



**Old Shiloh Bridge Assessment
Municipal Class Environmental Assessment Study
Notice of Public Information Centre**

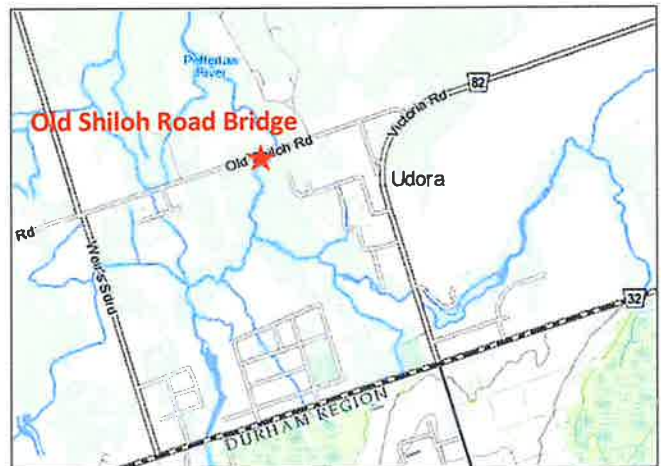
Background

The Town of Georgina has retained Tatham Engineering Limited to complete a Municipal Class Environmental Assessment (Class EA Study) under the Environmental Assessment Act (R.S.O. 1990, c. E.18) to determine the preferred method of improvement to Old Shiloh Bridge East. The goal is to determine the recommended alternative for the future of the structure and alternatives for the water crossing at Old Shiloh Road. The bridge is located on Old Shiloh Road approximately 750 m west of Victoria Road, in the Hamlet of Udora.

Study Process

The Town is proceeding with a Schedule B Municipal Class Environmental Assessment (EA) to consider the impacts associated with the proposed project. Alternatives being considered include:

- Do nothing
- Rehabilitate the existing bridge.
- Remove and replace existing bridge.
- Construct a new bridge adjacent to the existing bridge.



Purpose of Notice

Members of the public, agencies, Indigenous communities and other interested persons are invited to provide input via a Public Information Centre (PIC) to be held on Wednesday, May 17, 2023 from 5:00pm to 7:00pm at the Udora Community Hall, 24 Victoria Road, Udora, Georgina. The purpose of the PIC is to present the study, the development and assessment of improvement options, and identify the recommended solution. Following completion of the PIC and in consideration of concerns raised through agency reviews and public comment, the preferred solution will be identified for further study.

Project Contacts

If you would like to be added to or removed from our project mailing list or have project-related questions, contact the Town and/or consultant as noted below:

Town
Ryan Post
Project Manager
Operations and Infrastructure
rpost@georgina.ca
905-476-4305, ext. 2429

Consultant
Emma Wilkinson, H.B.A., B.E.Sc., P.Eng.
Project Manager
Tatham Engineering Limited
ewilkinson@tathameng.com
705-444-2565, ext. 2101

All personal information included in a submission, such as name, address, telephone number and property location, is collected, maintained and disclosed for the purpose of transparency and consultation. The information is collected under the authority of the Environmental Assessment Act or is collected and maintained for the purpose of creating a record that is available to the general public as described in s.37 of the Freedom of Information and Protection of Privacy Act. Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.



GEORGINA

**Old Shiloh Road Bridge
Municipal Class Environmental Assessment Study
Public Information Centre
May 17, 2023**





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WELCOME



This engagement presentation will:

- Establish channels of communication with public & stakeholders
- Detail the study area, study purpose & objectives
- Present the need & justification for the study and issues to be resolved
- Identify alternative solutions & potential environmental impacts
- Seek input & comments for consideration in the selection of the final preferred solution

Public and stakeholders should:

- Review the presentation material
- Ask questions of the Town and/or consultant
- Submit comments & indicate if you would like to be kept informed of the process
- A digital comment form is available through the Town of Georgina website and hard copies are available at the sign in desk





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LAND ACKNOWLEDGEMENT



The Town of Georgina recognizes and acknowledges that we are on lands originally used and occupied by the First Peoples of the Williams Treaties First Nations and other Indigenous Peoples, and we would like to thank them for sharing this land. We would also like to acknowledge the Chippewas of Georgina Island First Nation as our close neighbour and friend, one with which we strive to build a cooperative and respectful relationship.

We also recognize the unique relationship the Chippewas have with the lands and waters of this territory. They are the water protectors and environmental stewards of these lands, and we join them in these responsibilities.

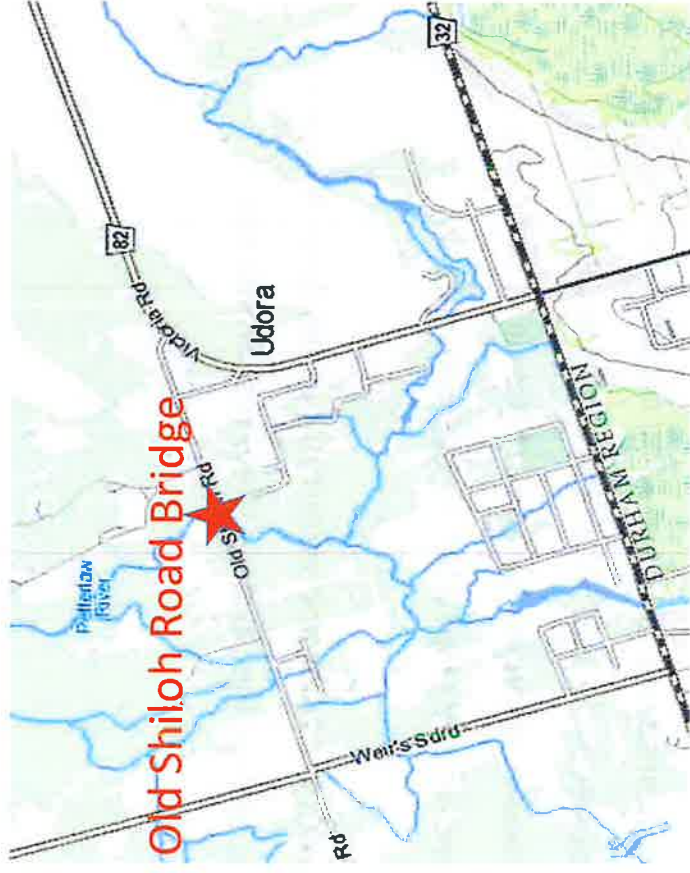


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STUDY AREA



The Town of Georgina has retained Tatham Engineering Limited to complete a Schedule B Municipal Class Environmental Assessment (Class EA Study) under the Environmental Assessment Act (R.S.O. 1990, c. E.18) to determine the preferred method of improvement to Old Shiloh Road Bridge. The bridge is located on Old Shiloh Road approximately 750 m west of Victoria Road, in the Hamlet of Udora.





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STUDY PURPOSE



The **PURPOSE** of study is to:

- Develop alternative solutions to improve safety at the bridge
- Identify the location, extent and sensitivity of affected environments
- Assess the alternatives given potential environmental impacts
- Identify the preferred solution
- Establish measures to mitigate impacts
- Satisfy the Municipal Class EA requirements





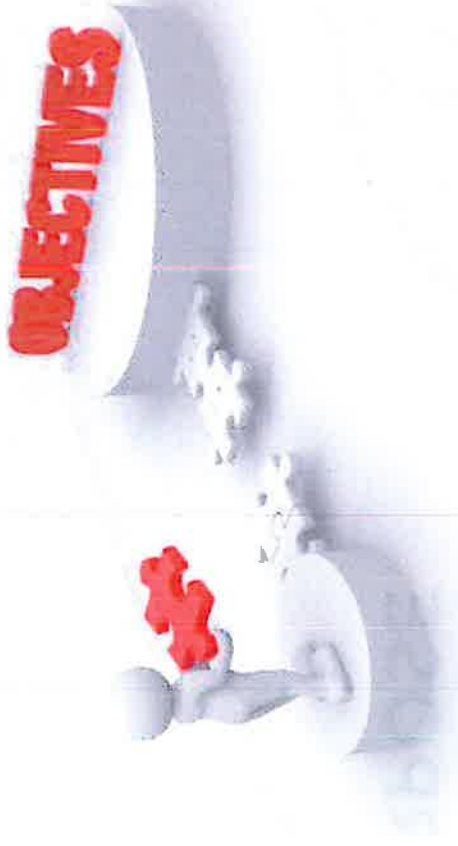
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STUDY OBJECTIVE



The **OBJECTIVE** of the study is to identify the preferred solution to improve the Old Shiloh Road Bridge considering:

- The transportation network
- The long term asset management
- The natural environment and climate change
- The socio-economic environment
- The heritage environment
- The needs of motorists





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BACKGROUND



The Old Shiloh Road Bridge is 98 years old, it was rehabilitated in 1988 and again in 2011. It is currently posted with a triple load restriction of 20, 21, 27 tonnes. The 2018 and 2020 visual inspections identified the bridge is in need of replacement and included the following observations:

- Spalling, delamination and scaling, and cracking noted in concrete curbs, concrete arch top, bottom and vertical chords, concrete railing, floor beams and deck
- Existing railing is substandard
- Severe corrosion of the existing deck drains



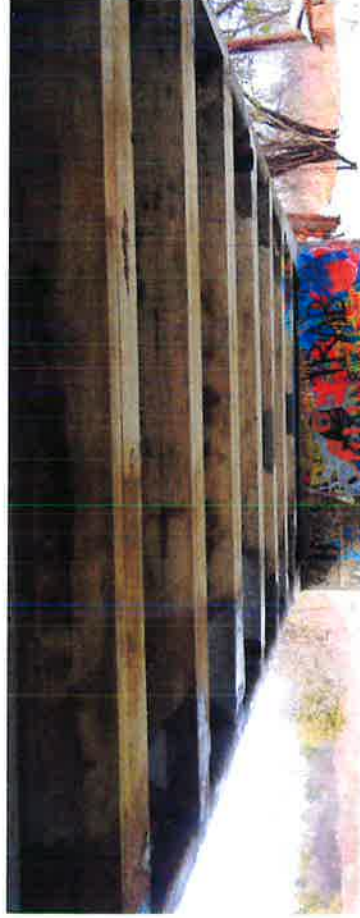


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BACKGROUND



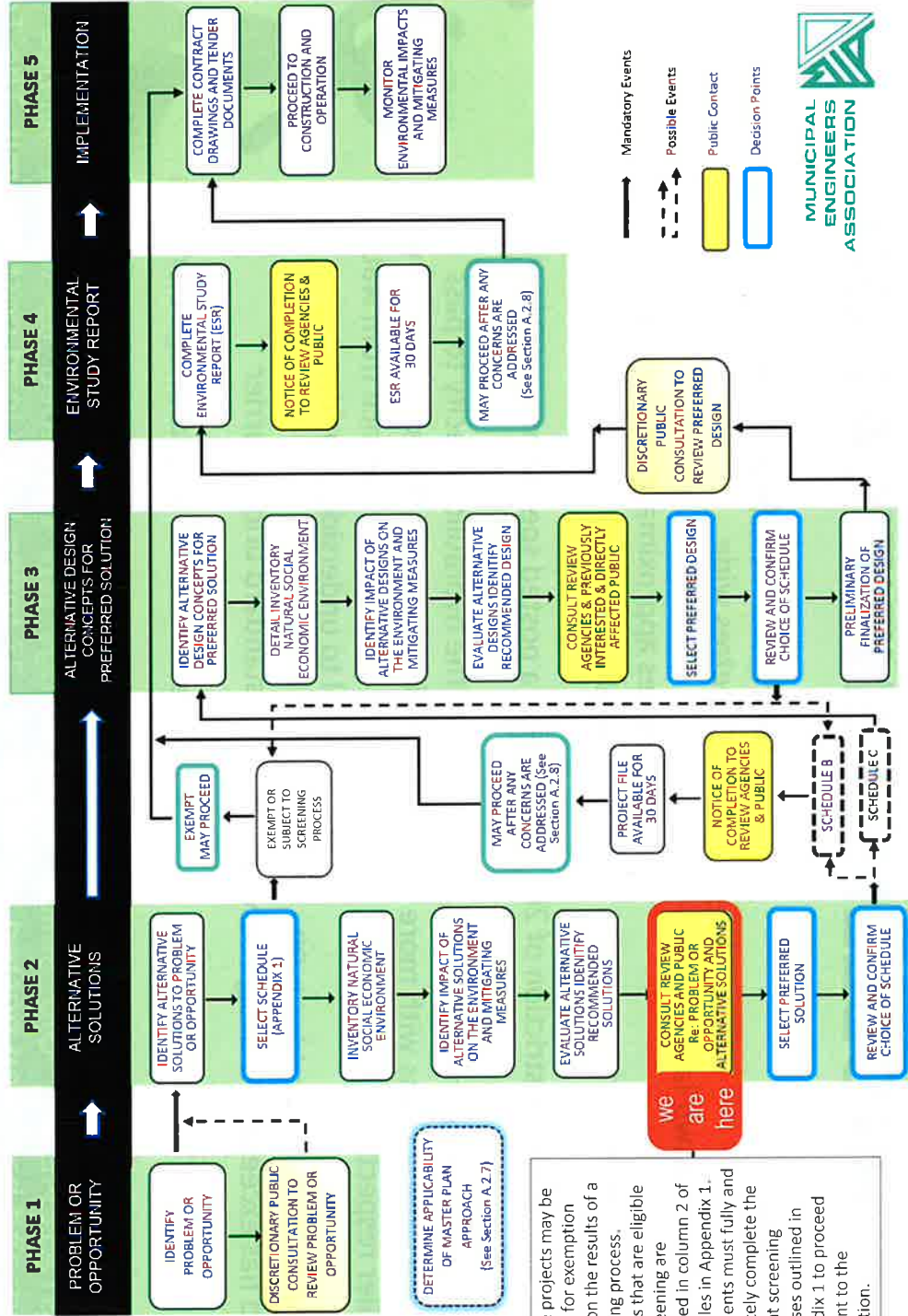
- Narrow to wide cracks, scaling and spalling, and efflorescence in abutments, wingwalls, and ballast walls
- There is evidence of older shotcrete repairs as well as more recent concrete patch repairs
- Light to medium concrete erosion is occurring at the base of the abutment walls





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MUNICIPAL CLASS EA PROCESS



* Some projects may be eligible for exemption based on the results of a screening process. Projects that are eligible for screening are identified in column 2 of the tables in Appendix 1. Proponents must fully and accurately complete the relevant screening processes outlined in Appendix 1 to proceed pursuant to the exemption.



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PROBLEM IDENTIFICATION



Existing conditions:

- Single-lane bridge on a two-lane road
- Ditches on either side of road
- Bridge has a load capacity restriction of 20, 21, & 27 tonnes for single unit vehicles, vehicle combinations with one trailer or semi-trailer, and vehicle trains with more than one trailer respectively
- Constructed circa 1925, the bridge is 98 years old and has exceeded its design service life
- The right-of-way (ROW) is approximately 20 metres wide
- Serves approximately 919 vehicle crossings per day
- Has a posted speed limit of 60 km/hr
- Has the hydraulic capacity to pass the minimum design flows (1:50 year) with less than 1.0 m clearance from water level to underside of bridge
- Substandard bridge barrier
- Deterioration of several bridge elements



PROBLEM STATEMENT: “Old Shiloh Road Bridge has exceeded its design service life, is deteriorating, and has been posted with a 20, 21, 27 tonne triple load posting limit. The Town of Georgina has identified the need to assess alternative solutions at this crossing to address the deteriorating condition and best meet current standards while minimizing impacts to the surrounding residents and environments”



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ALTERNATIVE SOLUTIONS



ALTERNATIVE A: DO NOTHING

- maintain existing conditions with no improvements
- bridge will eventually be closed

ALTERNATIVE B: REHABILITATE EXISTING BRIDGE

- reduces safety issues
- extends lifespan of bridge
- load posting remains
- no improvement to geometry and capacity

ALTERNATIVE C: REMOVE & REPLACE BRIDGE

- eliminates load posting
- improves roadside safety
- opportunity to improve geometry and capacity

ALTERNATIVE D: CONSTRUCT NEW BRIDGE ADJACENT TO EXISTING BRIDGE

- eliminates load posting on new bridge
- improves roadside safety
- opportunity to improve geometry and capacity

PRE-SCREEN ALTERNATIVES

Can the alternatives fully address the problem statement?

- ✗ Alt A - no improvements and continued deterioration will lead to eventual closure
- ✓ Alt B - reduces safety issues, extends structure lifespan, no improvement to geometry
- ✓ Alt C - improves safety, extends lifespan, improves geometry, eliminates load posting
- ✓ Alt D - eliminates load posting, improves safety, improves geometry



NATURAL ENVIRONMENT



EXISTING CONDITIONS

- One inactive bird nest was found under the bridge.
- Suitable habitat features present for certain reptile and amphibian species
- Floodplain pools may be present to support amphibian breeding habitat
- Fish habitat assumed to be present
- Area may be amenable to supporting foraging habitat for bats
- Area is potential habitat for generic wildlife species
- No endangered species were recorded during the site review
- Maintenance and repair activities on the existing bridge have normal impacts to greenhouse gas emissions
- Bridge hydraulic capacity meets current capacity requirements with limited clearance available to the underside of bridge during larger storm events.



POTENTIAL IMPACTS

- The most significant risk is related to water quality and downstream fish habitat;
- All minor impacts can be mitigated with reasonable construction practices
- Increase in span or raising the bridge will improve clearance to underside of bridge, however there is risk of negative impacts to road geometry and upstream water levels during regional storm events



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SOCIAL ENVIRONMENT



- Land use is primarily residential
- Alternate access across the watercourse is available via Regional Road 32 (Ravenshoe Road)
- Detour length of 4.5 km (+/- 5 min)
- Structure does not meet current geometric standards
- Existing right-of-way is approximately 28m at the bridge, and narrows to 26 east of the bridge and 24 m west of the bridge
- Safety is of the utmost importance



POTENTIAL IMPACTS TO SOCIAL ENVIRONMENT

- potential property impacts under Alternative D
- potential impacts to travel during construction
- potential noise impacts during construction



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ARCHAEOLOGICAL ENVIRONMENT



- Stage 1 Archaeological Assessment (desktop review) concluded that the study area has been identified as a property that exhibits potential to yield archaeological deposits of cultural heritage value or interest
- Stage 2 Archaeological Assessment (test pits) of the study area is warranted
- To be completed in areas identified as having archaeological potential which will be impacted by the preferred alternative once identified



POTENTIAL IMPACTS TO ARCHAEOLOGICAL ENVIRONMENT

- Stage 2 archaeological assessment is required in areas of archaeological potential



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CULTURAL HERITAGE ENVIRONMENT



- The bridge is considered a rare or unique example of a bridge structure, and the bridge type has been identified as a structure of cultural heritage value and significance in the Grand River Watershed Heritage Bridge Inventory in 2013
- The bridge meets the criteria set forth in O.Reg. 9/06: Criteria for Determining Cultural Heritage Value or Interest (under Historical or Associated Value and Contextual Value categories), and a Heritage Impact Assessment (HIA) was deemed appropriate
- A cultural heritage evaluation report has been completed and will be filed with the Town as well as the Ministry of Tourism, Culture and Sport
- Relocating the existing bridge for use in an alternate location may be considered if removal is a preferred alternative, however due to the structure type this is likely to be impractical
- A Heritage Impact Assessment is recommended to identify the impacts to heritage value associated with the preferred alternative and provide recommended mitigation measures.

POTENTIAL IMPACTS TO CULTURAL HERITAGE ENVIRONMENT

- potential impact to cultural heritage depending on alternative chosen
- a Heritage Impact Assessment will be completed to identify impacts and recommended mitigation measures once a preferred solution is identified



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PRELIMINARY ASSESSMENT OF ALTERNATIVES



Assessment Criteria	Weight	Alternative A		Alternative B		Alternative C1		Alternative C2		Alternative D	
		Do Nothing		Rehabilitate the Existing Bridge		Remove and Replace with Single Lane Bridge		Remove and Replace with Two Lane Bridge		Construct a New Bridge Adjacent to the Existing Bridge	
		score	weighted score	score	weighted score	score	weighted score	score	weighted score	score	weighted score
Physical Environment	road geometry and alignment	0.0	0.0	0.0	0.0	0.0	0.0	2.0	12.0	1.0	6.0
	structural stability and load restrictions	0.0	0.0	1.0	10.0	2.0	20.0	2.0	20.0	1.5	15.0
	roadside protection	0.0	0.0	1.0	6.0	2.0	12.0	2.0	12.0	1.5	9.0
	traffic operations	0.0	0.0	0.0	0.0	0.0	0.0	2.0	14.0	1.5	10.5
	maintenance and snow removal	0.0	0.0	0.0	0.0	0.5	3.0	2.0	12.0	0.5	3.0
	Sub-Total	35	0.0	0.0	-0.5	16.0	-1.0	35.0	-1.5	70.0	-1.0
Natural Environment	fisheries/aquatic impacts	0.0	0.0	-0.5	-3.0	-1.0	-6.0	-1.5	-9.0	-1.0	-6.0
	wildlife/terrestrial impacts	0.0	0.0	-0.5	-3.0	-1.0	-6.0	-1.5	-9.0	-1.0	-6.0
	hydrology & hydraulics	0.0	0.0	0.0	0.0	0.5	3.0	0.5	3.0	0.0	0.0
	vegetation impacts	0.0	0.0	0.0	0.0	-0.5	-1.5	-1.0	-3.0	-2.0	-6.0
	water quality	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Sub-Total	25	0.0	0.0	-6.0	-10.5	-1.5	-18.0	-1.5	-18.0	0.0
Social Environment	noise/construction impacts	0.0	0.0	-0.5	-2.5	-1.0	-5.0	-1.0	-5.0	-1.0	-5.0
	emergency services	0.0	0.0	0.5	2.5	1.0	5.0	2.0	10.0	1.5	7.5
	community impacts	0.0	0.0	0.5	2.5	1.0	5.0	1.5	7.5	-1.0	-5.0
	Sub-Total	15	0.0	2.5	2.5	5.0	5.0	12.5	7.5	-1.0	-2.5



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PRELIMINARY ASSESSMENT OF ALTERNATIVES



Assessment Criteria	Weight	Alternative A		Alternative B		Alternative C1		Alternative C2		Alternative D	
		Do Nothing		Rehabilitate the Existing Bridge		Remove and Replace with Single Lane Bridge		Remove and Replace with Two Lane Bridge		Construct a New Bridge Adjacent to the Existing Bridge	
		score	weighted score	score	weighted score	score	weighted score	score	weighted score	score	weighted score
archaeological impacts	4	0.0	0.0	-0.5	-2.0	-1.0	-4.0	-1.5	-6.0	-2.0	-8.0
heritage impacts	6	0.0	0.0	2.0	12.0	1.0	6.0	0.5	3.0	1.5	9.0
First Nations impacts	5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Sub-Total	15	0.0	0.0		10.0		2.0		-3.0		1.0
construction costs	10	0.0	0.0	-0.5	-5.0	-1.0	-10.0	-1.5	-15.0	-2.0	-20.0
future maintenance costs	10	0.0	0.0	-1.5	-15.0	-1.5	-15.0	-1.0	-10.0	-2.0	-20.0
property acquisition costs	5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1.0	-5.0
Sub-Total	25	0.0	0.0		-20.0		-25.0		-25.0		-45.0
impact on climate change	2	0.0	0.0	-0.5	-1.0	-1.0	-2.0	-1.5	-3.0	-1.0	-2.0
resiliency to climate change	3	0.0	0.0	0.0	0.0	1.0	3.0	1.0	3.0	0.5	1.5
Sub-Total	5	0.0	0.0		-1.0		7.50		0.0		-0.5
TOTAL	120	0.00	0.00		1.50		7.50		36.50		-21.50
OVERALL RANKING			4		3		2		1		5

Weight: reflects the relative importance of each evaluation criteria within each project environment, and the relative importance of each project environment in relation to one another

Score: reflects the effect of each alternative as it relates to the evaluation criteria in comparison to Do Nothing (status quo); -2 denotes a significant negative impact, 0 denotes no impacts and +2 denotes a significant positive impact

Weighted Score: product of weight x score



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NEXT STEPS



Bridge Improvements:

- review and address stakeholder comments
- identify the preferred solution
- further develop the preferred solution with details for implementation & mitigation
- address natural environment and water crossing requirements & mitigation
- design 2024
- implementation 2025

Stakeholders:

The following are available on the Town of Georgina Website :

- presentation (PDF of slides)
- comment sheets

<https://www.georgina.ca/municipal-government/building-georgina/old-shiloh-bridge-environmental-assessment>



**SUBMIT YOUR COMMENTS BY
MAY 31, 2023**

**SUBMIT COMMENTS VIA E-MAIL OR
MAIL TO THE PROJECT CONTACTS BELOW**

RYAN POST, P.Geo, C.E.T.
 Project Manager
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 26557 Civic Centre. Rd.,
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 t: (905) 476-4305 x 2904
 e: rpost@georgina.ca

EMMA WILKINSON, H.B.A., B.E.Sc., P. Eng.
 Project Manager, Senior Engineer
 Tatham Engineering Limited
 115 Sanford Fleming Drive, Suite 200
 Collingwood, ON L9Y 5A6
 t: (705) 444-2565 x 2101
 e: ewilkinson@tathameng.com

Emma Wilkinson

From: Regina Hodgins
Sent: Tuesday, May 2, 2023 8:44 AM
To: Emma Wilkinson
Subject: FW: LSRCA preliminary comments for Old Shiloh Road Bridge Class EA
Attachments: Old Shiloh Bridge - regulated area.pdf; Old Shiloh Bridge - floodplain.pdf; Old Shiloh Bridge - meanderbelt.pdf; Old Shiloh Bridge - wetland.pdf; Old Shiloh Bridge - YR Sig Woodland.pdf

From: Taylor Stevenson <T.Stevenson@lsrca.on.ca>
Sent: Monday, May 1, 2023 1:19 PM
To: Regina Hodgins <rhodgins@tathameng.com>
Cc: Kalpesh Nagrani <K.Nagrani@lsrca.on.ca>
Subject: LSRCA preliminary comments for Old Shiloh Road Bridge Class EA

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Good afternoon:

Thank you for circulating our office as part of the subject EA. Please see LSRCA comments below:

This site is located within an area that is entirely regulated by the LSRCA under Ontario Regulation 179/06 made pursuant to the *Conservation Authorities Act (CA Act)*. The site includes the following hazards:

- Regulatory floodplain hazard of the Pefferlaw River.
- Meanderbelt hazard of the Pefferlaw River.
- Unevaluated Wetland and lands adjacent.
- Significant woodland (map attached only as reference as the Town will be reviewing natural heritage related policies associated with the bridge works).

I have attached maps that show the hazards listed above. Please note that the bridge works will require a permit under the CA Act.

The LSRCA provides the following suggestions to avoid or mitigate impacts associated with the potential bridge rehab/replacement :

- Existing drainage and conveyance be maintained and or improved with no change to upstream or downstream flows to avoid impacts to control of flooding and erosion.
- No increase in velocities that result in increased erosion.
- Quantity control/peak flow controls be applied to avoid impacting erosion and floodplains in accordance with LSRCA Stormwater Management Guidelines (on LSRCA website).

- Any fill placement in the floodplain be avoided or compensated for with an incremental cut.
- Maintain existing grades within the regulated area.
- Any fill placement in the floodplain be avoided or minimized with a compensating incremental cut.
- Since the bridge is in the regulatory floodplain we recommend obtaining a copy of the HEC-RAS floodplain model from our office in order to update as part of the bridge works. You will need to demonstrate no impact to flooding and erosion. I have copied Kalpesh from our office who can help you with the data request.
- Proper erosion and sediment control measures be undertaken to prevent sediment migration and impact to watercourses.
- Any interference with wetlands be avoided or supported with a supporting Environmental Impact Study.

We recommend further consultation through the detailed design or environmental discipline studies which will be carried out through the design including:

- Drainage and Hydrology;
- Floodplain Studies;
- Erosion and Sediment Control;
- Fluvial Geomorphology;
- Geotechnical Investigation;
- Landscape Plan;
- Environmental Impact Studies;
- Engineered Drawings;
- Grading Plans;
- SWM.

In regards to the Lake Simcoe Protection Plan (LSPP), the settlement area policies 6.32 – 6.34. An application for development shall include the following:

- Landscaping and habitat restoration that increase the ability of native plants and animals to use valleyland or riparia areas as wildlife habitat and movement corridors;
- Seek to avoid, minimize and/or mitigate impacts associated with the quality and quantity of urban run-off into receiving streams, lake and wetland;

Please speak with the Town of Georgina in regards to meeting the natural heritage policies in the applicable Provincial plans. AS reference for the Town and Tatham, our Open Data Portal can be accessed in the link below, which contains a number of GIS datasets made publicly available.

(<https://www.lsrca.on.ca/about-us/open-data> -> <https://data.lsrca.on.ca/navigo/home>). If you encounter a blank screen when accessing the portal, please refresh your browser. I believe you can access Tributary Biological Minority (fish etc) and Tributary Water Monitoring (temperature, flow etc).

If you have any questions, do not hesitate to contact me.

Taylor Stevenson, B.A., CAN-CISEC

Coordinator, Infrastructure Permitting

Lake Simcoe Region Conservation Authority

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Newmarket, Ontario L3Y 3W3

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Cell: 905-955-1954

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Twitter: @LSRCA

Facebook: LakeSimcoeConservation

Have feedback? Please fill out our [Customer Service Survey](#) today.

Please note: the LSRCA Board of Directors approved a change to our Fee Policy. The new fees took effect on December 30, 2022. Please click [here](#) to view our updated fee schedule.

The information in this message (including attachments) is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection of Privacy Act and by the Personal Information Protection/Electronic Documents Act. If you have received this message in error, please notify the sender immediately and delete the message without making a copy. Thank you.

From: Regina Hodgins <rhodgins@tathameng.com>
Sent: Thursday, April 27, 2023 2:12 PM
To: Regina Hodgins <rhodgins@tathameng.com>
Subject: Notice of Public Information Centre for Old Shiloh Road Bridge

You don't often get email from rhodgins@tathameng.com. [Learn why this is important](#)

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Please see attached Notice of Public Information Centre.

Thank you



Regina Hodgins
Senior Administrative Assistant

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115 Sandford Fleming Drive, Suite 200, Collingwood, Ontario L9Y 5A6

tathameng.com in @ f





Lake Simcoe Region
conservation authority

Regulatory Meanderbelt Hazard



Scale 1: 3,246



Features

- LSRCA Watershed Boundary
- LSPP Watershed Boundary
- Meanderbelt
- Meanderbelt Setback
- Assessment Parcel
- Lot and Concession
- Watercourse
- Roads
 - Hwy 400 Series
 - Highway, Arterials
 - Local Road
- Railway
- Lower Tier Municipality

Printed On
5/1/2023



WGS_1984_Web_Mercator
Auxiliary_Sphere
Mapped By

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Lake Simcoe Region
conservation authority

LSRCA Regulated Area



Scale 1: 3,246

Meters

165

82

0

165

Features

- LSRCA Watershed Boundary
- LSPP Watershed Boundary
- Regulation Boundary
- Regulation Area
- Assessment Parcel
- Lot and Concession
- Watercourse
- Roads
- Hwy 400 Series
- Highway_Arientials
- Local Road
- Railway
- Lower Tier Municipality

Printed On:
5/1/2023



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Auxiliary_Spheroid
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Lake Simcoe Region
conservation authority

Unevaluated Wetland and lands adjacent (30m)



Scale 1: 3,246



Features

- LSRCA Watershed Boundary
- LSPP Watershed Boundary
- Regulated Wetland
 - PSW
 - Non PSW
- Wetland With Adjacent Lands
- MNRF Evaluated Wetland
 - PSW
 - Other Evaluated
- MNRF Unevaluated Wetland
- Assessment Parcel
- Lot and Concession
- Watercourse
- Roads
 - Hwy 400 Series
 - Highway, Arterials
 - Local Road
- Railway
- Lower Tier Municipality

Printed On
5/1/2023



WGS_1984_World_Mercator,
Auxiliary_Sphere
Mapped By

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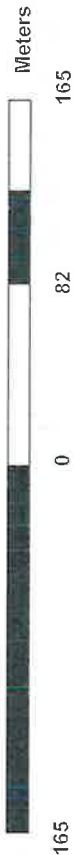


Lake Simcoe Region
conservation authority

YR Significant Woodland



Scale 1: 3,246



Features

- LSRCA Watershed Boundary
- LSPP Watershed Boundary
- York Signif Woodland
- Assessment Parcel
- Lot and Concession
- Watercourse
- Roads
- Hwy 400 Series
- Highway, Arterials
- Local Road
- Railway
- Lower Tier Municipality

Printed On
5/1/2023



WGS_1984_Web_Mercator
Auxiliary_Sphere
Mapped By

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**Ministry of the Environment,
Conservation and Parks**

**Ministère de l'Environnement,
de la Protection de la nature
et des Parcs**

Environmental Assessment
Branch

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April 12, 2023

Ryan Post
Project Manager
Town of Georgina
Operations and Infrastructure
rpost@georgina.ca

BY EMAIL ONLY

**Re: Old Shiloh Road Bridge Replacement
Town of Georgina
Municipal Class Environmental Assessment, Schedule B
Notice of Commencement**

Dear Mr. Post,

This letter is in response to the Notice of Commencement for the above noted project. The Ministry of the Environment, Conservation and Parks (MECP) acknowledges that the Town of Georgina (proponent) has indicated that the study is following the approved environmental planning process for a Schedule B project under the Municipal Class Environmental Assessment (Class EA).

The **updated (August 2022)** attached "Areas of Interest" document provides guidance regarding the ministry's interests with respect to the Class EA process. Please address all areas of interest in the EA documentation at an appropriate level for the EA study. Proponents who address all the applicable areas of interest can minimize potential delays to the project schedule. **Further information is provided at the end of the Areas of Interest document**

relating to recent changes to the Environmental Assessment Act through Bill 197, Covid-19 Economic Recovery Act 2020.

The Crown has a legal duty to consult Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that may adversely impact that right. Before authorizing this project, the Crown must ensure that its duty to consult has been fulfilled, where such a duty is triggered. Although the duty to consult with Aboriginal peoples is a duty of the Crown, the Crown may delegate procedural aspects of this duty to project proponents while retaining oversight of the consultation process.

The proposed project may have the potential to affect Aboriginal or treaty rights protected under Section 35 of Canada's *Constitution Act* 1982. Where the Crown's duty to consult is triggered in relation to the proposed project, **the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter.** The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Based on information provided to date and the Crown's preliminary assessment the proponent is required to consult with the following communities who have been identified as potentially affected by the proposed project:

- Chippewas of Rama First Nation
- Chippewas of Georgina Island First Nation
- Beausoleil First Nation
- Alderville First Nation
- Curve Lake First Nation
- Hiawatha First Nation
- Mississaugas of Scugog Island First Nation

For the above Williams Treaties communities, please cc Karry Sandy McKenzie, William Treaties First Nations Process Co-ordinator, inquiries@williamstreatiesfirstnations.ca

If the proponent has undertaken archeological studies and are required to undertake any work related to archeological resources, they should also include:

- Huron-Wendat

Steps that the proponent may need to take in relation to Aboriginal consultation for the proposed project are outlined in the "[Code of Practice for Consultation in Ontario's Environmental Assessment Process](#)". Additional information related to Ontario's Environmental Assessment Act is available online at: www.ontario.ca/environmentalassessments.

Please also refer to the attached document “A Proponent’s Introduction to the Delegation of Procedural Aspects of consultation with Aboriginal Communities” for further information, including the MECP’s expectations for EA report documentation related to consultation with communities.

The proponent must contact the Director of Environmental Assessment Branch (EABDirector@ontario.ca) under the following circumstances after initial discussions with the communities identified by the MECP:

- Aboriginal or treaty rights impacts are identified to you by the communities;
- You have reason to believe that your proposed project may adversely affect an Aboriginal or treaty right;
- Consultation with Indigenous communities or other stakeholders has reached an impasse; or
- A Section 16 Order request is expected based on impacts to Aboriginal or treaty rights

The MECP will then assess the extent of any Crown duty to consult for the circumstances and will consider whether additional steps should be taken, including what role you will be asked to play should additional steps and activities be required.

A draft copy of the report should be sent directly to me prior to the filing of the final report, allowing a minimum of 30 days for the ministry’s technical reviewers to provide comments.

Please also ensure a copy of the final notice is sent to the ministry’s Central Region EA notification email account (eanotification.cregion@ontario.ca) after the draft report is reviewed and finalized.

Should you or any members of your project team have any questions regarding the material above, please contact me at trevor.bell@ontario.ca.

Sincerely,



Trevor Bell
Regional Environmental Planner – Central Region
Project Review Unit, Environmental Assessment Branch

Cc: Gavin Battarino, Supervisor, Project Review Unit, MECP
Celeste Dugas, Manager, York Durham District Office, MECP
Emma Wilkinson, Project Manager, Tatham Engineering Limited

Enclosed: Areas of Interest

Attached: Client's Guide to Preliminary Screening for Species at Risk

A Proponent's Introduction to the Delegation of Procedural Aspects of Consultation
with Aboriginal Communities

AREAS OF INTEREST (v. August 2022)

It is suggested that you check off each section after you have considered / addressed it.

Planning and Policy

- Applicable plans and policies should be identified in the report, and the proponent should describe how the proposed project adheres to the relevant policies in these plans.
 - Projects located in MECP Central, Eastern or West Central Region may be subject to [A Place to Grow: Growth Plan for the Greater Golden Horseshoe \(2020\)](#).
 - Projects located in MECP Central or Eastern Region may be subject to the [Oak Ridges Moraine Conservation Plan \(2017\)](#) or the [Lake Simcoe Protection Plan \(2014\)](#).
 - Projects located in MECP Central, Southwest or West Central Region may be subject to the [Niagara Escarpment Plan \(2017\)](#).
 - Projects located in MECP Central, Eastern, Southwest or West Central Region may be subject to the [Greenbelt Plan \(2017\)](#).
 - Projects located in MECP Northern Region may be subject to the [Growth Plan for Northern Ontario \(2011\)](#).
- The [Provincial Policy Statement \(2020\)](#) contains policies that protect Ontario's natural heritage and water resources. Applicable policies should be referenced in the report, and the proponent should describe how the proposed project is consistent with these policies.
- In addition to the provincial planning and policy level, the report should also discuss the planning context at the municipal and federal levels, as appropriate.

Source Water Protection

The *Clean Water Act, 2006* (CWA) aims to protect existing and future sources of drinking water. To achieve this, several types of vulnerable areas have been delineated around surface water intakes and wellheads for every municipal residential drinking water system that is located in a source protection area. These vulnerable areas are known as a Wellhead Protection Areas (WHPAs) and surface water Intake Protection Zones (IPZs). Other vulnerable areas that have been delineated under the CWA include Highly Vulnerable Aquifers (HVAs), Significant Groundwater Recharge Areas (SGRAs), Event-based modelling areas (EBAs), and Issues Contributing Areas (ICAs). Source protection plans have been developed that include policies to address existing and future risks to sources of municipal drinking water within these vulnerable areas.

Projects that are subject to the Environmental Assessment Act that fall under a Class EA, or one of the Regulations, have the potential to impact sources of drinking water if they occur in designated vulnerable areas or in the vicinity of other at-risk drinking water systems (i.e.

systems that are not municipal residential systems). MEA Class EA projects may include activities that, if located in a vulnerable area, could be a threat to sources of drinking water (i.e. have the potential to adversely affect the quality or quantity of drinking water sources) and the activity could therefore be subject to policies in a source protection plan. Where an activity poses a risk to drinking water, policies in the local source protection plan may impact how or where that activity is undertaken. Policies may prohibit certain activities, or they may require risk management measures for these activities. Municipal Official Plans, planning decisions, Class EA projects (where the project includes an activity that is a threat to drinking water) and prescribed instruments must conform with policies that address significant risks to drinking water and must have regard for policies that address moderate or low risks.

- In October 2015, the MEA Parent Class EA document was amended to include reference to the Clean Water Act (Section A.2.10.6) and indicates that proponents undertaking a Municipal Class EA project must identify early in their process whether a project is or could potentially be occurring with a vulnerable area. **Given this requirement, please include a section in the report on source water protection.**
 - The proponent should identify the source protection area and should clearly document how the proximity of the project to sources of drinking water (municipal or other) and any delineated vulnerable areas was considered and assessed. Specifically, the report should discuss whether or not the project is located in a vulnerable area and provide applicable details about the area.
 - If located in a vulnerable area, proponents should document whether any project activities are prescribed drinking water threats and thus pose a risk to drinking water (this should be consulted on with the appropriate Source Protection Authority). Where an activity poses a risk to drinking water, the proponent must document and discuss in the report how the project adheres to or has regard to applicable policies in the local source protection plan. This section should then be used to inform and be reflected in other sections of the report, such as the identification of net positive/negative effects of alternatives, mitigation measures, evaluation of alternatives etc.
- While most source protection plans focused on including policies for significant drinking water threats in the WHPAs and IPZs it should be noted that even though source protection plan policies may not apply in HVAs, these are areas where aquifers are sensitive and at risk to impacts and within these areas, activities may impact the quality of sources of drinking water for systems other than municipal residential systems.
- In order to determine if this project is occurring within a vulnerable area, proponents can use [Source Protection Information Atlas](#), which is an online mapping tool available to the public. Note that various layers (including WHPAs, WHPA-Q1 and WHPA-Q2, IPZs, HVAs, SGRAs, EBAs, ICAs) can be turned on through the “Map Legend” bar on the left. The

mapping tool will also provide a link to the appropriate source protection plan in order to identify what policies may be applicable in the vulnerable area.

- For further information on the maps or source protection plan policies which may relate to their project, proponents must contact the appropriate source protection authority. **Please consult with the local source protection authority to discuss potential impacts on drinking water. Please document the results of that consultation within the report and include all communication documents/correspondence.**

More Information

For more information on the *Clean Water Act*, source protection areas and plans, including specific information on the vulnerable areas and drinking water threats, please refer to [Conservation Ontario's website](#) where you will also find links to the local source protection plan/assessment report.

A list of the prescribed drinking water threats can be found in [section 1.1 of Ontario Regulation 287/07](#) made under the *Clean Water Act*. In addition to prescribed drinking water threats, some source protection plans may include policies to address additional "local" threat activities, as approved by the MECP.

Climate Change

The document "[Considering Climate Change in the Environmental Assessment Process](#)" (Guide) is now a part of the Environmental Assessment program's Guides and Codes of Practice. The Guide sets out the MECP's expectation for considering climate change in the preparation, execution and documentation of environmental assessment studies and processes. The guide provides examples, approaches, resources, and references to assist proponents with consideration of climate change in EA. Proponents should review this Guide in detail.

- **The MECP expects proponents of Class EA projects to:**
 1. Consider during the assessment of alternative solutions and alternative designs, the following:
 - a. the project's expected production of greenhouse gas emissions and impacts on carbon sinks (climate change mitigation); and
 - b. resilience or vulnerability of the undertaking to changing climatic conditions (climate change adaptation).
 2. Include a discrete section in the report detailing how climate change was considered in the EA.

How climate change is considered can be qualitative or quantitative in nature and should be scaled to the project's level of environmental effect. In all instances, both a project's impacts on climate change (mitigation) and impacts of climate change on a project (adaptation) should be considered.

- The MECP has also prepared another guide to support provincial land use planning direction related to the completion of energy and emission plans. The "[Community Emissions Reduction Planning: A Guide for Municipalities](#)" document is designed to educate stakeholders on the municipal opportunities to reduce energy and greenhouse gas emissions, and to provide guidance on methods and techniques to incorporate consideration of energy and greenhouse gas emissions into municipal activities of all types. We encourage you to review the Guide for information.

□ **Air Quality, Dust and Noise**

- If there are sensitive receptors in the surrounding area of this project, a quantitative air quality/odour impact assessment will be useful to evaluate alternatives, determine impacts and identify appropriate mitigation measures. The scope of the assessment can be determined based on the potential effects of the proposed alternatives, and typically includes source and receptor characterization and a quantification of local air quality impacts on the sensitive receptors and the environment in the study area. The assessment will compare to all applicable standards or guidelines for all contaminants of concern. **Please contact this office for further consultation on the level of Air Quality Impact Assessment required for this project if not already advised.**
- If a quantitative Air Quality Impact Assessment is not required for the project, the MECP expects that the report contain a qualitative assessment which includes:
 - A discussion of local air quality including existing activities/sources that significantly impact local air quality and how the project may impact existing conditions;
 - A discussion of the nearby sensitive receptors and the project's potential air quality impacts on present and future sensitive receptors;
 - A discussion of local air quality impacts that could arise from this project during both construction and operation; and
 - A discussion of potential mitigation measures.
- As a common practice, "air quality" should be used as an evaluation criterion for all road projects.
- Dust and noise control measures should be addressed and included in the construction plans to ensure that nearby residential and other sensitive land uses within the study area are not adversely affected during construction activities.
- The MECP recommends that non-chloride dust-suppressants be applied. For a comprehensive list of fugitive dust prevention and control measures that could be applied, refer to [Cheminfo Services Inc. Best Practices for the Reduction of Air Emissions from](#)

[Construction and Demolition Activities](#) report prepared for Environment Canada. March 2005.

- The report should consider the potential impacts of increased noise levels during the operation of the completed project. The proponent should explore all potential measures to mitigate significant noise impacts during the assessment of alternatives.

Ecosystem Protection and Restoration

- Any impacts to ecosystem form and function must be avoided where possible. The report should describe any proposed mitigation measures and how project planning will protect and enhance the local ecosystem.
- Natural heritage and hydrologic features should be identified and described in detail to assess potential impacts and to develop appropriate mitigation measures. The following sensitive environmental features may be located within or adjacent to the study area:
 - Key Natural Heritage Features: Habitat of endangered species and threatened species, fish habitat, wetlands, areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.
 - Key Hydrologic Features: Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs, and wetlands.
 - Other natural heritage features and areas such as: vegetation communities, rare species of flora or fauna, Environmentally Sensitive Areas, Environmentally Sensitive Policy Areas, federal and provincial parks and conservation reserves, Greenland systems etc.

We recommend consulting with the Ministry of Natural Resources and Forestry (MNR), Fisheries and Oceans Canada (DFO) and your local conservation authority to determine if special measures or additional studies will be necessary to preserve and protect these sensitive features. In addition, for projects located in Central Region you may consider the provisions of the Rouge Park Management Plan if applicable.

Species at Risk

- The Ministry of the Environment, Conservation and Parks has now assumed responsibility of Ontario's Species at Risk program. Information, standards, guidelines, reference materials and technical resources to assist you are found at <https://www.ontario.ca/page/species-risk>.
- The Client's Guide to Preliminary Screening for Species at Risk (Draft May 2019) has been attached to the covering email for your reference and use. Please review this document for next steps.

- For any questions related to subsequent permit requirements, please contact SAROntario@ontario.ca.

☐ **Surface Water**

- The report must include enough information to demonstrate that there will be no negative impacts on the natural features or ecological functions of any watercourses within the study area. Measures should be included in the planning and design process to ensure that any impacts to watercourses from construction or operational activities (e.g. spills, erosion, pollution) are mitigated as part of the proposed undertaking.
- Additional stormwater runoff from new pavement can impact receiving watercourses and flood conditions. Quality and quantity control measures to treat stormwater runoff should be considered for all new impervious areas and, where possible, existing surfaces. The ministry's [Stormwater Management Planning and Design Manual \(2003\)](#) should be referenced in the report and utilized when designing stormwater control methods. **A Stormwater Management Plan should be prepared as part of the Class EA process** that includes:
 - Strategies to address potential water quantity and erosion impacts related to stormwater draining into streams or other sensitive environmental features, and to ensure that adequate (enhanced) water quality is maintained
 - Watershed information, drainage conditions, and other relevant background information
 - Future drainage conditions, stormwater management options, information on erosion and sediment control during construction, and other details of the proposed works
 - Information on maintenance and monitoring commitments.
- Ontario Regulation 60/08 under the *Ontario Water Resources Act* (OWRA) applies to the Lake Simcoe Basin, which encompasses Lake Simcoe and the lands from which surface water drains into Lake Simcoe. If the proposed sewage treatment plant is listed in Table 1 of the regulation, the report should describe how the proposed project and its mitigation measures are consistent with the requirements of this regulation and the OWRA.
- Any potential approval requirements for surface water taking or discharge should be identified in the report. A Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 L/day, except for certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please

review the [Water Taking User Guide for EASR](#) for more information. Additionally, an Environmental Compliance Approval under the OWRA is required for municipal stormwater management works.

Groundwater

- The status of, and potential impacts to any well water supplies should be addressed. If the project involves groundwater takings or changes to drainage patterns, the quantity and quality of groundwater may be affected due to drawdown effects or the redirection of existing contamination flows. In addition, project activities may infringe on existing wells such that they must be reconstructed or sealed and abandoned. Appropriate information to define existing groundwater conditions should be included in the report.
- If the potential construction or decommissioning of water wells is identified as an issue, the report should refer to Ontario Regulation 903, Wells, under the OWRA.
- Potential impacts to groundwater-dependent natural features should be addressed. Any changes to groundwater flow or quality from groundwater taking may interfere with the ecological processes of streams, wetlands or other surficial features. In addition, discharging contaminated or high volumes of groundwater to these features may have direct impacts on their function. Any potential effects should be identified, and appropriate mitigation measures should be recommended. The level of detail required will be dependent on the significance of the potential impacts.
- Any potential approval requirements for groundwater taking or discharge should be identified in the report. A Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 L/day, with the exception of certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please review the [Water Taking User Guide for EASR](#) for more information.
- Consultation with the railroad authorities is necessary wherever there is a plan to use construction dewatering in the vicinity of railroad lines or where the zone of influence of the construction dewatering potentially intercepts railroad lines.

Excess Materials Management

- In December 2019, MECP released a new regulation under the Environmental Protection Act, titled "[On-Site and Excess Soil Management](#)" (O. Reg. 406/19) to support improved management of excess construction soil. This regulation is a key step to support proper management of excess soils, ensuring valuable resources don't go to waste and to provide

clear rules on managing and reusing excess soil. New risk-based standards referenced by this regulation help to facilitate local beneficial reuse which in turn will reduce greenhouse gas emissions from soil transportation, while ensuring strong protection of human health and the environment. The new regulation is being phased in over time, with the first phase in effect on January 1, 2021. For more information, please visit <https://www.ontario.ca/page/handling-excess-soil>.

- The report should reference that activities involving the management of excess soil should be completed in accordance with O. Reg. 406/19 and the MECP's current guidance document titled "[Management of Excess Soil – A Guide for Best Management Practices](#)" (2014).
- All waste generated during construction must be disposed of in accordance with ministry requirements

Contaminated Sites

- Any current or historical waste disposal sites should be identified in the report. The status of these sites should be determined to confirm whether approval pursuant to Section 46 of the EPA may be required for land uses on former disposal sites. We recommend referring to the [MECP's D-4 guideline](#) for land use considerations near landfills and dumps.
 - Resources available may include regional/local municipal official plans and data; provincial data on [large landfill sites](#) and [small landfill sites](#); Environmental Compliance Approval information for waste disposal sites on [Access Environment](#).
- Other known contaminated sites (local, provincial, federal) in the study area should also be identified in the report (Note – information on federal contaminated sites is found on the Government of Canada's [website](#)).
- The location of any underground storage tanks should be investigated in the report. Measures should be identified to ensure the integrity of these tanks and to ensure an appropriate response in the event of a spill. The ministry's Spills Action Centre must be contacted in such an event.
- Since the removal or movement of soils may be required, appropriate tests to determine contaminant levels from previous land uses or dumping should be undertaken. If the soils are contaminated, you must determine how and where they are to be disposed of, consistent with *Part XV.1 of the Environmental Protection Act* (EPA) and Ontario Regulation 153/04, Records of Site Condition, which details the new requirements related to site assessment and clean up. Please contact the appropriate MECP District Office for further consultation if contaminated sites are present.

☐ **Servicing, Utilities and Facilities**

- The report should identify any above or underground utilities in the study area such as transmission lines, telephone/internet, oil/gas etc. The owners should be consulted to discuss impacts to this infrastructure, including potential spills.
- The report should identify any servicing infrastructure in the study area such as wastewater, water, stormwater that may potentially be impacted by the project.
- Any facility that releases emissions to the atmosphere, discharges contaminants to ground or surface water, provides potable water supplies, or stores, transports or disposes of waste must have an Environmental Compliance Approval (ECA) before it can operate lawfully. Please consult with MECP's Environmental Permissions Branch to determine whether a new or amended ECA will be required for any proposed infrastructure.
- We recommend referring to the ministry's [environmental land use planning guides](#) to ensure that any potential land use conflicts are considered when planning for any infrastructure or facilities related to wastewater, pipelines, landfills or industrial uses.

☐ **Mitigation and Monitoring**

- Contractors must be made aware of all environmental considerations so that all environmental standards and commitments for both construction and operation are met. Mitigation measures should be clearly referenced in the report and regularly monitored during the construction stage of the project. In addition, we encourage proponents to conduct post-construction monitoring to ensure all mitigation measures have been effective and are functioning properly.
- Design and construction reports and plans should be based on a best management approach that centres on the prevention of impacts, protection of the existing environment, and opportunities for rehabilitation and enhancement of any impacted areas.
- The proponent's construction and post-construction monitoring plans must be documented in the report, as outlined in Section A.2.5 and A.4.1 of the MEA Class EA parent document.

☐ **Consultation**

- The report must demonstrate how the consultation provisions of the Class EA have been fulfilled, including documentation of all stakeholder consultation efforts undertaken during the planning process. This includes a discussion in the report that identifies concerns that were raised and **describes how they have been addressed by the proponent** throughout

the planning process. The report should also include copies of comments submitted on the project by interested stakeholders, and the proponent's responses to these comments (as directed by the Class EA to include full documentation).

- Please include the full stakeholder distribution/consultation list in the documentation.

□ **Class EA Process**

- If this project is a Master Plan: there are several different approaches that can be used to conduct a Master Plan, examples of which are outlined in Appendix 4 of the Class EA. **The Master Plan should clearly indicate the selected approach for conducting the plan**, by identifying whether the levels of assessment, consultation and documentation are sufficient to fulfill the requirements for Schedule B or C projects. Please note that any Schedule B or C projects identified in the plan would be subject to Part II Order Requests under the Environmental Assessment Act, although the plan itself would not be. **Please include a description of the approach being undertaken (use Appendix 4 as a reference).**
- If this project is a Master Plan: Any identified projects should also include information on the MCEA schedule associated with the project.
- The report should provide clear and complete documentation of the planning process in order to allow for transparency in decision-making.
- The Class EA requires the consideration of the effects of each alternative on all aspects of the environment (including planning, natural, social, cultural, economic, technical). The report should include a level of detail (e.g. hydrogeological investigations, terrestrial and aquatic assessments, cultural heritage assessments) such that all potential impacts can be identified, and appropriate mitigation measures can be developed. Any supporting studies conducted during the Class EA process should be referenced and included as part of the report.
- Please include in the report a list of all subsequent permits or approvals that may be required for the implementation of the preferred alternative, including but not limited to, MECP's PTTW, EASR Registrations and ECAs, conservation authority permits, species at risk permits, MTO permits and approvals under the *Impact Assessment Act*, 2019.
- Ministry guidelines and other information related to the issues above are available at <http://www.ontario.ca/environment-and-energy/environment-and-energy>. We encourage you to review all the available guides and to reference any relevant information in the report.

Amendments to the EAA through the Covid-19 Economic Recovery Act, 2020

Once the EA Report is finalized, the proponent must issue a Notice of Completion providing a minimum 30-day period during which documentation may be reviewed and comment and input can be submitted to the proponent. The Notice of Completion must be sent to the appropriate MECP Regional Office email address.

The public can request a higher level of assessment on a project if they are concerned about potential adverse impacts to constitutionally protected Aboriginal and treaty rights. In addition, the Minister may issue an order on his or her own initiative within a specified time period. The Director (of the Environmental Assessment Branch) will issue a Notice of Proposed Order to the proponent if the Minister is considering an order for the project within 30 days after the conclusion of the comment period on the Notice of Completion. At this time, the Director may request additional information from the proponent. Once the requested information has been received, the Minister will have 30 days within which to make a decision or impose conditions on your project.

Therefore, the proponent cannot proceed with the project until at least 30 days after the end of the comment period provided for in the Notice of Completion. Further, the proponent may not proceed after this time if:

- a Section 16 Order request has been submitted to the ministry regarding potential adverse impacts to constitutionally protected Aboriginal and treaty rights, or
- the Director has issued a Notice of Proposed order regarding the project.

Please ensure that the Notice of Completion advises that outstanding concerns are to be directed to the proponent for a response, and that in the event there are outstanding concerns regarding potential adverse impacts to constitutionally protected Aboriginal and treaty rights, Section 16 Order requests on those matters should be addressed in writing to:

Minister David Piccini
Ministry of Environment, Conservation and Parks
777 Bay Street, 5th Floor
Toronto ON M7A 2J3
minister.mecp@ontario.ca

and

Director, Environmental Assessment Branch
Ministry of Environment, Conservation and Parks
135 St. Clair Ave. W, 1st Floor
Toronto ON, M4V 1P5
EABDirector@ontario.ca

A PROPONENT'S INTRODUCTION TO THE DELEGATION OF PROCEDURAL ASPECTS OF CONSULTATION WITH ABORIGINAL COMMUNITIES

DEFINITIONS

The following definitions are specific to this document and may not apply in other contexts:

Aboriginal communities – the First Nation or Métis communities identified by the Crown for the purpose of consultation.

Consultation – the Crown's legal obligation to consult when the Crown has knowledge of an established or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. This is the type of consultation required pursuant to s. 35 of the *Constitution Act, 1982*. Note that this definition does not include consultation with Aboriginal communities for other reasons, such as regulatory requirements.

Crown – the Ontario Crown, acting through a particular ministry or ministries.

Procedural aspects of consultation – those portions of consultation related to the process of consultation, such as notifying an Aboriginal community about a project, providing information about the potential impacts of a project, responding to concerns raised by an Aboriginal community and proposing changes to the project to avoid negative impacts.

Proponent – the person or entity that wants to undertake a project and requires an Ontario Crown decision or approval for the project.

I. PURPOSE

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that may adversely impact that right. In outlining a framework for the duty to consult, the Supreme Court of Canada has stated that the Crown may delegate procedural aspects of consultation to third parties. This document provides general information about the Ontario Crown's approach to delegation of the procedural aspects of consultation to proponents.

This document is not intended to instruct a proponent about an individual project, and it does not constitute legal advice.

II. WHY IS IT NECESSARY TO CONSULT WITH ABORIGINAL COMMUNITIES?

The objective of the modern law of Aboriginal and treaty rights is the *reconciliation* of Aboriginal peoples and non-Aboriginal peoples and their respective rights, claims and interests. Consultation is an important component of the reconciliation process.

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. For example, the Crown's duty to consult is triggered when it considers

issuing a permit, authorization or approval for a project which has the potential to adversely impact an Aboriginal right, such as the right to hunt, fish, or trap in a particular area.

The scope of consultation required in particular circumstances ranges across a spectrum depending on both the nature of the asserted or established right and the seriousness of the potential adverse impacts on that right.

Depending on the particular circumstances, the Crown may also need to take steps to accommodate the potentially impacted Aboriginal or treaty right. For example, the Crown may be required to avoid or minimize the potential adverse impacts of the project.

III. THE CROWN'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS

The Crown has the responsibility for ensuring that the duty to consult, and accommodate where appropriate, is met. However, the Crown may delegate the procedural aspects of consultation to a proponent.

There are different ways in which the Crown may delegate the procedural aspects of consultation to a proponent, including through a letter, a memorandum of understanding, legislation, regulation, policy and codes of practice.

If the Crown decides to delegate procedural aspects of consultation, the Crown will generally:

- Ensure that the delegation of procedural aspects of consultation and the responsibilities of the proponent are clearly communicated to the proponent;
- Identify which Aboriginal communities must be consulted;
- Provide contact information for the Aboriginal communities;
- Revise, as necessary, the list of Aboriginal communities to be consulted as new information becomes available and is assessed by the Crown;
- Assess the scope of consultation owed to the Aboriginal communities;
- Maintain appropriate oversight of the actions taken by the proponent in fulfilling the procedural aspects of consultation;
- Assess the adequacy of consultation that is undertaken and any accommodation that may be required;
- Provide a contact within any responsible ministry in case issues arise that require direction from the Crown; and
- Participate in the consultation process as necessary and as determined by the Crown.

IV. THE PROPONENT'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS

Where aspects of the consultation process have been delegated to a proponent, the Crown, in meeting its duty to consult, will rely on the proponent's consultation activities and documentation of those activities. The consultation process informs the Crown's decision of whether or not to approve a proposed project or activity.

A proponent's role and responsibilities will vary depending on a variety of factors including the extent of consultation required in the circumstance and the procedural aspects of consultation the Crown has delegated to it. Proponents are often in a better position than the Crown to discuss a project and its potential impacts with Aboriginal communities and to determine ways to avoid or minimize the adverse impacts of a project.

A proponent can raise issues or questions with the Crown at any time during the consultation process. If issues or concerns arise during the consultation that cannot be addressed by the proponent, the proponent should contact the Crown.

a) What might a proponent be required to do in carrying out the procedural aspects of consultation?

Where the Crown delegates procedural aspects of consultation, it is often the proponent's responsibility to provide notice of the proposed project to the identified Aboriginal communities. The notice should indicate that the Crown has delegated the procedural aspects of consultation to the proponent and should include the following information:

- a description of the proposed project or activity;
- mapping;
- proposed timelines;
- details regarding anticipated environmental and other impacts;
- details regarding opportunities to comment; and
- any changes to the proposed project that have been made for seasonal conditions or other factors, where relevant.

Proponents should provide enough information and time to allow Aboriginal communities to provide meaningful feedback regarding the potential impacts of the project. Depending on the nature of consultation required for a project, a proponent also may be required to:

- provide the Crown with copies of any consultation plans prepared and an opportunity to review and comment;
- ensure that any necessary follow-up discussions with Aboriginal communities take place in a timely manner, including to confirm receipt of information, share and update information and to address questions or concerns that may arise;

- as appropriate, discuss with Aboriginal communities potential mitigation measures and/or changes to the project in response to concerns raised by Aboriginal communities;
- use language that is accessible and not overly technical, and translate material into Aboriginal languages where requested or appropriate;
- bear the reasonable costs associated with the consultation process such as, but not limited to, meeting hall rental, meal costs, document translation(s), or to address technical & capacity issues;
- provide the Crown with all the details about potential impacts on established or asserted Aboriginal or treaty rights, how these concerns have been considered and addressed by the proponent and the Aboriginal communities and any steps taken to mitigate the potential impacts;
- provide the Crown with complete and accurate documentation from these meetings and communications; and
- notify the Crown immediately if an Aboriginal community not identified by the Crown approaches the proponent seeking consultation opportunities.

b) What documentation and reporting does the Crown need from the proponent?

Proponents should keep records of all communications with the Aboriginal communities involved in the consultation process and any information provided to these Aboriginal communities.

As the Crown is required to assess the adequacy of consultation, it needs documentation to satisfy itself that the proponent has fulfilled the procedural aspects of consultation delegated to it. The documentation required would typically include:

- the date of meetings, the agendas, any materials distributed, those in attendance and copies of any minutes prepared;
- the description of the proposed project that was shared at the meeting;
- any and all concerns or other feedback provided by the communities;
- any information that was shared by a community in relation to its asserted or established Aboriginal or treaty rights and any potential adverse impacts of the proposed activity, approval or disposition on such rights;
- any proposed project changes or mitigation measures that were discussed, and feedback from Aboriginal communities about the proposed changes and measures;
- any commitments made by the proponent in response to any concerns raised, and feedback from Aboriginal communities on those commitments;
- copies of correspondence to or from Aboriginal communities, and any materials distributed electronically or by mail;

- information regarding any financial assistance provided by the proponent to enable participation by Aboriginal communities in the consultation;
- periodic consultation progress reports or copies of meeting notes if requested by the Crown;
- a summary of how the delegated aspects of consultation were carried out and the results; and
- a summary of issues raised by the Aboriginal communities, how the issues were addressed and any outstanding issues.

In certain circumstances, the Crown may share and discuss the proponent's consultation record with an Aboriginal community to ensure that it is an accurate reflection of the consultation process.

c) Will the Crown require a proponent to provide information about its commercial arrangements with Aboriginal communities?

The Crown may require a proponent to share information about aspects of commercial arrangements between the proponent and Aboriginal communities where the arrangements:

- include elements that are directed at mitigating or otherwise addressing impacts of the project;
- include securing an Aboriginal community's support for the project; or
- may potentially affect the obligations of the Crown to the Aboriginal communities.

The proponent should make every reasonable effort to exempt the Crown from confidentiality provisions in commercial arrangements with Aboriginal communities to the extent necessary to allow this information to be shared with the Crown.

The Crown cannot guarantee that information shared with the Crown will remain confidential. Confidential commercial information should not be provided to the Crown as part of the consultation record if it is not relevant to the duty to consult or otherwise required to be submitted to the Crown as part of the regulatory process.

V. WHAT ARE THE ROLES AND RESPONSIBILITIES OF ABORIGINAL COMMUNITIES' IN THE CONSULTATION PROCESS?

Like the Crown, Aboriginal communities are expected to engage in consultation in good faith. This includes:

- responding to the consultation notice;
- engaging in the proposed consultation process;
- providing relevant documentation;

- clearly articulating the potential impacts of the proposed project on Aboriginal or treaty rights; and
- discussing ways to mitigate any adverse impacts.

Some Aboriginal communities have developed tools, such as consultation protocols, policies or processes that provide guidance on how they would prefer to be consulted. Although not legally binding, proponents are encouraged to respect these community processes where it is reasonable to do so. Please note that there is no obligation for a proponent to pay a fee to an Aboriginal community in order to enter into a consultation process.

To ensure that the Crown is aware of existing community consultation protocols, proponents should contact the relevant Crown ministry when presented with a consultation protocol by an Aboriginal community or anyone purporting to be a representative of an Aboriginal community.

VI. WHAT IF MORE THAN ONE PROVINCIAL CROWN MINISTRY IS INVOLVED IN APPROVING A PROPONENT'S PROJECT?

Depending on the project and the required permits or approvals, one or more ministries may delegate procedural aspects of the Crown's duty to consult to the proponent. The proponent may contact individual ministries for guidance related to the delegation of procedural aspects of consultation for ministry-specific permits/approvals required for the project in question. Proponents are encouraged to seek input from all involved Crown ministries sooner rather than later.

Client's Guide to Preliminary Screening for Species at Risk

***Ministry of the Environment, Conservation and Parks
Species at Risk Branch, Permissions and Compliance
DRAFT - May 2019***

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1.0 Purpose, Scope, Background and Context

1.1 Purpose of this Guide

This guide has been created to:

- help clients better understand their obligation to gather information and complete a preliminary screening for species at risk before contacting the ministry,
- outline guidance and advice clients can expect to receive from the ministry at the preliminary screening stage,
- help clients understand how they can gather information about species at risk by accessing publicly available information housed by the Government of Ontario, and
- provide a list of other potential sources of species at risk information that exist outside the Government of Ontario.

It remains the client's responsibility to:

- carry out a preliminary screening for their projects,
- obtain best available information from all applicable information sources,
- conduct any necessary field studies or inventories to identify and confirm the presence or absence of species at risk or their habitat,
- consider any potential impacts to species at risk that a proposed activity might cause, and
- comply with the *Endangered Species Act* (ESA).

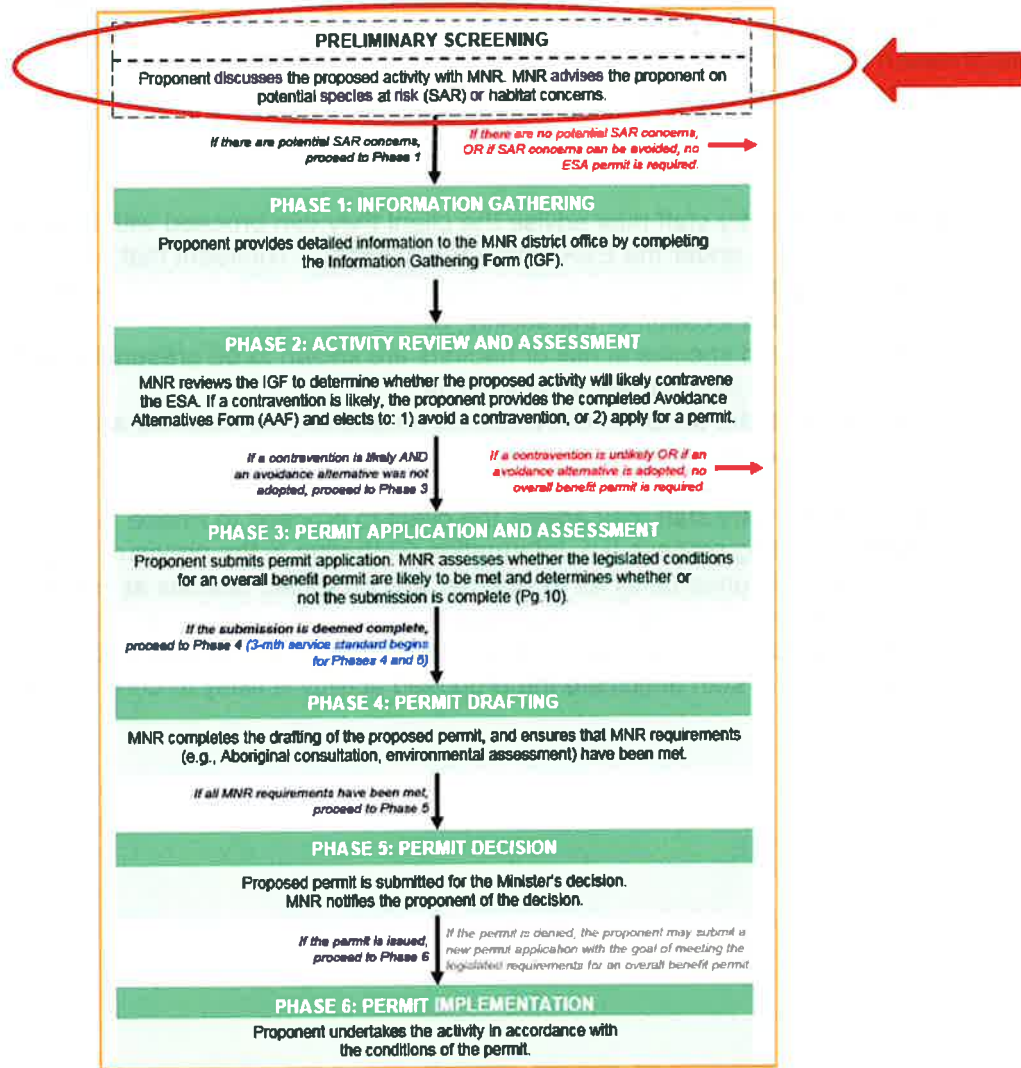
To provide the most efficient service, clients should initiate species at risk screenings and seek information from all applicable information sources identified in this guide, at a minimum, prior to contacting Government of Ontario ministry offices for further information or advice.

1.2 Scope

This guide is a resource for clients seeking to understand if their activity is likely to impact species at risk or if they are likely to trigger the need for an authorization under the ESA. It is not intended to circumvent any detailed site surveys that may be necessary to document species at risk or their habitat nor to circumvent the need to assess the impacts of a proposed activity on species at risk or their habitat. This guide is not an exhaustive list of available information sources for any given area as the availability of information on species at risk and their habitat varies across the province. This guide is intended to support projects and activities carried out on Crown and private land, by private landowners, businesses, other provincial ministries and agencies, or municipal government.

1.3 Background and Context

To receive advice on their proposed activity, clients must first determine whether any species at risk or their habitat exist or are likely to exist at or near their proposed activity, and whether their proposed activity is likely to contravene the ESA. Once this step is complete, clients may contact the ministry at SAROntario@ontario.ca to discuss the main purpose, general methods, timing and location of their proposed activity as well as information obtained about species at risk and their habitat at, or near, the site. At this stage, the ministry can provide advice and guidance to the client about potential species at risk or habitat concerns, measures that the client is considering to avoid adverse effects on species at risk or their habitat and whether additional field surveys are advisable. This is referred to as the “Preliminary Screening” stage. For more information on additional phases in the diagram below, please refer to the *Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits* policy available online at <https://www.ontario.ca/page/species-risk-overall-benefit-permits>



2.0 Roles and Responsibilities

To provide the most efficient service, clients should initiate species at risk screenings and seek information from all applicable information sources identified in this guide prior to contacting Government of Ontario ministry offices for further information or advice.

Step 1: Client seeks information regarding species at risk or their habitat that exist, or are likely to exist, at or near their proposed activity by referring to all applicable information sources identified in this guide.

Step 2: Client reviews and consider guidance on whether their proposed activity is likely to contravene the ESA (see section 3.4 of this guide for guidance on what to consider).

Step 3: Client gathers information identified in the checklist in section 4 of this guide.

Step 4: Client contacts the ministry at SAROntario@ontario.ca to discuss their preliminary screening. Ministry staff will ask the client questions about the main purpose, general methods, timing and location of their proposed activity as well as information obtained about species at risk and their habitat at, or near, the site. Ministry staff will also ask the client for their interpretation of the impacts of their activity on species at risk or their habitat as well as measures the client has considered to avoid any adverse impacts.

Step 5: Ministry staff will provide advice on next steps.

Option A: Ministry staff may advise the client they can proceed with their activity without an authorization under the ESA where the ministry is confident that:

- no protected species at risk or habitats are likely to be present at or near the proposed location of the activity; or
- protected species at risk or habitats are known to be present but the activity is not likely to contravene the ESA; or
- through the adoption of avoidance measures, the modified activity is not likely to contravene the ESA.

Option B: Ministry staff may advise the client to proceed to Phase 1 of the overall benefit permitting process (i.e. Information Gathering in the previous diagram), where:

- there is uncertainty as to whether any protected species at risk or habitats are present at or near the proposed location of the activity; or
- the potential impacts of the proposed activity are uncertain; or
- ministry staff anticipate the proposed activity is likely to contravene the ESA.

3.0 Information Sources

Land Information Ontario (LIO) and the Natural Heritage Information Centre (NHIC) maintain and provide information about species at risk, as well as related information about fisheries, wildlife, crown lands, protected lands and more. This information is made available to organizations, private individuals, consultants, and developers through online sources and is often considered under various pieces of legislation or as part of regulatory approvals and planning processes.

The information available from LIO or NHIC and the sources listed in this guide should not be considered as a substitute for site visits and appropriate field surveys. Generally, this information can be regarded as a starting point from which to conduct further field surveys, if needed. While this data represents best available current information, it is important to note that a lack of information for a site does not mean that species at risk or their habitat are not present. There are many areas where the Government of Ontario does not currently have information, especially in more remote parts of the province. The absence of species at risk location data at or near your site does not necessarily mean no species at risk are present at that location. On-site assessments can better verify site conditions, identify and confirm presence of species at risk and/or their habitats.

Information on the location (i.e. observations and occurrences) of species at risk is considered sensitive and therefore publicly available only on a 1km square grid as opposed to as a detailed point on a map. This generalized information can help you understand which species at risk are in the general vicinity of your proposed activity and can help inform field level studies you may want to undertake to confirm the presence, or absence of species at risk at or near your site.

Should you require specific and detailed information pertaining to species at risk observations and occurrences at or near your site on a finer geographic scale; you will be required to demonstrate your need to access this information, to complete data sensitivity training and to obtain a Sensitive Data Use License from the NHIC. Information on how to obtain a license can be found online at <https://www.ontario.ca/page/get-natural-heritage-information>.

Many organizations (e.g. other Ontario ministries, municipalities, conservation authorities) have ongoing licensing to access this data so be sure to check if your organization has this access and consult this data as part of your preliminary screening if your organization already has a license.

3.1 Make a Map: Natural Heritage Areas

The Make a Natural Heritage Area Map (available online at http://www.gisapplication.lrc.gov.on.ca/mamnh/Index.html?site=MNR_NHLUPS_NaturalHeritage&viewer=NaturalHeritage&locale=en-US) provides public access to natural heritage information, including species at risk, without the user needing to have Geographic Information System (GIS) capability. It allows users to view and identify generalized species at risk information, mark areas of interest, and create and print a custom map directly from the web application. The tool also shows topographic information such as roads, rivers, contours and municipal boundaries.

Users are advised that sensitive information has been removed from the natural areas dataset and the occurrences of species at risk has been generalized to a 1-kilometre grid to mitigate the risks to the species (e.g. illegal harvest, habitat disturbance, poaching).

The web-based mapping tool displays natural heritage data, including:

- Generalized Species at risk occurrence data (based on a 1-km square grid),
- Natural Heritage Information Centre data.

Data cannot be downloaded directly from this web map; however, information included in this application is available digitally through Land Information Ontario (LIO) at <https://www.ontario.ca/page/land-information-ontario>.

3.2 Land Information Ontario (LIO)

Most natural heritage data is publicly available. This data is managed in a large provincial corporate database called the LIO Warehouse and can be accessed online through the LIO Metadata Management Tool at <https://www.javacoeapp.lrc.gov.on.ca/geonetwork/srv/en/main.home>. This tool provides descriptive information about the characteristics, quality and context of the data. Publicly available geospatial data can be downloaded directly from this site.

While most data are publicly available, some data may be considered highly sensitive (i.e. nursery areas for fish, species at risk observations) and as such, access to some data maybe restricted.

3.3 Additional Species at Risk Information Sources

- The Breeding Bird Atlas can be accessed online at <http://www.birdsontario.org/atlas/index.jsp?lang=en>
- eBird can be accessed online at <https://ebird.org/home>
- iNaturalist can be accessed online at <https://www.inaturalist.org/>
- The Ontario Reptile and Amphibian Atlas can be accessed online at <https://ontarionature.org/programs/citizen-science/reptile-amphibian-atlas>
- Your local Conservation Authority. Information to help you find your local Conservation Authority can be accessed online at <https://conservationontario.ca/conservation-authorities/find-a-conservation-authority/>

Local naturalist groups or other similar community-based organizations

- Local Indigenous communities
- Local land trusts or other similar Environmental Non-Government Organizations
- Field level studies to identify if species at risk, or their habitat, are likely present or absent at or near the site.
- When an activity is proposed within one of the continuous caribou ranges, please be sure to consider the caribou Range Management Policy. This policy includes figures and maps of the continuous caribou range, can be found online at <https://www.ontario.ca/page/range-management-policy-support-woodland-caribou-conservation-and-recovery>

3.4 Information Sources to Support Impact Assessments

- Guidance to help you understand if your activity is likely to adversely impact species at risk or their habitat can be found online at <https://www.ontario.ca/page/policy-guidance-harm-and-harass-under-endangered-species-act> and <https://www.ontario.ca/page/categorizing-and-protecting-habitat-under-endangered-species-act>
- A list of species at risk in Ontario is available online at <https://www.ontario.ca/page/species-risk-ontario>. On this webpage, you can find out more about each species, including where it lives, what threatens it and any specific habitat protections that apply to it by clicking on the photo of the species.

4.0 Check-List

Please feel free to use the check list below to help you confirm you have explored all applicable information sources and to support your discussion with Ministry staff at the preliminary screening stage.

- ✓ Land Information Ontario (LIO)
- ✓ Natural Heritage Information Centre (NHIC)
- ✓ The Breeding Bird Atlas
- ✓ eBird
- ✓ iNaturalist
- ✓ Ontario Reptile and Amphibian Atlas
- ✓ List Conservation Authorities you contacted: _____

- ✓ List local naturalist groups you contacted: _____

- ✓ List local Indigenous communities you contacted: _____

- ✓ List any other local land trusts or Environmental Non-Government Organizations you contacted: _____

- ✓ List and field studies that were conducted to identify species at risk, or their habitat, likely to be present or absent at or near the site: _____

- ✓ List what you think the likely impacts of your activity are on species at risk and their habitat (e.g. damage or destruction of habitat, killing, harming or harassing species at risk): _____

We trust this is satisfactory.

Yours truly,

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