

Ministry of Natural
Resources and Forestry

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Ministère des Richesses
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GU-L-025-17

July 25, 2017

Blair Holinaty
City of Port Colborne - Vale Health & Wellness Centre
550 Elizabeth Street, Port Colborne, ON L3K 2C3

Dear Blair,

RE: Proposed beach maintenance and the *Endangered Species Act, 2007*

The Ministry of Natural Resources and Forestry (MNR) has reviewed the information provided on your proposed project, and met with you on site to assess the potential impacts of the proposal on Fowler's Toads and their habitat. From the information provided, it is our understanding that the proposed project falls within the following parameters:

- a) The works will be on the sections of the beach captured in Maps 1 and 2 (below), but no work shall occur in the red hatched areas shown in the maps.
- b) The works will entail movement of sand to allow safe passage of public to the public washrooms.
- c) The works will also entail movement of sand in the sections of beach closer to the shoreline.
- d) All equipment and materials will be stored offsite.

Based on a review of the above information, Ministry staff have 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 Fowler's Toad **provided the following conditions are implemented:**

- a) Heavy machinery will be restricted to front portion of the beach and will not be permitted on the dune area;
- b) Checks should be performed for the presence of Fowler's Toad prior to and during undertaking the work. If any are found, MNR shall be contacted immediately for direction;

- c) This work must be done between the hours of 7am and 6pm. Fowler's Toads are most active during dusk and dawn; however, the toads may also be active during the day under cloudy conditions. Care must be taken during work as juveniles and toadlets may be out during all times of the day;
- d) Equipment and vehicles shall arrive at the site in clean condition and shall be checked and maintained free of fluid leaks;
- e) Any refueling, storage or maintenance of equipment (i.e., tractor) should take place at a minimum of 30m away from the beach to avoid contamination;
- f) All work will be done in a manner that prevents any soil and chemicals harmful to reptile and amphibians from entering the shoreline;
- g) No sand or rock material is to be removed from the beach area;
- h) The sand dune areas are not to be disturbed throughout the duration of this project;
- i) A worker training program will be delivered to all staff onsite during construction to ensure that all staff are aware of the potential for Fowler's Toad to occur onsite, the protected status of this species, as well as information about how to identify the species;
- j) The worker training program will include photos and information about the biology of the species as well as the consequences of killing, harming or harassing a species listed as threatened or endangered under the Endangered Species Act; and
- k) If any species at risk are observed within the work area, work will halt and the Vineland Area- Guelph District Office will be contacted immediately at esa.guelph@ontario.ca. If any species at risk are observed adjacent to the work area, the Vineland Area Office should also be notified within two (2) business days.

This letter does not relieve you from compliance with any other legislation that may be applicable.

If you have any concerns or questions please contact me directly at 905-562-0041.

Yours truly,



Michelle Karam
Management Biologist

CC: Mike Graybeil - City of Port Colborne Parks and Facilities Foreman

If you have any questions regarding this letter please contact me by phone or at kelly.tonellato@ontario.ca or Environment.Niagara@ontario.ca .

A handwritten signature in black ink, appearing to read "K. Tonellato", is centered on a light gray rectangular background.

Kelly Tonellato | Senior Environmental Officer | Provincial Officer # 799 | Niagara District Office | Ontario Ministry of the Environment, Conservation and Parks | 301 St.Paul Street, Floor 9, Suite 15 | St. Catharines, ON | L2R 7R4 | 289-407-7936
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Sensitive Areas - Map 1



Sensitive Areas - Map 2

