MEMO

TO: District Planner, Ministry of Natural Resources and Forestry, Aylmer District Office
FROM: Brad McLeod, M.Sc., Dillon Consulting Limited
cc: Karl Tanner, Dillon Consulting Limited
DATE: December 5, 2018
SUBJECT: Stage 1: Species at Risk Information Request for the Proposed Howard and Sandison Development located in the City of Windsor, Ontario
OUR FILE: 18-8777 & 18-8778

EXECUTIVE SUMMARY

A desktop background review and preliminary site assessment were conducted for the property located between Howard Avenue and Maguire Street, south of the Holburn Street dead end in the City of Windsor. The purpose of this assessment was to determine potential for impacts to Species at Risk (SAR) listed as Endangered or Threatened under the Endangered Species Act, 2007 (ESA) and/or SAR habitat as a result of the proposed residential subdivision (Attachment A).

The current land use within the proposed development area ('project location') is a mix of abandoned apple orchard, with and without mowed grass, and mixed areas of meadow and thicket. As a result, the preliminary field survey noted that there is a low likelihood for SAR or SAR habitat within the project location.

General mitigation measures will be implemented throughout the construction phase to prevent potential impacts to incidental SAR and other wildlife species within the general vicinity of the proposed development. As a result, based on the information available to us and described within the following memo, Dillon is of the opinion that there is a low likelihood that the proposed development will impact SAR and/or SAR habitat.

Introduction

Dillon Consulting Limited (Dillon) has been retained by J. Rauti Developments Inc. to conduct environmental consulting services, which involves an assessment of the potential impacts to the natural environment. The purpose of this memo is to provide information about the project and request further information regarding SAR and/or SAR habitat from the Ministry of Natural Resources and Forestry (MNRF), Aylmer District. The format for this memo follows the Technical Memo: Aylmer District Species at Risk Screening Process (April 2017).

The purpose of this Stage 1: Information Request is to:

- Provide information about the project;
- Request any additional SAR and/or natural heritage information, if available;
- Screen for potential effects to SAR;
- Provide information to the MNRF that will assist in the determination of whether there is a Low Likelihood, or High Likelihood for SAR species and/or habitat to occur and be impacted; and
- If there is a High Likelihood, to clearly identify the SAR species and/or habitat for which specific additional field assessments are recommended and indicate if there are specific MNRF protocols to follow, or whether MNRF approval for survey methodologies and timing windows is required.

Proponent Information

The proponent is J. Rauti Developments Inc. and Dillon is the agent working on behalf of the proponent.

Proponent Information: J. Rauti Developments Inc.
1357 Tuscany Oaks
LaSalle, Ontario
N9J 1C2

Detailed Property Location Information

The project location is provided in Attachment A, enclosed.

The property is located between Howard Avenue and Maguire Street, south of the Holburn Street dead end, in the City of Windsor, Essex County, Ontario. The property is legally described as “3702, 3708, 3714, and 3738, Sandwich East, Windsor”. The project location is bordered by an abandoned apple orchard to the north; a residential subdivision to the east; residential lands and a school to the south; and a residential subdivision to the west. The project location is part of the Detroit River watershed and Turkey Creek sub-watershed.

Photo Documentation of the Property

Photos were taken during a site visit on September 6, 2018. Please refer to Attachment B, enclosed.

General Description of all Proposed Activities and Extent of Development Footprint

The activities proposed are for the development of the project location into a new residential subdivision and construction of associated roadways and driveways.

It is anticipated that the proposed disturbance area required is approximately 4.3 ha. The project location and adjacent lands do not contain any designated Natural Heritage lands (City of Windsor Official Plan, Schedule B) and an Environmental Evaluation Report will not be required.

NHIC Search Results, and Preliminary SAR and Existing Conditions Survey

A search of the Natural Heritage Information Centre (NHIC) was conducted in September 2018 to obtain records of SAR and to preliminarily determine if SAR may be impacted by the proposed activities. Occurrence records for species protected under the ESA from the last 20 years were found for the 1 km squares that encompass the project location (squares: 17LG3580 and 17LG3581) and adjacent areas. The occurrence records are listed in Attachment C.

A preliminary SAR and existing conditions site investigation was conducted on September 6, 2018. The weather conditions during the site investigation are as follows: ambient temperature of 21°C, intermittent light precipitation, a Beaufort wind speed of 1 from the northeast, and cloud cover of 100%. The purpose of the site investigation was to document potential existing terrestrial and aquatic environment conditions, and record incidental observations of SAR and potential SAR habitat. Due to Dillon's familiarity with SAR in the County of Essex generally, and the City of Windsor specifically, field staff actively searched for the following SAR species:

- Blanding's Turtle (Emydoidea blandingii)
- Butler's Gartersnake (Thamnophis butleri)
- Eastern Foxsnake (Pantherophis gloydi)
- Massasauga (Sistrurus catenatus)
- American Chestnut (Castanea dentata)
- Butternut (Juglans cinerea)
- Dense Blazing Star (Liatris spicata)
- Eastern Flowering Dogwood (Cornus florida)
- Purple Twayblade (Liparis liliifolia)
- Red Mulberry (Morus rubra)
- White Colicroot (Aletris farinosa)
- Willowleaf Aster (Symphyotrichum praealtum)

Our assessment of SAR and/or SAR habitat was based on knowledge of natural history and habitat requirements of SAR, observations of dormant plants, incidental wildlife observations, vegetation identified within the project location, and indicators of wildlife use (e.g. scat, burrows, tracks, etc.)

Field investigations and background review revealed that the project location is a mix of abandoned apple orchard, with and without mowed grass, and mixed areas of meadow and thicket (refer to photos in Attachment B). As per Schedule B of the City of Windsor Official Plan, no natural heritage features are identified within the project location or on adjacent lands. Considering the current state of the property and through historical aerial imagery (i.e. semi-natural to natural habitat, with areas of the project location left unmaintained for at least ten years), the preliminary SAR field survey noted that there is a low likelihood for SAR habitat within the project location.

Plant and wildlife observations made during the site investigation are listed in Attachment D. With the exception of one species, each of the species observed are considered either secure and common (SRank of S5), apparently secure, uncommon, but not rare (SRank of S4), or is not a suitable target for conservation activities (SRank of SNA) in the province of Ontario. As general mitigation measures for vegetation removal will be implemented, no impacts to nesting bird species in the area are anticipated.

Timing and Duration of Proposed Activities

Construction is anticipated to begin summer 2020.

Summary of Past Correspondence with MNRF about the Project Location

To the best of Dillon's knowledge, there has been no past correspondence with MNRF or MECP regarding this project location. An Information Request dated February 29, 2016, was submitted by Dillon for a property to the north (Maguire Street Development). A subsequent Letter to Proponent (AYL-L-081-16) dated October 13, 2016, was received concluding that "activities associated with this project, as currently proposed, will likely not contravene Section 9 (Species Protection) and/or Section 10 (Habitat Protection) of the Endangered Species Act, 2007".

Type and Status of Municipal Planning Process

A Draft Plan of Subdivision is required for the development of this project location.

Additional Information (Setbacks, Mitigation Measures, Approaches, etc.)

Given that the project location contains no natural features, has areas of mowed grass with abandoned apple orchard, there is a low likelihood for SAR habitat. During construction, general mitigation measures for erosion and sediment control (ESC) will be installed and monitored throughout the

construction period. These measures will serve the dual purpose of both isolating the site by providing a general barrier and to prevent wildlife from entering the project location. General construction and SAR mitigation practices will also be required for construction staff such as:

- Silt fencing should be installed around the project location in order to control erosion during construction and to exclude any potential snakes, turtles, and other wildlife from entering the construction area. In order for the silt fencing to be an effective barrier, it should be buried at a depth of 20 cm;
- Species listed as Endangered or Threatened on the Species at Risk in Ontario (SARO) List that is present at the project location, must be protected from harm and harassment;
- Prior to conducting work on site, on-site personnel must be made aware of the potential presence of SAR on site, and the protection afforded to them under the ESA;
- Any SAR that is incidentally encountered on the project location must be allowed to leave on its own accord. Activities within 30 m should cease until the individual disperses. Construction machinery/equipment must maintain a minimum operation distance of 30 m from the individual until it disperses the project location on its own accord;
- Should on-site personnel be unable to allow an incidentally-encountered SAR individual to disperse from the active construction area on its own accord, a qualified person (i.e. biologist) should be contacted immediately for additional guidance;
- Observations of SAR should be reported to MNRF Aylmer District staff within 48 hours of the observation, or the next working day, whichever comes first;
- If an injured, or deceased SAR is found, or a SAR is accidentally unearthed from overwintering, the specimen must be placed in a non-airtight container that is maintained at an appropriate temperature and a Wildlife Custodian (authorized under the Fish and Wildlife Conservation Act) in the area shall be contacted. MNRF Aylmer District staff must be contacted immediately after the occurrence;
- Construction and vegetation-clearing equipment that is left idle for over one hour, or is parked overnight on the project location between April 1 and October 1, must 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;
- Removal of vegetation should be limited to the smallest extent possible and should be conducted between August 31 and October 31, outside of the migratory breeding bird window and when SAR snake individuals are active and most able to flee areas of disturbance, or between December 1 and March 30, when SAR snake individuals are over-wintering;
- If vegetation removal activities must occur within the active breeding bird window, nest sweeps will be conducted by a qualified biologist no more than 48 hours prior to clearing; and
- During the active snake season (April to October), individuals may find and occupy material and equipment stored on site; therefore, a clean, debris-free work site should be maintained (e.g. storage of flat materials like plywood and rubber mats in open areas should be avoided).

As mentioned in the General Description section of this memo, the project location and adjacent lands do not contain any designated Natural Heritage lands and an Environmental Evaluation Report will not be required.

If it is determined that other agencies such as Fisheries and Oceans Canada (DFO) and/or the Conservation Authority should be consulted for this project location, this will be completed under separate cover.

Closing

We trust that this information meets and in some cases exceeds the requirements of a Stage 1 SAR Information Request. As discussed above, we kindly ask for:

- Additional SAR and natural heritage information, including Restricted Records and limits of Regulated Habitat, if available;
- Screen for potential effects to SAR;
- A decision on whether there is a Low Likelihood, or High Likelihood for SAR species and/or habitat to occur and be impacted; and
- If there is a High Likelihood, to clearly identify the SAR species and/or habitat for which specific additional field assessments are recommended, and indicate if there are specific MNRF protocols to follow, or whether MNRF approval for survey methodologies and timing windows are required.

Based on the information available to us and described within this memo, Dillon is of the opinion that there is a Low Likelihood that the proposed development will impact SAR species and/or habitat, and we would request that a Letter to Proponent (LOA) be prepared for this project location as outlined in the Technical Memo: Aylmer District Species at Risk Screening Process (April 2017).

Please do not hesitate to call Brad McLeod at (519) 948-4243 ext. 3250 if you have any questions.

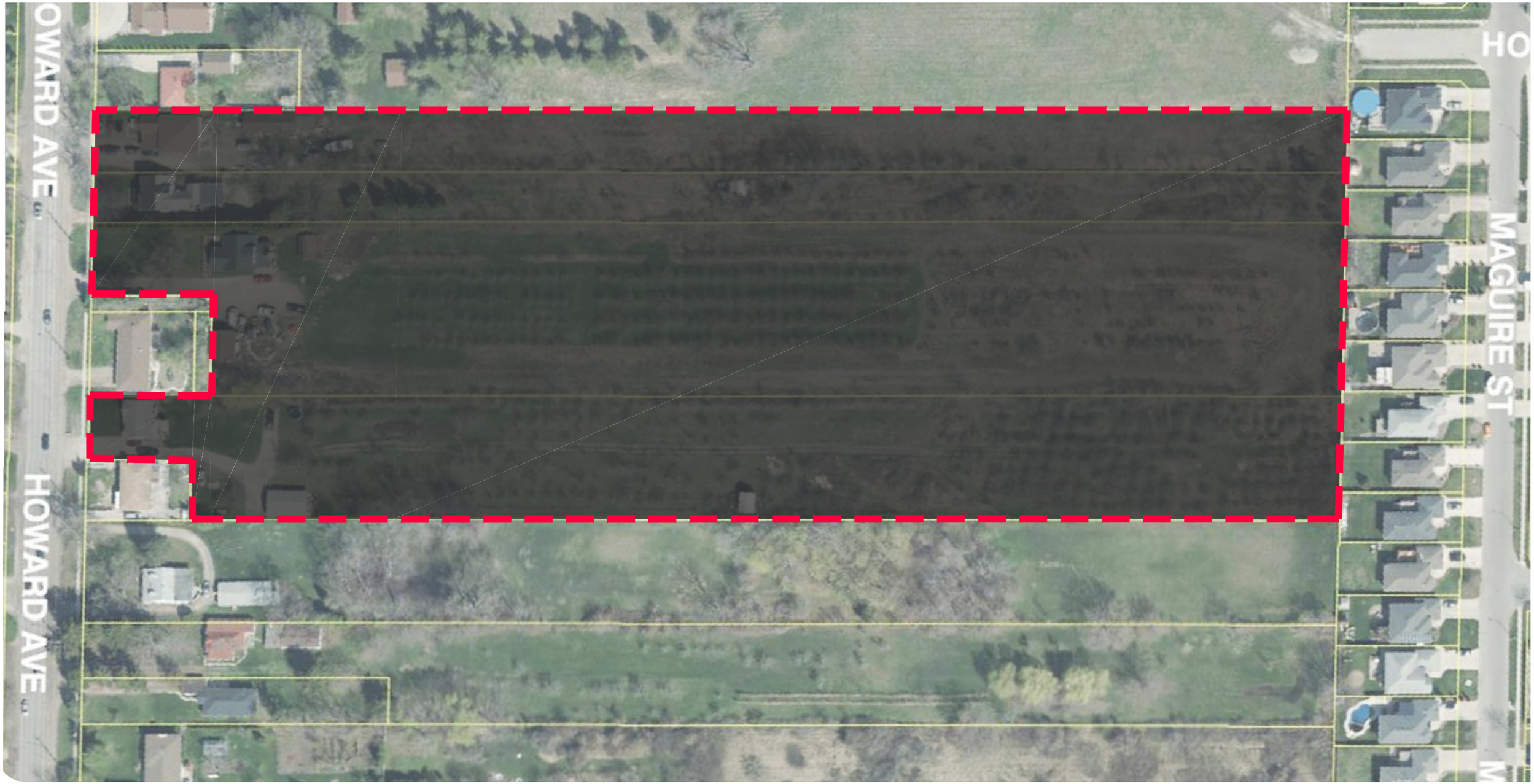
Encl.
Attachment A: Project Location
Attachment B: Site Photos
Attachment C: Detailed NHIC Search Results
Attachment D: Plant and Wildlife Observation List

MEMO

Attachment A

Project Location

DILLON CONSULTING LIMITED
3200 Deziel Drive, Suite 608, Windsor, Ontario, N8W 5K8 ♦ Telephone: (519) 948-5000 ♦ Fax: (519) 948-5054
www.dillon.ca



PROPOSED DEVELOPMENT
SAR INFORMATION REQUEST

PROJECT LOCATION:
FIGURE 1.0

PROPERTY AREA
± 4.3 ha (± 10.6 ac)

PROPOSED DISTURBED AREA
±4.3 ha (± 10.6 ac)

SOURCES: CITY OF WINSOR AERIAL PHOTOGRAPH (2017)

File Location:
g:\cad\john rauti\rauti - new sar figures.dwg
November, 18, 2018 11:26 AM

MAP/DRAWING INFORMATION
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.
CREATED BY: KRK
CHECKED BY: BTM
DESIGNED BY: KRK

SCALE : N.T.S.

PROJECT: 18-8777
STATUS: DRAFT
DATE: 11/18/2018

MEMO

Attachment B

Site Photos

MEMO

Photograph 1 September 6, 2018 Looking east from the northwestern part of the property.	
Photograph 2 September 6, 2018 Looking southeast from the northwestern part of the property.	

Photograph 3 September 6, 2018 Looking east from the western part of the property. Note: Abandoned apple orchard with unmaintained grass.	
Photograph 4 September 6, 2018 Looking west from the south-central part of the property. Note: Abandoned apple orchard with maintained grass.	

MEMO

Attachment C

Detailed NHIC Search Results
(1 KM Squares 17LG3580 and 17LG3581)

DILLON CONSULTING LIMITED
3200 Deziel Drive, Suite 608, Windsor, Ontario, N8W 5K8 ♦ Telephone: (519) 948-5000 ♦ Fax: (519) 948-5054
www.dillon.ca

MEMO

Common Name	Scientific Name	SARA Status	ESA Status	Last Observation	Habitat	Potential Habitat on Site	Species Affected by the Proposed Activity
Reptiles							
Blanding's Turtle	Emydoidea blandingii	THR	THR	2010	Shallow water, usually in large wetlands and shallow lakes with lots of water plants.	No potential to occur due to lack of suitable habitat.	Not anticipated.

MEMO

Attachment D

Plant and Wildlife Observation List

DILLON CONSULTING LIMITED
3200 Deziel Drive, Suite 608, Windsor, Ontario, N8W 5K8 ♦ Telephone: (519) 948-5000 ♦ Fax: (519) 948-5054
www.dillon.ca

MEMO

Common Name	Scientific Name	SARA Status	ESA Status	S-rank
Birds				
Mallard	Anas platyrhynchos	---	---	S5
Mourning Dove	Zenaida macroura	---	---	S5
Downy Woodpecker	Picoides pubescens	---	---	S5
Blue Jay	Cyanocitta cristata	---	---	S5
American Robin	Turdus migratorius	---	---	S5B
Gray Catbird	Dumetella carolinensis	---	---	S4B
Song Sparrow	Melospiza melodia	---	---	S5B
Northern Cardinal	Cardinalis cardinalis	---	---	S5
American Goldfinch	Carduelis tristis	---	---	S5B
Lepidoptera				
Silver-spotted Skipper	Epargyreus clarus	---	---	S4
Monarch	Danaus plexippus	SC	SC	S2N,S4B
Northern Crescent	Phyciodes cocyta	---	---	S5
Cabbage White	Pieris rapae	---	---	SNA
Odonata				
Common Green Darner	Anax junius	---	---	S5
Mammals				
Eastern Cottontail	Sylvilagus floridanus	---	---	S5
Eastern Gray Squirrel	Sciurus carolinensis	---	---	S5
White-tailed Deer	Odocoileus virginianus	---	---	S5
Plants				
Manitoba Maple	Acer negundo	---	---	S5
Freeman's Maple	Acer x freemanii	---	---	SNA
Staghorn Sumac	Rhus hirta	---	---	S5
Climbing Poison Ivy	Toxicodendron radicans	---	---	S5
Wild Carrot	Daucus carota	---	---	SNA
Wild Parsnip	Pastinaca sativa	---	---	SNA
Hemp Dogbane	Apocynum cannabinum	---	---	S5
Common Milkweed	Asclepias syriaca	---	---	S5
Annual Ragweed	Ambrosia artemisiifolia	---	---	S5
Great Ragweed	Ambrosia trifida	---	---	S5
Corn Camomile	Anthemis arvensis	---	---	SNA
Common Burdock	Arctium minus	---	---	SNA
Chicory	Cichorium intybus	---	---	SNA
Canada Thistle	Cirsium arvense	---	---	SNA
Bull Thistle	Cirsium vulgare	---	---	SNA
Flat-top White Aster	Doellingeria umbellata var. umbellata	---	---	S5
Daisy Fleabane	Erigeron hyssopifolius	---	---	S5
Grass-leaved Goldenrod	Euthamia graminifolia	---	---	S5
Eastern Late Goldenrod	Solidago altissima ssp. altissima	---	---	S5
Canada Goldenrod	Solidago canadensis var. canadensis	---	---	S5
Common Sow-thistle	Sonchus oleraceus	---	---	SNA
Common Dandelion	Taraxacum officinale	---	---	SNA
Poor-man's Peppergrass	Lepidium virginicum	---	---	S5
Field Bindweed	Convolvulus arvensis	---	---	SNA
Red-osier Dogwood	Cornus sericea ssp sericea	---	---	S5

Eastern Red Cedar	Juniperus virginiana	---	---	S5
Perennial Yellow Flatsedge	Cyperus esculentus	---	---	S5
Fuller's Teasel	Dipsacus fullonum	---	---	SE5
Garden Bird's-foot Trefoil	Lotus corniculatus	---	---	SNA
Black Locust	Robinia pseudoacacia	---	---	SNA
Red Clover	Trifolium pratense	---	---	SNA
White Clover	Trifolium repens	---	---	SNA
Tufted Vetch	Vicia cracca	---	---	SNA
Northern Red Oak	Quercus rubra	---	---	S5
Shagbark Hickory	Carya ovata	---	---	S5
Black Walnut	Juglans nigra	---	---	S4
Spearmint	Mentha spicata	---	---	SNA
Self-heal	Prunella vulgaris ssp. vulgaris	---	---	SNA
Garden Asparagus	Asparagus officinalis	---	---	SNA
Purple Loosestrife	Lythrum salicaria	---	---	SNA
Velvetleaf	Abutilon theophrasti	---	---	SNA
Flower-of-an-hour	Hibiscus trionum	---	---	SNA
White Mulberry	Morus alba	---	---	SNA
White Ash	Fraxinus americana	---	---	S4
European Wood-sorrel	Oxalis stricta	---	---	S5
Blue Spruce	Picea pungens	---	---	SNA
English Plantain	Plantago lanceolata	---	---	SNA
Common Plantain	Plantago major	---	---	S5
Field Foxtail	Alopecurus pratensis	---	---	SNA
Orchard Grass	Dactylis glomerata	---	---	SNA
Hairy Crabgrass	Digitaria sanguinalis	---	---	SNA
Common Timothy	Phleum pratense	---	---	SNA
European Common Reed	Phragmites australis ssp. australis	---	---	SNA
Canada Bluegrass	Poa compressa	---	---	SNA
Curly Dock	Rumex crispus	---	---	SNA
Creeping Jennie	Lysimachia nummularia	---	---	SNA
Common Buckthorn	Rhamnus cathartica	---	---	SNA
White Avens	Geum canadense	---	---	S5
Multiflora Rose	Rosa multiflora	---	---	SNA
Alleghany Blackberry or Common Blackberry	Rubus allegheniensis	---	---	S5
Common Red Raspberry	Rubus idaeus ssp. idaeus	---	---	SNA
Eastern Cottonwood	Populus deltoides ssp. deltoides	---	---	S5
Crack Willow	Salix fragilis	---	---	S4?
Black Willow	Salix nigra	---	---	S4?
Butter-and-eggs	Linaria vulgaris	---	---	SNA
Common Mullein	Verbascum thapsus	---	---	SNA
American Elm	Ulmus americana	---	---	S5
Virginia Creeper	Parthenocissus quinquefolia	---	---	S4?
Riverbank Grape	Vitis riparia	---	---	S5