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May 13th, 2016

AYL-L-042-16

Stephen Corke
167 Hastings Drive
Port Rowan, ON N0E 1M0

Dear Mr. Corke:

RE: Dock Installation and Re-location of Hydro Pole on 167 Hastings Drive and the
Endangered Species Act, 2007

The Ministry of Natural Resources and Forestry (MNRF) has reviewed the information that was provided on the proposed dock installation and re-location of a hydro pole on 167 Hastings Drive to assess the potential impacts of the proposal on endangered or threatened species and their habitats. From the information provided, it is our understanding that the proposed project falls within these parameters:

- a) The project is located at 167 Hastings Drive (Lot 59) in the former Geographic Township of Walsingham, Norfolk County.
- b) The proposed project involves (as outlined in the information package provided to MNRF on January 29th, 2016 and by email on May 12th, 2016):
 - Installation of a steel piling dock:
 - Materials – 12 galvanized steel helical piles (6" diameter x 5/8" walls), steel i-beam framing and cedar floorboards.
 - Dimensions – 47 square meters, equaling 7% lot coverage. The dock will be installed in an inverted L-shape, with the north-south section being 34 feet long by 10 feet wide and the east-west section being 22 feet long by 14 feet wide. The 12 pilings will be placed approximately 10 feet apart from one another. The dock will have a vertical height of 10 feet above the water's edge (14 foot elevation at north end of dock). The dock access ramp will be 4 feet wide by 8 feet long, elevated about the surface water to minimize shading.
 - No pre-excavation is required. The work will require the use of a mini-excavator, handheld equipment or skid-steer.
 - Vegetation and sand dunes on property and within the road allowance are not proposed to be impacted or removed.
 - Rock piles will remain in place as much as possible (i.e. the pile may be installed at alternative location if construction parameters allow). If necessary, cement slabs located at the northern section

of the property may be re-positioned by a few meters to allow for steel helical piling to be installed.

- Re-location of the hydro pole on the property:
 - The current hydro pole will be removed, followed by the drilling of a new hole 5 feet back on the property and the installation of a new pole.
 - Equipment (i.e. truck and auger) will remain on the road and will work aerially over the road allowance and property line. No heavy equipment will be used on the sandy areas of the property.
 - Existing vegetation and sand dunes will not be impacted.

- c) The relocation of the hydro pole will begin as soon as possible. The proposed dock project will begin in October 2016 and is to be completed by April 2017.

- d) MNRF has reviewed species at risk (SAR) occurrence information on file and determined that there are known occurrences of the following species in the general area of the project location:
 - Eastern Foxsnake, Carolinian population (endangered) – receives species and regulated habitat protection.
 - Fowler’s Toad (endangered) – received species and regulated habitat protection.
 - Blanding’s Turtle (threatened) – receives species and general habitat protection,
 - Eastern Ribbonsnake (special concern)
 - Snapping Turtle (special concern)

Based on a review of the above information, MNRF has determined that the activities associated with the project, as currently proposed, **will likely not contravene** section 9 (species protection) and/or section 10 (habitat protection) of the *Endangered Species Act, 2007* (ESA 2007) for the species at risk listed above **provided the following recommendations are implemented:**

1. Any species listed as endangered or threatened on the Species at Risk in Ontario (SARO) List that is encountered at the project location must be protected from all harm and harassment.

2. Any SAR individual that is incidentally encountered in the project location must be allowed to leave on its own accord. Activities within 30 metres must cease until the individual disperses. Construction machinery/equipment must maintain a minimum operating distance of 30 meters from the individual until it disperses from the project area on its own accord.

3. Any SAR individual that is present at the project site should be reported to the MNRF Aylmer District staff (contact information below) within 48 hours of the observation or the next working day, whichever comes first.

4. All on-site personnel should be made aware of the potential presence of species at risk, particularly Eastern Foxsnake, Fowler's Toad and Blanding's Turtle.
5. Construction equipment that is left idle for over one (1) hour or is parked overnight on the property between April 1st to November 30th should be surveyed for the presence of SAR snakes before (re)ignition. This visual examination should include all lower components of the machinery, including operational extensions and running gear.
6. Care should be taken when working around or removing habitat features such as rock piles, brush piles, fallen or rotten trees or logs, partially buried debris, and leaf and mulch piles where snakes and toads may seek cover. These features should be visually surveyed prior to initiating work in these areas to ensure no SAR individuals are present. If SAR individuals are encountered, recommendation #2 must be followed.
7. For work taking place during the Fowler's Toad active season (i.e. late April to September), project activities must occur between the hours of 7 a.m. and 6 p.m. to avoid the active periods for Fowler's Toad, and should be conducted during warm, sunny days.

If the above recommendations are implemented, the activity will likely not contravene section 9 (species protection) and/or section 10 (habitat protection) of the ESA 2007.

This Letter to Proponent (AYL-L-042-16) is valid until April 30th, 2017.

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

Please see the following links for more information on SAR species and habitat:

- Eastern Foxsnake: <https://www.ontario.ca/page/eastern-foxsnake>
- Fowler's Toad: <https://www.ontario.ca/page/fowlers-toad>
- Blanding's Turtle: <https://www.ontario.ca/page/blandings-turtle>
- Eastern Ribbonsnake: <https://www.ontario.ca/page/eastern-ribbonsnake>
- Snapping Turtle: <https://www.ontario.ca/page/snapping-turtle>

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

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

If you have any concerns or questions regarding this letter, please contact me at 519-773-4711 or by email at ESAScreeningRequest.AylmerDistrict@ontario.ca.

Sincerely,

A handwritten signature in black ink that reads "Kathryn Markham". The signature is written in a cursive style with a long horizontal flourish at the end.

Kathryn Markham
Management Biologist, Aylmer District
Ministry of Natural Resources and Forestry