Black Ash Habitat.

17. The Permit Holder shall ensure all vegetation removal and other Project Activities on the Site are carried out in accordance with the following:

(a) all vegetation removal shall be overseen by a Qualified Professional to avoid damage to any Retained Black Ash Tree and/or the habitat within 20 metres of any Retained Black Ash Tree as depicted in Schedule C;

(b) Protective Fencing shall be installed at the edge of the area to be cleared as a result of Project Activities prior to the commencement of Project Activities, to prevent encroachment into the habitat within 20 metres of the Retained Black Ash Trees; and

(c) all Protective Fencing installed under condition 17(b) shall be:

(i) inspected daily prior to the commencement of any Project Activities in order to ensure that mitigation measures intended to protect Retained Black Ash Trees are in place and effective;

(ii) inspected, maintained and repaired as necessary, until the Project Activities are completed or the Permanent Fencing has been installed in accordance with Schedule C; and

(iii) repaired within 48 hours of any deficiencies being identified, an prior to Project Activities proceeding at that location.

18. Within 2 years of the commencement of Project Activities, the Permit Holder shall, using a Qualified Professional, plant a minimum of 32 Black Ash saplings at the Compensation Area during the Planting Season, in accordance with the following:

(a) at the time of planting, each planted Black Ash sapling shall either:

(i) be less than 60 cm in height, or

(ii) have a DBH of less then 3 cm;

(b) all areas where Black Ash will be planted shall be prepared by removing excessive competing vegetation immediately prior to planting;

(c) each Black Ash sapling shall be planted:

(i) at a distance from other planted Black Ash saplings that will minimize crown competition as the trees grow;

(ii) away from the canopy drip line of any existing trees over 4 metres tall; and

(iii) at least 15 metres from occupied buildings or travelled portions of roadways;

(d) after planting, each Black Ash sapling shall have a tree guard installed to protect the lower stem from damage and predation; and

(e) if planting occurs in the late fall, each planted Black Ash sapling shall be watered once before freezing temperatures occur.

19. The Permit Holder shall carry out invasive vegetation management within the Compensation Area and any habitat within 20 metres of the Retained Black Ash Trees at the Site in accordance with the following:

(a) monitoring of invasive species in the area within 20 metres of the Retained Black Ash Trees shall be carried out twice annually, in the spring and fall, for a period of 2 years following the completion of the plantings required by condition 18; and

(b) the monitoring required by condition 19(a) shall include:

(i) recording re-sprouting of stumps or growth of new saplings;

(ii) monitoring for seed germination of Protected Black Ash within the existing habitat; and

(iii) cutting of invasive vegetation and applying herbicide treatment in the areas within 30 metres of the Black Ash saplings planted under condition 18 and within 20 metres of the 2 Retained Black Ash Trees as shown in Schedule C.

Corrective Actions

20. On an ongoing basis from the start of the Project Activities until all other conditions of the permit are satisfied, the Permit Holder shall take all corrective actions necessary to ensure that the intended outcome of all Protection and Conservation Measures are achieved, in consultation with a Qualified Professional.

Monitoring

21. **Retained Black Ash:** The Permit Holder shall, using a Qualified Professional, monitor each of the 2 Retained Black Ash Trees, for a period of 7 years following the completion of Project Activities, in accordance with the following:

(a) monitoring shall be carried out once a week during the Growing Period of each year of monitoring;

(b) the monitoring shall be carried out in accordance with the Black Ash Assessment Guidelines and include the collection of the following information for each Retained Black Ash Tree during each monitoring event:

(i) canopy condition;

(ii) presence and severity of EAB infestation; and

(iii) other possible health stressors; and

(c) if any of the Retained Black Ash Trees have failed, from factors other than EAB, the failed tree shall be replaced during the Planting Season within 1 year following the report of its death.

22. **Planted Black Ash Saplings:** The Permit Holder shall, using a Qualified Professional, Tend to the Black Ash trees planted under condition 18 during the Growing Period, in accordance with the following:

    (a) Tending activities shall occur once a week during the Growing Period for a period of 5 years after planting; and

    (b) the Tending activities shall include:

        (i) watering each tree at a frequency recommended by a Qualified Professional;

        (ii) maintaining the tree guards to protect the lower stem from damage and predation; and

        (iii) controlling vegetation in the area within 60 cm around the base of the planting until the planting is above the herbaceous vegetation.

23. The Permit Holder shall, using a Qualified Professional, monitor the Black Ash trees planted under condition 18, in accordance with the following:

    (a) monitoring shall occur twice annually, once in the spring and once in the fall, for a period of 7 years after planting;

    (b) monitoring activities shall include:

        (i) assessing survival rates;

        (ii) monitoring for impacts from EAB;

        (iii) monitoring vegetation overgrowth; and

        (iv) replacing any failed Planted Black Ash Saplings

    (c) at the end of the 7-year monitoring period, the Permit Holder shall have a Qualified Professional evaluate and confirm survivorship of the Black Ash saplings planted under this permit; and

    (d) if any Planted Black Ash Trees have failed from factors other than EAB, each failed tree shall be replaced during the Planting Season within 1 year following the report of its death.

24. The Permit Holder shall ensure that the following information is collected during each monitoring event required under condition 21 through to 23:

    (a) the location of each Retained Black Ash Tree and Planted Black Ash Tree, identified on a map, with Universal Transverse Mercator (UTM);

    (b) photographs of each Retained Black Ash Tree and Planted Black Ash Tree;

    (c) a description of the health status, number of stems, diameter at root collar and DBH of each Retained Black Ash Tree and Planted Black Ash Tree;

    (d) a record of any evidence of EAB infestation including crown dieback;

(e) a record of any damage (e.g., by wildlife, people or events); and

(f) any actions recommended by the Qualified Professional as necessary to ensure the survival of the Retained Black Ash Trees and Planted Black Ash Trees.

Reporting

25. Annual Report: By January 15 following any year in which monitoring is required by this permit, the Permit Holder shall submit an annual report prepared by a Qualified Professional to the MECP by email to SAROntario@ontario.ca, referencing the number of this permit, that includes:

(a) a detailed summary of all education and awareness activities completed that year in accordance with condition 12, including a copy of the record required to be kept under condition 13;

(b) a detailed summary of the plantings carried out under condition 18, including the date(s) and the conditions in which the plantings occurred;

(c) a detailed description of the Tending and monitoring completed under conditions 21 through 24, including:

(i) a summary of monitoring and Tending practices;

(ii) a summary of any observed health problems and/or mortality of any Retained Black Ash Trees or Planted Black Ash Trees; and

(iii) in the event of Retained Black Ash Trees or Planted Black Ash Trees death or stress, any relevant details regarding cause of death or stress;

(d) a record of all Incidental Encounters reported to the NHIC in accordance with condition 14;

(e) a summary of the Protective Fencing at the Site and any repairs made in accordance with condition 17;

(f) a detailed summary of any corrective actions carried out in accordance with condition 20.

26. Final Report:. By January 15 in the year following the completion of all Project Activities and Protection and Conservation Measures including all monitoring activities, the Permit Holder shall submit a final report prepared by a Qualified Professional to the MECP by email to SAROntario@ontario.ca, referencing the number of this permit , that details the following:

(a) a summary of the Protection and Conservation Measures undertaken in accordance with conditions 15 through 24;

(b) a summary of any corrective actions completed under condition 20;

(c) a summary of the reports submitted under condition 25, including any recommendation for methodologies and techniques designed to increase the survivorship of Planted Black Ash Trees; and

(d) an in-depth summary and analysis of the effectiveness of the measures undertaken to conserve and protect Black Ash as part of the Project or a requirement of this permit.

SCHEDULE B: SITE LOCATION

