Appendix B
Agency Correspondence
HIGHWAY 417 EXPANSION, OPERATIONAL IMPROVEMENTS AND INFRASTRUCTURE REHABILITATION
From Nicholas Street to Ottawa Road 174 (GWP 4091-07-00 & 4320-06-00)

TAC REGISTRATION AND COMMENT FORM

Type of Project: Detail Design

Environmental Assessment Type:
Class EA for Provincial Transportation Facilities (Group “B” projects)

Project Location: City of Ottawa – See enclosed Key Map

Agency Name & Division or Branch:
Rideau Valley Conservation Authority Planning & Regulation Services

COMMENTS:

1. Do you, or someone from your agency/department wish to participate in this project as a member of the TAC?

☐ YES ☐ NO

2. If yes to the above, please provide the contact name, telephone #, address and e-mail for future correspondence.

<table>
<thead>
<tr>
<th>Contact Name:</th>
<th>Glen McDonald</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone #:</td>
<td>(613) 692-3571 x 1133</td>
</tr>
<tr>
<td>Address:</td>
<td>3889 Rideau Valley Drive</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 599</td>
</tr>
<tr>
<td></td>
<td>Manotick, Ont. K4M 1A5</td>
</tr>
<tr>
<td>E-mail:</td>
<td><a href="mailto:glen.mcdonald@rvca.ca">glen.mcdonald@rvca.ca</a></td>
</tr>
</tbody>
</table>

3. Please provide any information, questions, comments or concerns you may have at this time.

[Handwritten: PUCR interests will be related to Rideau River crossing and any other watercourse crossings from a flood prevention, water control perspective and impact on aquatic turtle habitats.]

[Handwritten: SW management and opportunities for SW retrofit.]

For further information regarding this project, please contact the Consultant Project Manager, Mr. Manny Goetz, P.Eng, McCormick Rankin Corporation.

PLEASE FAX OR EMAIL THIS FORM BACK BY TUESDAY MAY 24th 2011

FAX#: (613) 736-8710
EMAIL: mgoetz@mrc.ca

ATTN: Mr. Manny Goetz, P.Eng.
McCormick Rankin Corporation
1145 Hunt Club Rd.
Ottawa, ON K1V 0Y3
From: EnviroOnt [mailto:EnviroOnt@tc.gc.ca]
Sent: Tuesday, July 26, 2011 3:29 PM
To: Manfred Goetz
Subject: Highway 417 expansion, operational improvements and infrastructure rehabilitation from Nicholas Street to Ottawa Road (NEATS 30576)

Hello,

Thank you for the information regarding the above referenced project. Please in future forward correspondence on this project to the undersigned.

We have reviewed the information, and note the following:

Transport Canada is responsible for the administration of the *Navigable Waters Protection Act* (NWPA), which prohibits the construction or placement of any “works” in navigable waters without first obtaining approval. If any of the related project undertakings cross or affect a potentially navigable waterway, the proponent should prepare and submit an application in accordance with the requirements as outlined in the attached Application Guide. Any questions about the NWPA application process should be directed to the Navigable Waters Protection Program at 1-866-821-6631 or NWPontario-PENNontario@tc.gc.ca.

Transport Canada is also responsible for the administration of the *Railway Safety Act* to ensure the safe operation of railways. The Act addresses the construction and alteration of railway works, the operation and maintenance of railway equipment and certain non-railway operations affecting railway safety. Pursuant to the Notice of Railway Works Regulations, the project proponent will be required to give notice of the proposed project to the following: the railway whose line is to be crossed, the municipality in which the crossing works are to be located and the authority having responsibility for the road in question. An approval may be required for certain railway works that depart from engineering standards set under the regulations or where an objection has been filed against the work.

The Act and Regulations are available at the following Internet sites:
Any questions about the Railway Safety Act and the Notice of Railway Works Regulations should be directed to Brian Slager, Acting Manager of Engineering, at (416) 973-7402 or brian.slager@tc.gc.ca.

Please note that certain approvals under the *Navigable Waters Protection Act* and the *Railway Safety Act* trigger the requirement for a federal environmental assessment under the *Canadian Environmental Assessment Act* (CEAA). The proponent may therefore wish to consider incorporating CEAA requirements into the project.

Please review the *Minor Works and Waters (Navigable Waters Protection Act) Order*, established to outline the specific standards and criteria under which Transport Canada considers work / water as a minor and does not require an application under the *Navigable Waters Protection Act*. It is the responsibility of the applicant, prior to submitting an application to the Navigable Waters Protection Program for review, to assess whether their work meets the criteria, as described, and, therefore, falls within one of the excluded classes. An application will only be required should you determine that your work cannot meet the criteria established for that particular “class” of excluded work.
Please contact us if there are any questions or concerns.

Thank you,

**Environmental Assessment Coordinator**  
Transport Canada, Ontario Region  
Environment & Engineering (PHE)  
4900 Yonge St., 4th Fl., Toronto, ON M2N 6A5  
Email: [EnviroOnt@tc.gc.ca](mailto:EnviroOnt@tc.gc.ca)
Introduction

The *Navigable Waters Protection Act (Act)* protects the public right to boat freely on waterways in Canada. The Act and its regulations:

- Require the pre-approval of structures (known as *works*) to be placed in, on, over, under, through, or across any navigable waters; and
- Provide a legal framework for dealing with obstacles and obstructions to navigation.

The Act was updated on March 12, 2009. You can find the Act and its regulations online at: http://laws.justice.gc.ca/en/N-22/

Transport Canada’s (TC) *Marine Safety, Navigable Waters Protection Program* works to:

- Protect the public right of navigation
- Ensure safety for the shared use of Canada’s waterways; and
- Consider any impacts proposed works might have on the environment.

Navigable Waterways are any natural or man-made bodies of water (rivers, lakes, canals, etc.) that can be used by vessels to work, move freight, travel or enjoy pleasure activities – even if they were created for purposes other than navigation.

Get the Facts

**What is a Minor Water?**
Before starting construction, repairs or changes, owners should find out if their work is on a minor water or a navigable waterway. To determine if the waterway is minor you may refer to the *Minor Works and Waters (Navigable Waters Protection Act) Order* at http://www.tc.gc.ca/marinesafety/oep/nwpp/minorworks/menu.htm.

**What is a work?**
A work includes:

- Any man-made structure, devise or thing, temporary or permanent, that may limit or prevent boating; and
- Any fill dumped into, or materials being dug from, the bed of navigable water that may limit or prevent boating.

**What is a minor work?**
Some works, called minor works, that will not limit or prevent boating, do not require TC approval. However, they must be placed, built and maintained according to the Minor Works and Waters (NWPA) Order. If they aren’t, owners may be fined.

Minor works include:

- Winter Crossings
- Water Intakes
- Pipeline Crossings
- Docks & Boathouses
- Submarine (underwater) Cables
- Aerial Cables
- Erosion Protection Works
- Dredging
Get Your Project Approved

All works, except those listed as minor works under the Order, must be approved by Transport Canada. TC approval is proof that your planned work will not limit or prevent boating.

Contact TC for approval well before your desired start date. This will give us time to review your project and respond.

Remember: You must request and get any local building or other permits you may need before you begin your work.

Approval process

Step One: Apply.

1. Prepare a letter or application form that includes the information set out in Table 1, below;
2. Include a map and directions indicating the exact location of the worksite;
3. Include onsite, upstream and downstream photos of the waterway.
4. Mail your letter and supporting documents to:

Transport Canada, Navigable Waters Protection Office
100 Front Street South,
Sarnia, Ontario N7T 2M4
Table 1 - Information and Application Requirements

Please provide as much of the following information as possible as missing information may delay your review. Pay particular attention to the mandatory information listed in Section D - Summary of Supporting Documents.

| Application Section A: | • Your name and address, phone, number, fax and email address.  
| | • Contractor/consultant/agent (if any) address, phone, number, fax and email addresses |
| Application Section B | • Legal site description (lot, concession, county/township or city/town, etc) and 911 address (if any).  
| Work Site Location and Description: | • Name of the owner(s) of property immediately upland to the work site (note that you may require written consent to do the work).  
| | • Six copies of a key map showing the exact location of the work site.  
| | • One copy of written directions to the site.  
| | • The latitude and longitude of the work site, if known.  
| | • Legal and/or local name of waterway.  
| | • Photos taken at, upstream and downstream of the work site.  
| | • Canadian Hydrographic Service (CHS) navigation chart number (if known).  
| | • National Traffic System (NTS) topographic map numbers (if known).  
| | • A photocopy of your water lot lease or permit.  
| | • The ordinary high water mark, the normal summer water elevation or chart datum at the work site (if known).  
| | • Average width and depth of the waterway at the work site.  
| | • Known boating uses of the waterway, i.e. traveling, moving freight, work or pleasure. |
| Application Section C | • A detailed description of the work, including:  
| Description of Work: | o method of construction;  
| | o equipment and material used;  
| | o operating plans;  
| | o debris management plans; and  
| | o any temporary works (berm, cofferdam, road, signage, portage, etc) required for the project.  
| | • Six copies of drawings of the work (top-down plan view and side-on profile view) including:  
| | o structure dimensions;  
| | o shoreline shape;  
| | o water depths; and  
| | o near by structures.  
| | • Any Environmental Assessment documents and information you have.  
| | • Your proposed building or project schedule (with start and end dates).  
| | • Status of the work at the time of application (existing, proposed, rebuilding, repairs, etc).  
| | • Original date the existing work was constructed, if this is a repair or rebuild, and the date of any previous approvals.  
| | • Name of any other agencies you have submitted these plans to. |

**NOTE** Transport Canada must receive at minimum the following information to process your application. **Missing information may lead to delays.**

(Continued)
## Table 1 - Information and Application Requirements

<table>
<thead>
<tr>
<th>Application Section D</th>
<th>Summary of Supporting Documents:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Your name, address, phone, number, fax and email address.</td>
</tr>
<tr>
<td></td>
<td>If an agency is acting on your behalf, provide Agency Applicant and name, address, phone, number, fax and email address.</td>
</tr>
<tr>
<td></td>
<td>Legal site description (lot, concession, county/township or city/town, etc). If the work site has been assigned a 911 address, provide this as well.</td>
</tr>
<tr>
<td></td>
<td>Six copies of a key map showing the exact location of the work site.</td>
</tr>
<tr>
<td></td>
<td>A photocopy of your water lot lease or permit.</td>
</tr>
<tr>
<td></td>
<td>Photos taken at, upstream and downstream of the work site.</td>
</tr>
<tr>
<td></td>
<td>The ordinary high water mark, the normal summer water elevation or chart datum at the work site.</td>
</tr>
<tr>
<td></td>
<td>A detailed description of the work, including method of construction, equipment and material used, operating plans, debris management plans and any temporary works (berm, cofferdam, road, signage, portage, etc) required for the project.</td>
</tr>
<tr>
<td></td>
<td>Six copies of drawings of the work (top-down plan view and side-on profile view) including structure dimensions, shoreline shape, water depths and near by structures.</td>
</tr>
</tbody>
</table>
Step Two: Wait for a response.

Transport Canada reviews proposed works based on information you provide, on-site assessment of the waterway and potential impacts to navigation. Once its review is complete, TC may issue an approval if the impacts to navigation can be lessened. The approval may include conditions you must meet.

The complete Transport Canada review can take some time because you may be asked to:
- Provide more information;
- Meet a Transport Canada official on site;
- Deposit plans after confirmation to proceed,
- Notify the public of the proposed work and allow one month for comments, and
- Support an environmental assessment of the work as per the under Canadian Environmental Assessment Act (CEAA).

Step Three: Receive a response.

If / When you receive an Approval Document, you must:
- Read it carefully. It may include conditions that you must meet or time limits you must respect.
- Keep a copy of the Approval Document on the work site at all times.
- Meet all conditions of approval.
- Expect a TC official inspect your site to make sure you are meeting all conditions of approval.
- Write to TC when your work is done.
# Table 2 – The Approval Process – Step by Step

1. Verify if the waterway is subject to the *Minor Works and Waters (Navigable Waters Protection Act) Order* or is a navigable waterway.

2. Verify if the work is subject to the *Minor Works and Waters (Navigable Waters Protection Act) Order* or is subject to application and review under the Act.

3. Complete and sign the application form and send it to Transport Canada with supporting documents listed in Table 1 (above) to the following address:

   Transport Canada, Navigable Waters Protection Office  
   100 Front Street South, Sarnia, Ontario N7T 2M4

Include six copies of the drawings and key map showing location of the work site.

4. Be prepared to attend an on-site meeting with Transport Canada officials, or if asked, to provide more information.

5. If notified by Transport Canada, deposit one set of drawings and the supporting documents at the nearest Land Registry or Land Titles Office. Have one set of drawings certified by the Registrar and return it to Transport Canada with the Registrar’s certificate, signature and deposit number.

6. If notified by Transport Canada, advertise your work project in the legal section, if possible. We will send you a sample ad, complete instructions and a blank Statutory Declaration of Advertising. When you have advertised your project:
   · Have the “Statutory Declaration of Advertising” witnessed by a Commissioner of Oaths and return it to Transport Canada with 1 copy of the advertisements.
   · Allow one month for comments from the public before starting to build.

**NOTE:** The advertising process may have to be repeated if done too soon, if information is missing or if project plans change.

7. If asked, provide Transport Canada with any additional information needed for the environmental assessment.

8. When you receive your Approval from Transport Canada, read it carefully and note any conditions of approval. Also, look for any time limits for starting and completing the work as well as how long the Approval Document is valid.

9. Build your work, fulfilling all conditions of the Approval Document. Keep a copy of the Approval on the work site at all times during construction. Transport Canada officials may conduct on-site inspection(s) to ensure conditions are being met.

10. Notify Transport Canada in writing when the work is completed.

11. TC officials may inspect your finished work to make sure that it is built according to plan and meets the conditions of approval. **You must:**
   · Meet all conditions of approval;
   · Take any measures required by the environmental assessment.
   · Make sure to keep the work up to the standard of its approved plans.

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**Notes:** You are responsible to:

a. Complete the work according to plans approved by Transport Canada;

b. Fulfill conditions of approval, as set out in the Approval Document issued by Transport Canada;

c. Implement any environmental protection measures identified under *Canadian Environmental Assessment Act*.

**NOTE:** This guide explains the Navigable Waters Protection Act application and approval process. If anything in this Guide differs from the Act, comply with the Act.

This is my first request for a NWPP review for this project.

<table>
<thead>
<tr>
<th>Your Contact Information</th>
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<tbody>
<tr>
<td><strong>Your full name:</strong></td>
</tr>
<tr>
<td><strong>Mailing Address:</strong></td>
</tr>
<tr>
<td><strong>Street Address (if not the same):</strong></td>
</tr>
<tr>
<td><strong>City/Town:</strong> Province/Territory: Postal Code:</td>
</tr>
<tr>
<td><strong>Tel. No. (Home):</strong> Tel. No. (Work): Tel. No.: (Other)</td>
</tr>
<tr>
<td><strong>Fax No:</strong> E-mail Address:</td>
</tr>
<tr>
<td><strong>Name of Contractor/Consultant/Agent (if any):</strong></td>
</tr>
<tr>
<td><strong>Mailing Address:</strong></td>
</tr>
<tr>
<td><strong>Street Address (if not the same):</strong></td>
</tr>
<tr>
<td><strong>City/Town:</strong> Province/Territory: Postal Code:</td>
</tr>
<tr>
<td><strong>Tel. No. (Home):</strong> Tel. No. (Work): Tel. No.: (Other)</td>
</tr>
<tr>
<td><strong>Fax No:</strong> E-mail Address:</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Site location and description</th>
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</thead>
<tbody>
<tr>
<td><strong>Name of Nearest City, Town, Village:</strong> Municipality / District / County:</td>
</tr>
<tr>
<td><strong>Legal site description (lot, concession, county/township, city/town, etc.) and 911 address, if any:</strong></td>
</tr>
<tr>
<td><strong>Access road or directions to Proposed Work Site</strong> (route number, highway series number or street name/number if urban area, etc.)</td>
</tr>
<tr>
<td><strong>Legal and/or local name of waterway:</strong> Description of waterway (Note: Enclose photographs):</td>
</tr>
<tr>
<td><strong>CHS navigation chart and NTS topographic map numbers (if available):</strong> Water lot Lease or Permit (if any):</td>
</tr>
<tr>
<td><strong>Average width and depth of waterway at or near the project site:</strong> Known navigation and waterway use (recreational and commercial):</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Basic Project Description</th>
</tr>
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<tbody>
<tr>
<td><strong>What is the proposed project?</strong> (dock, dam, bridge, aquaculture site, etc.) <strong>Note:</strong> You must attach detailed description and plans of work.</td>
</tr>
<tr>
<td><strong>Proposed project Start and End dates:</strong></td>
</tr>
<tr>
<td><strong>Status of the Project (circle one):</strong> New Existing Addition Repair Other (explain)</td>
</tr>
<tr>
<td><strong>Building plans (describe methods, temporary works, etc.):</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Required Supporting Documents and Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Documents:</strong></td>
</tr>
<tr>
<td>• A detailed written description of your project</td>
</tr>
<tr>
<td>• A Map showing exactly where the project site is.</td>
</tr>
<tr>
<td>• Drawings – plan view (top down) and profile view (side on) including structure dimensions, shoreline shape and any nearby structures.</td>
</tr>
<tr>
<td>• Environmental Assessment documents and information.</td>
</tr>
<tr>
<td>• Onsite, upstream and downstream photos.</td>
</tr>
<tr>
<td><strong>Information:</strong></td>
</tr>
<tr>
<td>• Description of any temporary works related to the project (i.e. portage, signage, berms, cofferdams, roads, etc.).</td>
</tr>
<tr>
<td>• Original building date of an existing work and any previous approvals.</td>
</tr>
<tr>
<td>• Latitude and Longitude of the work site.</td>
</tr>
<tr>
<td>• Upland property owner’s name (if you are not the upland property owner, you may need their written consent)</td>
</tr>
<tr>
<td>• Names of other agencies you have submitted plans to.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date: Signature:</th>
</tr>
</thead>
</table>

For NWPP Use only:

**NWPA #:**
June 24, 2011  
14.11246.E3.3  

Laura Melvin  
Resource Management Planner  
Ministry of Natural Resources – KEMPTVILLE DISTRICT  
P.O. Box 2002  
10 Campus Drive  
Kemptville, ON  
K0G 1J0  

Subject: Information Request for Proposed Highway 417 Expansion Works in Kemptville  
District  

Dear Ms. Melvin,  

In accordance with the MTO/DFO/MNR Protocol for Protecting Fish and Fish Habitat on Provincial Highway Undertakings (2006), this letter is to provide notification to the Ministry of Natural Resources (MNR) that the Ministry of Transportation (MTO) is undertaking works to expand Highway 417, including operational improvements and infrastructure rehabilitation, from Nicholas Street to OC Road 174 in the City of Ottawa (GWP 4320-06-00/4091-07-00) (see attached Key Plan).  

MMM Group has been retained by the MTO to conduct the detail design of the aforementioned Highway 417 Expansion project. The proposed works will generally follow the existing highway alignment and will involve widening of the highway by one lane per direction, grading and paving, as well as in-water works for expansion of the existing Rideau River crossing structure (Hurdman Bridge), along with a variety of drainage improvements as necessary.  

As per Step 3 of the MTO/DFO/MNR Fisheries Protocol, we request that MNR complete the attached table (Table 1) that includes information on fish community and habitat.  

We would also appreciate receiving information regarding Natural Heritage features such as Areas of Natural and Scientific Interest, Provincially Significant Wetlands, and Significant Wildlife Habitat, as well as Species at Risk that may be present within 1 km of the proposed Highway 417 Expansion corridor.
We look forward to MNR’s response to our request within **20 working days** for aquatic information, as specified in the Protocol. If additional time is required to compile terrestrial information, please respond in a separate correspondence.

Please feel free to contact the undersigned at (905) 882-4211 ext. 6860 if you have any questions regarding this information.

Yours very truly,

**MMM GROUP**

Joel Smith, B.Sc.
Aquatic Biologist
Ecology Department

Enclosure: Key Plan
Table 1: Highway 417, Expansion from Nicholas Street to OC Road 174 (GWP 4320-06-00/4091-07-00) – MNR Background Fish and Fish Habitat Information Summary

cc. Tim Dickinson, MMM
KEY MAP

HIGHWAY 417 EXPANSION, OPERATIONAL IMPROVEMENTS AND INFRASTRUCTURE REHABILITATIONS

From Nicholas Street to Ottawa Road 174 (GWP 4091-07-00 & 4320-06-00)
<table>
<thead>
<tr>
<th>Waterbody Name and Location (GPS coordinates)</th>
<th>Watercourse Classification (i.e. warmwater, coldwater)*</th>
<th>Habitat Type (i.e. watercourse, wetland, pond, lake, etc.)</th>
<th>Existing Habitat Information and Locations (fish passage barriers, known spawning habitats etc.)*</th>
<th>Historical Data on Fish Species Present (including whether the waterbody is considered to support aquatic Species at Risk)*</th>
<th>MNR Fisheries Management Objectives (if applicable)*</th>
<th>MNR Interpretation of Fish and Fish Habitat Sensitivity (Scale of Low, Moderate, or High or Unknown)*</th>
<th>MNR Specified In-water Timing Windows for Construction*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rideau River (Z:18; E:448136 N:5029488)</td>
<td>Watercourse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*MNR to provide available information in these fields.
August 2, 2011

Joel Smith
MMM Group Ltd.
100 Commerce Valley Dr.
Thornhill, Ontario L3T 0A1
905-882-4211 ext. 6860
smithj@mmm.ca

Attention: Mr. Smith

Subject: Information Request – Proposed Highway 417 Expansion from Nicholas St. to OC Rd 174 in the Geographic Township of Gloucester

Our File No. 2011_GLO_1432

The Ministry of Natural Resources (MNR) Kemptville District has carried out a preliminary review of the area in order to identify any potential natural resource and natural heritage values in the area.

Following a review of natural heritage values and data, there are no Provincialy Significant Wetlands (PSWs) or Areas of Natural and Scientific Interest (ANSI) within the proposed site; however there are several small unevaluated wetlands and ponds in proximity to Highway 417 in this area. Although there are no woodland areas on-site, there are a few wooded areas in proximity to the highway that may provide habitat for a diversity of species, including species at risk. The site crosses the Rideau River which contains documented fish nursery habitat for a number of species within 200m of the site. There are also several municipal drains and streams that run in proximity to this section of the 417.

If any in-water works are to occur in relation to the project, there is a timing restriction period for which work in water can take place. In addition, where at all possible, the bed of waterbodies should not be disturbed so as not to alter the existing rock material. Proper sediment and erosion controls are required to be employed during this project.

If there is to be work in water and/or disturbance of a river or stream bed, additional and more detailed plans are requested by the MNR for review. A work permit from the Ministry of Natural Resources may be required pending further details regarding the proposed works. Furthermore, the local Conservation Authority should be contacted regarding possible
permitting required for these particular works at the site in question. The table below summarizes the requested information for the Rideau River in proximity to your proposed site:

Table 1: Highway 417, Expansion from Nicholas Street to OC Road 174 (GWP 4320-06-00/4091-07-00) – MNR Background Fish and Fish Habitat Information Summary

<table>
<thead>
<tr>
<th>Waterbody Name and Location (GPS coordinates)</th>
<th>Watercourse Classification (i.e. warmwater, coldwater)*</th>
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<th>Existing Habitat Information and Locations (fish passage barriers, known spawning habitats etc.)*</th>
<th>Historical Data on Fish Species Present (including whether the waterbody is considered to support aquatic Species at Risk)*</th>
<th>MNR Fisheries Management Objectives (if applicable)*</th>
<th>MNR Interpretation of Fish and Fish Habitat Sensitivity (Scale of Low, Moderate, or High or Unknown)*</th>
<th>MNR Specified In-water Timing Windows for Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rideau River (Z:18; E:448136 N:5029488)</td>
<td>warmwater</td>
<td>River</td>
<td>Nursery for rock bass, smallmouth bass, muskellunge near site</td>
<td>Documented species: alewife, white sucker, mottled sculpin, common carp, northern pike, muskellunge, johnny darter/tesselated darter, banded killifish, pumpkinseed, bluegill, smallmouth bass, shorthead redhorse, golden shiner, emerald shiner, blackchin shiner, yellow perch, logperch, river redhorse, greater redhorse, bluntnose minnow, brown bullhead, rock bass, black crappie, walleye, largemouth bass</td>
<td>Managed as a warm water system</td>
<td>moderate</td>
<td>March 15-June 30</td>
</tr>
</tbody>
</table>
With the new Endangered Species Act (ESA, 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of the legislation. A review of the Natural Heritage Information Centre (NHIC) and internal records indicate that there is a potential for butternut (Endangered Species-END) where trees are present and Bobolink (threatened-THR), Chimney Swift (THR), and eastern musk turtle (THR) in proximity to the area. Aerial photographs suggest the presence of potential habitat for Blanding's turtle (THR) on the site or in proximity to it. Care should be taken during the proposed work to ensure mitigation measures are in place so that no impact on these species occurs. Given the proximity and scale of the proposed work, these species may be directly affected, therefore due diligence should be taken during the work to ensure no impact on these species occurs. If the proposed activity is known to have an impact on the species mentioned above or any other SAR, an ESA permit is required. Species listed as Special Concern on the SARO list are not protected under the Endangered Species Act, 2007. However, please note that some of these species may be protected under the Fish and Wildlife Conservation Act. Suggested search and mitigation measures for the aforementioned species are listed below:

**Turtles:** A thorough sweep of the aquatic area should take place before any in water work occurs. A sweep of the area will encourage any turtles possibly utilizing the site to move away before any equipment or work which could impact the species occurs. Furthermore, extra care and precaution should be taken during the snapping turtle species nesting season in June and early July. Turtles may utilize the embankment to come up and nest during this time. If the proposed work will occur during this timeline, Ministry of Natural Resources (MNR) recommends fencing off the site in early spring to prevent the turtles from nesting there and to visually inspect the embankment and surrounding area to ensure that no turtles are present before proceeding with any work. In addition, caution should be taken from October 16th to March 15th as turtles could be hibernating. Turtles could use the area to burrow in for the winter. If the proposed work will occur during this timeline, Ministry of Natural Resources (MNR) recommends fencing off the site in early fall to prevent the turtles from hibernating there.

**Snakes:** A thorough search of the area should take place before terrestrial activity and work is being conducted. Temperature and weather conditions will drive their behaviour and they are much more visible on warm summer days when basking or moving more frequently. Extra precaution should be taken in spring emergence conditions when snakes are in concentrated areas. Vegetation at this time is undeveloped increasing visibility, and outside of spring they are more active. Snakes may use open areas to bask, but avoid these areas when it is too hot. Searches could include trees, logs, ground, stumps, rock outcrops and ledges. Skin sheds can be a good indication of presence. Oviposition sites of egg laying snakes may be identified by young snakes in the fall and are usually in old trees,
stumps, logs, manure piles or other decaying materials. If hibernacula and oviposition sites are suspected or known they must not be destroyed if encountered and MNR recommends fencing off the areas before proceeding with any work.

Butternut: If any of the proposed work will require harming or killing of Butternut trees, a Butternut Health Assessor will have to be contacted to assess the health of the tree before proceeding with potential permit application (prior to proposed activity). If a Butternut tree will be impacted during the work proposed, please contact your local MNR office to enquire further about the process dealing with Butternut trees.

Fish: Proper mitigation and care should be taken to mitigate impact on water quality and fish habitat, including the installation of sediment and erosion control measures, avoiding removal, alteration or covering of substrates used for fish spawning, feeding, over-wintering or nursery areas including selecting locations with sand, silt or clay substrates and where aquatic vegetation is scarce or absent.

A rigorous check/survey should be completed each day prior to activities commencing to ensure all species are outside the project area to avoid harming the species. If any of these or any other species at risk are discovered throughout the course of the work, and/or should any species at risk or their habitat be potentially impacted by on site activities, MNR should be contacted immediately and operations be modified to avoid any negative impacts to species at risk or their habitat until further direction is provided by MNR.

Bobolink and Chimney Swift receive general habitat protection and thus any potential works should consider disturbance of possible important habitat. None of the other species listed above currently receive habitat protection, however the listed Endangered and Threatened species all receive species protection under Section 9 of the Endangered Species Act, 2007 (ESA).

Although no other threatened or endangered species or their habitat have been documented in the area, these features may be present and this list should not be considered complete.

There are several species listed by SARO as Special Concern that may be encountered within the project area. Habitat has been identified within the project area that appears suitable for one or more of these species, or one or more of these species has been documented to occur either on-site or nearby. Species listed as Special Concern on the SARO list are not protected under the Endangered Species Act, 2007. However, please note that some of these species may be protected under the Fish and Wildlife Conservation Act. Please consider the following Special Concern species prior to any activities being carried out:

- Snapping turtle
- Milksnake
- Eastern ribbonsnake
- Common Nighthawk
Endangered Species Act, 2007, and Species at Risk in Ontario Background

The ESA 2007 (http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes-07e06_e.htm) protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO) (www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species’ designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

Information with respect to SAR can be found in the online database at the Natural Heritage Information Centre (NHIC) (http://nhic.mnr.gov.on.ca/nhic.cfm). The NHIC compiles, maintains and distributes information on species at risk and updates its information on a regular basis. We encourage you to routinely check the NHIC database to obtain the most up to date SAR information for proposed work locations. However, while the NHIC database is the best available source of data, even when there are no known occurrences documented at a site, there is a possibility that SAR may occur at a proposed work location.

Please note: The advice in this letter is valid until August 2, 2012 and may become invalid if:

1. The Committee on the Status of Species at Risk in Ontario (COSSARO) re-assesses the status of the above-named species OR adds a species to the SARO List such that the section 9 and/or 10 protection provisions apply to those species.
2. Additional occurrences of species are discovered.
3. Habitat protection comes into force for one of the above-mentioned species through the creation of a habitat regulation.

This letter has been prepared to provide preliminary information to support compliance with the ESA 2007 and does not address other requirements under other federal or provincial laws and regulations.

Although this data represents the MNR’s best current available information, it is important to note that a lack of occurrence at a site does not mean that there are no Species at Risk (SAR) at the location. The MNR continues to encourage ecological site assessments to determine the potential for other SAR occurrences. When a SAR does occur on a proposed site, it is recommended that the proponent contact the MNR for technical advice and to discuss what
activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act (such as Section 9 or 10), the proponent must contact the MNR to discuss the potential for application of certain permits (Section 17) or agreement (Regulation 242/08). For specific questions regarding the Endangered Species Act (2007) or species at risk, please contact a district Species at Risk Biologist at sar.kemptville@ontario.ca.

Sincerely,

Laura Melvin
Resource Management Planner
laura.melvin@ontario.ca
Central & Arctic Region – Ontario Area – Prescott Office
Fish Habitat Management
Phone (613) 925-2865 ext. 120 Fax (613) 925-2245

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<td>Mark Hale</td>
<td>613-545-5130</td>
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☐ Urgent ☐ For your information ☐ Action ☑ As requested
☐ Pour votre information ☐ Faire le nécessaire ☑ À votre demande

Please see attached signed form!

Thank you.

Pages to follow/Pages à suivre: (1)

This communication may contain confidential information and is intended for the addressee only. If you are not the intended recipient and have received this communication please notify us immediately by telephone and return the original by mail.

Thank you.

Canada
MTO PROJECT NOTIFICATION FORM 1

Section A

Proprietor Information:

Ministry of Transportation Office: Eastern Region
Mailing Address: 1505 John Counter Boulevard, Postal Bag 4000
Street Address (different than above):
City/Town: Kingston
Province/Territory: Ontario
Postal Code: K7L 6A3
MTO Project Manager: David Lindemuth, P. Eng., Sr. Project Engineer
Telephone No.: 613-543-5130
Fax No.: 613-543-5130

Section B

Project Information:

Types of Activities:
- Ditching/Storm water management
- Channel modifications
- Bridges
- Shoreline infilling
- Culverts
- Pedestrian pathways

Aquatic Species at Risk present within the project limits:
- Yes ☐ No ☒

Species:

Name of Nearest Community to the project (City, Town):

Ottawa

Location of the Project:

Rideau River [UTM 18 T, E: 4484144; N: 5029455]

See Figure 1.

Proposed Start Date Work/Undertakings:

July 1, 2012

Proposed Completion Date Work/Undertakings:

March 15, 2014

Description of Project:
The following work will be completed through two contracts:

- Contract 1:
  - Expanding the existing bridge piers to the north and south

- Contract 2:
  - Replacement/Expansion of the bridge superstructure,
  - Modifications to existing bike trails on the east and west banks

See Template 10.6: Risk Assessment Worksheet, DWG 1 and DWG W1

Section C

Notes on Mitigation:

A Comprehensive Fisheries Assessment (Step 5) was conducted and based on the Moderate Sensitivity ranking and Medium Scale of Negative Effect to aquatic habitat the decision of "No HADD" was made.

See Template 10.5: Risk Assessment Worksheet

Proposed Mitigation (e.g., MTO Special Provisions, In-water works lining windows):

- The footprint of the project will not be placed on important or critical habitat.
- Adverse to the permissible period for in-water work (July 1 - March 14).
- Use of appropriate sediment and erosion control mitigation measures to minimize the adverse effects of construction activities.
- Benthic to fish habitat will be provided through re-stabilization of the banks under the bridge, which are currently subject to erosion.
- Re-stabilization of the banks will reduce sediment and contaminant (e.g. asphalt) influx into the watercourse improving water quality, and provide additional fish habitat (cover, forage and potential spawning).

See Template 10.4: Aquatic Effects Assessment Summary Table, Template 10.5: Risk Assessment Worksheet, and Table 1: Standard Specifications and Special Provisions

Description of Fish and Fish Habitat Present at the Worksites, if applicable (e.g. species, substrate type, vegetation)

See Template 10.2: Existing Fish and Fish Habitat Summary Table

Attached Documents (e.g. fisheries report, Transportation Environmental Study Report):

Template 10.3: Existing Fish and Fish Habitat Summary Table, Template 10.4: Aquatic Effects Assessment Summary Table, Template 10.5: Risk Assessment Worksheet, Table 1: Standard Specifications and Special Provisions, Figure 1, Plate 1-4, DWG 1, DWG W1

Section D

For Internal DFO Use:

Decision Supported

PATH File No.: PR-11-M1430

Decision Not Supported

Rationale:

Date: Jan 10/12

Section E

For MTO Use only if Decision in Section C is not supported by DFO

Modification of Design and/or Mitigation in response to DFO

MTO Signature:

Date:

(Manager)
From: Niven, Stuart [mailto:Stuart.Niven@dfo-mpo.gc.ca]
Sent: Tuesday, January 24, 2012 1:19 PM
To: Joel Smith
Subject: Re: PATH File No. PR114130: MTO Hwy 417 Queensway East Expansion - No Hadd Submission

Joel,

Thanks for the update. I agree with your assessment. No issues on our end.
Stu
on BBerry

From: Joel Smith <SmithJ@mmm.ca>
To: Niven, Stuart
Cc: Tim Dickinson <DickinsonT@mmm.ca>
Sent: Tue Jan 24 12:09:50 2012
Subject: PATH File No. PR-11-4130: MTO Hwy 417 Queensway East Expansion - No Hadd Submission

Hello Stu,

Further to my phone message, I wanted to follow up with you regarding the proposed Hwy 417 Expansion works in Ottawa and specifically the proposed widening of Hurdman’s Bridge over the Rideau River.

The MTO has recently been informed that there is a complication with the extension of Pier 1 on the north side of the bridge. When an existing gas main was installed in the 1980’s, an excavation was dug just north of Pier 1 to accommodate valves/connections, etc. This excavation now sits under the proposed location of the extension to Pier 1 (north of the bridge). To address potential structural stability, a temporary work area will have to be isolated (i.e. coffer dam) in this area to excavate the fill material, and fill the hole with concrete to support the pier where it will be extended. The proposed approach is to proceed with temporary access roads as planned to access piers 2, 3, and 4 (from the east side, removing as the work proceeds etc.), with access now required from the west side for pier 1. Efforts will be made to limit the required excavation to the extent possible, and any in-water areas disturbed by the proposed construction will be restored with native substrate (or similar) immediately following construction. These additional temporary in-water works are not anticipated to change the determination of No HADD (see attached) for the proposed works, however the proposed works now differ slightly from what is indicated in the original No HADD submission.

Due to strict timelines associated with this project, I wanted to confirm with you what information DFO would require to address this and the most efficient way for us to proceed. As the overall assessment of No HADD does not change for the proposed bridge widening, does DFO require that we provide a new No HADD submission?

Please feel free to contact me at your earliest convenience to discuss.

Thank you,

Joel Smith, B.Sc.