

February 19, 2011

Mr. Jim Burghout  
Claridge Homes  
210 Gladstone Avenue, Suite 2001  
Ottawa, ON  
K2P 0Y6

Dear Mr. Burghout:

**RE: 101 Wurtemberg Street**  
**Environmental Impact Statement - Species at Risk Assessment**

A Species at Risk Assessment is requested as part of the proposed redevelopment of 101 Wurtemberg Street, in the central urban area of the City of Ottawa. Other reports have addressed slope stability issues (Golder, 2010), the presence and impact on fish habitat (Packman, 2010) and the proposed reduced setback and buffer function issues (Lennox, 2010).

### ***Proposed Development***

An existing single detached residence is proposed for removal, followed by construction and operation of a 13 storey apartment building, with about 48 units. The new apartment building will be immediately north of an existing large apartment building and south of another existing apartment building to the north of the site.

### ***Existing Conditions***

The site is adjacent to the Rideau River and slopes steeply into the river. The slope is comprised of soil and requires stabilization in order to avoid future erosion and potential slope failure (Packman, 2010). There are 17.3 metres of frontage along the Rideau River. Packman (2010) notes that shoreline has a substantial component that is comprised of broken concrete and granular material. Silty material is the dominant substrate in the shallow littoral zone. Some submergent aquatic vegetation and a minor amount of large woody debris were present (Packman, 2010). The bed of the river, adjacent to the site, appears to drop off relatively quickly, consistent with the slope of the shoreline.

The existing vegetation along the slope is emergent plant material characteristic of that found in fill and/or a heavy clay soil (Lennox, 2010). Lennox (2010) reports that the trees are 99 percent 200-400mm caliper Manitoba maple, with erratic emergent Norway maple 25-50mm in caliper. The ground plane is 99 percent void of ground cover and is largely exposed clay soil (Lennox, 2010).

### ***Species at Risk Assessment***

The Ontario Ministry of Natural Resources' biodiversity explorer website was reviewed (<http://www.biodiversityexplorer.mnr.gov.on.ca/nhicWEB/main.jsp>). This site allows for a search of Threatened and Endangered species covered by the 2008 *Endangered Species Act*, as well as other species of interest. Searches were conducted on the 1 km squares including the site and adjacent lands (18VR43\_61 and 71). Twelve species of interest were identified for the 1 km squares, including one Species at Risk, lake sturgeon. This Endangered Species is known from the Ottawa River, about 1.75 kilometres to the northeast of the site. The other potential species of interest are provincially rare and are predominantly found in aquatic and/or wetland habitats. Greater redhorse is found in the Ottawa and Rideau Rivers, utilizing clear, relatively fast-moving shallow sections of the rivers, including spawning areas of fine gravel sections (CMN, 2003, McAllister and Coad, 1974). CMN (2003) lists greater redhorse among the fish species present in Rideau River reach extending from Hogs Back to Rideau Falls, which includes the site. Arrowhead spiketail, cattail sedge, Greene's rush, lurking leskea, a moss (*Brachythecium calcareum*) and southern twayblade are found in mainly in wetland habitats. Greene's rush and southern twayblade are known from Mer Bleue in the east part of Ottawa. Cattail sedge is in the Britannia Conservation Area in the west portion of the urban area (Muncaster and Brunton, 2005). Eastern pipistrelle is a bat species that utilizes the edges of forests, streams and areas of open water for hunting. Caves are important winter hibernation habitat for this species. Other provincially rare species reported in the regional landscape include woodland pinedrops, known from the Green's Creek Conservation Area well to the east of the site, limestone oak fern, known from the Albion area, and pitch pine, which lives in a variety of habitats from dry, acidic sandy uplands to swampy lowlands and can survive in very poor conditions.

The potential Species at Risk reported for the overall City of Ottawa were also reviewed. The habitat requirements of these species were reviewed and presented in the Table below. (OBBA - Ontario Breeding Bird Atlas)

**Probability of Species at Risk Presence on 101 Wurtemberg Street**

Species Name	Status under Ontario <i>Endangered Species Act, 2007</i>	Status under federal <i>Species at Risk Act (SARA)</i>	Distribution in Ottawa	Comments
<b>Birds</b>				
Least Bittern	Threatened (reconfirmed Sept. 2009)	Threatened (Schedule 1)	One confirmed nest, three probable and four possible nests reported in recent OBBA	Found in marshes and swamps, usually near cattails. Not listed in OBBA 10km square including the site
Bald Eagle	Special Concern (Sept. 2009)	None (not at risk nationally)	One possible nest reported in recent OBBA.	Bald eagles are most often reported during spring and fall migration. The huge stick nests of this species are very conspicuous. Not listed in OBBA 10km square including the site
Golden Eagle	Endangered – previously regulated under old ESA	None (not at risk nationally)	No reported nests.	Golden eagles are rarely reported even during migration, but are most often seen in the fall. Not listed in OBBA 10km square including the site
Red-shouldered Hawk	None – delisted by COSSARO <sup>4</sup> in March 2007	Special Concern (Schedule 3); delisted by COSEWIC <sup>5</sup> in April 2006	One confirmed nest, seven probable and three possible during recent OBBA.	Known nesting site at Morris Island Conservation Area. Prefers large deciduous or mixed woodlands near wetlands for hunting. Not listed in OBBA 10km square including the site
Peregrine Falcon	Threatened. Habitat regulations issued.	Threatened (Schedule 1); downlisted by COSEWIC to Special Concern in April 2007 (“non-active” in 2009)	One confirmed nest in recent OBBA.	Nesting site on Crowne Plaza hotel and related habitual perches, etc., in downtown Ottawa. Not listed in OBBA 10km square including the site
Yellow Rail	Special Concern (reconfirmed March 2010)	Special Concern (Schedule 1) – status confirmed by COSEWIC in November 2009	One probable nest reported in recent OBBA.	Rarely reported; most often seen in spring migration. Nests in extensive sedge meadows and marshes. Not listed in OBBA 10km square including the site
Red Knot	Endangered	None – listed as Endangered by COSEWIC in 2007	Ottawa River shores, area lagoons during migration only.	Nests in far north. Not listed in OBBA 10km square including the site
Black Tern	Special Concern	None (not at risk nationally)	Four confirmed nests in recent OBBA.	Breeds in loose colonies in marshes. Not listed in OBBA 10km square including the site

Species Name	Status under Ontario <i>Endangered Species Act, 2007</i>	Status under federal <i>Species at Risk Act (SARA)</i>	Distribution in Ottawa	Comments
Short-eared Owl	Special Concern (reconfirmed Sept. 2009)	Special Concern (Schedule 3)	One confirmed nest, two probable and two possible nests reported during recent OBBA.	Ground-nester; prefers open habitats such as fields and marshes. Not listed in OBBA 10km square including the site
Common Nighthawk	Special Concern (Sept. 2009)	Threatened (Schedule 1) as of March 17, 2010	Six probable and five possible nests reported in recent OBBA.	Nests in wide variety of open sites, including beaches, fields and gravel rooftops. Listed in OBBA 10km square including the site
Whip-poor-will	Threatened (Sept. 2009)	None – listed as Threatened by COSEWIC in 2009	Seven probable and 10 possible nests reported in recent OBBA.	Nests on the ground in open deciduous or mixed woodlands with little underbrush, habitat not present on or adjacent to the site. Not listed in OBBA 10km square including the site
Chimney Swift	Threatened (Sept. 2009)	Threatened (Schedule 1)	Three confirmed nests, two probable and 11 possible reported in recent OBBA.	Nests in traditional-style open brick chimneys (and rarely in hollow trees). Listed in OBBA 10km square including the site
Red-headed Woodpecker	Special Concern	Threatened (Schedule 1)	One confirmed nest, one probable and two possible during recent OBBA.	Nesting pair reported from Village of Constance Bay in recent years. Prefers open deciduous woodlands, habitat not present on or adjacent to the site. Not listed in OBBA 10km square including the site
Olive-sided Flycatcher	Special Concern (Sept. 2009)	Threatened (Schedule 1) as of March 17, 2010	One probable and one possible nest reported in recent OBBA.	Forest edge species; forages in open areas from high vantage points in trees. Not listed in OBBA 10km square including the site
Loggerhead Shrike	Endangered – previously regulated under old ESA	Endangered (Schedule 1)	One possible nest reported in recent OBBA.	The MNR has had no confirmed nests reported since 2002, and therefore does not consider Ottawa to include any significant habitat for this species at this time. It prefers grazed pastures with short grass and scattered shrubs, especially hawthorn
Golden-winged Warbler	Special Concern	Threatened (Schedule 1)	One confirmed nest, one probable nest reported during recent OBBA	Ground-nesting edge species. Not listed in OBBA 10km square including the site



Species Name	Status under Ontario <i>Endangered Species Act, 2007</i>	Status under federal <i>Species at Risk Act (SARA)</i>	Distribution in Ottawa	Comments
Cerulean Warbler	Special Concern	Special Concern (Schedule 1)	No nests reported during recent OBBA.	SARO and SARA range maps both include parts of Ottawa. Prefers mature deciduous forests, habitat not present on or adjacent to the site. Not listed in OBBA 10km square including the site
Canada Warbler	Special Concern (Sept. 2009)	Threatened (Schedule 1) as of March 17, 2010	One confirmed nest, two probable and six possible reported in recent OBBA.	Prefers wet forests with dense shrub layers, habitat not present on or adjacent to the site. Not listed in OBBA 10km square including the site
Henslow's Sparrow	Endangered – previously regulated under old ESA	Endangered (Schedule 1) – status under review by COSEWIC (report coming late 2010)	No nests reported during recent OBBA.	Rarely reported from this area. Prefers open tallgrass fields, habitat not present on or adjacent to the site. Not listed in OBBA 10km square including the site
Bobolink	Threatened (Sept. 2010)	None – listed as threatened by COSEWIC in April 2010	28 confirmed, 11 possible nests during recent OBBA.	Declining grassland species in North America. Listed in OBBA 10km square including the site
<b>Fish</b>				
Northern Brook Lamprey	Special Concern	Special Concern (Schedule 1) for Great Lakes-Upper St. Lawrence population	Ottawa River only	
River Redhorse	Special Concern	Special Concern (Schedule 1)	Ottawa and Mississippi Rivers only	
Lake Sturgeon	Threatened (Sept. 2009)	None – listed as threatened by COSEWIC in November 2006	Ottawa River	
American Eel	Endangered	May be added to Schedule 1; listed as special concern by COSEWIC	Ottawa, Mississippi and Rideau Rivers	
Bridle Shiner	Special Concern	Special Concern (Schedule 1)	Rideau River	Captured by City WEP staff between Hwy 416 and Stevens Creek, Sept. 2009.

Species Name	Status under Ontario <i>Endangered Species Act, 2007</i>	Status under federal <i>Species at Risk Act (SARA)</i>	Distribution in Ottawa	Comments
<b>Mammals</b>				
Southern Flying Squirrel	None – delisted by COSSARO in March 2007	Special Concern (Schedule 3); delisted by COSEWIC in April 2006	Scarce	
Eastern Cougar	Endangered – previously regulated under old ESA	None – data deficient	Occasional reports	Southern Ontario cougar sightings are typically misidentified animals or escaped captives.
Grey Fox	Threatened	Threatened (Schedule 1)	One post-1980 record in northwestern Ottawa (2002 COSEWIC status report).	SARA range map shows entire City as potential grey fox territory; SARO mapping only includes southern half of City. Very poor habitat potential due to disturbances in the general area of site.
Eastern Wolf	Special Concern	Special Concern (Schedule 1)	Occasional reports	Not known to occur here, although range includes much of Renfrew County. Reports likely involve large coyotes or hybrids.
<b>Amphibians</b>				
Western Chorus Frog	Not at Risk (2009)	Threatened (Schedule 1) as of March 17, 2010  Protected on federal lands only at this time.	Scattered throughout	Requires vernal (non-permanent) pools for breeding. Short-lived and highly sensitive to habitat loss.
<b>Reptiles</b>				
Blanding's Turtle	Threatened	Threatened (Schedule 1)	Scattered throughout, with numerous sites in western half of City	
Northern Map Turtle	Special Concern	Special Concern (Schedule 1)	Few locations; all along Ottawa River	Highly aquatic species.
Snapping Turtle	Special Concern (Sept. 2009)	None – listed as Special Concern by COSEWIC in 2008	Widespread and abundant	Highly aquatic species, found in small lakes, ponds, and slow streams and rivers. Nesting occurs in sandy soils along rivers and lakes
Spiny Softshell	Threatened	Threatened (Schedule 1)	Few reported	Highly aquatic species.

Species Name	Status under Ontario <i>Endangered Species Act, 2007</i>	Status under federal <i>Species at Risk Act (SARA)</i>	Distribution in Ottawa	Comments
Spotted Turtle	Endangered	Endangered (Schedule 1)	Few reported; mostly in east end (Mer Bleue area)	Secretive species. Requires mats within bogs and fens. No suitable habitat on or adjacent to site
Eastern Musk Turtle	Threatened	Threatened (Schedule 1)	Scattered	Secretive species; highly aquatic preferring shallow, still water with muddy bottom.
Wood Turtle	Endangered	Threatened (Schedule 1) as of March 17, 2010	Few historical records in NHIC, NESS (may have been extirpated locally).	Primarily terrestrial species.
Eastern Ribbonsnake	Special Concern	Special Concern (Schedule 1)	Few reported; mostly from Morris Island area	No meadow marsh habitat with basking sites available. Livebearer.
Milksnake	Special Concern	Special Concern (Schedule 1)	Scattered throughout the northern half of the City	Secretive species with a wide range of habitat.
<b>Plants</b>				
Eastern Prairie Fringed-orchid	Endangered. Habitat regulations issued.	Endangered (Schedule 1)	Richmond Fen (2 locations)	Richmond Fen sites, one of approximately 20 colonies in Ontario protected by ESA habitat regulations.
American Ginseng	Endangered	Endangered (Schedule 1)	Various (locations confidential)	Several sites reported previously but some have disappeared (likely due to illegal harvesting).
Butternut	Endangered	Endangered (Schedule 1)	Widespread	Endangered in long term due to fungal disease. Habitat not a limiting factor.
<b>Lichens</b>				
Flooded Jellyskin	Threatened	Threatened (Schedule 1)	Stony Swamp	Found below high-water mark on deciduous trees within swamps, habitat not present on or adjacent to the site.
<b>Insects</b>				
Bogbean Buckmoth	Endangered (Sept. 2010)	None – listed as Endangered by COSEWIC in November 2009	Known to occur in Richmond Fen	
Monarch butterfly	Special Concern (reconfirmed March 2010)	Special Concern (Schedule 1)	Widespread	Widespread in meadows, especially with abundant milkweed, habitat not present on or adjacent to the site.

Species Name	Status under Ontario <i>Endangered Species Act, 2007</i>	Status under federal <i>Species at Risk Act (SARA)</i>	Distribution in Ottawa	Comments
West Virginia White butterfly	Special Concern	None	Unknown; no records in NESS or NHIC	SARO range mapping includes Ottawa. Requires mature moist deciduous woods with larval host plant toothwort ( <i>Dentaria</i> sp.), habitat not present on or adjacent to the site.
Rapids Clubtail	Endangered (Sept. 2009)	Endangered (Schedule 1) – as of March 17, 2010	None known	Occurs along Mississippi River in Blakeney/Pakenham area upstream of City. One of two extant populations in Ontario (and Canada). Requires medium to large clear, cool rivers with alternating pools and riffles
Rusty-patched Bumble Bee	Endangered (Sept. 2010)	None – listed as Endangered by COSEWIC in April 2010	Historic records only from scattered sites in Ottawa and Gatineau.	Habitat generalist; usually nests underground. Only known extant location in Canada is Pinery Provincial Park near Sarnia.

Correspondence from the Ontario Ministry of Natural Resources Kemptville District Office dated February 8<sup>th</sup>, 2011 (see Appendix A) identified no Provincially Significant Wetlands or Areas of Natural and Scientific Interest (ANSI) within the area. The MNR correspondence did note a small woodland area along the Rideau River. The endangered American eel and butternut, and threatened peregrine falcon, chimney swift and eastern musk turtle were Species at Risk identified in the MNR correspondence as potentially occurring in the general area, along with milksnake, a species of concern.

Habitat is not present on the site for the three bird species, common nighthawk, chimney swift and bobolink, reported in the Ontario Breeding Bird Atlas (OBBA) for the 10 km square 18VR43 that includes the site and adjacent lands. Common nighthawk is a ground nester of open sites while chimney swift nests predominantly in open chimneys and sometimes in tree hollows and bobolink utilizes large grassland areas including hay fields. No butternut was reported by Lennox (2010). Milksnake is usually found in more open areas associated with rock outcrops or agricultural activity, including open woodlands, clearings and around farmhouses where it hunts its major prey item, mice. American eel may be found in the Rideau River and is well known from the Ottawa River system to the north of the site. Peregrine falcon is known to nest in downtown Ottawa, about 2.5 kilometres to the southwest of the site. Eastern musk turtle is found in shallow moving water such as in the Rideau River corridor.



### **Summary and Recommendations**


Given the high extent of urbanization immediately adjacent to the site and dominating the local landscape, potential Species at Risk associated with the general area are limited to the Rideau River corridor and include greater redhorse, American eel, eastern musk turtle and snapping turtle. Any development within and in immediate proximity to the Rideau River such as shoreline stabilized work must include mitigation measures including fencing off areas where sensitive wildlife may be found, timing of in-water work, effective sediment and erosion control, and searches of the site for potential turtles and snakes during appropriate weather conditions prior to any site alterations. This is especially important during the snapping turtle nesting season in June and early July. In addition the MNR correspondence notes that caution should be taken from October 15<sup>th</sup> to March 15<sup>th</sup> as turtles could be hibernating along the shoreline.

### **References**

- Canadian Museum of Nature. 2003. Rideau River Biodiversity Project.  
<http://www.nature.ca/rideau/index-e.html>
- Golder Associates. 2010. Preliminary Results and Guidelines – Slope Stability Assessment 101 Wurtemberg Street, Ottawa, Ontario. Technical Memorandum from M. Cunningham (Golder) to J. Burghout (Claridge Homes), February 4, 2010.
- Lennox. 2010. Proposed Reduced Setback for 101 Wurtemberg based on the Natural Vegetation and Ecological Function of the Setback Existing Slope and Vegetation. James B. Lennox & Associates Inc. September 27, 2010.
- McAllister, D.E. and B.W. Coad. 1974. Fishes of Canada's National Capital Region. Miscellaneous Special Publication 24. National Museum of Natural Sciences. 200 pp.
- Muncaster Environmental Planning Inc. and D. F. Brunton. 2005. Urban Natural Areas Environmental Evaluation Study. Prepared for the City of Ottawa. March, 2005. 58 pp & append.
- Natural History Information Centre. 2011. List of Ontario Species.  
[www.mnr.gov.on.ca/MNR/nhic/queries/listont](http://www.mnr.gov.on.ca/MNR/nhic/queries/listont)
- Packman. 2010. Claridge Homes. Wurtemberg Street Condominium Development Ottawa, Ontario. G.A. Packman & Associates. Project Number: GP 10106. April 19<sup>th</sup>, 2010. 12 pp. & Append.

Please call if you have any questions on this Species at Risk Assessment.

Yours Sincerely,  
**MUNCASTER ENVIRONMENTAL PLANNING INC.**



Bernie Muncaster, M.Sc.  
Principal

\jbwurtembugsar

**MINISTRY of NATURAL RESOURCES  
CORRESPONDENCE**



Ministry of Natural Resources

Kemptville District  
P.O. Box 2002  
10 Carnous Drive  
Kemptville, ON K0G 1J0

Tel.: (613) 258-8470  
Fax.: (613) 258-3920

Ministère des Richesses naturelles

District de Kemptville  
CP 2002  
10 Campus Drive  
Kemptville, ON K0G 1J0

Tél.: (613) 258-8470  
Téloc.: (613) 258-3920

February 8, 2011

Bernie Muncaster  
Muncaster Environmental Planning Inc.  
491 Buchanan Cres.  
Ottawa, Ontario K1J 7V2  
613-748-3753  
bmuncaster@rogers.com

Attention: Committee of Adjustment

**Subject: Information Request – Proposed Removal of Detached Residence  
and Construction of 13-Storey Apartment Building, Lot B,  
Concession D, Geographic Township of Nepean**  
**Our File No. 2011\_NEP\_1199**

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 Provincially Significant Wetlands or Areas of Natural and Scientific Interest (ANSI) within the area; however there is a small woodland area along the Rideau River on the property. Woodlands provide habitat for a diversity of species, including species at risk. The site fronts onto the Rideau River which contains fish nursery habitat for several species within the study area.

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 the river 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.



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) on-site and Peregrine Falcon (Threatened-THR), Chimney Swift (THR), American Eel (END), Eastern Musk Turtle (THR), and Milksnake (Special Concern-SC) in proximity to the area. Care should be taken during the proposed work to ensure mitigation measures are in place to ensure 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.

Chimney Swift receives 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.

#### **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](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](http://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 **February 8, 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 Species at Risk Biologist, Emily Verhoek at [emily.verhoek@ontario.ca](mailto:emily.verhoek@ontario.ca)

Sincerely,



Laura Melvin  
Resource Management Planner  
[laura.melvin@ontario.ca](mailto:laura.melvin@ontario.ca)